



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 5, 2015 – 5:00 P.M.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. APPROVAL OF CONSENT AGENDA

5. APPROVAL OF MINUTES:

Regular Finance Committee Meeting – November 17, 2014

Regular Finance Committee Meeting – December 1, 2014

CITY CLERK'S OFFICE

DATE 12/30/14 TIME 2:42pm

SEEN BY Yolanda Green

FILED BY Alicia Hartung

CONSENT AGENDA

6. Bid No. 15/08/B – Barricading and Traffic Control Services City-Wide; Southwest Safety Services, Inc. (Isaac Pino)

7. Request for Approval of Amendment No. 4 to Agreement between Owner and Architect – Southwest Activity Node (SWAN) Park Phase I; Surroundings Studio, LLC. (Mary MacDonald)

A. Request for Approval of Budget Adjustment – Project Fund

8. Request for Approval of Professional Services Agreement – Engineering Design Services for Paseo Del Sol (West) Spine Infrastructure Extension; Tierra Contenta Corporation. (Alexandra Ladd)

9. Request for Approval of Grant Application and Agreement – Airline Equipment Procurement for Santa Fe Municipal Airport; New Mexico Department of Transportation, Aviation Division. (Jon Bulthuis)

10. Request for Approval of Grant Application and Agreement – Airport Terminal Expansion Project at Santa Fe Municipal Airport; New Mexico Department of Transportation, Aviation Division. (Jon Bulthuis)

11. Request for Approval of Amendment No. 1 to Professional Services Agreement – Advertisement Program for Santa Fe Public Transit System; Templeton Marketing Services. (Jon Bulthuis)



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 5, 2015 – 5:00 P.M.

12. Request for Approval of Professional Services Agreement – Conduct Personnel Investigations for City of Santa Fe Human Resources Division (RFP #15/11/P); Universal Investigation Services. (Sandra Perez)
13. Request for Approval of Exempt Procurement and CenturyLink Volume Line Plan (CVLP) Service Agreement – City-Wide Voice Communications for ITT Communications Division; Qwest Corporation d/b/a CenturyLink QC. (Renee Martinez)
14. Request for Approval of Procurement Under State Price Agreement – City-Wide Equipment and Services for ITT Communications Division; Advanced Network Management, Inc. (Renee Martinez)
15. Request for Approval of Exempt Procurement and Amendment No. 2 to Agreement – Hosting and Development Services for City's GIS Internet Mapping System (IMS); Latitude Geographics Group, Ltd. (Renee Martinez)
16. Request for Approval of Budget Adjustment to Cover Costs for Water Division Solar Project and Water Line Relocation Project for CRWTP Improvements from CIP Fund. (Nick Schiavo)
17. Request for Approval of Exempt Procurement and Agreement – Software Maintenance and Services for Fire Department; Zoll Data Systems, Inc. (Jan Snyder)
18. Request for Approval of Quantification and Allocation of Water Credits Within the City of Santa Fe's Water Bank, Pursuant to Section 25-9.5(H) & Section 25-9.6(D) SFCC 1987. (Alan Hook)
19. Request for Approval of Exempt Procurement and Professional Services Agreements – Software Hosting, Maintenance, Support and Integration for Water Conservation and Water Resources; ConserveTrack, LLC. (Alan Hook)
20. Request for Approval of Procurement Under State Price Agreement and Professional Services Agreement – HVAC Maintenance and Repair Services for Santa Fe Civic Center; Yearout Service, LLC. (Randy Randall)
21. Request for Approval of Budget Increase from New Mexico Veteran's Services for Use of Funds for Veteran Programs. (Terrie Rodriguez)



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 5, 2015 – 5:00 P.M.

22. Request for Approval of an Ordinance Relating to the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987; Amending Section 5-8 to Establish that it is Unlawful to Trap Animals on City Property and to Establish That it is Unlawful to Use Certain Types of Trapping Devices Within the Municipal Boundaries of the City of Santa Fe. (Councilors Lindell and Bushee) (Johnny Martinez)

Committee Review:

Public Safety Committee (approved)	12/16/14
City Council (request for hearing)	01/14/15
City Council (public hearing)	02/11/15

Fiscal Impact – No

23. Request for Approval of a Resolution Directing the City of Santa Fe Fire Department to Explore the Options for Establishing a Comprehensive Plan for a Long-Term Community Protection Initiative ("CPI") and Report Back to the Governing Body its Findings and Recommendations, Including the Fiscal Impact for Establishing and Maintaining Such a Program. (Mayor Gonzales, Councilors Rivera, Ives, Dimas, Bushee and Lindell) (Andrew Mercado)

Committee Review:

Public Safety Committee (approved)	12/16/14
City Council (scheduled)	01/14/15

Fiscal Impact – No

24. Request for Approval of a Resolution Authorizing and Supporting the Submittal of the City's Project Application to the Santa Fe Metropolitan Planning Organization for Funding Under the Fiscal Year 2016/2017 NMDOT Administered Funds from the Transportation Alternatives Program and Recreational Trails Program. (Councilor Lindell) (Leroy Pacheco)

Committee Review:

Public Works Committee (scheduled)	01/12/15
City Council (scheduled)	01/14/15

Fiscal Impact – Yes

25. Request for Approval of a Resolution Authorizing an Extension of Time for Presentation of the Special Audit of the 2008 Parks, Trails and Open Space Bond to March 31, 2015. (Councilors Dominguez and Bushee) (Liza Kerr)



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 5, 2015 – 5:00 P.M.

Committee Review:

City Council (scheduled)

01/14/15

Fiscal Impact – No

26. Request for Approval of a Resolution Declaring the Governing Body's Continued Support for The New Mexico School for The Arts and Their Efforts to Establish a Permanent Location for Their Campus within the City of Santa Fe. (Mayor Gonzales, Councilors Ives and Bushee) (Matthew O'Reilly)

Committee Review:

City Council (scheduled)

01/14/15

Fiscal Impact – No

END OF CONSENT AGENDA

DISCUSSION

27. Request for Approval of a Resolution Directing Staff to Collaborate with Santa Fe County Staff to Explore, Research and Analyze the Next Steps Identified in the December 2012 *Final Report of a Preliminary Economic Feasibility Assessment of a Publicly-Owned Electric Utility for the City of Santa Fe and Santa Fe County* and Report back to the Governing Body Staff's Findings Related to the Next Steps, Existing City and County Policies and Other Staff Considerations. (Councilors Maestas, Rivera and Ives) (John Alejandro)

Committee Review:

Public Utilities Committee (approved)

12/03/14

City Council (scheduled)

01/14/15

Fiscal Impact – No

28. Request for Approval of an Ordinance Creating a New Chapter 29 SFCC 1987 to Establish Santa Fe Public Power, an Electric Public Utility. (Councilor Ives) (John Alejandro)

Committee Review:

Public Utilities Committee (scheduled)

01/07/15

City Council (request to publish)

01/14/15

City Council (public hearing)

02/11/15



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 5, 2015 – 5:00 P.M.

Fiscal Impact – Yes

29. Update on Fleet Replacement Policy. (Mario Salbidrez, Deputy Police Chief)
30. OTHER FINANCIAL INFORMATION:
 - A. Monthly Financial Report. (Oscar Rodriguez)
 - B. Budget Development Calendar – FY 2015/16. (Oscar Rodriguez)
 - C. Update on Gross Receipts Tax Report Received in November 2014 (for September 2014 activity) and Lodgers' Tax Report Received in November 2014 (for October 2014 activity). (Oscar Rodriguez)
31. Administrative Hearing on Staff's Request to Revoke the Street Performer License Issued to Thomas Dukette. (Zachary Shandler)
 - A. Action by Finance Committee on Whether Mr. Dukette has Shown Cause Why His License Should Not be Revoked.
32. MATTERS FROM THE COMMITTEE
33. 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, January 5, 2015**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-4
<u>APPROVAL OF MINUTES</u>		
REGULAR FINANCE COMMITTEE MEETING – NOVEMBER 17, 2015	Approved	4
REGULAR FINANCE COMMITTEE MEETING – DECEMBER 1, 2015	Approved	4
<u>CONSENT CALENDAR DISCUSSION</u>		
BID NO. 15/08/B – BARRICADING AND TRAFFIC CONTROL SERVICES CITY-WIDE; SOUTHWEST SAFETY SERVICES, INC.	Approved	4-5
REQUEST FOR APPROVAL OF GRANT APPLICATION AND AGREEMENT – AIRLINE EQUIPMENT PROCUREMENT FOR SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION	Approved	5
REQUEST FOR APPROVAL OF GRANT APPLICATION AND AGREEMENT – AIRPORT TERMINAL EXPANSION PROJECT AT SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION	Approved	6
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CONDUCT PERSONNEL INVESTIGATIONS FOR CITY OF SANTA FE HUMAN RESOURCES DIVISION (RFP #15/11/P); UNIVERSAL INVESTIGATION SERVICES	Approved	6-9

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CITY-WIDE EQUIPMENT AND SERVICES FOR ITT COMMUNICATIONS DIVISION; ADVANCED NETWORK MANAGEMENT, INC.	Approved	9-10
REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AMENDMENT NO. 2 TO AGREEMENT – HOSTING AND DEVELOPMENT SERVICES FOR CITY’S GIS INTERNET MAPPING SYSTEM (IMS); LATITUDE GEOGRAPHICS GROUP, LTD.	Approved	10-11
REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AGREEMENT – SOFTWARE MAINTENANCE AND SERVICES FOR FIRE DEPARTMENT; ZOLL DATA SYSTEMS, INC.	Approved	11
REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987; AMENDING SECTION 5-8 TO ESTABLISH THAT IT IS UNLAWFUL TO TRAP ANIMALS ON CITY PROPERTY AND TO ESTABLISH THAT IT IS UNLAWFUL TO USE CERTAIN TYPES OF TRAPPING DEVICES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE	Approved [amended]	11-12
REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMITTAL OF THE CITY’S PROJECT APPLICATION TO THE SANTA FE METROPOLITAN PLANNING ORGANIZATION FOR FUNDING UNDER THE FISCAL YEAR 2016/2017 NMDOT ADMINISTERED FUNDS FROM THE TRANSPORTATION ALTERNATIVES PROGRAM AND RECREATIONAL TRAILS PROGRAM	Approved	12-13
REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THE GOVERNING BODY’S CONTINUED SUPPORT FOR THE NEW MEXICO SCHOOL FOR THE ARTS AND THEIR EFFORTS TO ESTABLISH A PERMANENT LOCATION FOR THEIR CAMPUS WITHIN THE CITY OF SANTA FE *****	Approved [amended]	13-16
END OF CONSENT CALENDAR DISCUSSION *****		

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<u>DISCUSSION</u>		
REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO COLLABORATE WITH SANTA FE COUNTY STAFF TO EXPLORE, RESEARCH AND ANALYZE THE NEXT STEPS IDENTIFIED IN THE DECEMBER 2012 FINAL REPORT OF A PRELIMINARY ECONOMIC FEASIBILITY ASSESSMENT OF A PUBLICLY-OWNED ELECTRIC UTILITY FOR THE CITY OF SANTA FE AND SANTA FE COUNTY AND REPORT BACK TO THE GOVERNING BODY STAFF'S FINDINGS RELATED TO THE NEXT STEPS, EXISTING CITY AND COUNTY POLICIES AND OTHER STAFF CONSIDERATIONS	Postponed to 03/30/15	16-37
REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW CHAPTER 29 SFCC 1987 TO ESTABLISH SANTA FE PUBLIC POWER, AN ELECTRIC PUBLIC UTILITY	Postponed to	16-39
UPDATE ON FLEET REPLACEMENT POLICY	Information/discussion	38-45
ADMINISTRATIVE HEARING ON STAFF'S REQUEST TO REVOKE THE STREET PERFORMER LICENSE ISSUED TO THOMAS DUKETTE	Hearing	45-50
ACTION BY FINANCE COMMITTEE ON WHETHER MR. DUKETTE HAS SHOWN CAUSE WHY HIS LICENSE SHOULD NOT BE REVOKED	License revoked	45-50
<u>OTHER FINANCIAL INFORMATION</u>		
MONTHLY FINANCIAL REPORT	Information/discussion	50-56
BUDGET DEVELOPMENT CALENDAR – FY 2015/16	Information/discussion	56-57
UPDATE ON GROSS RECEIPTS TAX REPORT RECEIVED IN NOVEMBER 2014 (FOR SEPTEMBER 2014 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN NOVEMBER 2014 (FOR OCTOBER 2014 ACTIVITY)	Information/discussion	57
MATTERS FROM THE COMMITTEE	Introductions of legislation	57
ADJOURN		58

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE**
Monday, January 5, 2015

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, January 5, 2015, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

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

OTHER COUNCILORS ATTENDING

Councilor Peter Ives

OTHERS ATTENDING:

Oscar S. Rodriguez, Director, Finance Department
Teresita Garcia, Finance Department
Yolanda Green, Finance Department
Melessia Helberg, Stenographer.

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

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

3. APPROVAL OF AGENDA

Mr. Rodriguez said staff would like to remove Items #7 and #13 and postpone them to the next meeting of the Committee on January 20, 2014, because we need to get more information.

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

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

4. APPROVAL OF CONSENT AGENDA

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

DISCUSSION: Chair Dominguez said, if any of these things can be, and should be, taken care of internally, let's please do that. He said it is the purview of the Committee to have that public discussion, and he respects that.

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

CONSENT AGENDA

6. *[Removed for discussion by Councilor Rivera]*
7. **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO AGREEMENT BETWEEN OWNER AND ARCHITECT – SOUTHWEST ACTIVITY NODE (SWAN) PARK PHASE I; SURROUNDINGS STUDIO, LLC. (MARY MacDONALD)**
 - A. **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.**
This item was removed from the agenda and postponed to the meeting of January 19, 2014
8. **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENGINEERING DESIGN SERVICES FOR PASEO DEL SOL (WEST) SPINE INFRASTRUCTURE EXTENSION; TIERRA CONTENTA CORPORATION. (ALEXANDRA LADD)**
9. *[Removed for discussion by Councilor Trujillo]*
10. *[Removed for discussion by Councilor Trujillo]*
11. **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ADVERTISEMENT PROGRAM FOR SANTA FE PUBLIC TRANSIT SYSTEM; TEMPLETON MARKETING SERVICES. (JON BULTHUIS)**
12. *[Removed for discussion by Councilor Maestas]*

13. REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND CENTURYLINK VOLUME LINE PLAN (CVLP) SERVICES AGREEMENT – CITY-WIDE VOICE COMMUNICATIONS FOR ITT COMMUNICATIONS DIVISION; QWEST CORPORATION D/B/A CENTURYLINK QC. (RENEE MARTINEZ) This item was removed from the agenda and postponed to the meeting of January 19, 2014
14. *[Removed for discussion by Councilor Maestas]*
15. *[Removed for discussion by Councilor Maestas]*
16. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT TO COVER COSTS FOR WATER DIVISION SOLAR PROJECT AND WATER LINE RELOCATION PROJECT FOR CRWTP IMPROVEMENTS FROM CIP FUND. (NICK SCHIAVO)
17. *[Removed for discussion by Councilor Maestas]*
18. REQUEST FOR APPROVAL OF QUANTIFICATION AND ALLOCATION OF WATER CREDITS WITHIN THE CITY OF SANTA FE'S WATER BANK, PURSUANT TO SECTION 25-9.5(H) & SECTION 25-9.6(D) SFCC 1987. (ALAN HOOK)
19. REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENTS – SOFTWARE HOSTING, MAINTENANCE, SUPPORT AND INTEGRATION FOR WATER CONSERVATION AND WATER RESOURCES; CONSERVE TRACK, LLC. (ALAN HOOK)
20. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT – HVAC MAINTENANCE AND REPAIR SERVICES FOR SANTA FE CIVIC CENTER; YEAROUT SERVICE, LLC. (RANDY RANDALL)
21. REQUEST FOR APPROVAL OF BUDGET INCREASE FROM NEW MEXICO VETERAN'S SERVICES FOR USE OF FUNDS FOR VETERAN PROGRAMS. (TERRIE RODRIGUEZ)
22. *[Removed for discussion by Councilor Trujillo]*
23. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY OF SANTA FE FIRE DEPARTMENT TO EXPLORE THE OPTIONS FOR ESTABLISHING A COMPREHENSIVE PLAN FOR A LONG-TERM COMMUNITY PROTECTION INITIATIVE ("CPI"), AND REPORT BACK TO THE GOVERNING BODY ITS FINDINGS AND RECOMMENDATIONS, INCLUDING THE FISCAL IMPACT FOR ESTABLISHING AND MAINTAINING SUCH A PROGRAM (MAYOR GONZALES, COUNCILORS RIVERA, IVES, DIMAS, BUSHEE AND LINDELL). (ANDREW MERCADO) Committee Review: Public Safety Committee (approved) 12/16/14; and City Council (scheduled) 01/14/15. Fiscal Impact – No.
24. *[Removed for discussion by Councilor Maestas]*

25. **REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AN EXTENSION OF TIME FOR PRESENTATION OF THE SPECIAL AUDIT OF THE 2008 PARKS, TRAILS AND OPEN SPACE BOND TO MARCH 31, 2015 (COUNCILORS DOMINGUEZ AND BUSHEE). (LISA KERR) Committee Review: City Council (scheduled) 01/14/15. Fiscal Impact – No.**

26. ***[Removed for discussion by Councilor Trujillo]***

END OF CONSENT AGENDA

5. **APPROVAL OF MINUTES – REGULAR FINANCE COMMITTEE MEETING – NOVEMBER 17, 2015; AND REGULAR FINANCE COMMITTEE MEETING – DECEMBER 1, 2015.**

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, to approve the minutes of the regular Finance Committee meeting of November 17, 2015, as presented.

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

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to approve the minutes of the regular Finance Committee meeting December 1, 2015, as presented.

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

Chair Dominguez noted we will be having an Administrative Hearing, Item #31, which hasn't been done before. He asked that Councilors keep the length of the agenda in mind today.

CONSENT CALENDAR DISCUSSION

6. **BID NO. 15/08/B – BARRICADING AND TRAFFIC CONTROL SERVICES CITY-WIDE; SOUTHWEST SAFETY SERVICES, INC. (ISAAC PINO)**

Councilor Rivera said the bid amount was \$635,061.71 and what we're budgeting is \$100,000, instead of the \$635,000, and asked for clarification.

Robert Rodarte said, "The reason the amount is so high is we took a four year bid and we added variables for all department, and we basically spend only \$100,000 per year. But we added some things in there in case we need them. But the actual bid itself at \$635,061.71, was what they came up with, based on what we had written on the bid. Last year and the year before we spent around \$100,000. It doesn't mean we'll spend that much, that's just the disclosed amount they submitted on the proposal for a 4 year period."

Councilor Rivera said then if there is an emergency and you need those additional funds, you'll have to come back here, or is there a contingency built in.

Mr. Rodarte said, "It's all there already. In the event we're going to exceed the \$100,000, the City Manager will be allowed to go up another \$50,000 if we need to. We will not exceed the \$635,061.71 over a 4-year period. But if there needs to be a change on the contract for this fiscal year that will go past that, we can make some change orders throughout the course of the contract."

Councilor Rivera said then you only anticipate spending \$400,000 over that 4-year period and Mr. Rodarte said yes.

Councilor Rivera said some of the agreements in the binder specify a 4-year contract in the contract itself, but this one does not. It mentions it in the FIR and in the Memo, but the actual Professional Services Agreement has a specific end date. Do we need that language to have a multi-year contract.

Mr. Rodarte said if it doesn't identify the additional 3 years on Items 5 and 6 here, then he will have to rewrite this section to include those 3 years.

Councilor Rivera said Item 5 has an expiration of December 31, 2015, unless terminated sooner. The Memo and the FIR both specify up to 4-year agreements, but the term and effective date do not.

Mr. Rodarte said before it goes to the Council, we'll put the clause in there for the additional 3 years, and before the packet is published.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to approve this request with the changes to the term and effective date to be addressed by the Purchasing Division prior to Council.

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

9. REQUEST FOR APPROVAL OF GRANT APPLICATION AND AGREEMENT – AIRLINE EQUIPMENT PROCUREMENT FOR SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION. (JON BULTHUIS)

DISCLOSURE: Councilor Trujillo said, "This disclosure pertains to Item #10 as well. I do work for the New Mexico Department of Transportation, I do not work for the Aviation Division, so there is no conflict of interest."

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

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

10. REQUEST FOR APPROVAL OF GRANT APPLICATION AND AGREEMENT – AIRPORT TERMINAL EXPANSION PROJECT AT SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION. (JON BULTHUIS)

DISCLOSURE: Councilor Trujillo said, "It is the same thing. This is a contract with the New Mexico Department of Transportation Division, Aviation Division. I do not work for the Aviation Division, but I do work for the New Mexico Department of Transportation, and there is no conflict."

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

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

12. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CONDUCT PERSONNEL INVESTIGATIONS FOR CITY OF SANTA FE HUMAN RESOURCES DIVISION (RFP #15/11/P); UNIVERSAL INVESTIGATION SERVICES. (SANDRA PEREZ)

Councilor Maestas said he has questions for the City Attorney. He sponsored a Resolution to create an Office of Inspector General so the City can more transparently and independently investigate any fraud, waste and abuse that may be occurring in the City. He said staff studied the issue and he thought the consensus was we would be considering a draft ordinance to create an Inspector General, albeit a very modest beginning because of the fiscal impact. He understands the conclusions are that any Inspector General's office that has been created in other cities has more than paid for itself. He asked the reason we are contracting the investigation of fraud, waste and abuse in Human Resources.

Kelley Brennan, City Attorney, said, "Sandy can probably speak better to that than I can Councilor, but I will say, I think a human resources investigation is a different category of things that requires a separate investigator and an independent investigator in a whole different way. I think Sandy threw in these investigations, because sometimes some of those things are one and the same. And if you recall, I said that one of the problems I cautioned about in terms of an Inspector General was personnel issues particularly which are specialized areas. And yes, we did agree to sort of create a 'baby I.G.' which will be a forensic investigator, essentially, in the Independent Auditor's Office, but we would grow it into an independent I.G., if the savings justify it, and we feel like they will."

Councilor Maestas asked if her suggestion is that we keep H.R. related investigations separate even if we do create an I.G.

Ms. Brennan said, "Yes. They're usually undertaken with an eye to future litigation. And so any sense of City engagement, even with an independent person that is nevertheless paid out of City funds in a direct way might be more problematic. But Sandy can probably add to this."

Sandra Perez, Director, Human Resources Department, said when they issued the RFP the particular areas of focus were discriminatory harassment complaints, work place violence complaints and activities that could result in disciplinary actions. They also added, "Or matters referred from the Internal Auditor that are related to fraud, waste and abuse."

Ms. Perez continued, "In our mind, what happens with that is, just like anything else that might come up through the Internal Auditor's Office, there's investigations done, reports that are given, and sometimes those reports end up in notifying the City Manager that further administrative investigation into the personnel matter side of that is in order. In this particular case, we used to have an investigator on staff, that was me. Since then I've moved to the H.R. Director position, and my position at that time was eliminated from the budget, for the E.O. Investigator, so that's why we put out the RFP, because it's hard to do both. But typically, when we got a matter referred from the Internal Auditor, we conducted an independent administrative investigation of that matter specifically related to the Personnel Rules and any violation and/or need for discipline."

Ms. Perez continued, "And the same would be true with this. We would use pieces of this contract, if necessary, if something was discovered through the Internal Auditor's Office that needed further personnel investigation."

Chair Dominguez asked if we are saying that a position was eliminated so we could create a position via this action here.

Ms. Perez said, "No. That's not what I'm saying. Two years ago during the budget the EEO Investigative position was not funded, and went by the wayside. And my former position of H.R. Administrator Senior, I picked up that role and continued the role."

Chair Dominguez said then it wasn't funded in lieu of this, and Ms. Perez said no.

Councilor Maestas reiterated we can save money in contracts like this if we have somebody in-house to conduct similar investigations.

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

DISCUSSION: Councilor Rivera said it seems we have more investigations than this, but the contract is \$25,000 per year for up to four years.

Ms. Perez said yes, it is a total of \$100,000 for the 4 years. She said there are still some smaller investigations which can be done in-house by staff. She said, "There are other investigations that need to be started right away, and maybe farther down the line the staff will do those, or else the scope would be too grand and we would contract that out. It's a way to use both sets of resources, but this gives us something in the wings as we might need it."

Councilor Rivera asked if this the first year we've done a contract such as this.

Ms. Perez said yes, although they have done small purchase orders in the past, but this is the first time they've gone out for RFP and done a contract.

Responding to Councilor Rivera, Ms. Perez said the amount of \$25,000 was what we have spent in small P.O.'s last year and the year before. It is a conservative number, more than what we've spent in the past, to make sure we're covered, noting now that she is the Director she can't do the larger investigations.

Responding to Councilor Rivera, Ms. Perez said we have used investigative services previously.

Councilor Ives said, "I don't think I've ever seen such disparagement in the scores by a ranking committee for any contract. In this instance, the two others that bid, together, don't total to the number of points of the one that is recommended for approval. I would like to understand that better, because the materials in the packet really don't provide any detail on that. And the 1½ sheets on the Statement of Ability to Provide the Required Services, and the paragraph on pricing, certainly don't shed any light on that great disparagement. I'm just hoping you can educate me. You don't need to do it now, but if you could put together a package of materials that I could look at, that would be great."

Ms. Perez said she will work with Mr. Rodarte to assemble something for him, and then copy the Committee as well.

Chair Dominguez said then the recommendation is to award the contract to H & H Private Investigations.

Ms. Perez said, "No. The recommendation is for Universal Investigations Services."

Chair Dominguez asked who is that.

Ms. Perez said it is Glen Thomas, from Albuquerque.

Chair Dominguez said the local preference didn't make a difference in this case.

Ms. Perez said that is correct.

Chair Dominguez said, "So it's not that the City doesn't try to do things locally."

Ms. Perez said, "We did try."

Chair Dominguez asked who is the principal of Universal Investigations, and Ms. Perez reiterated it is Glen Thomas from Albuquerque, and he is in attendance this evening.

Chair Dominguez said, "I didn't see it anywhere in the Memo, but I think it might be wise to identify who the principal is, just in the memo as it moves forward to Council. And the only other comment I would say also, is that I certainly hope that we're not going to be treading in that direction of where we start to contract third party services on functions that can be done by the City of Santa Fe. It doesn't sit well with, at least, my philosophy that we should not lean on the private sector too much."

Ms. Perez said, "The City Manager and I agree with you. We talked long and hard about this before we made the decision to put it out, which is part of the reason why we stayed so conservative with the amount – to make sure that it was really just those that we couldn't handle internally."

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

14. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CITY-WIDE EQUIPMENT AND SERVICES FOR ITT COMMUNICATIONS DIVISION; ADVANCED NETWORK MANAGEMENT, INC. (RENEE MARTINEZ)

Councilor Maestas said the request before us is to utilize a Statewide price agreement through June 30 2016, and the price agreement has been extended only to December 18, 2015. He asked if we just bank on it being extended again and again. Why should we grant approval if it's only extended until December 18, 2015.

Mr. Rodarte said, "The reason we did that is because there are still 2 more years to extend with the State, and if history repeats itself, they will extend it. In the event that they don't, then we'd have to start all over again. But 9 times out of 10 they will extend it. I was so confident, in fact when we brought this forward, I had already found out that they had approved it, but they haven't legally posted it. So the vendors sent us their approval in advance. You'll notice I even wrote this on December 12, 2014, and the fourth page will show the extension. In the event it does not get extended past 2015, we will start again, but they still have two more years left on that particular agreement."

Councilor Maestas noted the cover memo from the State was dated December 1, 2014, and the Agreement was going to expire on December 19, 2014, isn't that cutting it a little close for services that we rely on heavily.

Mr. Rodarte said, "Oh, exactly. Something like this, as you can see, it's only \$38,000 or whatever it is for this particular year, but because we started utilizing this contract last year, we're going to exceed the \$50,000 threshold for utilizing a contract. And that is why we're bringing it in. When it was submitted to me, a requisition for approval to utilize the contract again, I saw that in combination of four years of a contract that was going to exceed \$50,000. The extension is all the way through 2015 now, and next year, as we turn the corner, if you approve it today up through just 2015, we'll bring it back again for approval. But I can't see doing it, it's such a small figure. But if it does not get approved by the State probably in November of next year, we'll just utilize something else."

Councilor Maestas said he's just trying to get a better handle on how these price agreements work, especially when they're off our fiscal year cycle, but said, "I have a better understanding now."

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

DISCUSSION: Councilor Ives said he has a few questions. On the first page of the Memo, it says the pricing involved various fiscal years, noting it jumped to almost \$82,000 in 2014, and asked the reason.

Mr. Rodarte said the reason is we made a major software purchase in 2014 for Parking or Planning and Land Use, so the software purchase itself is the reason it. He noted that 2015 is already up to \$38,000 this year for the maintenance agreements and such.

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

15. REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AMENDMENT NO. 2 TO AGREEMENT – HOSTING AND DEVELOPMENT SERVICES FOR CITY'S GIS INTERNET MAPPING SYSTEM (IMS); LATITUDE GEOGRAPHICS GROUP, LTD. (RENEE MARTINEZ)

Councilor Maestas said he noticed we received an invoice for the services for which you are asking authorization, and he asked if this is a retroactive payment, and if we can do that. He asked why we are reimbursing this company retroactively for services provided since the beginning of the fiscal year.

Renee Martinez, IT Director, said, "My understanding is that in some cases when we have a renewal of services year by year that a quote will be coming in the form of an invoice, but I need to ask Robert if that's the case on this. It does look like this was supposed to be paid last August and we're paying it later in the year. So do you have a little background on that."

Robert Rodarte said, "This is one example of a small contract getting away from the Department. These are the types of things that Renee is working on now to head off. This particular service should have been paid way back. Now we're making good with this particular vendor for something we just didn't pay. And that is why that invoice is dated way back. And that is correct, we do owe them all the way back. But the reason this one is here is, again, we're using exempt procurement here and it's exceeding the \$50,000. That's why I stopped it, and as I dug into it. It was something that was missed by the IT Department several months ago."

Councilor Maestas asked if, based on auditing principles, we are obligated to pay any bills within 30 days.

Mr. Rodarte said, "That's our policy, and certainly a big concern here, but that is our policy. And no question, this is an irregular practice here."

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

DISCUSSION: Chair Dominguez said the only discussion item he has is to make sure we have as few of these as possible. He said, "Hopefully with the new Finance Director and some of the policies the Governing Body will be putting forward, we will have eliminated or reduced that number quite significantly, so good job, thank you very much."

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

17. REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AGREEMENT – SOFTWARE MAINTENANCE AND SERVICES FOR FIRE DEPARTMENT; ZOLL DATA SYSTEMS, INC. (JAN SNYDER)

Councilor Maestas said this is similar circumstances and he wanted to note that we are paying this company retroactively for services provided since the beginning of the fiscal year, commenting this should have been paid a long time ago..

MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to achieve this request.

DISCUSSION: Chair Dominguez asked how this impacts our overall budget and cash balances.

Mr. Rodriguez said this not significant enough to cause concern in terms of the cash reserves, etc. He said it is fair to mention that all of these contracts pre-date the current IT Director, and part of what you see is the “cleaning the house, and this is how it gets.”

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

22. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987; AMENDING SECTION 5-8 TO ESTABLISH THAT IT IS UNLAWFUL TO TRAP ANIMALS ON CITY PROPERTY AND TO ESTABLISH THAT IT IS UNLAWFUL TO USE CERTAIN TYPES OF TRAPPING DEVICES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE (COUNCILORS LINDELL AND BUSHEE). (JOHNNY MARTINEZ) Committee Review: Public Safety Committee (approved) 12/16/14; City Council (request for hearing) 01/14/15; and City Council (public hearing) 02/11/15. Fiscal Impact – No.

Councilor Trujillo said on page 1, beginning on line 25 the Ordinance provides, “It is unlawful for any person, within the municipal boundaries of the City of Santa Fe to trap any animal using strangulation snares, steel jaw traps, other body gripping traps or any trap with the potential to injure, main or kill any domestic or wild animal.” He said, “Gophers get into people’s yards. I know that lot of people use these kinds of snares to do this. It is now illegal for these people, even if damage is being done to their households, that they cannot do this any more.”

Officer Martinez said, “I don’t believe that is the intent of this. This is pertaining to animals, and rodents wouldn’t be classified under the animal family.”

Councilor Trujillo said then if it doesn’t apply to rodents, I’ve got no problem with it.

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

DISCUSSION: Councilor Ives said he understands the intent is to have it to not apply to rodents. He said he gets field mice in the house on occasion and he feels free to trap them. He would like to see clarifying language that distinguishes here, because wild animal certainly includes mice.

Officer Martinez said he can work on a definition in that regard before this goes to Council.

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

- 24. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMITTAL OF THE CITY'S PROJECT APPLICATION TO THE SANTA FE METROPOLITAN PLANNING ORGANIZATION FOR FUNDING UNDER THE FISCAL YEAR 2016/2017 NMDOT ADMINISTERED FUNDS FROM THE TRANSPORTATION ALTERNATIVES PROGRAM AND RECREATIONAL TRAILS PROGRAM (COUNCIL LINDELL). (LEROY PACHECO) Committee Review: Public Works Committee (scheduled) 01/12/15; and City Council (scheduled) 01/14/15. Fiscal Impact – Yes.**

Councilor Maestas asked how these trails were selected for this grant application. He said we reallocated some bond proceeds and there was a huge discussion about trails, trail projects, the equity of the distribution of trail projects across the City. He asked if this was from the master plan, and why these projects were chosen.

Leroy Pacheco said all of these three projects are in the City's Bikeways Master Plan and La Tierra Trails has its own independent master plan so all of these projects have been through the process of public process. There was also a short process with the DOT who has vetted 12-13 trail projects that seemed like they would be viable for this type of funding which has funds available for matching. He said these rose to the top during that process as those likely to be entered into the competition, noting this now goes for State-wide vetting for the projects chosen for limited DOT funds.

Councilor Maestas asked the basic criteria used by the State.

Mr. Pacheco said, "In a nutshell, there is money ready to be spent by the State so they're looking for projects, and I hate to use the word shovel-ready because it sounds so cliché, but projects that have a lot of distance and they're ready for design and build, so mature projects."

Councilor Maestas said when we had the overall discussion about priorities, various projects were selected for funding, ranging in priority from 1 to 40, so there's no real concentration or focus on funding the top 10 master plan projects, which is one reason for his inquiry. Additionally, District 2 does not have as many recreational trails as the other districts, but we do have a lot of roadway trail needs. He hopes the Committee will approve this. He said there is a separate committee from BTAC that looks at on-road trail needs. He hopes those needs will be considered in the future as well as the dedicated pedestrian and bike trails.

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

DISCUSSION: Councilor Ives said he would like to see the design work and such for these projects, and asked Mr. Pacheco to put together a packet, with projects similar to this around the City that are in "whatever stage of development what that universe looks like and where we are on those various projects...so I have a comprehensive grasp of those projects that are in that pipeline, where they stand in terms of being shovel-ready and what it means to be shovel ready."

Chair Dominguez said this information should come to the members of this Committee as well.

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

26. REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THE GOVERNING BODY'S CONTINUED SUPPORT FOR THE NEW MEXICO SCHOOL FOR THE ARTS AND THEIR EFFORTS TO ESTABLISH A PERMANENT LOCATION FOR THEIR CAMPUS WITHIN THE CITY OF SANTA FE (MAYOR GONZALES, COUNCILOR IVES AND BUSHEE). (MATTHEW O'REILLY) Committee Review: City Council (scheduled) 01/14/15. Fiscal Impact – No.

Councilor Trujillo said line 13, page 3 of the Resolution provides, "2. The City of Santa Fe supports NMSA's efforts during the 2015 New Mexico Legislative Session to the secure the property at the intersection of Alumni Drive and Siringo Road, or a comparable site in the City of Santa Fe, for NMSA's permanent campus." He said there has been discussion about possibly looking to put a building in one of our parks. He wants to make sure that if they feel a park is better place, this doesn't allow anyone to do that unless it comes before us and to have that discussion.

Mr. O'Reilly said, "I don't believe that is what this language says."

Councilor Trujillo said, "It says, "...or a comparable site in the City of Santa Fe," and that is the only part with which he has concerns.

Mr. O'Reilly said the NMSA's efforts at the State level is to obtained State-owned property for its project.

Councilor Trujillo said then they're looking at State-owned property in the City.

Mr. O'Reilly said, "I think it's debatable how it's written. The intent is that was definitely the intent of the drafter."

Councilor Trujillo said if it is to obtain State property in the City he has no problem, but he does want the language, "or a comparable site in the City of Santa Fe," meaning our property. He said he wants to have language that makes it clear it is only State owned property. He reiterated that he wants a discussion before the Governing Body if they are looking at putting it at Salvador Perez.

Mr. O'Reilly said, "I would leave it up to the sponsors as to whether they felt they wanted to remove that particular piece of language if it was a problem."

Councilor Trujillo said it is sponsored by Mayor Gonzales, Councilor Ives and Councilor Bushee.

Chair Dominguez said, "It goes without saying that we would have to get Governing Body approval to do anything to any City park or any or any other piece of City owned property. You could clarify that language a little bit more, but I think that everyone understands the intent."

Councilor Maestas thanked Councilor Trujillo for pulling this legislation. He said, "First of all, I think we've had a long running goal to create 5 acres of parks for every 1,000 population and I know that Salvador Perez Park was being considered as a site. And I had a lot of complaints from folks, particularly in our District, citing the fact that District 2 has the lowest acreage of City parks City-wide, and that it could disproportionately affect what limited open space we have, particularly in that area. So, I'm requesting support to include some explicit language that would prohibit any sites on existing City parks. I didn't consult with the sponsors prior to this, but I just think that considering an existing City Park goes totally against what we're trying to do in maintaining that ratio of 5 acres per 1,000 population. We've had complaints from citizens who would like to use existing School property, but we don't have the proper joint use agreements to facilitate that. So I have some language if I can present as an amendment."

Chair Dominguez said, "We can do this in a couple of ways. Councilor Maestas can make a motion with that language in there, we can also throw in another piece of legislation that is more explicit and specifically explicit to parks that we can't use a City park for this use, or we can roll that into this piece of legislation, I think is where you're leading to. My preference is to separate the two and maybe have a separate piece of legislation that says we can't use a City park for those purposes as you've articulated them. But that is up to the Committee. Either way I think would be okay."

Councilor Maestas said, "Under discussion, let me just throw this language out. It would be on Resolution page 3, line 13 (2), which would read, 'The City of Santa Fe supports NMSA's efforts during the 2015 New Mexico Legislative Session to secure the property at the intersection of Alumni Drive and Siringo Road, or a comparable site in the City of Santa Fe, excluding any existing City parks, for NMSA's permanent campus.' It's just a simple clause, or we can have a stand alone sentence. I'm not sure that we need a stand alone Resolution."

Chair Dominguez said his question is does the State own any City parks.

Mr. O'Reilly said, "Let me go back just one second. The New Mexico School for the Arts was, at one time, attempting to acquire State owned property on Alta Vista Street behind the Department of Transportation, and they may back to that site if they are unable to get this other set of State owned properties at Alumni and Siring Road. And that is the reason that language is in there. It's the quote comparable site in the City, is not in any way meant to be Salvador Perez Park or any other City park."

Chair Dominguez said, "The reason I ask this is because the way I read it and understand it is that Item 2 pertains to only State-owned property. It does not pertain to any property that the City owns, just State owned property within the City, I suppose."

Councilor Maestas said, "I guess it's implied, since we would rely on enabling State legislation. It's a passive exclusion."

Chair Dominguez said, "I have no problems throwing that language in there, but perhaps it should be a number 3, instead of a number 2, incorporating it into number 2. Maybe there should be a third line in there that says Salvador Perez, at the very least, is not."

Councilor Maestas said he is unsure anyone would want that and asked Councilor Trujillo his thoughts.

Councilor Trujillo said, "I think if we want to do legislation dealing with parks, I think that might be as a separate piece of legislation, but I don't have any problem with adding that right now to this Resolution, and then we can work on something in the future."

Chair Dominguez suggested making the language in a new number 3, instead of including it in number 2.

Councilor Maestas said, "Okay, so number 3 would read: 'A permanent location for a campus within the City of Santa Fe, is not located on any existing City Parks.'"

Chair Dominguez said, "I think staff gets the idea, maybe we can asked them to write something like that before it gets to Council."

MOTION: Councilor Maestas moved, seconded by Councilor Trujillo, to approve this request, with an amendment to add an Item number 3 on page 3 of the Resolution, that would explicitly exclude the location of this permanent site on any existing City parks."

DISCUSSION: Councilor Ives noted on the FIR it indicated there was no fiscal impact, and asked how that came to be in the FIR.

Mr. O'Reilly said, "I did not prepare the FIR. There is no fiscal impact in the City simply stating its support for the School for the Arts."

Councilor Ives noted there is a provision requiring the staff to 'meet with the NMSA to discuss issues that might arise in the development and operation of NMSA at the identified location and to explore potential solutions to those development or operational issues.' He said, "So it does seem to affirmatively direct staff to engage in various types of activities with NMSA, and my own position, I won't be voting obviously, is probably in support of this. So I certainly don't have any problem with that, but was just curious about the generation of the Financial [Fiscal] Impact Report."

Chair Dominguez noted this is a lot of discussion about something that isn't even on the table about a park.

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

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

27. **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO COLLABORATE WITH SANTA FE COUNTY STAFF TO EXPLORE, RESEARCH AND ANALYZE THE NEXT STEPS IDENTIFIED IN THE DECEMBER 2012 FINAL REPORT OF A PRELIMINARY ECONOMIC FEASIBILITY ASSESSMENT OF A PUBLICLY-OWNED ELECTRIC UTILITY FOR THE CITY OF SANTA FE AND SANTA FE COUNTY AND REPORT BACK TO THE GOVERNING BODY STAFF'S FINDINGS RELATED TO THE NEXT STEPS, EXISTING CITY AND COUNTY POLICIES AND OTHER STAFF CONSIDERATIONS (COUNCILORS MAESTAS, RIVERA AND IVES). (JOHN ALEJANDRO). Committee Review: Public Utilities Committee (approved) 12/03/14; and City Council (scheduled) 01/14/15. Fiscal Impact – No.**

Items #27 and #28 were combined for purposes of presentation and discussion, but were voted upon separately.

A copy of Amended FIR 2594, is incorporated herewith to these minutes as Exhibit "1."

Chair Dominguez said he would like to consider Items #27 and #28 together, but vote on them separately. He said, "I will say this because there's been a lot of stuff in the media and the community about these two proposal. I know there's a third proposal as well. I guess when it comes to renewables, I think the City of Santa Fe has indicated very clearly its intent to move in that direction. And we need to be sure that PNM does not pay use any more lip service, and that we really force PNM's hand, if you will, into moving in that direction. Really what it comes down to is that PNM must take us seriously, but the entire City of Santa Fe, the Governing Body and the constituency needs to take this just as seriously, if not more seriously. Because the reality is, when we talk about discussing and in discussions about renewables, I have constituents that are not able to afford renewables, number one. Number two, they're probably connected illegally, and we need to make sure that we resolve those issues as well."

Chair Dominguez continued, "So what I'm trying to says is that the discussion needs to be much broader and much more, in any ways, much more detailed than what is being proposed. The second thing to that is that this too important not to do it right. And there are mistakes that have been made in our community, and in our country, in the past that we need not repeat because it becomes too expensive, and it certainly isn't something that works well for constituents. And I guess what it means, is that we don't have the time and/or the money to get it wrong, so we need to make sure that it's done right. We need to be methodical and deliberate about this. And we need to make our decisions based on facts, with some

analytical data, and that we don't move on this too emotionally, and we don't necessarily let politics drive the direction that we're going to move in."

Chair Dominguez continued, "And so my hope is that, with this, we're going to have some pretty good discussion, we're going to have some clear direction to give to staff on moving on both these items. So with that, what I'm going to do is go ahead and turn it over to Mr. Alejandro to go ahead and give your presentation, and then I'll go ahead to open it up to questions and comments from the Committee."

Mr. Alejandro said, "Staff has analyzed Councilor Ives' proposed Ordinance as well as Councilor Maestas' Resolution. I would like to address Councilor Maestas' Resolution first. First and foremost staff believes it can carry out the primary objectives of the Resolution, provided two things. Number one, the County also provides their staff to assist, as directed in this particular Resolution, in the analysis of the MSA Capital Partners Feasibility Study Councilor Maestas' Resolution directs us to take a look at. Number two is that we do an in-depth look at the legalities surrounding the creation of a municipal utility. The first two provisos would mean we can accomplish the goals of Councilor Maestas' Resolution, but we would like to take a look at the legal requirement in detail first and foremost. Because we believe that both of these pieces of legislation invoke many, many, many questions when it comes to the legalities of exactly what is being created and when."

Mr. Alejandro continued, "As to Councilor Ives' proposed Ordinance, staff believes this Ordinance can be moved forward and implemented. However, it does raise significant legal questions in terms of what exactly is being created. Under State legislative law, as well as under existing utility regulations throughout the state, and any questions that it raises in that it creates Santa Fe Public Power Utility immediately and it would trigger many questions from a legal perspective, "So those are the two primary overreaching thoughts on each of these pieces of legislation."

Chair Dominguez asked City Attorney Kelley Brennan to comment.

Kelley Brennan, City Attorney, said, "I concur with John's comments. I think that, as you will have seen from my Memo, there are a number of legal considerations that could stand to be fully fleshed out. I think there are some basic conclusions I've made. Neither one of these, in themselves, seem to raise legal concerns, but I think that follow-up steps to them, if passed, will begin to raise a host of issues. With respect to the County, I think those legal issues would, first the County would have to verify its authority to participate in that kind of activity from a legal viewpoint. The relationship would have to be addressed, how anything could be structured and those kinds of things."

Ms. Brennan continued, "With Councilor Ives' Ordinance, I think it creates a shell, basically a box on a chart, but doesn't populate it in any way, and how it would be used in the future would be subject to a number of legal additions. As I say, this is a highly regulated environment, impacted by federal, State and local law. There has not been a lot of litigation in New Mexico, but there has been some that will indicate some limitations on the City's and probably the County's powers. I stand for questions."

Responding to the Chair, Mr. Alejandro said he has no further comments, and will stand for questions.

Chair Dominguez said, "I think it's important to state that, as I said before, this Governing Body, and previous Governing Bodies, have indicated very clearly that they want to move toward an independent utility, and that we need to do more to protect our environment, reduce our carbon footprint, all of those things. Having said that though, if we are going to move in that direction, we need to make sure it is done right, and we have all of the information we need to have in order to make the decisions that we need to make and that we should not just, I guess, move too quickly on this."

Chair Dominguez said, "The questions that I have for both bills are, number one, I think I understand the intent and the request by Councilor Ives', his bill, the Ordinance, but it seems simple enough to be able to ask staff to create in our organization that division or Department I suppose, I'm not quite sure what it's intended to be, in our organization without having to enact some of the stuff all identified in the Ordinance itself. I think that the FIRs need to be worked on a little bit more."

Chair Dominguez continued, "Well let me just talk about Councilor Ives' bill and my concerns with it. I don't know if we've had much communications with the stakeholders and the public about what it means or what it does. I know that there are organizations out there who have had discussions about it, but the Governing Body itself has not initially had a number of discussions with the stakeholders and the public about what this necessarily means. Questions about who is going to provide oversight in that utility. Those are questions that I have that I think need to be fleshed out and can be fleshed out."

Chair Dominguez continued, "The other thing is that in the legislation itself, it talks about the legislative findings and I agree with all of those legislative findings, but it does not say that the City of Santa Fe should supply the energy. And nowhere does it say that, at least in the legislative findings. It could be implied or not. The question I have is whether or not we can shop, and I've asked this question to staff, and that is whether or not we have the option to shop for our energy. It doesn't sound like we do, but I'd like to have that articulated in the Memo."

Chair Dominguez continued, "And then with Councilor Maestas, one of the concerns that I have is that I know that the City of Santa Fe paid for a study, but I do not know if the Governing Body ever ratified that study. Did we accept it. I know it was presented to us. There was a power point presentation given, but there was never any formal vote or recommendation to approve and identify that study as being the framework we were going to work by. That's one of the concerns I have with regard to your proposal Councilor Maestas. I just see the FIR. I think that that is a little bit better."

Chair Dominguez said, "The other thing is the assumption that the County is going to participate in this with us, and I haven't seen anything from the County. I have not heard anything from the County about whether they are willing to participate. And not that we need them to necessarily, but if they are not going to, then that changes the scope of the FIR pretty substantially. This is a lot of work for staff. I think we need to be cognizant of that fact in that we can, for the political reasons and all the headlines and all the other right reasons, put this forward, but it is really something that could be unfair to staff at this moment in time, because we need to make sure that we have, that they have, the resources in order to be able to do that the right way. So, having said that, I'm going to go ahead and turn it over to the rest of the Committee for any questions they may have regarding all the information that we have."

The Committee commented and asked questions as follows:

- Councilor Maestas said, "I'm just going to make a few opening remarks. I think your opening remarks, I agree with. I think for something and as important as this, the City needs to take real pragmatic, logical steps and really gather as much information as possible. I haven't seen any kind of formal ratification of the 2012 Feasibility Study that was basically commissioned under the Regional Planning Authority, and I think both governments participated in the cost of that study. And I think my Resolution will address that to say, is there anything here that's worth continuing and exploring. And I think that's one of the issues I have with studies, in that a lot was made, and expectations were raised when that study was commissioned. And when the recommendations came out, no one sought to ratify them and then determine our action plan. Are these recommendations viable, should we continue. And so I think my Resolution will do that."
- Councilor Maestas continued, "In terms of something as significant as this, many people equate this dialogue to the recent case study of the City acquiring the Sangre de Cristo Water Company. Lower rates were promised, but that was a voluntary, negotiated purchase as I understand it. Very different from the discussions we're having with regard to starting an electric utility and somehow acquiring existing utility infrastructure. And so I think my Resolution will address that. Number one, it will go back to the County and ask if they are still with us. Are you willing to partner with us in this endeavor. Should we continue the dialogue. Let's look at the recommendations from the study, and it's a little dated, I'll admit that. It was completed back in 2012, so if you look at the amendments to my Resolution, I'm basically saying, hey let's not be limited to the study. Let's look at everything else."
- Chair Dominguez asked if his amendments are in the packet or on the desk.
- Councilor Maestas said, "They're in the packet. And so I'm saying let's not just look at the recommendations of the study, let's look at any policy developments, any legislative developments, regulatory developments that have occurred since then. And so I think it's just a way to refresh this study, check in with the County to see if they want to share the risk and expenses associated with this endeavor. Or perhaps the County just doesn't want to go along with us. We're a home rule City, they're not a home rule County similar to Los Alamos, so they don't have the legislative latitude that we do, which is what I think Councilor Ives is doing. He's taking advantage of our legislative authority as a home rule City."
- Councilor Maestas said, "So again, my intent is to share the risk and share the expenses with the County. We really haven't done anything with the County since I've been in office, something as major as this. And I think this could create an environment and a spirit of good will in something as significant as this. And I think everyone knows when you aggregate your demand, whether it's a demand for better electricity service, or some other service, you get the attention of the PNM's of the world. And so my Resolution would be if the City and County agree to continue, I think in the eyes of anyone that carries a lot more credibility. So we share the risk, share the costs, aggregate the demand for better service and better electricity service from renewables. My Resolution does that."

- Councilor Maestas continued, "Since the City Attorney issued the memo, I think it's very clear, at least to me as I understand it that's there's absolutely no way that we could acquire any existing utility infrastructure by eminent domain. The only way to really do that is by a negotiated purchase, but is that really out of the question, not necessarily. If you look at my amendments, I'm asking staff to look at other types of changes that may change the environment and make a negotiated purchase much more attractive. We shouldn't simply look at the *status quo*, the legislative and regulatory environment. The City and County have significant influence in affecting State legislation, and even the regulatory environment. So I think two governments that really want something bad enough can possibly make it happen. And I wouldn't rule out a negotiated purchase if we create that environment. And that's what my Resolution asks for."
- Councilor Maestas continued, "And with that, Mr. Chairman, I want to thank Kelley for issuing that opinion. I have more to say about the opinion as it pertains to Councilor Ives' Ordinance, but I'll hold my horses on that. The Resolution passed the Public Utilities Committee. We had a really robust discussion about that. I think it's pragmatic, I think it's logical, and it's almost no cost. There is some cost associated with it, because staff will have to kind of consult.... this is really a request to consult with City staff. It's not even asking for an in-depth assessment by our own staff, if you read the language. It's just saying staff, go to the County and take that report from 2012, and say do you still want to do this. And I think both governments thought highly of this concept and believed in it, since it was done under the auspices of the Regional Planning Authority. So I think it still bears some emphasis on the County side."
- Councilor Maestas continued, "And I'll conclude for now, Mr. Chairman, by saying I had a conversation with Commissioner Miguel Chavez and I've had conversations with Commissioner Holian. They both will introduce a similar resolution in support of this desire to move forward. They're very sensitive about any fiscal impacts. And My Resolution is not saying.... I'm not asking for \$500,000 or \$700,000 for a study. Yes, that's one of the recommendations in the 2012 Feasibility Assessment. That's not what I'm asking for. And so with that, I'll yield the floor Mr. Chairman."
- Chair Dominguez said he will reserve some of his comments on that for later.
- Councilor Lindell said, "Just a few things on this. It feels to me, after reading the legal memo, that we've gotten a little bit ahead of ourselves with both the proposed Resolution and the Ordinance. I don't want to say no on any of this, but I'm not really able to support these until we could give legal staff more time to assure us and themselves that we do have some kind of a clear legal pathway. Everything's on the table. All kinds of different things are on the table for this. I think we're all trying to move in the same direction. People speak loud and clear that we do want more renewables. But I think that in order to get there.... like the Chair said, we don't necessarily need to hurry this. We've got another task force that is also working and bringing things forward to us. We've seen other proposals, and I think we need to take our time on this and allow staff the opportunity to study, in a more in-depth way, all the possibilities being brought to us."

- Councilor Lindell continued, "With all due respect, on the FIR presented on the Resolution, who completed that.

Mr. Alejandro said, "That would be myself."

- Councilor Lindell said, "\$5,000 of staff time evaporates like that."

Mr. Alejandro said, The rationale behind the amount of money in the FIR is that, as Councilor Maestas indicated, the Resolution is asking staff to study a study, and come back with recommendations and the pros and cons and associated costs, all of those things that we were directed to study in the 2012 Feasibility Study. So that cost of my time, and if the County participates in this study, the costs associated with Mr. Craig O'Hare's, who is my counterpart at the County, is purely looking at specific parts of the Feasibility Study and coming back to Council and saying this is what we think on item #1, #2 and #3. This is how much Item #1, #2 and #3 is going to cost, so the study we come back with is more reasonable in the sense that the cost is in relation to the amount of effort that is going to put into it. Now that's not to say there are going to be significant costs within our report that will say, it's going to cost \$200,000 maybe to assess the acquisition of the utility, and we don't have the expertise as staff to do that in house, so we're going to have to go out and contract a utility lawyer who has done this for years, and that's not going to be cheap."

Mr. Alejandro continued, "So, it's the preliminary step before you start looking at significant costs associated with going down certain paths, depending on what is decided. I may be shortchanging myself on the \$5,000, and I probably am."

- Councilor Lindell said, "I think \$5,000 in meeting time evaporates in the blink of an eye. The FIR on the Ordinance that Councilor Ives has brought forward is \$50,000 in staff time, and that may be shy also."
- Chair Dominguez recognized Councilor Maestas to comment on that point.
- Councilor Maestas said, "Just on point that my Resolution does not exclude the preliminary investigation of any legal matters with regard to the creation of a joint City-County utility. So that does include any legal investigations, and a lot of it has already been done by Kelley through her Memo. I just wanted to clarify that."
- Councilor Lindell said, "I can't speak for Ms. Brennan, so I'll ask her. She's in the room, she can speak for herself. Kelley, Ms. Brennan, does it seem that we have more work to do on trying to give staff some more time to research this and find out if we do have a clear legal pathway. We have many different many things on the table at this point."

Ms. Brennan said, "I will say , as I've said before, this is a complex legal environment and regulatory environment. And I have to say that John's roads and mine intersect – the technical information and the legal information interact in some ways that may be beyond us at a given moment. And so, my Memo was an attempt to sort of help globally to say we can do this, we can't do this, if want to do that, we have to seek legislation, these are some of the pitfalls, but really, It's a preliminary assessment. And I think that to the extent we undertake any of this, it is going to be a complicated, long endeavor, and yes, it might pay to sort of articulate what those factors are before getting into them."

- Councilor Lindell said, "The other thing I will just briefly say, echoing Chair Dominguez, is I don't know that the Council ever, whether it was a study session or gone over the economic feasibility assessment that was presented by MSA Capital, what was ever really done with that, if it was accepted as a document, if the Council ever spent time going over it. I also don't know who MSA Capital Partners is. I did try to look up a couple of people that was listed in here. I'm not sure if they are just two people or if it is a larger consortium than that. Those are some initial comments I had. I'll go ahead and yield the floor."
- Councilor Trujillo said, "I don't want to be a broken record, but in the words of Councilor Lindell, we have technically, three proposals – Councilor Ives', Councilor Maestas', Councilor Bushee's – on the table. Well it's not here, but it's being talked about. I would love to see a unified City Council in something that we're going to send to our constituents on this is what we want, and this the path we want Santa Fe to look into the future. That's very important. Not one person on this Council doesn't want to go that way. It's something we have to look for the future. But we have these three proposals, all three with different costs. That is my biggest concern is how much is this going to cost the community. We can say it's going to cost this much to get the lines, how much more are we going to pay if we do go this way. This is a lot of money if we want to create lower rates for this community, when are we going to see those lower rates. In my lifetime, my children's, my grandchildren's. I don't know."
- Councilor Trujillo continued, "Councilor Maestas you said you had a discussion with a few of the County Commissioners. This is something we have not done in a long time. If we definitely are going to go that path of talking with the County Commission, I believe we need to have a discussion strictly on this issue with our County Commissioners. Let's all, the City Council and the County Commission, get together at a joint meeting and hash this out. Let's see where we really want to take this with the City and the County. If this true, where do you want to go. I think that's something the Mayor and Mayor Pro-Tem and Kelley, we can get something out. Because this is a very important issue."
- Councilor Trujillo continued, "I've heard the discussion the whole last month. And sometimes it is good and sometimes it is bad. And I just to make sure that we make the right decision. This is something that is going to affect us now and into the future. I personally do not want to commit to something that is, in the long run, going to cost this community millions upon millions of dollars, and cost the City and future generations for something we build. That's my biggest concern right there. So I'll just leave it there. As of right now, I'm not ready to support anything. I want to have

that discussion and be sure we are unified before we send something to the community and say, this is where we want to go, and this is where we want to take Santa Fe – something is unified, all of us. And I'll yield the floor, Mr. Chair.”

- Councilor Rivera said, “I would like to commend both Councilor Maestas and Councilor Ives on their proposals. This body did unanimously approve in 2014 a Resolution that said we are not in favor in the way PNM is moving in the future, with regard to the way its energy portfolio is looking, and what they’re taking in front of the PRC. With that being said, had PNM changed their proposal and if they were doing more renewables and doing more of what was right, we wouldn’t be here with any of these proposals I don’t think. But because they are not, these two Councilors have come up with their own ideas and proposals about how we should move forward.”
- Councilor Rivera continued, “I signed on with Councilor Maestas, because I believe this proposal takes the next logical step to the feasibility study regarding how we should move forward. I think we’ve partnered with the County in the past, and have had several arrangements that have worked out extremely well, one of them being the BDD. We partnered with the County, worked together on that, came up with funding on that, and it’s probably one of the best projects, not without problems, but it is a very successful model for how we can work together. And I think that’s what Councilor Maestas’ Resolution does. It forces us to look at where money is going to be spent, how money is going to be spent, it puts the two professionals in the City and the County, with John Alejandro and Craig O’Hare working together to answer some of these questions, along with, hopefully opening some doors on some of the legal questions that may come up, including some we probably haven’t even thought of yet.”
- Councilor Rivera continued, “But I think what the Resolution does is to bring the two entities together to hopefully flush some of those things out. I’m not sure we can afford to not move forward on some of these. I know it is a big step, and there have been comparisons to the Water Company. I think the City has learned from its experience with the Water Company, and I think can move forward in a positive direction. And I’m actually not really against Councilor Ives Ordinance. I think these two can move forward together, without being in contradiction of each other, which I’m still looking forward from hearing from Councilor Ives about. I think I’ll leave it at that, a lot of discussion has been had, but I do support Councilor Maestas’ Resolution, and have signed on as a cosponsor, and hopefully we can move forward in a positive direction. I think this is the next logical step to find out what’s it’s going to cost, where we need to be. Thank you both for bringing this Resolution and Ordinance forward.”
- Councilor Ives said, “Let me just say that I would like to address two different avenues of commentary here. One with regard to the issues that both of these measures deal with. And of course I did sign on as a cosponsor of Councilor Maestas’ proposed Resolution, because I do think it moves us in the right direction, and includes the County component. And I love the idea of sitting with the County, and more on that in a moment.”

- Councilor Ives continued, “The other is in regard to the FIRs, and this is a conversation I’ve had briefly with the new Finance Director, and mentioned to two of you, the new path we appear to be taking in connection in how we develop FIRs. Which I would note, in my estimation is not even consistent in terms of the packet that has been considered here today, but I’ll come back to that, after talking about some of the substantive issues.”
- Councilor Ives continued, “You all probably read in the papers within the last week that the hearing began today at the PRC with PNM’s proposed shut-down of the two units at the San Juan Generating Plant. And the City consistently has applauded those efforts by PNM. You are aware that they proposed to buy into more coal at other of the remaining units, as well as accepting certain capacity in another unit with withdrawing utilities basically free of charge, I believe.... this speaks volumes to me about how people are evaluating continued participation in coal fired plants at this point in our history, given issues relating to climate change and global warming.”
- Councilor Ives continued, “I certainly have friend attorneys who work for PNM. I have other friends who are in their Governmental Affairs position in Santa Fe, and elsewhere. And I have tried always not to vilify PNM, but rather to, but from my perspective, I would like to see them remain a strong participant in the New Mexico economy for years to come. From my perspective, the pathway toward that is to take advantage of natural attributes our State has to offer in terms of the generation of electric power, which means wind and solar. There is a Spanish company who is putting in a huge windmill farm in Torrance County capable, I believe, of generating up to 1,000 megawatts of power. My understanding is there have been a series of meetings with PNM, and so far PNM has not expressed any interest in using any of that energy that is going to be produced, but rather is agreeing to wheel it out to California. So to take it from New Mexico out to California to the users that are interested in actually building more renewables into their portfolios.”
- Councilor Ives continued, “I think the time to act is now. I agree wholeheartedly with Councilor Rivera on that front. You also probably read in the papers that PNM is proposing a new rate case, which would have the effect of, shall we say, making up for their lack of efforts to push electric energy efficiency. They have programs in place which they have touted as providing significant benefits in terms in terms of consuming electric energy within the community, and again, efforts that I think the City has consistently applauded in terms of PNM’s presence in our community, and as members of our community. According to the newspaper accounts, I haven’t seen the pleadings themselves, they propose to impose a fee on people who have switched to renewables like putting in a solar *[inaudible]* in their homes, a monthly charge so they again can maintain their revenue even though there is more and more production from these renewable sources where there is no fuel charge.”
- Councilor Ives continued, “So I think the time to send a message to PNM about the direction we really.... not that we haven’t any number of resolutions previously, including the one opposing the plan which went before the PRC today to replace coal with coal and with nuclear. I think very much, the time now is to send messages that we really want to see more renewables, we want community solar, we want the opportunities we have been talking about for a number of years. And I think the City has been very consistent in that. And honestly, we can delay forever, saying I

don't have enough information, because there is always more information to be had. But in terms of saying to the world we want to establish our own energy future, we want to ensure that the people of Santa Fe have the opportunity to use renewables, to use those sources in the production of electricity that do not involve fuel costs, we need to act now. And acting now involves not only looking at the report that was done in December 2012. And there was a presentation to the Council on that report. I don't believe we were asked to accept or reject it, insofar as it was simply a study that was presented, looking at various options. And I'm glad to see that's moving forward at this point in time."

- Councilor Ives continued, "But to say that we are so interested in trying to ensure Santa Fe's participation in renewable energy, that we will create a public utility that could be an opportunity for the City to begin to explore the ways and the means of making that a reality in Santa Fe. Even again, PNM's recalcitrance and reluctance to try and do that in ways that are significant enough to really satisfy the desire to move in that direction within our community, now is the time to act. I was appreciative of the City Attorney saying in her initial remarks that neither one of these proposals, the one of Councilor Maestas nor mine, raises legal concerns. And you have to realize the context in which that's said."
- Councilor Ives continued, "Clearly, there will be more information as, hopefully, John brings forward concrete and specific proposals to promote renewables in Santa Fe, what the City can do not only honoring buildings, but how we can help to fund programs to create opportunities for our citizens to take advantage of those means of producing energy for themselves. And of course, in this new rate case where PNM is proposing a fee. And again, the papers also reported that they are proposing to cut the rates to their large users and raise their rates on their smaller customers, including residential customers. So the impact, within our community of this new rate case would be significant. And remember too, that within I believe the last 5 years, PNM has raised its rates through various rate cases up to 40%. And again, I'm going on my memory there, but I think that's a fairly accurate remark, and we can certainly figure out if I'm far off on that."
- Councilor Ives continued, "So, from my perspective, the time to act is now, to send a strong message that we're very serious. We've asked you PNM, to consider doing more renewables. We've asked you to figure out ways to do community solar with us. We were going to partner with PNM on putting in 22 electrical vehicle charging stations, which after I introduced by Resolution, they decided where were going to be figuring out ways to use more of their energy that they were providing, and they took that off the table. So I think it is incumbent on to act now, to act strongly to send a clear message. And I think these two measures go a long way to doing that, and we obviously would be interested in getting updates on the proceedings in front of the PRC, which will have to consider the new rate case that was filed, and the possibility of intervening in that, because that, too, has a very potential, real effect on some of our citizens who are lease capable of seeing rates raised. And again, I'm going on the basis of what has been reported. I haven't seen that pleading itself, yet. So that on the substance of the two measures."

- Councilor Ives continued, "With regards to a more procedural matter, the FIRs, on Item 26, when we were considering it early tonight, and this was the Resolution for the continued support of the New Mexico School for the Arts, there was a charge there on page 4 in our packets, page 3 of the Resolution, the beginning of line 16, 'Be it further resolved, that staff is directed to meet with the NMSA to discuss any issues that may arise with the development and operation of NMSA at the identified location and to explore potential solutions to those development or operational issues.' So clearly, a direction to staff to use staff time of some unknown quantity to engage in a process. And that, as we've heard from John, speaking about the FIR associated with Councilor Maestas' Resolution and the FIR, we haven't explored that with regard to the FIR on my proposed Ordinance. We're told it's because we're developing staff time to these issues."
- Councilor Ives continued, "And the conversation I had with the Finance Director as to how we were considering doing FIRs in the future, raises in my mind, significant issues in the Finance Committee is certainly the first and most appropriate place for those discussions to be undertaken. Because in my experience, this is the first time FIRs are saying that we are considering allocation of staff time to a new measure because we have brought forth I don't how many new measures, regularly, I think we had over 115 Resolutions in the last fiscal year, all often involving staff time, many which had no fiscal impact, and now we're saying staff time is going to be an appropriate issue to consider in the context of fiscal impact."
- Councilor Ives continued, "So that's a radical and significant change in our practice which I think is helpful, but it needs to be understood in the context of what staff is devoting its time to. In other words it has to be consistent across the board in every measure coming forth, we are anticipating using X amount of staff to accomplish this new purpose. And we can't just pick and choose which ones we want to bring that forward for, so it entails an entirely new level of vigor in our system. It begs the question of how staff is currently spending their time. We know over the course of the past, since 2008, City staffing went from 1,860 down to 1,500, plus or minus, even lowers. And so we know we have increased the burden on staff tremendously. And so, again how are we going to do this to prioritize staff time, and was issue that I would identify to the Finance Committee as a great one to take up as our new Finance Director comes on, because it does offer a new way of collecting the issues that we, as a Governing Body, bring forward to staff to consider on behalf of the people of Santa Fe. So let me stop there. Thank you."
- Chair Dominguez said, "Just a couple of comments before I move in the direction of getting action taken. I think the Council is unified in the sense that we have said specifically and very clearly, that we want to move in a more green direction, that you've talked about, Councilor Ives. We, the Governing Body, I have not heard anyone up her vilify PNM, or vilify anyone for that mater. I think the Governing Body has very clearly and very sensibly said and stated that we want to move in that direction."
- Chair Dominguez continued, "In terms of the time to act is now, I believe the time to act was really before municipalities gave franchising authority to the Legislature to run, whomever the regulatory body, I think that was really when we should have acted, and not allowed this franchising to happen. And it's not just the City, I think it was the entire State. That was done, whenever it was

done. Also, saying and doing are two different things. It is very easy for us to say, but the devil is in the details, and the doing is where we really have to be careful. We have to be diligent, we have to be calculated, because if not, as I said before, the road to hell is paved with good intentions. It could take it to a different place that we don't we don't necessarily want to go."

- Chair Dominguez continued, "Councilor Maestas, the reason I bring up the issue of whether or not the Governing Body has ratified the study that was done, is because that study is being used as the framework to take those next steps. And so we definitely need to have that discussion about what that study says. Was that study unbiased, was it giving us the entire picture. Is it answering all the questions the Governing Body may have, in terms of moving in that direction. So that's why I think it's important to ratify or to formally recognize, not just be given a presentation, but to formally recognize that study. Because that really gives us more skin in the game and says we ratified that study, the Governing Body as a whole, even if there are individuals who disagree, the Governing Body, as a whole, has recognized and given that study some relevance and credibility actually, I guess."
- Chair Dominguez continued, "I think the third thing is, we don't want to move too far ahead of ourselves, because staff's time is precious, the public's time is precious, our time is precious. We owe it to the constituency to make sure we do this the right way. And so, what I want to know from staff, both legally and technically, is what can we study. What are the parameters that we can study, both legally and technically. Before we enter into any agreement with the County, or before we entice the County to come to us, we shouldn't be spending time working on stuff that maybe we should not be spending so much time working on. I'm talking both legally and technically, not overall and philosophically."
- Chair Dominguez continued, "So, I think that's what I would like to do, is I would like to see staff take the time to let us know what we can do, technically and legally, before we even get to the County to say do you want to help us out or join with us in this. Because that whole relationship, forget the relationship with the City and PNM, the relationship we create with the County is whole different discussion and beast in itself. Today, we have models where some were more successful than others. BDD certainly is an example of something that does work, not without its heartburn and challenges. But there are other organizations that jointly could be worked on."
- Chair Dominguez continued, "So, what I would recommend, and it's going to be up to the Committee, but what I would recommend is that we give clear direction to staff in asking them to come back to us and tell us what we can do both technically and legally, and maybe even weigh some of that. We can do this legally, but these are the challenges we face. These are some of the things we can do technically, with some caveat, some sort of weight to that. This is low hanging fruit technically, and these are things that are going to take a little bit more time. I think we need to be able to give staff the opportunity to give us, all the information we need to move in that direction."

- Chair Dominguez continued, "Quite frankly, I don't know if PNM really cares what the City or County do. I think they play their game, or do their politics, or do their thing at a totally different level. Because, yes, Councilor Maestas, what the City has influence over can be great, but with the dynamics that exist at the roundhouse today, and with the attention Santa Fe gets in itself, I think that is much more challenging than we want to accept. That doesn't mean we shouldn't try. We need to push that envelope and get there. So that's what I have to say to this. I think we ought to give staff a little bit more time to give us the pros and cons. What can we realistically, and not so realistically, get done."
- Councilor Maestas said he agrees it is time to take action, but he first wanted to respond to the Chair's comments. He said, "Really what I'm asking the County is an expression of interest. I'm not asking them to ratify a joint powers agreement. It's simply to say, are you still with us like you were back in 2012. And if they say yes, any legislation from the County at this point in regard to this matter is going to be an expression. This is going to be a long process. So again, it's not quite that formal."
- Councilor Maestas said, "In terms of your request to formally ratify this study. Well my Resolution is asking staff to look at those recommendations and either say yes, these are good and should be acted on or not. The first thing you're going to want before you agree to vote to accept the recommendations of that study is to have staff go and evaluate those recommendations. And that's what my Resolution requests. So I wanted to respond to your remarks."
- Councilor Maestas continued, "With regard to Councilor Ives' Ordinance, it's bold. It's definitely very bold. The City of Albuquerque passed a similar Ordinance in 1974. They took the steps to create an Ordinance, but they didn't move on it. They have a shell, they have a box, I don't know if it's in their organizational structure, but they have an electric utility department with no staff, no operation, no budget. We can do that. I think we can legally do that as a home rule city. My concern is that we are going to unnecessarily raise expectations by creating a City electric utility before we've looked at the assessment. Because I think all Kelley has been telling us consistently is that we can't touch any existing electricity infrastructure aside from a negotiated purchase. Only Las Cruces was given that statutory authority, and they failed on it. So we are doing homework and we're not going to have all the answers. However, I agree with Councilor Ives, we need to take some preliminary steps, and that's what my Resolution is really requesting."
- Councilor Maestas continued, "And the other thing with Councilor Ives' [Ordinance], is I think we can begin a utility in conjunction with new development. But what does that represent in the end. If we can't touch PNM's existing utility infrastructure, we're going to have to pay them to wheel the power to our new developments. There's probably going to be a premium associated with that. And then at the end of the day, how much can we really influence in the overall portfolio if we're just kind of piecemealing a City utility as we develop as a City. But I think it's bold, I think it sends a message, but I'm looking at the end game. What's the end result, what's the vision for electric utility service here in our community and that's why my Resolution is saying, let's take a step back, let's just go back to where we started."

- Councilor Ives continued, “What I’m advocating for is not a new initiative. It’s saying we had a dialogue, let’s ask our other partner in the dialogue if they want to continue. And if they express interest and then we go together. If they say no, let’s go to Councilor Ives. Let’s start moving on a municipal track, but let’s start with the assessment perhaps before we actually create the utility before we’ve proven and investigated that having such a utility is in the City’s best interest and whether or not the legal framework is there to do that. I think it’s bold. I commend you for doing that. We have some history through Albuquerque and Las Cruces, a water company purchase where you had a willing seller and buyer, you had a referendum so the public was on board, and they were informed. So I think we need to move in that same vein and try and work with PNM, but I think there’s a lot we can do as a government, from a regulatory standpoint, a legislative standpoint, to create the right environment, if this public utility is determine as feasible. The 2012 study is just a preliminary assessment.”

- Chair Dominguez said, “Is it an assessment with the assumption that we go in that direction.”

- Mr. Alejandro said, “That is correct. It assumes that we have already acquired the utility infrastructure and it goes from there.”

- Chair Dominguez said, “I just want to be clear. I don’t disagree with anything anyone has said. I think that again we need to move in that direction, and we need to move sooner, rather than later. But, even your piece of legislation, Councilor Maestas is under that assumption, plus it also says collaborate with Santa Fe County, which may or may not happen. But the fiscal impact is assuming that they are going to be jumping into the game with us. Correct.”

- Mr. Alejandro said, “That’s correct.”

- Chair Dominguez said, “I think that’s where we need to take a little bit of a further step-back than you are asking for, because in many ways you’re right. We need to study the study. We need to have some clear minds look at that study. We need to make sure that study is comprehensive and will answer the questions we have. But, there’s a fiscal impact to that, and we need to know how and whether or not we are going to share it. And I think that’s something that staff..... and even the sponsor need to kind of figure out. Again, I want to make it very clear that this Governing Body, past Governing bodies and this Committee, are very very adamant about moving in that direction, but we cannot afford to do it the wrong way. We do not have the time or the money to make mistakes in this. Sometimes the drop in the bucket is better than nothing at all or one rain storm that fills the bucket once and that’s it. We need to have steady, consistent dialogue and information as we move forward.”

- Councilor Lindell asked Mr. Rodriguez if there is any history or anything that he could bring to this discussion in terms of how our City is rated in terms of bonds, and how that could be affected.

- Councilor Lindell continued, “In looking at the Ordinance put forward on page 5, Item #9, says that the utility would have the ability, subject to laws, to sell, issue utility bonds, revenue bonds and other types of indebtedness necessary to finance the acquisition, construction, improvement and

extension of utility facilities, which all of that seems to be painted with a very very broad brush. Over the course of time and your experience, have you seen how rating agencies would react to anything that we're proposing."

Oscar Rodriguez, Finance Director, said " Yes. In reading the proposal by Councilor Ives, I had the same concerns and questions. And so what I did is I actually talked to our Financial Advisor for Southwest about this just to get his ideas. He is a City person who's been in this environment for a long time. And so we talked through many different scenarios, and our conclusion generally is that this act itself will not cause rating agencies to pull our case off the shelves and re-rate us. But it will generate many questions and there would be a lot of things they would want to make clear, for example. Is this a declaration to a debt that you would be issuing and would that be a debt you would issue along with or before or after you would issue other kinds of debt – all those kinds of question. And there would be a lot of questions."

Mr. Rodriguez continued, "But to answer your question directly, we don't think these actions themselves will cause us to be looked at for a downgrading or any kind of a review, but it certainly will generate a lot of questions. And certainly, as the discussion evolves and they'll be reading about it in Dallas, San Francisco and New York, there will be a lot of questions from there, so we think we'll be prepared for that. But it obviously depends on the next steps and what plans we are announcing to the market in terms of future debt or future obligations that we want to take on."

- Councilor Lindell said, "Clearly, we don't have numbers to put on any of this. We're very very preliminary with it. Councilor Maestas, were there any specific numbers in the study for costs. No."
- Councilor Maestas said he thought there was an estimate in the study.
- Councilor Lindell asked if there was an estimate of \$150 million.

Ms. Brennan said, "There were, based on the underlying assumption that the public power company will acquire the electric consumer market in Santa Fe County. So they were talking about County-wide, I believe the numbers were about \$45 million in preliminary costs, \$106 million in acquisition costs, and there was contemplation of a bond of \$155 million. And it was noted in terms of acquiring existing utility infrastructure could not be tax exempt bonds, so they would be taxable bonds. And these were very general estimates."

- Chair Dominguez said, "Meaning what."

Ms. Brennan said, "Meaning that if you bought them, and were paid interest on them, that would not be tax deductible interest, it would be taxable income to you. Oscar may want to shed some more light on that."

Mr. Rodriguez said it would mean more expensive bonds.

- Councilor Lindell said, "I don't know how this works. Certainly we've heard a lot of numbers kicked around with these kinds of projects. This particular project, the \$155 million, was the number I was looking for. Do we have the possibility of having a comment on what issuing those kinds of bonds would mean to us."

Mr. Rodriguez said, "As I understand it, what's been talked about here is still at such a preliminary stage that we couldn't say if it's for generation, or it's a resale of wheeled-in power, or the negotiated purchase. It seems to me at this stage, you need those details to be clear enough, or certainly clear enough to put some numbers to it. The high end, you could be close to \$1 billion, and at the lower end a few million dollars, etc. Now to ask what is our capacity in the future, there would have to be a discussion about how you intend to pay for it, some sort of general obligation bonds so there is a vote by the public to use the credit and faith of the City to back some of those things, the cost potentially would be [inaudible], on the other hand it could be possible that the voters would vote a tax on themselves. But if it was going to be something that somehow the City was going to leverage what other credit it has available, we would be talking about a much much smaller limit there. You yourselves have recently gone through some of that work where you found \$18 million in debt per year would be what you are looking at top end, so obviously, it would be replacing some of those source of things. But again, at this stage, it's a horse that's not born yet, to think we can measure a saddle and port for it is way before the combination."

Ms. Brennan said, "I would just add in terms of the 2012 Report, I think they contemplated Revenue Bonds and it contemplates it being self-financing over time, but again, that's within those general parameters discussed in the report."

- Councilor Maestas said, "I truly feel my Resolution is the absolute, most cautious, pragmatic option for us. It doesn't bind the City. We're not making any formal adoption or ratification of any kind of study. We're simply willing to get the only study that's ever been done regarding a public electric utility and look at those recommendations and determine whether we should accept them and move on them. The City isn't going to move on any of those recommendations unless they come back before the Governing Body and all the Committees. And the County has already informally expressed interest in studying these recommendations. I think it would send the wrong message if we table this Resolution. They are considering taking action in the month of January, very consistent with the spirit of this Resolution. And also this Resolution has passed the Public Utilities Committee. As one of the sponsors, I see no compelling reason to truncate the progress of this Resolution."

MOTION: Councilor Maestas moved, seconded by Councilor Rivera for purposes of discussion, to approve Item #27.

DISCUSSION: Chair Dominguez said, "I guess I disagree with you a little bit Councilor Maestas. I think it does presume that the County is going to be a partner with us. The County is not going to do anything until they see what we do. I've been down that road before and played that game. They're going to say if the City is going to join in, then maybe we will and let's talk about cost and do we have staff that's going to be able to do this and do that. It brings up a totally different dynamic in the discussion. I agree with you

that this does take us to the next step. But I would prefer that we, as Councilor Trujillo has said, don't take any preference of one piece of legislation over another. I would rather seem them all go together with a yes or no vote, or that they all die together with direction on exactly how to get this done the right way."

Chair Dominguez continued, "There are problems, I think, with Councilor Ives' Ordinance. I agree with the intent of Councilor Ives in his piece of legislation, but I think there are problems in moving both of these forward too fast without the proper staff consideration. It is easy for us to sit up here and say we're going to create a public utility, or we're going to do this or that, but it's staff that has to be able to do the work. And in the end, they're the ones that have to implement it. I think we owe it, at least to them, and I know staff doesn't like to be used, because they are going to do whatever it is we direct them to do. We owe it to the constituency even more to get those assessments done."

Chair Dominguez continued, "I don't get to vote, but I will say my piece, in the sense that taking a step back, even if it's a small step back and postponing something may take us to a different level or place later on. These questions are going to be asked at Council by Councilors who may have competing pieces of legislation. They're going to come up by Councilors who may not be in support of that complete direction right now. So we're going to spend all this time at Council, only to go backwards anyway. I just bring that up as a caution. Again, I appreciate both of you for bringing this up, because it really puts us in the position to have to make some of these decisions, and some of them are tough."

Councilor Maestas said he isn't averse to any amendments, noting it is scheduled to go before the Council on January 14, 2015, and he may have something more definitive from the County by that time. He said he thinks we should keep our options open. He said, "I think this is one of the safest options. We're not starting something new. This is something that was started years ago. I'm just saying let's get the study and move forward."

Chair Dominguez said, "This would be moving forward irregardless of any considerations anyone may have."

Councilor Ives said, "In addressing your comment that you want to make sure you will have input from staff. Again, I consider the remarks of our Counsel as she began speaking here tonight, neither one of these in and of itself raises legal concerns. Every measure, as we change it and modify it in the future, or take additional action, raises new questions and new issues. That's a given. That's why Councilor Maestas's measure is doing exactly what you would like done, which is let's look at this. Let's figure out more the direction we need to go. It's asking staff to do actually that. So I think it's actually promoting the very position from ones who are coming. Mine again creates this body that gives us, in my mind, flexibility in the future to take additional action, which actually will take more analysis and input. But it puts us on a pathway forward saying we are serious about securing Santa Fe's sustainable energy future. And recently we passed a measure saying we expect the City to be carbon neutral in 2040."

Councilor Ives continued, "These are all measures that can significantly move us down that path to getting there. How you produce energy for our community is a critical component of that. You can use coal, but it doesn't get you to carbon neutral by any way, shape or form. By charting all one course in creating the opportunity to take advantage to promote renewables, especially solar, across our community is a logical

and sensible pathway forward. Again, these steps are legally sound. And again, we will have more to consider admittedly, but let's take that first step, let's keep moving down that pathway that secures for our City for our citizens, a renewable energy future and explores ways to avoid the impact of the continuing rate increases that PNM has brought forward, and their imposition of fees on folks who have taken a strong step forward toward that renewable energy. We have lots of work to do, and lots more discussions with PNM about what they see going forward."

Chair Dominguez said, "Councilor Maestas, your piece says, 'The staff is directed to collaborate with the Santa Fe County staff to explore, research and analyze the following steps identified in the preliminary assessment.' Is that meant to say that staff is directed to ask Santa Fe County whether or not they are interested in researching and analyzing the next steps. I guess that's where my trouble is."

Councilor Maestas said, "I don't want the very first question to be does the County want to participate with the City, and if it's no, it shouldn't kill this whole effort. I've heard for the last hour how we need to ratify the recommendations from that assessment from 2012. So I would be happy to make an amendment saying, 'If the County chooses not to collaborate, that City staff bring forth the recommendations from the 2012 assessment and make recommendations as to whether the City Council should ratify as a stop gap.' And we can double the FIR since it will be City staff only."

Chair Dominguez said, "This is getting closer to what I like, because again, so much of this is under the assumption that the County is going to be part of the end game which is a utility. So I think staff will need to parse out that division and have that analysis done as well. And I don't know if staff can do that. Can you, just based on the assessment that we've been given, and parse out every information that is provided in there to say, if the County doesn't want to do it, we can still do it, and this what it means."

Mr. Alejandro said, "It would be my preference to take a look at a lot of different sources for the study. I think that the 2012 Feasibility Report is something we can assess. However, I would not recommend that it be the only thing we assess moving forward. Can the City do it alone without the County participating. I believe that we can, but it will take additional resources I believe, and what those resources are. Without getting into the details of that 2012 Feasibility Study and what actually needs to be assessed and taking a look at the detail that it needs to be done, in addition to taking a look at other resources, we're going to be under the clock. To quantify it at this point, I believe we can do it, but we would need additional resources."

Chair Dominguez said, "You're right. Approving this doesn't say that the County is or is not partners with us, but it takes it to that next level. These are the questions that are going to come up, hopefully by the Governing Body. If we're doing our due diligence, we're going to be asking a lot of these questions and we'll go from there."

Chair Dominguez said, "I've taken enough time. We do have a motion and a second. Roll call vote please, Ms. Helberg."

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

For: Councilor Maestas and Councilor Rivera.

Against: Councilor Trujillo.

Abstain: Councilor Lindell

The resulting vote was a tie vote, with the Chair voting against, thus defeating the motion.

Explaining his vote: Chair Dominguez said, "Since I have to break the tie, saying is one thing, doing is something different, I'm going to vote no."

Prior to declaring a tie vote:

Chair Dominguez asked, "With the abstention, what does that do."

Ms. Brennan said, "I think an abstention goes with the majority. I believe so, but honestly, I don't have my guide book.

Chair Dominguez declared a 5 minute recess while Ms. Brennan retrieved her guide book – 7:13 p.m. to 7:20 p.m.

Ms. Brennan said, "These are the general rules from the Governing Body Procedural Rules which are fall-backs for Committees. If there isn't any Governing Body Procedural Rule, then we go to Robert's Rules of Order. 'With respect to Ordinances and Resolutions, an abstention is counted as a no vote. If counting abstentions as no votes results in a tie, then the Mayor, or in this case, the Chair shall break the tie'."

Following the defeat of the previous motion, Chair Dominguez asked the Committee's wishes on Item #27. Chair Dominguez said, "What I would recommend is that we bring it back to a vote of the Committee on April 13, 2015 or March 30, 2015, but that staff give us some sort of assessment on what can and can't be done both legally and technically, as it relates to both items, by March 16, 2015.... by March 16, 2015, with a vote on March 30, 2015. But I'm just making a recommendation."

Chair Dominguez reiterated that his recommendation is, "That we postpone action. Can we. We can postpone even though it is... No, we're on 27."

Ms. Brennan said, "It's a new motion."

Chair Dominguez said, "My recommendation, again it's up to the Committee, that we postpone it until March 30, 2015, that we have information to digest by March 16, 2015, and this is on Item #27, and that we ask staff to very clearly articulate what can and can't be done with respect to both items, both legally and technically. That's my stab at it."

Councilor Trujillo said, "What Councilor Maestas wants to do is to bring the County and the City together. As I stated earlier, Mayor Pro-Tem, can we get a meeting between the Governing Body of the County and the Governing Body of the City together, and let's have those discussions. And then we can bring back Councilor Maestas' and Councilor Ives'.... If we really want to hash this out, let's get us all in a room and then let's hash it out. I would like to have this discussion with the County as well. Let's sit across the table, all the Commissioners, all the Councilors, and let's talk it out. Let's see where we really want to take this community. If that's feasible, if you guys want to do this."

Chair Dominguez said, "My intent is, I don't want it to die, because I think they're good pieces of legislation. I don't want it to die. I want them to continue to live, but I think it behooves us to have as much information as we can in order to make sure that when we do make the decision, that we are as unanimous and as legitimate as possible. That's the only reason why I would even ask for a postponement."

MOTION: Councilor Lindell moved, seconded by Councilor Trujillo for purposes of discussion, to postpone Item #27 for more information on March 16, 2015, with a vote to take place on March 30, 2015.

FRIENDLY AMENDMENT: Councilor Trujillo would like to amend the motion to ask that the City Manager work with the County Manager to see if the County wants to have that discussion between the City Council and the County Commission.

CLARIFICATION: Chair Dominguez said the friendly amendment is not to have the discussion but to just ask the City Manager to reach out to the County Manager to get a feeling of where the County is on this.

THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS.

Responding to Councilor Maestas, Chair Dominguez said the motion is on Item #27, but he presumes there may be the same action on Item #28.

Councilor Ives recommended that the Committee consider making the meeting on March 30, 2015, a public hearing as well.

Chair Dominguez said he doesn't mind doing a public hearing, but for sure the stakeholders and the public have to be involved in any legislation that we move forward.

Councilor Ives said he was speaking of having the joint City-County meeting to be a public hearing, which he thinks need to be set up within the next 10 days.

Chair Dominguez said, "There has been a suggestion by the Parliamentarian in the motion that that the joint City-County meeting be held publicly, so I guess the direction would be to ask the City Manager talk to the County Manager about what that would look like. That is a suggestion, but not made as a friendly amendment.

Chair Dominguez said, "So the motion as it stands is that we postpone Item #27 to March 30, 2015. I'm just thinking we're going to be in the midst of budget discussions at the same time which may be beneficial, may be perfect, with information on March 16, 2015, with a friendly amendment that the City Manager reach out to the County Manager to get an indication of where the County is in this endeavor. That's the way the motion stands.

CLARIFICATION: Councilor Maestas asked, "What information do you exactly want from staff, because I want to make sure that they're clear on what they need to bring back by March 30th [16th?]."

Chair Dominguez said, "An analysis of what can be done technically or legally."

Councilor Maestas asked, "What is the context. Is it a joint City-County or City only."

Chair Dominguez said, "City only, because that begs the question and the reason we're moving in that direction is the context about whether it is City only or both City and County. That needs to be clarified before we take action on this on the 30th."

Councilor Maestas said, "Then you want an informal ratification of the recommendations of the 2012 Study as it relates to the City."

Chair Dominguez said, "No. I think staff needs to know whether or not there needs to be a severance between both the City and the County, as it's written in the assessment. Is that what you're asking."

Councilor Maestas said, "Yes. I just want to know the context, because they'll bring you all the information you want, but I think we need to identify the framework of that information."

Chair Dominguez said, "There is going to be a lot of stuff that they're going to do. I don't even know if I have the time or the wherewithal to articulate exactly what I would want for them to be able to bring back by March 16th. But certainly one of the things they need to consider is, if the County decides they want to join with us in this, then these are things that we can look at technically that have been identified in the assessment, and these are the things we can look at legally as identified in the assessment. If they don't want to be partners in this, then some of this stuff we can look at.... there's just a lot that needs to happen. So I think that clarifies what we want."

Councilor Maestas said, "I thought that's what I asked for in my Resolution, but I'll support this."

Chair Dominguez said, "Your resolution is a little bit more specific in its collaboration with the County."

Responding to a question from Ms. Helberg, Chair Dominguez said, "The Friendly Amendment does not pertain to what the Parliamentarian recommended. The Friendly Amendment is just specific to giving direction to the City Manager."

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

For: Councilor Rivera, Councilor Lindell, Councilor Maestas, and Councilor Trujillo.

Against: None.

28. **REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW CHAPTER 29 SFCC 1987 TO ESTABLISH SANTA FE PUBLIC POWER, AN ELECTRIC PUBLIC UTILITY (COUNCILOR IVES). (JOHN ALEJANDRO) Committee Review: Public Utilities Committee (scheduled) 01/07/15; City Council (request to publish) 91.14.15l and City Council (public hearing) 02114/15. Fiscal Impact – Yes.**

MOTION: Councilor Maestas moved, seconded by Councilor Rivera, to approve Item #28,

DISCUSSION: Chair Dominguez said I just refer to the discussion that I made in the past on the previous item.

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

For: Councilor Maestas, and Councilor Rivera.

Against: Councilor Trujillo

Abstain: Councilor Lindell.

Explaining her vote: Councilor Lindell said, "I'm going to abstain on this. It's not because I'm against it, it's because I would hope that we would take some more time and gather more information and bring it back the way we are on the Resolution, so my vote is an abstention.

The resulting vote was a tie vote, with the Chair voting against, thus defeating the motion.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, "that this follow the same track as the previous discussion we had on the postponement of Item #27."

Councilor Maestas said part of the intent was to refine development of the FIR associated with it. He said he would like a more realistic FIR.

Chair Dominguez said, "Before it gets to Committee, I'll be looking at those FIRs also, because it's going to be part of our discussion on one of the next agenda items. The FIR is something we have talked about.

Councilor Maestas said, "I'm okay with that."

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

29. UPDATE ON FLEET REPLACEMENT POLICY. (MARIO SALBIDREZ, DEPUTY POLICE CHIEF)

Deputy Chief Salbidrez reviewed his Memorandum of October 15, 2014, to the Public Safety Committee, with attachments, which is in the Committee packet. Please see this Memorandum for specifics of this presentation.

Eric Sanchez, Fleet Manager, said they were asked to conduct a comparative analysis in regard to vehicles for officers out of the City limits, and for officers living in the City limits. He said, "I took the 2012 units and I did an average, and on average, an oil change for a Chevy Impala our 2012 units, is between \$40 and \$50, which are conducted at 5,000 mile intervals. I looked at the top cost of a tire, and the average cost of a tire for a Chevy Impala is about \$89. We also took the mileage, and in comparison, the out-of-City unit will reach 100,000 miles 48% sooner than someone who lives in town. We looked at the 2013 Fords, the out-of-City unit will reach 100,000 miles 44% sooner than a vehicle that resides within the City. The average cost for an oil change on a 2013 or newer model utility or sedan is \$100. So oil changes are costing 50% more for the newer vehicles because the new engines require synthetic oil. There is no way we can have a cost savings there because it is a manufacturer's recommendation, and if we do not use synthetic oil, it voids all the warranties. In regards to the tires of the new units, they cost 35% more, but we're getting 40% more usage. Those tires are replaced on an average of every 50,000 miles. So basically, we're getting more bang for our buck. Thank you."

Deputy Chief Salbidrez said, "We're looking at this document as a dynamic document, and it's continuously going to be changing from year to year. A month from now, 3 months from now or a year from now it may or may not work, but we will revisit this policy again."

The Committee commented and asked questions as follows:

- Councilor Trujillo said he looked over the policy and he is very impressed, this being their first try at it. He said this is what he does on a daily basis.
- Councilor Trujillo said there are 252 vehicles and they want to go to 209, and have identified 43 vehicles that should be removed because of age, mileage, condition and cost for repair. He asked, "Are you saying you want to be at 210."

- Councilor Trujillo continued, "In looking at vehicles my biggest concern is the condition and cost of repairs. If I can get another 50,000 miles from a vehicle, I'm going to do it, because I have to. That will save the State money, and this policy will save the City money as well until we can get a vehicle replaced. He their biggest concern in priority are the condition, cost of repair. Are we doing oil changes in-house."

Mr. Sanchez said, "Currently we do. The only times they outsource them is when the warehouse is closed for maintenance twice a year. They do outsource the oil changes for a week or two."

- Councilor Trujillo said that's good. He said he keeps track of work orders, because he wants to look at every work order for a vehicle before making a decision to trade a vehicle.

Deputy Chief Salbidrez said, "Currently the warehouse is working with IT. There is a system to track it, they just don't have it to where they can pull that information. We've asked for it. So we spoke with the Manger there who is going to work with IT to try to derive that information for us, per vehicle. And that's something we don't have total control, and we have to rely on the warehouse to give us that information."

- Councilor Trujillo said, "I'm not trying to sell a product, but there are programs out there that do this. The one I use is Fleet Focus, but there are other ones out there. I think it's about time for the City to come into the 21st Century, and we need to start looking at these programs. We need to get some of money, of course, and we're trying to get that. These are tools and they are valuable and in the long run they end up saving municipalities a lot of lot money. We need to make sure that all City workers are driving safe vehicles and at the same time, we are replacing vehicles on a timely basis so we keep the fleet at 100%. I commend all of you. This is great. Like you said, it's a work in progress. Hats off to you guys, you did a great job, and for the first try this is excellent."

Mr. Sanchez said, "In regard to the fleet tracking, the one the City has is part of Oracle. It's a very difficult system to use if you don't use it all the time. I have access to it, but I'm to the point where I call the warehouse and ask them to pull something for me if I need it. If you don't spend every day on it, it's very hard to use."

- Councilor Trujillo said the program he uses keeps track of everything and they can be used to its full potential. He said this is something they need to start looking into for the future to make this happen.

Mr. Sanchez said he agrees and has looked into two different systems, one of which is Fleet Focus, so they are gathering intel on these system.

- Councilor Maestas thanked the Deputy Chief for this policy. One of his concerns in looking at equipment is that the fluctuations have been incredible. He said just because the money is there, it doesn't make the budget management process easier. He said the difference between 2012 and FY 2013, was plus \$1.2 million. The difference between FY 2013 and FY 2014 went down by \$400,000. The difference between 2014 and 2015 it went down by \$200,000. He said the anticipate difference between FY 2015 and FY 2016 is plus \$700,000.
- Councilor Maestas asked, "Is there any way the policy can take those peaks and valleys out with the purpose of having more of a stable budget in the Police Department. Even though we know in advance, should that exact amount be budgeted, I would prefer to see something like a reserve fund, a rolling average, budgeted in the Department, and if it goes above the rolling average, it could be 3 years or 5 years, well you just add. If goes below, you're okay. I'm just concerned over the large fluctuations and perhaps in this policy, Mr. Rodriguez we can look at creating a running average for major equipment purchases such as this to make the budget management process go easier. This causes fluctuations in the overall budget."
- Councilor Maestas continued, "But I think the highest request has been \$1.5 million, and you throw that into FY 2016, with all the needs associated with annexation and animal control, it could be higher than that. If there is a way we can come up with a running average for budgeting purposes, but still base you needs on your policy, I think that would be better for the purposes of managing our budget."

- Councilor Maestas said he thought the Governing Body approved 20 new vehicles.

Deputy Chief Salbidrez said that is correct.

- Councilor Maestas in his Memo he identified 43 that should be removed from the fleet right now.

Deputy Chief Salbidrez said, "We reviewed the entire fleet, and I hate to say this, but in the previous administration there was a period in time when they feared the money wouldn't be there to purchase the vehicles, so they were keeping reserves in case it happened. It was a philosophy. So when I stepped in I saw there were 43 vehicles and I had to say these vehicles are going to cost me a lot more in maintenance to keep them running on the road."

- Councilor Maestas said, "So the so-called surplus vehicles meet the criteria for replacement but you're choosing not to replace the surplus vehicles."

Deputy Chief Salbidrez said, "No sir. The vehicles that I do maintain in surplus, the 209 total vehicles are within the policy, with the exception of that one vehicle that I just need."

- Councilor Maestas said he thought we adopted a resolution to try to reduce the City's carbon footprint, but he sees no opportunity to transition certain vehicles for certain uses, and asked if that was discussed in the policy. He said he realizes a lot of the vehicles are required to perform at high levels.

Deputy Chief Salbidrez said, "We did discuss those. We discussed as far as saying okay, well if somebody has to be transported in these types of vehicles, the hybrid, they don't make the equipment necessary to do such a transport. They're not rated for police pursuits or responding in emergency responses to incidents. We went as far as discussing what if we look at other types of vehicles, one of them was a Subaru by one of the Lieutenants. Well we can look at those, but the problem here is if we're opening ourselves for liability if I place an officer, for example in a Subaru that has never been pursuit rated, and they are now involved in some kind of crash because they ran emergency traffic from their location to an incident and we put them in a vehicle that wasn't rated for type of activity."

Deputy Chief Salbidrez said, "There are now Ford Fusions that are police rated, a smaller car, a less expensive car that we could, without putting ourselves in some kind of liability issue, put an officer, a Detective more particularly, in this type of vehicle. That saves some money and we might be able to buy 2 cars instead of 1, or at 3 we're able to buy an extra one. We're looking at something that would be cost effective and be financially and fiducially responsible with the money that we have."

- Councilor Maestas asked if this is standard policy in police departments across the country – is it universal that there is a liability issue if they're not rated. He said, "I'm not familiar with any kind of rating and how any kind of hybrid would rate. Was that something the City Attorney's office said, there's a liability issue here. In other words, who said there would be a liability issue."

Deputy Chief Salbidrez said, "That was in discussions with the Chief's Office and our Fleet Manager's recommendations. We can go to the City Attorney and ask for their opinion on it, but I believe the reason there are police rated units or vehicles is that purpose alone because of the stress we put them under in responding to calls. So we don't want to endanger our officers. We definitely don't want to endanger the public by putting a vehicle that's not meant to speed in that way or be driven in those fashions, or it's much more easy to lose control of it because it's not made for that type of activity."

- Councilor Maestas said, "You would think there would be a part of the inventory where we could have some discretion to purchase."
- Chair Dominguez said, "Let me ask that same question in a different way. Is every vehicle that is managed by the Police Department, utilized for Code."

Deputy Chief Salbidrez said, "That is correct yes, with the exception of specialized vehicles, but a transport van no."

- Chair Dominguez said, "I don't know if this is a fair question to ask Nancy. You have to go from the Police Department to City Hall probably pretty frequently, or somebody does."

Nancy Jimenez said, "Yes, correct. What we have are those individual vehicles, the 43 you're talking about with 150,000 miles on them, they were pursuit rated vehicles 10 years ago, those are the vehicles that the I guess you could call us admin uses. It doesn't have lights and sirens, but it still has that engine and those kinds of tires from 12 years ago."

- Chair Dominguez said, "I think I'm asking your same question in a different way maybe. You've got some vehicles you absolutely need to have for Code, the Police Chief I would imagine, but admin doesn't necessarily need. What they've gotten are vehicles that were used for Code, but now aren't. And I guess my question is, is there a way to transition that so that you have vehicles that, and I don't know what the difference is between a vehicle..... I imagine older vehicles are not environmentally friendly, right. But at the same time, they're a lot less expensive than one that is. But I guess is there a way to transition some of those admin functions to vehicles that are going to be more environmentally friendly."

Deputy Chief Salbidrez said, "We actually had that discussion as early as this morning. Yes, we are looking at changing them out into different types of vehicles, vehicles more suited to what they're doing. For example, undercover vehicles or vehicles for burglary detection for doing surveillance, we're looking at a different kind of vehicle for them that's not going to be police rated because they shouldn't be running Code 2 situations. They're not in that capacity or in a vehicle that's necessarily meant for that purpose. And we're also considering for administration. Nancy brought up a good point, kind of put me in check this morning, and said why do you need personally a Ford Taurus with all those bells and whistles. I agree. Why. Because I don't turn on my lights on a weekly or even a monthly basis. So we've acknowledge that there are flaws in what we've done in the past and we're looking forward in the future to correct those flaws and make better decisions and improvements in our fleet."

- Councilor Maestas said I think discovering a surplus of 43 vehicles demonstrates the benefits of having a Fleet Replacement Policy. He said although this is the first department to do this, "Mr. Rodriguez, I think we ought to direct the other departments with a significant fleet, to come up with a similar fleet replacement policy as a means for cost savings and to better manage our resources, and to eliminate fluctuations in purchase. "
- Councilor Trujillo said the Deputy Chief said you are looking at Ford Fusions. He said, "A recommendation from me would be to purchase two." He asked the costs of the other vehicles they purchase."

Deputy Chief Salbidrez said the Ford Taurus runs about \$26,000, and the Ford Fusions at \$19,000 to \$20,000.

- Councilor Trujillo said if we can get two of the Ford Fusions and run a preliminary assessment to see which vehicle is best suited for what the Department feels most comfortable with.

Mr. Sanchez said, "I would also like to mention that we have to be careful where we say police pursuit rated vehicles, but the only true police pursuit rated vehicle to date, is the Ford Taurus and the Ford Utility. Although the Chevy Impala was marketed as such, by no means it is a pursuit rated vehicle."

- Councilor Rivera said, "Being in public safety, I would say, purchase what you need. I think we had a Police Chief a few years ago, well many years back, that looked at, I think it was Honda Civics at the time, something really small that just didn't work out. And it proved to be a huge mistake, so definitely let us know what you need and make that evaluation based on definitely your needs."
- Councilor Rivera said, "The question that I had is, with the 43 vehicles that you have in surplus how many of those are still operable."

Deputy Chief Salbidrez said, "I'll let the Fleet Manager respond. I think I know what you might be asking. Our policy also has the option not to send these vehicles to auction, and to send them to a different division within the City that could use that vehicle for an extended time, so it's cost savings for other divisions of the City."

Mr. Sanchez said, "At the time we prepared these documents, I would say that 35 of those were in decent operating condition. However, since then, I've had 4 crashes and 6 transmissions go out, so that number is dwindling, because we pull one of those to replace what's been lost."

- Councilor Trujillo asked if the vehicles are still fully equipped.

Mr. Sanchez said, "Except for the 12 that I have taken out of service and we're getting ready to send those to auction."

- Councilor Rivera said, "You said it is 44 and 48%, respectively, of vehicles taken out of the City limits have a 50% half life. Is that it?"

Mr. Sanchez said, "Correct. The out of City vehicles would reach the 100,000 mile mark 48% sooner on the Impalas and 44% on the Taurus."

- Councilor Rivera asked what would be the down side in using those surplus vehicles as take home vehicles instead of the primary unit.

Mr. Sanchez said they spend a lot of time in the shop, noting the transmissions of the Impala are not meeting the test of time and "on a day to day we're fighting with these transmissions to keep them going."

- Councilor Rivera asked of the 43 how many are still operable.

Mr. Sanchez said about half.

- Councilor Rivera asked if they would be able to make it back and forth.

Mr. Sanchez said, "For a time, yes."

- Councilor Rivera asked what would be the down side, from the officer's standpoint with regard to weapons and other things, changing out vehicles like that.

Deputy Chief Salbidrez said, "The down side is that every time they are going to move from one unit to another, they're going to move all their equipment over. So we'll have the issue of letting them do this on duty, or they're going to start raising the issue of *[donning and doffing]* in a sense, because they've having to change things out before they can start leaving the Department. That being said, continuously changing and organizing their units with all the equipment they need it would take 45 minutes to 1 hour to do that. If they decide to select only a few items, of course we can address that amount of time."

Deputy Chief Salbidrez continued, "The other part here, is we talked about the cost of maintenance on these high mileage vehicles. That's going to be a major contributing factor to using these as commuters, because they have such high mileage, they're going to require that maintenance, they're going to continue to break on us, so we're going to incur the cost of that maintenance."

- Councilor Rivera said, "So they couldn't leave the primary unit there at headquarters and take a different vehicle home, even if it was a DWI forfeiture that we decided to keep and let them use to drive back and forth. Has this been looked at."

Deputy Chief Salbidrez said, "No, we have not considered that, but we can definitely explore it and see if it's feasible."

- Councilor Rivera said it's just an idea. He said if 48% of our vehicles are getting to that mileage a lot quicker than the vehicles that stay here, can we look at something different. He said, "I'm not an officer, I don't pretend to be."

Deputy Chief Salbidrez said every suggestion is appreciated and we'll definitely explore it to see if we can find a viable solution to it.

- Chair Dominguez said no action is required, commenting that it is good information. He said, "Some of the direction that I've heard anyway is that we ask all Departments to go through the same kind of analysis and look at their fleet and be as progressive as they can be."

Deputy Chief Salbidrez said they will be going forward to present this to the Governing Body.

Mr. Rodriguez said they are working on a City-wide policy, and that will be coming forward to this Committee soon.

- Chair Dominguez said we need to consider some of the suggestions made by the Committee tonight and continue to explore those options. He thinks that will help to move us to a "greener City."

Councilor Rivera said, "If I can ask that the request I made about looking into whether you could use the surplus vehicles, instead of going to auction, as vehicles that drive back and forth. Could that be part of a presentation to Council."

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to reconsider the previous approval of the agenda, to hear Item #31 next on the agenda, and to approve the Agenda as amended.

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

31. ADMINISTRATIVE HEARING ON STAFF'S REQUEST TO REVOKE THE STREET PERFORMER LICENSE ISSUED TO THOMAS DUKETTE. (ZACHARY SHANDLER)

A Memorandum dated December 5, 2014, with attachments, to Councilor Dominguez, Chairperson, from Zack Shandler, Assistant City Attorney, regarding Street Performer Administrative Hearing, is incorporated herewith to these minutes as Exhibit "2."

A copy of a proposed Street Performer Cease and Desist Order in this case, entered for the record by Zachary Shandler, is incorporated herewith to these minutes as Exhibit "3."

Zachary Shandler, Assistant City Attorney, said, "City Code Section 23-8.7 requires the Finance Committee to hold a hearing when City Staff is requested to revoke a Street Performer License. The City staff has requested the Agenda Item, Action Item, Administrative Hearing on Thomas Dukette Street Performer License. The Notice of Violation Letter to Mr. Thomas Dukette with the attached Criminal Complaint provides the explanation of the alleged violation of the Street Performer Ordinance, are also documents to be presented as exhibits at the hearing."

Mr. Shandler continued, "I guess the preliminary matter is to call out whether Mr. Dukette or his attorney is here. So, Mr. Chairman if you could ask if Mr. Dukette or his attorney is here for the record, please."

Chair Dominguez said, "For the record, is Mr. Dukette or his attorney here. I do not see Mr. Dukette or his attorney here."

Mr. Shandler said, "I appreciate that Officer Ramirez and Sgt. McCord are here. If we were going to do a meeting hearing, we would have had them testify, but instead, due to the late hour, I will quickly go through the information. What I'm going to be submitting to the Stenographer is Plaintiff's Exhibit 1, which is Thomas Dukette's Application. In that application, and I have copies for you if you want copies, he said 'I will not block, or cause the blocking of any sidewalk, passageway, street, or entrance to a building.' 'I will display my performer's business license and have proof of identification on my person for review by the City.' And, 'I understand that I may accept contributions for my performance, but I will not exchange any type of food product or vegetation on public property and I will not sell goods or wares on public property at a fixed price.' In the Application, he checked all those boxes and signed it."

Mr. Shandler continued, "I believe you do have in your packet, the Criminal Complaint filed by Officer Ramirez where he provides information where he saw the blocking of the sidewalk by the table. He requested a license, the license was not available. And the report about how this gentleman was trying to sell sage vegetation under the guise of his Street Performer License. So that should be in your packet already."

Mr. Shandler continued, "And then finally, for the record, on November 25, 2014, a Notice of Violation Letter was send out, itemizing the Code Violations, notifying Mr. Dukette of the date, time and place of his hearing, his opportunity to appeal or obtain counsel at the hearing and evidence and witnesses, and also notifying him that the Finance Committee does have the power to issue a Cease and Desist Order, revoking the Street Performer License, and would mean that he could not seek another license for a period of one year but that he does have the right to appeal to the full City Council."

Mr. Shandler continued, "So, in the absence of Mr. Dukette and due to the late hours, I'll let my officers stand for any questions or I'm ready to proceed with the Request for the Default Order."

Chair Dominguez said, "So this criminal complaint that we have here was prepared by who."

Mr. Shandler said, "Officer Ramirez, sitting here in a blue uniform. And if it was a full hearing, I'd be prepared to swear them in, but I'm just proffering his testimony here due to the late hour."

Chair Dominguez said, "I'm not going to ask a specific question of him, so I don't know if you need to swear him in. This is interesting. I think this is the first time we've ever had something like this at Finance Committee."

Mr. Shandler said this is the first one.

Chair Dominguez said, "I'm going to turn it over the to Committee. I guess I can do that, correct. Okay. So we don't have Mr. Dukette here or his attorney, but we do have the Police Department, so I'm going to go ahead and allow the Committee to ask question of, I guess they're witnesses, right."

Mr. Shandler said, "Correct."

Chair Dominguez asked, "Are there are any questions by the Committee of the witnesses."

Chair Dominguez said, "No. Now when I look at this, the process where we deliberated, that's a public deliberation. That's intended to be a public deliberation."

Mr. Shandler said, "I agree."

Chair Dominguez asked, "What are the wishes of the Committee on this item."

Mr. Shandler said, "Mr. Chairman, I've prepared an Order here [Exhibit "3"], and what I'm asking for is a motion as stated in the agenda. The end result would be that the Street Performer license will be revoked, Mr. Dukette shall not apply for and receive a Street Performer License from one year of the date of this hearing, which shall be January 5, 2016."

Chair Dominguez asked if the Committee can have a copy of the Order. Mr. Shandler provided a copy of the Order to the Committee and to the Stenographer for the record [Exhibit "3"].

Councilor Rivera said, "Zach, when Mr. Dukette applied for his business license, he got a Street Performers License. What did he state was his talent, I guess."

Mr. Shandler said, "I have copies of that as well, if I could approach [Exhibit "2"]."

Mr. Shandler said, "Yes. It says he requested for poetry, music sales and CD's on page 1. What you'll see on page 3 of that print-out, that's the City information. So on his actual license on page 3, it says, poetry, music, no sales."

Councilor Rivera asked, "Besides the one Police Report that we saw, from Mr. Ramirez, were there other incidents."

Mr. Shandler said, "Yes. Sgt. McCord can talk about many incidents this year. We just focused on this November 6th incident, to keep on task, but Sgt. McCord is available to comment additionally, if you need that information."

Councilor Rivera said, "Yes. How many other types of incidents were there that Mr. Dukette was trying to sell sage."

Sergeant Chris McCord, Santa Fe Police Department, was sworn by Ms. Helberg. Sgt. McCord said, "I did a quick survey with dispatch prior to getting here through our AS400 system, and they indicated 19 times this summer, officers have documented or have made an arrest with Mr. Dukette. That's only a documented case. Those that we've got called to Starbuck's for disorderly conduct, where Dukette was there and an officer asked him to leave, if we were to add those numbers for the fiscal [calendar] year of 2014, from January 1 to December 31, there would be 68 times that we have dealt with him on a daily basis."

Councilor Rivera asked, "How many of them for selling sage."

Sgt. McCord said, "For the violation of the Busker's License, I was personally involved with 5 of those this summer, as well as other officers 3-4 times. According to the AS-400, he was in violation of his Busker's Permit 12 times."

Officer Josh Ramirez, Patrolman, Santa Fe Police Department, was sworn by Ms. Helberg.

Councilor Rivera asked, "Officer Ramirez on this incident was Mr. Dukette blocking the sidewalk."

Officer Ramirez said, "Yes he was. He was blocking the sidewalk at Don Pasqual's Restaurant, right in front of the entrance, in front of the door, he set up his table, his sage, a book, scissors, a broom and yarn, right in front of the entrance on the sidewalk."

Councilor Rivera said, "So he was blocking the sidewalk and the entrance to the restaurant."

Officer Ramirez said, "Yes sir, and when I ran, he took off running."

Councilor Rivera said, "That's all I have Mr. Chair."

Sergeant McCord said, "One thing that I also want to talk about that has been an ongoing problem with Mr. Dukette is, numerous times throughout the year, law enforcement has been called to the Plaza area for someone's trash or belongings. We get there and find that it's actually Thomas Dukette's, and he has chained them to the monument, he's chained them to businesses, he's chained them to bike racks and often he can't be found. There have been a couple of occasions throughout the summer where when chaining up his property, he inadvertently chained somebody else's property that was there. When that happens we pretty much don't look for him anymore. We just cut the lock off, we call Parks, they come and pick up his stuff and it goes to the trash. That's how often we deal with this situation and it's becoming something that is more common. Starbuck's recently has reached out to us as well. Their District Corporate Manager is concerned about the loss of customers. That's another place that Mr. Dukette also frequents and hangs out in front of, and on average Starbuck's, according to their management, receives upwards of 20-23 complaints a month about Mr. Dukette's behavior in front of their establishment."

Councilor Maestas said, "Mr. Chairman, before we go any further, I think we have to limit the discussion to the one incident regarding the Criminal Complaint, I don't think we can discuss other violations even though it's..."

Mr. Shandler said, "We are asking for the Cease and Desist Order. We believe we have ample evidence, based on the November 6th conduct alone."

Councilor Maestas said, "How much discretion do we have in terms of penalty. Is a one year revocation our only option, or how much discretion, if any, do we have."

Mr. Shandler said, "No discretion. It's the one-year penalty as provided in Section 23-8.7(B)(2)."

Councilor Maestas said, "It appears he bought the license, I guess, on May 27th, so his current license will expire May 27th of this year. So we're not only revoking the time left on his current license, we're banning him from future licenses for a year from this hearing. Is that correct."

Mr. Shandler said, "It's actually a calendar to calendar license, so what you would be doing is revoking his 2014 license. What has the real teeth in here is that he could not reapply for one year from this date. And the reason we brought this forward is that you only had one meeting in December, and there are certain Notice requirements. So to read it otherwise, someone could do whatever they want in November and December that's horrible, and then get away with no penalty. So that's why we brought it to you as soon as we could."

Councilor Maestas said, "If we make a motion to accept your order, is it understood that the Findings of Fact and Conclusions of Law are addressed in the Order. Or do we need to explicitly adopt the Findings of Fact and Conclusions of Law."

Mr. Shandler said, "That's why it is an improved motion if you adopt the Findings of Fact that are considered in the Order."

Councilor Maestas said, "That's all I have. Thank you."

Chair Dominguez said, "Presumably, if we revoke this license and he continues to sell, or violates any part of the Ordinance, what happens then."

Mr. Shandler said, "The Police will have additional enforcement roles. On that date of November 6th, his alleged defense was, " I wasn't selling anything. I was offering poetry as a part of my street performance. And now he won't be able to have that defense, because he won't have that license."

Chair Dominguez asked, "What are the consequences if he continues to violate."

Mr. Shandler said, "I think the consequences, Mr. Chairman, is that we will be able to take additional criminal action, but I think it will be well known, and we'll provide this Order to the local business community, to Law Enforcement and of course to Mr. Dukette, that he can't be creating this ruse, apparent ruse under the Street Performer Ordinance."

A. ACTION BY FINANCE COMMITTEE ON WHETHER MR. DUKETTE HAS SHOWN CAUSE WHY HIS LICENSE SHOULD NOT BE REVOKED.

MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to approve the Street Performer Cease and Desist Order with regard to Thomas Dukette, and which calls for the revocation of his existing license, and a ban on him applying for, and receiving, a Street Performer License for one year from the date of this hearing, and that my motion include adopting the Findings of Fact and Conclusions of Law.

Chair Dominguez said, "It should be reflected in the record also that Mr. Dukette may appeal this decision in writing to the Governing Body within thirty days, and that starts today."

Mr. Shandler said, "Technically it will start tomorrow."

Chair Dominguez asked, "Did you get all that, Ms. Helberg."

Ms. Helberg said, "Yes, I did."

Chair Dominguez said, "I hope that the record will be satisfactory to the outcome of this decision. Do we need Roll Call."

Mr. Shandler said, "A Roll Call."

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

For: Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

30. OTHER FINANCIAL INFORMATION

Chair Dominguez asked for the Committee's support in asking staff to remind the rest of the staff that these items that come to the Finance Committee that have fiscal impacts have to be evaluated by the Finance Department. And if they are not evaluated by them because the packet has been given to them too late, or whatever the case may be, that we're going to create a special place on the agenda for them. I'm not quite sure exactly how that looks or works, but I think it's imperative that we have Fiscal Impact Reports that are as complete as possible, not only for the Finance Committee, but for every other committee that an item may go to.

A. MONTHLY FINANCIAL REPORT. (OSCAR RODRIGUEZ)

A copy of *City of Santa Fe Fiscal Year-to-Date Financial Performance Report*, dated September 30, 2014, is incorporated herewith to these minutes as Exhibit "4."

Mr. Rodriguez asked to combine *Items 30(A) and (C) for purposes of presentation and discussion.*

Mr. Rodriguez presented the information in Exhibit "4." Please see Exhibit "4" for specifics of this presentation. Mr. Rodriguez noted the graph, saying it is the same information you've been getting every month, except that he has taken prior years and corrected for inflation, so all of the dollars you see are all on the same basis, they're all on 2014 dollar basis.

Mr. Rodriguez said there is a feeling in New Mexico when the recession ends that revenues will get better and things will start to flow, and "I guess what I was going to tell you, well the recession is over and this is what it looks like afterwards." He said ahead of us is the task of making up those revenues or finding ways to fill that gap in a different function, which cities do all the time. It is about \$10 to \$11 million short, compared to what it was in 2008, and probably won't get back to those levels unless the economy grows significantly. It is on track at this point, and we are projecting about 1% off on the GRT at the end of the year, but compared to what it was in previous year, we're down about \$11 million.

Mr. Rodriguez asked for input from the Committee on the format of the Report, as well as the kinds of information that is included in the Report, noting the Committee will get another Report next month.

Mr. Rodriguez noted Lodgers' Tax will be up about 7%, while GRT's will be down about 1%, noting it is too early to be making basic decisions on, but we will be providing you more current information.

The Committee commented and asked questions as follows:

- Chair Dominguez said this is on the agenda in response to discussions we had with our Legislative Delegation, and somehow the movie industry and subsidies being provided were more than enough to make up for the impact of the Hold Harmless provision. He thinks this is a good way to show that, and that industry hasn't necessarily grown. He asked what sector that comes under – Information and Cultural.

Mr. Rodriguez said he did a little inquiry this afternoon, and they don't pay a fee to make a movie, but they buy things, and that probably would be in Retail and Information and Cultural Industry. Since 2008, it has grown over the years – it has doubled – but that's not even \$1 million in the grand scheme of things.

- Chair Dominguez asked if the subsidy for the film industry was meant to be recaptured through retail, or was it some other economic development sector intended to be recaptured. He doesn't know the legislative intent and/or idea at that time.

Councilor Maestas said, "The only issue with that, when a particular sector is successful, it doesn't necessarily translate into much higher GRT revenues to the City. There is the misconception 'out there,' that we're making up for the losses due to the Hold Harmless, because we're assisting other sectors indirectly through other tax incentives or film credits or whatever. But it doesn't necessarily translate into a lot more revenues to cover the losses from Hold Harmless.

- Chair Dominguez said presumably it would be retail, the perception is that retail would make up for it.
- Councilor Maestas said at the bottom of the General Fund Summary there are some numbers, City Council mandated General Fund balance, and identified it as 1/12, but the 1/12 is the DFA mandated minimum and the City Council's mandated reserves are higher than the 1/12. He asked if the intent was to subtract the reserves that we have in place.

Mr. Rodriguez said the State requires the 1/12 as a minimum requirement.

- Councilor Maestas said we have a higher required reserve above DFA's requirement.
- Chair Dominguez said there is no formal requirement, noting Councilor Maestas missed that discussion at one of the last Finance Committee meetings. There is no formal policy on anything above what is mandated by the State.
- Councilor Maestas said, "But when we inquired, there was a balance above the 1/12, and the questions we were asking was why, the basis for it, and when can we dip into that reserve between the unofficial City mandated reserve and the DFA mandated reserve. I think it's a good idea to at least put that in there and subtract out the balance to get a running total."

Mr. Rodriguez said, "I can answer that question directly here. My understanding and this is from information I got or correspondence I was able to read about what was happening in the budget, as well as newspaper articles and information from staff, that the Council this year decided to use all of that reserve in a one time measure and take it to the 1/12, the minimum. And that's what you see. The current year approved budget had revenue of \$75,000 and expenditures of \$77,000, so that's what was left above the State minimum of 1/12 went now. It's all calculated on the ending balance, and what you see there, the \$9 million that is there is both the 1/12, plus money that has been moved from the previous year as a prior obligation some sort or as an escrow from prior years. If we were to take out that \$9 million, all the cash that's committed that way, and then you come up with \$89,046 above the State minimum of 1/12."

- Councilor Maestas said the intent of the State reserve is to have 30 days of operating budget, and Mr. Rodriguez said that is correct.
- Councilor Maestas said the amount that we designated as a reserve and the difference between that and the 1/12 DFA requirement, if we decided to use that, then why do we have 52 days projected of operating budget, and shouldn't that be 30 days, if in fact we did use all the reserves and go all the way to the basement to the DFA minimum reserve.

Mr. Rodriguez said they are projecting that, and again this is only at the close of September, we are projecting an under-expenditure of 4.87%. And we expect revenues to be down 1.36%, and that's what adds the extra cash on the bottom. He said they want to make clear everything you have to work with, how it's working every month.

- Councilor Maestas said the only other advice he has is for the extreme variances. He said after the first quarter we don't have enough budget history. But after the first quarter it's not too far from mid-year, noting we are at mid-year right now, and we may choose to make mid-year corrections. He asked Mr. Rodriguez to look at some of these variances and ask questions of the respective departments, with regard to expenditures, and explain this is why we're 30% over-budget on contractual services in a department, for example.

Mr. Rodriguez said he will do so. He said, hopefully this will allow that conversation to take place.

- Chair Dominguez said, "We have way more funds than this, right."

Mr. Rodriguez said, "In the General Fund, yes sir. Wait a minute. We're reporting to you all the money, every dollar you can count on is there and it's backed up with a cash report.... you see it all and complete. There's no other dollars."

- *[Chair Dominguez's remarks here are inaudible]*

Mr. Rodriguez said everything is put together, noting you approved it in June, but you've been amending it almost every Council meeting, so we've added all that up, and that's why we're showing it as of the amended budget. He said you've amended the budget by about \$20 million so far this year.

- Chair Dominguez said he thinks for the most part, all of our enterprises are pretty good – water pays for itself.

Mr. Rodriguez said, "That's a huge discussion I very much look forward to having with the Council about what all pays for what. It's a complicated picture in this City."

- Chair Dominguez would like to see it broken down so he can determine how well these funds that are supposed to be self sufficient are performing. He noted we subsidize the GCCC, which is a special revenue or enterprise, out of the General Fund.

Mr. Rodriguez said there are a number of enterprise funds that, for all intents and purpose, are just part of the General Fund obligations. At some point he will be coming to this Committee with some recommendations.

- Chair Dominguez asked if there is a way to show that or articulate that in a monthly report.

Mr. Rodriguez said, "Not easily. I don't think it would make it any more clear, because we're talking about 600 different funds in the City. I think I'm good, but not good enough to be able to keep 600 moving parts together. But I can tell you, in some areas I've seen where the fund itself is just an accounting tactic, because that fund receives no revenue, and is completely funded by the General Fund. And then we have situations where the General Fund subsidizes one fund, and that fund subsidizes another fund, and then along the way, the General Fund has also been sending costs over to them. I can give you names..."

- Chair Dominguez asked if that needs to be resolved, and Mr. Rodriguez said yes.
- Chair Dominguez asked if that needs to be resolved at the administrative level.

Mr. Rodriguez said, "Yes. But there would be cases where we can't do it. You need to be perfectly informed of how your finances are going. And any major changes we make in reporting, etc., is always clued to you so you can always see the forest, see the forest, see the forest. What I'm attempting to do over the course of the budget.... a lot of the departments, those who want to collapse funds to make life easier and it would make it easier to report how things go ahead and do that, hopefully by just relaxing the requirement that they have so many funds, and I really don't know why. There are some departments with dozens of funds, and funds that actually fund dozens of departments. It's a pretty complicated picture."

- Chair Dominguez said, "What I'm getting at, is I don't know if that's par for the course, or if it's policy that needs to be generated by this Committee to direct the City Manager to clean some of that up. I know Teresita has a lot of experience in this, and if she wants to try.... that seems to be one of the things that's real frustrating to me is that there's so much stuff out there, it's hard for us to really get a handle on that."

Mr. Rodriguez said yes, there's no question about it.

- Chair Dominguez said this is a good opportunity for us to come up with a clear policy on how to deal with reserves, and we can start setting that policy to help us build the next budget.

Mr. Rodriguez said my point is to recommend to you that policy is a part of the budget development process, noting he hopes to kick off the budget process with a presentation to the Council which will present our financial condition as clearly as I can, including the challenges, and then some policies and the plan for addressing that over time.

Teresita Garcia said, "What I did, along with the Audit Committee, if you look at your cash comparisons you will see how I identified the different fund types which are General Fund, the GRTs and the direct debit. That follows your CAFR Report of the Audit. So what I've done is actually separate them based on what we report on the CAFR. So you have your special revenue which is your Capital Replacement Reserve and your Lodgers' Tax, and then you go to the second page and you see your CIP projects. And then you see your enterprises, they're all separated. What I've done is that I can actually get this type of reporting and summarize it by revenue and expenditures and give you a summary based on this type of funding."

Ms. Garcia continued, "So if you can see where you have your special revenue funds, if you're interested in, let's say, Public Safety, the Animal Service, I can actually get the cash balance and do total revenue, total expenditure, and compare that to your budget so you can see the variance by category. Instead of having 600 funds, you can actually see that type. I can break Public Safety down. Then Community Development with the Senior Grants, you can see what that program is doing and summarize it, even though we have 30 Senior Grants, we can summarize it so you know what that department looks like. I can do that type of revenue versus expenditures so you would know where each of those types of funding is actually looking at."

Ms. Garcia continued, talking about the various ways she can break out revenues and expenditures on a quarterly basis. She said this format in reporting will allow you to see where the special funds are related. There are two types of summaries. The overall summary of where the City is going, the General and then the overall funds you will approve at budget based on function. She can break out the cash report into more detail like you want it.

- Chair Dominguez said we need to look at how the CVB fund is operating on a monthly basis.
- Councilor Rivera said this is basically a quarterly report.

Mr. Rodriguez said it happens to coincide with the quarter, but the intention is to update it every month.

- Councilor Rivera said, for example, in Ambulance Fees there is an approved budget of \$2 million in revenues, YTD \$682,574, at the end of the fiscal we should be looking at more like \$2.7 million instead of the projected year end which is \$1.2 million, and asked if that is correct.

Mr. Rodriguez said, "No, what we're trying to project, if it stays at the current rate, what it will be at the end of the year. We're using the business cycles over the past 10 years, in seeing how those revenues came in. And there are peaks and valleys, the peaks come in the summer for some of these things.

- Councilor Rivera said the Ambulance Fees have only been collected for the past two years with the company we're using. He is just trying to figure out, if this is on a quarterly basis, at year end, we should be significantly higher than 1.246.

Mr. Rodriguez said Andy Hopkins, Budget Division, has been working with him to make these projects, has pointed out that the YTD is actually YTD November, to try to get the best information to finally make that projection. The attempt is to project to the end of the year.

- Councilor Rivera said even if this was a 5 month projection, we would still be more than 1.246 for projected year end.

Mr. Rodriguez said we're not doing a "take what we budgeted and divide it by 12 and then go with 5 months.... that's not what we're trying to do. We're actually trying to recreate the business cycle that we've seen since we've been collecting those fees, some of these go back as much as 10 years."

- Councilor Rivera asked if the approved budget of \$74,322 for salaries is to the end of November as well.

Andy Hopkins, City Budget Division, said, "The numbers you see in the Year to Date column are as of November 30th. When we first created this, it was anticipated that this would be a monthly report for December. It then turned out, because of some of the issues with closing and stuff, the subsequent report you see that has the yellow lines in it, really could only be up to date as of September 30th. So that's why it's a quarterly basis, even though some of the numbers are actually more up to date. So what you see in the year to date there, that's as of November 30th, but that projected year-end is where we're anticipated to be at June 30, 2015."

- Councilor Rivera would like the information to be standardized – either all at the end of September or November – otherwise it's confusing as to what numbers are where. He said salaries look to be way over projected.

Chair Dominguez said what this is about is so we can understand how we want this formatted and how we want to see this information. He is unsure which month would be best, noting one is closer to mid-year.

- Councilor Rivera reiterated he is confused to see September on top, but to have numbers all the way to the end of November, reiterating he wants it to be consistent throughout.

Mr. Rodriguez said he will do so.

B. BUDGET DEVELOPMENT CALENDAR – FY 2015/16. (OSCAR RODRIGUEZ)

A copy of the proposed *Budget Development Calendar – FY 2015/16*, is incorporated herewith to these minutes as Exhibit "5."

Chair Dominguez asked everyone to let him know of any changes, noting this is subject to revision and debate, noting he will be working with Mr. Rodriguez on the specifics of the proposed calendar.

Mr. Rodriguez reviewed Exhibit "5." Please see Exhibit "5" for specifics of this presentation.

Councilor Rivera noted the department presentations are missing, and asked if it is the intent that the City Manager do preparation of the budget for each department and we only work through that.

Chair Dominguez said, "No the intent is to potentially continue to go down that road where we look at each Department." He said this is just a general timeline and not what the budget hearings will look at specifically.

Councilor Maestas said, "I for one, wasn't really happy with the status quo of the way the budget was handled this last year. Flat budget, department heads just give us your priorities. You rank them and then there were no recommendations made on any expansion requests. I want to see a transformational change in the way we consider budget requests. We've talked about what are your basic performance metrics, how do you tie it to your budget, can you base your performance on your budget request."

February 2nd is already here, and I know you just came on board, Oscar, but I want to see some integration of a transformational budget priority setting process. We're talking basic principles that need to be adhered to, basic accounting principles, no negative cash carry-over, try and end the subsidy of utility enterprises using GRTs, clarify and formalize reserve policy. I want to see principles and I want to see maybe priorities and values. I'm not going to yield on the principles, because this budget process does require a lot of financing principles that are badly needed. I think our needs are much more fundamental and it's going to be difficult to try to integrate this into the next cycle. But I want to make sure we're starting to really address a lot of these practices that have been continued year after year after year. And I want to be fair and equitable to all the divisions, to be able to make an informed decision. I don't want to look at, for example, IT and with their own criteria and Public Works and so forth. So, think transformational."

Chair Dominguez said we can help by giving clear direction and solid policy and it's part of our job to do that, whatever we want that to be.

C. UPDATE ON GROSS RECEIPTS TAX REPORT RECEIVED IN NOVEMBER 2014 (FOR SEPTEMBER 2014 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN NOVEMBER 2014 (FOR OCTOBER 2014 ACTIVITY). (OSCAR RODRIGUEZ)

A copy of a graph showing *GRT \$'s Distributed by Sector 2008-2014*, entered for the record by Oscar Rodriguez, is incorporated herewith to these minutes as Exhibit "6."

This item was combined with the presentation under Item 31(A).

32. MATTERS FROM THE COMMITTEE

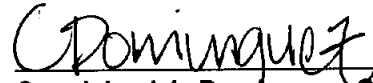
A copy of Bills and Resolutions scheduled for introduction by members of the Governing Body for the Finance Committee meeting of January 5, 2015, is incorporated herewith to these minutes as Exhibit "7."

Councilor Lindell introduced a Resolution declaring the eligibility and intent of the City of Santa Fe to submit an application to the New Mexico Department of Transportation for Federal Fiscal Year 2016 Section 5310 Program Funds for Enhanced Mobility of Seniors and individuals with Disabilities Program. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Maestas introduced a Resolution declaring the eligibility and intent of the City of Santa Fe to submit an application to the New Mexico Department of Transportation for Federal Fiscal Year 2016/2017 Transportation Alternative Program funds to complete improvements at the Downtown Transit Center. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

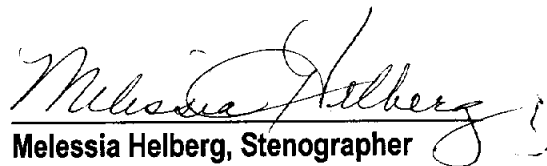
33. ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at approximately 9:25 p.m.


Carmichael A. Dominguez, Chair

Reviewed by:


Oscar S. Rodriguez, Finance Director
Department of Finance


Melessia Helberg, Stenographer

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: _____ Resolution: X

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

Short Title(s): **A RESOLUTION DIRECTING STAFF TO COLLABORATE WITH SANTA FE COUNTY STAFF TO EXPLORE, RESEARCH AND ANALYZE THE NEXT STEPS IDENTIFIED IN THE DECEMBER 2012 FINAL REPORT OF A PRELIMINARY ECONOMIC FEASIBILITY ASSESSMENT OF A PUBLICLY-OWNED ELECTRIC UTILITY FOR THE CITY OF SANTA FE AND SANTA FE COUNTY AND REPORT BACK TO THE GOVERNING BODY STAFF'S FINDINGS RELATED TO THE NEXT STEPS, EXISTING CITY AND COUNTY POLICIES AND OTHER STAFF CONSIDERATIONS.**

Sponsor(s): Councilor Maestas

Reviewing Department(s): City Attorney's Office

Persons Completing FIR: Rebecca Seligman / John Alejandro Date: 1/5/15 Phone: 955-6501 / 955-6236

Reviewed by City Attorney: *Kelly A. Brennan* Date: 1/5/15
(Signature)

Reviewed by Finance Director: *[Signature]* Date: 1-5-2015
(Signature)

Section B. Summary

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

The proposed resolution, directs staff to collaborate with Santa Fe County staff to explore, research and analyze the next steps identified in the December 2012 Final Report of a Preliminary Economic Feasibility Assessment of a Publicly-Owned Electric Utility for the City of Santa Fe and Santa Fe County and report back to the Governing Body staff's findings related to the next steps, existing city and county policies and other staff considerations.

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 "1"

_____ Check here if no fiscal impact

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

Personnel*	\$ <u>5,000</u>	<u>A</u>	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:	\$ <u>5,000</u>			\$ _____			

* 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 _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ _____		\$ _____		

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.)

It is anticipated that it will cost the City approximately \$5,000 for staff time to collaborate with Santa Fe County staff to explore, research and analyze the next steps identified in the December 2012 Final Report of a Preliminary Economic Feasibility Assessment of a Publicly Owned Electric Utility for the City of Santa Fe and Santa Fe County and report back to the Governing Body staff's findings related to the next steps, existing City and County policies and other staff considerations.

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.

None staff is aware of

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

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

If this resolution is not enacted, city staff will not be able to collaborate with Santa Fe County staff to research and analyze the next steps identified in the December 2012 Final Report of a Preliminary Economic Feasibility Assessment of a Publicly-Owned Electric Utility for the City of Santa Fe and Santa Fe County and report back to the Governing Body.

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 resolution, if approved, will afford city staff the opportunity to collaborate with Santa Fe County staff to research and analyze the next steps identified in the December 2012 Final Report of a Preliminary Economic Feasibility Assessment of a Publicly-Owned Electric Utility for the City of Santa Fe and Santa Fe County and report back to the Governing Body staff's findings related to the next steps, existing city and county policies and other staff considerations. The information in the report may be helpful in determining the additional requirements and/or steps necessary towards establishing a publicly-owned utility.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08

City of Santa Fe, New Mexico

memo

TO: COUNCILOR DOMINGUEZ, CHAIRPERSON
FROM: ZACK SHANDLER, ASSISTANT CITY ATTORNEY 35
SUBJECT: STREET PERFORMER ADMINISTRATIVE HEARING
DATE: 12/5/14

BACKGROUND

City Code Section 23-8.7 requires the Finance Committee to hold a hearing when City staff has requested to revoke a street performer license. City staff is requesting an agenda item: "Action Item: Administrative Hearing on Thomas Dukette, Street Performer License."

HISTORY

The Notice of Violation Letter to Mr. Thomas Dukette (with attached criminal complaint) provides the explanation of the alleged violation of the street performer ordinance. These documents will be presented as exhibits at the hearing.

SUMMARY OF PROCESS

1. City staff (City Attorney's Office/SFPD officers) will present testimony and exhibits.
2. Mr. Dukette can cross examine city witnesses.
3. Mr. Dukette can present his own testimony and exhibits about the allegations.
4. City staff can cross examine Mr. Dukette's witnesses.
5. Committee members can ask questions of the witnesses.
6. Committee members can deliberate whether Mr. Dukette *has shown cause* why his license *should not* be revoked.

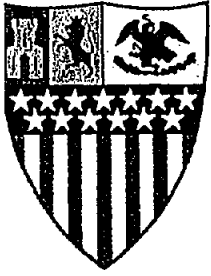
CODE CITATIONS

City Code Section 23-8.7(B)(4) states: "An appearance may be made by counsel and the street performer charged with violating this section may present evidence and call witnesses to show cause why his license should not be revoked."

City Code Section 23-8.7(B)(2) states: "If, at the hearing before the finance committee, the street performer fails to show cause why the business license fee should not be revoked, the finance committee shall issue a cease and desist order revoking the business license. Such cease and desist order shall prevent the street performer from performing on public property, for a period of one (1) year from the date of the hearing."

City Code Section 23-8.7(B)(5) states: "Any street performer aggrieved by the decision of the finance committee may submit to the governing body a written petition for appeal."

Exhibit "2"



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

Javier M. Gonzales, Mayor

Councilors. -

Peter N. Ives, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Joseph M. Maestas, Dist. 2
Carmichael A. Domínguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4

November 25, 2014

Thomas Dukette
555 Onate Place
Santa Fe, NM 87505

Via Certified Mail
Article No. 7013 0600 0000 5925 2631
& First Class Mail

Thomas Dukette
559 Onate Place
Santa Fe, NM 87505

Via Certified Mail
Article No. 7013 0600 0000 5925 2648
& First Class Mail

Re: Street Performer Ordinance Violation

Dear Mr. Dukette:

City of Santa Fe officials received a copy of a criminal complaint filed against you for actions taken on November 6, 2014. We have enclosed a copy for your review. The purpose of this letter is to notify you of the municipal code violations. These violations are listed below:

VIOLATION(S)

The current use of the above activity is in violation of the following sections of the City of Santa Fe Municipal Code:

- | | |
|---------------|--|
| SFCC 23-8.4D | At all times street performers shall have available the performer's city-issued business license and proof of identification for review by the city. |
| SFCC 23-8.5A: | Street performers shall not block, or cause the blocking of any sidewalk, passageway, street, or entrance to a building. |
| SFCC 23-8.5B: | Street performers shall not exchange any type of food product or vegetation on public property. |
| SFCC 23-8.5B: | Street performers shall not sell goods or wares on public property at a fixed price except for audio or video recordings. |

Santa Fe Police Department officials are prepared to testify that you have been given multiple warnings under the street performer ordinance. You have not corrected these violations.

You will have the opportunity to have a hearing on these allegations at the:

City Finance Committee Meeting
Monday, January 5, 2015
5:00 pm
City Council Chambers
200 Lincoln Avenue¹

You may appear (or may retain legal counsel) at the hearing and may present evidence and call witnesses to show cause why your street performer license should not be revoked. The City Attorney's Office and Police Department will also be able to present evidence and call witnesses.

The Finance Committee has the power to issue a cease and desist order revoking your street performer license if you fail to prove why your street performer license should not be revoked (or fail to attend the hearing). This cease and desist order shall prevent you from performing on public property for a period of one (1) year from the date of the hearing.

Please note, if you are aggrieved by the Finance Committee's decision, you may submit a written petition to the City Council for an appeal. The written petition for an appeal must be filed with the City Clerk's Office within thirty (30) days of the date of the Finance Committee's action and must specify the grounds for your appeal (i.e. where the Finance Committee erred in its decision).

As a street performer licensee, you are responsible for following City Code requirements. Please contact the City Attorney's Office (955-6303) with any questions on this matter.

Sincerely,


Teresita Garcia
Assistant Finance Director

enclosure

¹ If you do not cease in the above-stated activities within fifteen (15) days of receiving this notice, "the street performer shall surrender his business license to the [Santa Fe] finance director and the license shall be placed in suspension until a hearing is held before the finance committee."



CRIMINAL COMPLAINT

STATE OF NEW MEXICO

NO. 14-015597

SANTA FE COUNTY

SANTA FE CITY

IN THE MUNICIPAL COURT

-- VS --

STN #:

Arrest Date: 11/06/2014

Driver Lic. #:

Citation #:

Arrest #:

Docket #:

Date Filed: 11/06/2014

Name: DUKETTE THOMASAddress: 559 ONATE PLACECity/Zip: SANTA FE NM 87505

D.O.B.:

S.S.N.:

CRIME:

(Common name of Offense or Offenses)

The undersigned, under penalty of perjury, complains and says that on or about 11/06/2014, in the County/City of SANTA FE, State of New Mexico, the above named Defendant(s) did:

Contrary to Section 16-13.1

NMSA 1978.

Offense, Desc: DISORDERLY CONDUCTContrary to Section 23-8.7

NMSA 1978.

Offense, Desc: CRIMINAL ENFORCEMENTS

ON THURSDAY, NOVEMBER 06, 2014 AT APPROXIMATELY 1032 HOURS I WAS IN FULL UNIFORM, DISPLAYING BADGE OF OFFICE, IN A MARKED UNIT WAS DISPATCHED TO 121 DON GASPAR (PASQUALS RESTAURANT) REFERENCE A MALE VENDING IN FRONT OF THE BUSINESS ON THE SIDEWALK. REPORTING PARTY DAVID CULSON ADVISED A MALE IS VENDING ON THE SIDEWALK IN FRONT OF THE BUSINESS AND IS NOT SURE IF HE SHOULD BE VENDING.

UPON ARRIVAL I NOTICED A TABLE WITH A BUCKET OF SAGE ON THE TABLE. I ALSO NOTICED A BROOM AND PINK YARN LAYING NEXT TO THE TABLE. I GOT OUT OF MY UNIT AND WAS UNABLE TO LOCATE THE OWNER OF THE TABLE AND THE MISCELLANEOUS BELONGINGS. I THEN GRABBED THE BELONGINGS AND PLACED THEM IN THE BACK SEAT OF MY UNIT DUE TO NO OWNER AND IT WAS BLOCKING THE SIDEWALK INTO THE BUSINESSES AND WALKING AREA. ONCE THE BELONGINGS WERE IN MY UNIT I ASKED A FEW MALES WHO WERE SITTING IN THE NEAR AREA WHO STUFF THIS WAS. THEY ADVISED ME IT WAS THOMAS DUKETTES. ONE MALE ADVISED ME THAT THOMAS DUKETTE SAW ME DRIVE UP AND HE RAN AWAY.

WHILE I LEFT THE AREA SANTA FE DISPATCH ADVISED A MALE IS CALLING FOR HIS STUFF. I ADVISED I WILL BE EN ROUTE TO THE LOCATION WHERE I FOUND IT. UNDERCOVER OFFICER ELIZABETH BREWER NOTICED THOMAS DUKETTE STANDING IN THE AREA WHERE THE TABLE WAS. I ADVISED OFFICER BREWER I WAS BACK EN ROUTE TO THAT LOCATION AND ONCE I TURNED NORTH ON DON GASPAR FROM ALAMEDA I NOTICED THOMAS HAD MORE SAGE ON HIS PERSON. I ALSO NOTICED THOMAS ASK A FEMALE IF SHE WANTED SAGE.

I HIT MY SIREN BUTTON ON MY UNIT TO GET THOMAS'S ATTENTION WHICH I DID AND HE WALKED OVER TO MY UNIT. I ADVISED THOMAS ABOUT THE SITUATION AT HAND AND WHY I TOOK HIS BELONGINGS. OFFICER BREWER ADVISED ME OVER THE RADIO THAT SHE NOTICED THOMAS ATTEMPTED TO SALE SAGE TO THREE DIFFERENT PEOPLE WITHOUT A BUSKERS PERMIT.

I ASKED THOMAS FOR HIS BUSKERS PERMIT AND HE ADVISED IT WAS NOT HIM. I ADVISED THOMAS HE HAS RECEIVED MULTIPLE WARNING FROM SGT. LAMB, SGT. MCCORD, OFFICER BREWER, AND MYSELF TO NOT SALE MERCHANDISE WITHOUT A PERMIT.

THOMAS DUKETTE WAS PLACED UNDER ARREST AND OFFICER BREWER CAME TO MY LOCATION AND TOOK HIS BELONGINGS TO HIS VEHICLE WHICH WAS ALSO ILLEGALLY PARKED.

WHILE EN ROUTE TO SANTA FE ADULT DETENTION CENTER THOMAS DUKETTE ADVISED ME HE HAS A TWO YEAR OLD CHILD AND THAT IS WHY HE IS ATTEMPTING TO SALE HIS MERCHANDISE.

THOMAS WAS TAKEN TO SANTA FE ADULT DETENTION CENTER WITHOUT INCIDENT.

PENALTY OF IMPRISONMENT TO MAKE FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Agency(if any) SANTA FE POLICE DEPARTMENT

Approved _____

[As amended, approved by the Supreme Court of New Mexico, effective September 1, 1990; April 1, 1991; November 1, 1991.]

(For use only if the defendant has been arrested without a warrant and has not been released)

☐ I find that there is awritten showing of probable cause to believe that a crime has been committed and that the above named defendant committed it.

☐ on the conditions of release set forth in the release order.

☐ I find that probable cause has not been shown that a crime has been committed and that the above named defendant committed it. It is therefore ordered that the complaint against the defendant be and the same is hereby dismissed without prejudice and the defendant be immediately discharged from custody.

Judge

Approved by the Supreme Court of New Mexico, effective September 1, 1990.]

CITY OF SANTA FE, NEW MEXICO STREET PERFORMER (BUSKER) ORDINANCE

23-8 STREET PERFORMERS ON PUBLIC PROPERTY.

23-8.1 Legislative Findings. The governing body of the city of Santa Fe finds that:

A. Street performers enhance the character of the city of Santa Fe; and

B. Street performers are professional entertainers whose livelihood comes from gratuities received; and

C. Street performers have a right to perform on public property; and

D. Street performers gather crowds who are entertained by their widely varied and creative performances; and

E. At some locations that street performers choose to entertain there is not enough room for a crowd, therefore, public safety matters occur because sidewalks, passageways, streets or entrances to buildings are blocked; and

F. Conflicts among street performers, between street performers and local businesses and sponsors of permitted events often arise because of the proximity of the street performers to other street performers, local businesses, or permitted events; and

G. Conflicts occur because the sound level of a street performance may interfere with other street performances, business dealings or other permitted events; and

H. In order to facilitate and encourage street performers, there is a need to establish regulation and licensing standards for street performers related to the times and public locations for street performances, distance requirements, public safety and compliance with current ordinances.

(Ord. #2009-50, §2)

23-8.2 Purpose. The purpose of this section is to ensure the ability of street performers to perform in public spaces and to promote harmony among street performers, local businesses, permitted event sponsors, residents and visitors to Santa Fe by:

A. Addressing public safety concerns; and

B. Balancing the interests of the street performers with those of the local businesses, permitted event sponsor, residents and visitors to Santa Fe; and

C. Establishing regulation and licensing standards for street performers.

(Ord. #2009-50, §3)

23-8.3 Definitions. As used in this section:

Perform or performance means entertainment such as, but not limited to reciting or singing, acting, dancing, miming, pantomiming, playing a musical instrument or performing a theatrical or literary work.

Street performer means an individual who performs, as defined herein, on public property within the city of Santa Fe.

(Ord. #2009-50, §4)

23-8.4 Business License Required.

A. Street performers shall be required to obtain a city

business license in accordance with Section 18-1 SFCC 1987, which may be applied for each calendar year. The business license shall expressly state the type of performance the street performer will be performing.

B. Only one (1) member of a street performer group is required to obtain a business license, unless a member or members of the group also perform individually, then that member or those members shall be required to obtain an individual business license.

C. Street performers shall pay license fees in accordance with subsection 18-8.10 SFCC 1987.

D. At all times street performers shall have available the performer's city-issued business license and proof of identification for review by the city.

(Ord. #2009-50, §5, Ord. #2014-19, §1)

23-8.5 Regulations. Street performers may perform on public property within the city of Santa Fe but shall comply with the following regulations.

A. Street performers shall not block, or cause the blocking of any sidewalk, passageway, street, or entrance to a building.

B. Street performers may accept contributions of money or property at their performance, in exchange for representations of their own work, except that street performers shall not exchange any type of food product or vegetation, on public property. Street performers shall not sell goods or wares on public property at a fixed price except for audio or vide recordings.

C. Street performers shall not perform on private property unless permission is granted from the property owner.

D. Street performers shall not infringe on events for which a city permit has been issued so as not to detract from the stated purpose of the permit including, but not limited to, Indian Market, Spanish Market, Fiesta Arts and Crafts, Fiesta and midday or evening performances at the bandstand on the Plaza. Any performance at such events shall only be with the written permission of the sponsor.

E. Use of fire, spray paint or aerosol in performances is prohibited.

F. Street performers shall stay at least fifty feet (50') away from other street performers, Plaza Park artist/artisan vendors and Plaza pushcart vendors.

G. Street performers shall not be plainly audible fifty feet (50') away from the performance site. A street performer may use amplification, but within the Plaza boundaries may only do so between the hours of 1:00 p.m. and 3:00 p.m. daily. A street performer may not use public power sources or portable generators.

H. Street performers shall not remain at any one location longer than two (2) hours and then shall move at least one hundred feet (100') away from that location and shall not return to that location for two (2) hours. If the location is within the Plaza boundaries, the street performer shall move off the Plaza.

I. Street performers shall not perform on the Plaza



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 5, 2015 – 5:00 P.M.

38. Administrative Hearing on Staff's Request to Revoke the Street Performer License Issued to Thomas Dukette. (Zachary Shandler)

A. Action by Finance Committee on Whether Mr. Dukette has Shown Cause Why His License Should Not be Revoked

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3839. MATTERS FROM THE COMMITTEE

3940. 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.



City of Santa Fe

Buskers Application

(505)955-6551 FAX (505)955-6401

ALL INFORMATION ON THIS FORM IS REQUIRED TO BE COMPLETED BY APPLICANT

Applicant's Name: Thomas Duke
Band/group/individual Name: White horse Sage Music/Poe
Mailing Address: 559 onate St NM 87501
Street City State Zip Code

Secondary Address: _____
Physical address required / Street City State Zip Code

Social Security #: 562-06-XXXX Driver's License #: _____

Home Phone: _____ Other Phone #: _____

Type of entertainment: Poetry/Music/Sales/CD's

IF MORE THAN ONE PERSON IS TO USE ONE LICENSE, SUCH AS A BAND EACH MEMBER IS REQUIRED TO SIGN BOTH THIS APPLICATION AND THE BUSKERS GUIDELINE.

CRS GROSS RECEIPTS TAX NUMBER IS REQUIRED TO CONDUCT SALES IN THE CITY OF SANTA FE.

IF YOU DO NOT HAVE A CRS GROSS RECEIPT TAX I.D. NUMBER, CONTACT TAXATION AND REVENUE AT (505) 827-0951.

BY SIGNING THIS APPLICATION YOU AGREE TO FILE AND PAY APPLICABLE GROSS RECEIPTS TAXES ON RECEIPTS FROM THE MARKET/EVENT YOU PARTICIPATE IN WITH THE CITY OF SANTA FE PURSUANT TO 23-5.2 (L) PLAZA USES: EVENTS

Prior City License: ☐ NO ☒ YES, if yes, enter prior license #: _____

CRS I.D. #: _____ (required if sales are conducted)

CONTACT PERSON: _____ PHONE #: _____

TITLE: _____ DATE: _____

SIGNATURE(S):

* The gross receipts tax is a tax imposed by the state of New Mexico on person engaged in business in New Mexico for the privilege of doing business in New Mexico.

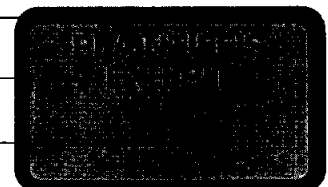
FOR OFFICE USE ONLY

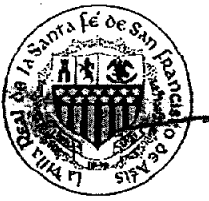
FIN051.indd 05/2014

Control #: _____ Amount \$ 35.-

Receipt #: 57270 Date: _____

License #: _____ Code: _____





CITY OF SANTA FE STREET PERFORMER (BUSKER) GUIDELINES

As a licensed street performer in the City of Santa Fe, I hereby agree to adhere to and abide by the following regulations:
(Please check in the box to indicate you have read and understand each item)

Street performers may perform on public property within the city of Santa Fe but must comply with the following regulations.

- ☒ I will display my performer's business license and have proof of identification on my person for review by the City.
- ☒ I will not block, or cause the blocking of any sidewalk, passageway, street, or entrance to a building.
- ☒ I understand that I may accept contributions of money or property at my performance, in exchange for representations of my own work, and I will not exchange any type of food product or vegetation, on public property. I also will not sell goods or wares on public property at a fixed price except for audio or video recordings.
- ☒ I will not perform on private property unless permission is granted by the property owner.
- ☒ I will not infringe on events for which a city permit has been issued so as not to detract from the stated purpose of the permit including, but not limited to, Indian Market, Spanish Market, Fiesta Arts and Crafts, Fiesta and midday or evening performances at the bandstand on the Plaza. I understand that performance at such events shall only be with the written permission of the sponsor.
- ☒ I understand the use of a bicycle, unicycle, fire, spray paint or aerosol in performances is prohibited.
- ☒ I will stay at least fifty feet (50') away from other street performers, Plaza Park artist/artisan vendors and Plaza pushcart vendors.
- ☒ I agree not be plainly audible fifty feet (50') away from the performance site. I also understand I may only use amplification within the Plaza boundaries between the hours of 1:00 p.m. and 3:00 p.m. daily. I further agree not use public power sources or portable generators.
- ☒ I agree not to remain at any one location longer than two (2) hours and agree to move at least one hundred feet (100') away from that location and agree not to return to that location for two (2) hours. I understand if the location is within the Plaza boundaries, I must move off the Plaza boundaries.
- ☒ I agree to perform no earlier than 8:00 a.m. and no later than 11:00 p.m. Sunday through Thursday and 1:00 a.m. on Friday and Saturday nights except at city parks and recreation areas, where the curfew is 10:00 p.m., Sunday through Saturday, in accordance with subsection 16-13.6 SFCC 1987.

I have read and understand the above regulations and have received a copy of the Street Performers (Buskers) Ordinance and an instructional Street Performer (Busker) brochure.

Printed Name

Signature

Dated:

May 14 2014

OL111U01

City of Santa Fe *LIVE*
License File Changes - General Information5/27/14
13:22:03

Type information, press Enter.

Business control 57270

Business name & address

THOMAS DUKETTE

LINCOLN AVE

SANTA FE

NM 87501

License number 14 00125805 Rnw/trh date/nbr : 0/00/00 00.00000000

Appl, issue, expir 51414 51414 123114

License status (F4) AC ACTIVE

Classification (F4) 001BUSK SANTA FE BUSKERS LICENSE

Exemption (F4)

License comments POETRY MUSIC NO SALES

License restrictions

Gross receipts

Reprint this license . N Y=Yes, N=No

Additional charges . . N * Y=Yes, N=No

Extra requirements . . N * Y=Yes, N=No

Last activity:

Created: 05/14/14 by DAVIDTAPIA

Mailing address

555 OCATE

SANTA FE

NM 87501

Miscellaneous . . . N * Y=Yes, N=No

Sub codes N Y=Yes, N=No

More...

F3=Exit F5=Code description F9=Applicant/Qualifier

F10=Business maintenance F12=Cancel

F24=More keys

PLEASE ANSWER THE FOLLOWING IN ORDER TO BEST PROCESS YOUR BUSINESS LICENCE**Has There Been Any Change in Ownership? YES NO****If Yes Please Update** _____**Has Your Business/Mailing Address Changed? YES NO****If Yes Please Update** _____**Has Your CRS Number Changed? YES NO****If Yes Please Update** _____**If You Are a Contractor Please Update Your Current Contractors License:****LICENSE NUMBER** _____ **EXPIRATION DATE** _____**INCLUDE A COPY OF YOUR CONTRACTORS LICENSE**

A separate business registration/license application form should be completed for each business location. A business registration is required under City of Santa Fe ordinance 1993-19 and N.M. statutes section 3-38-2, NMSA 1978.

New businesses must submit payment prior to engaging in business. The business registration/license fee cannot be prorated. By signing this application you agree to file and pay applicable gross receipts taxes on receipts from the special events you participate in with the City of Santa Fe pursuant to §23-5.2 (1) Plaza Uses; Events; Allowed Uses

By signing this application I attest and affirm that I have complied with the City of Santa Fe's Smoke Free Ordinance (Section 10-6 SFCC 1987) by adopting a written smoking policy.

Signature _____**Receipt#** _____



CRIMINAL COMPLAINT

STATE OF NEW MEXICO

NO. 14-015597

SANTA FE COUNTY

SANTA FE CITY

N THE MUNICIPAL COURT

-- VS --

Name: DUKETTE THOMASAddress: 559 ONATE PLACECity/Zip: SANTA FE NM 87505

D.O.B.: _____

S.S.N. _____

STN #:

Arrest Date: 11/06/2014

Driver Lic. #:

Citation #:

Arrest #:

Docket #:

Date Filed: 11/06/2014

CRIME:

(Common name of Offense or Offenses)

The undersigned, under penalty of perjury, complains and says that on or about 11/06/2014, In the County/City of SANTA FE, State of New Mexico, the above named Defendant(s) did:

Contrary to Section 16-13.1

NMSA 1978.

Offense, Desc: DISORDERLY CONDUCTContrary to Section 23-8.7

NMSA 1978.

Offense, Desc: CRIMINAL ENFORCEMENTS

ON THURSDAY, NOVEMBER 06, 2014 AT APPROXIMATELY 1032 HOURS I WAS IN FULL UNIFORM, DISPLAYING BADGE OF OFFICE, IN A MARKED UNIT WAS DISPATCHED TO 121 DON GASPAR (PASQUALS RESTAURANT) REFERENCE A MALE VENDING IN FRONT OF THE BUSINESS ON THE SIDEWALK. REPORTING PARTY DAVID CULSON ADVISED A MALE IS VENDING ON THE SIDEWALK IN FRONT OF THE BUSINESS AND IS NOT SURE IF HE SHOULD BE VENDING.

UPON ARRIVAL I NOTICED A TABLE WITH A BUCKET OF SAGE ON THE TABLE. I ALSO NOTICED A BROOM AND PINK YARN LAYING NEXT TO THE TABLE. I GOT OUT OF MY UNIT AND WAS UNABLE TO LOCATE THE OWNER OF THE TABLE AND THE MISCELLANEOUS BELONGINGS. I THEN GRABBED THE BELONGINGS AND PLACED THEM IN THE BACK SEAT OF MY UNIT DUE TO NO OWNER AND IT WAS BLOCKING THE SIDEWALK INTO THE BUSINESSES AND WALKING AREA. ONCE THE BELONGINGS WERE IN MY UNIT I ASKED A FEW MALES WHO WERE SITTING IN THE NEAR AREA WHO STUFF THIS WAS. THEY ADVISED ME IT WAS THOMAS DUKETTES. ONE MALE ADVISED ME THAT THOMAS DUKETTE SAW ME DRIVE UP AND HE RAN AWAY.

WHILE I LEFT THE AREA SANTA FE DISPATCH ADVISED A MALE IS CALLING FOR HIS STUFF. I ADVISED I WILL BE EN ROUTE TO THE LOCATION WHERE I FOUND IT. UNDERCOVER OFFICER ELIZABETH BREWER NOTICED THOMAS DUKETTE STANDING IN THE AREA WHERE THE TABLE WAS. I ADVISED OFFICER BREWER I WAS BACK EN ROUTE TO THAT LOCATION AND ONCE I TURNED NORTH ON DON GASPAR FROM ALAMEDA I NOTICED THOMAS HAD MORE SAGE ON HIS PERSON. I ALSO NOTICED THOMAS ASK A FEMALE IF SHE WANTED SAGE.

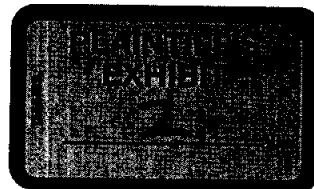
I HIT MY SIREN BUTTON ON MY UNIT TO GET THOMAS'S ATTENTION WHICH I DID AND HE WALKED OVER TO MY UNIT. I ADVISED THOMAS ABOUT THE SITUATION AT HAND AND WHY I TOOK HIS BELONGINGS. OFFICER BREWER ADVISED ME OVER THE RADIO THAT SHE NOTICED THOMAS ATTEMPTED TO SALE SAGE TO THREE DIFFERENT PEOPLE WITHOUT A BUSKERS PERMIT.

I ASKED THOMAS FOR HIS BUSKERS PERMIT AND HE ADVISED IT WAS NOT HIM. I ADVISED THOMAS HE HAS RECEIVED MULTIPLE WARNING FROM SGT. LAMB, SGT. MCCORD, OFFICER BREWER, AND MYSELF TO NOT SALE MERCHANDISE WITHOUT A PERMIT.

THOMAS DUKETTE WAS PLACED UNDER ARREST AND OFFICER BREWER CAME TO MY LOCATION AND TOOK HIS BELONGINGS TO HIS VEHICLE WHICH WAS ALSO ILLEGALLY PARKED.

WHILE EN ROUTE TO SANTA FE ADULT DETENTION CENTER THOMAS DUKETTE ADVISED ME HE HAS A TWO YEAR OLD CHILD AND THAT IS WHY HE IS ATTEMPTING TO SALE HIS MERCHANDISE.

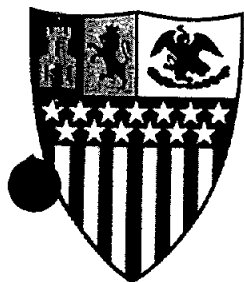
THOMAS WAS TAKEN TO SANTA FE ADULT DETENTION CENTER WITHOUT INCIDENT.



Complainant
Title(if any) **1106**
Agency(if any) **SANTA FE POLICE DEPARTMENT**

Approved _____

[Approved by the Supreme Court of New Mexico, effective September 1, 1990.]



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

Javier M. Gonzales, Mayor

Councilors:

Peter N. Ives, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Signe I. Lindell, Dist. 1

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

November 25, 2014

Thomas Dukette
555 Onate Place
Santa Fe, NM 87505

Via Certified Mail

Article No. 7013 0600 0000 5925 2631
& First Class Mail

Thomas Dukette
559 Onate Place
Santa Fe, NM 87505

Via Certified Mail

Article No. 7013 0600 0000 5925 2648
& First Class Mail

Re: Street Performer Ordinance Violation

Dear Mr. Dukette:

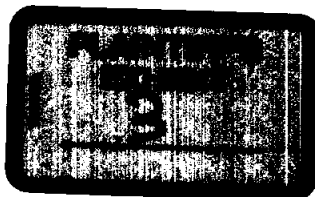
City of Santa Fe officials received a copy of a criminal complaint filed against you for actions taken on November 6, 2014. We have enclosed a copy for your review. The purpose of this letter is to notify you of the municipal code violations. These violations are listed below:

VIOLATION(S)

The current use of the above activity is in violation of the following sections of the City of Santa Fe Municipal Code:

- | | |
|---------------|--|
| SFCC 23-8.4D | At all times street performers shall have available the performer's city-issued business license and proof of identification for review by the city. |
| SFCC 23-8.5A: | Street performers shall not block, or cause the blocking of any sidewalk, passageway, street, or entrance to a building. |
| SFCC 23-8.5B: | Street performers shall not exchange any type of food product or vegetation on public property. |
| SFCC 23-8.5B: | Street performers shall not sell goods or wares on public property at a fixed price except for audio or video recordings. |

Santa Fe Police Department officials are prepared to testify that you have been given multiple warnings under the street performer ordinance. You have not corrected these violations.



You will have the opportunity to have a hearing on these allegations at the:

City Finance Committee Meeting
Monday, January 5, 2015
5:00 pm
City Council Chambers
200 Lincoln Avenue¹

You may appear (or may retain legal counsel) at the hearing and may present evidence and call witnesses to show cause why your street performer license should not be revoked. The City Attorney's Office and Police Department will also be able to present evidence and call witnesses.

The Finance Committee has the power to issue a cease and desist order revoking your street performer license if you fail to prove why your street performer license should not be revoked (or fail to attend the hearing). This cease and desist order shall prevent you from performing on public property for a period of one (1) year from the date of the hearing.

Please note, if you are aggrieved by the Finance Committee's decision, you may submit a written petition to the City Council for an appeal. The written petition for an appeal must be filed with the City Clerk's Office within thirty (30) days of the date of the Finance Committee's action and must specify the grounds for your appeal (i.e. where the Finance Committee erred in its decision).

As a street performer licensee, you are responsible for following City Code requirements. Please contact the City Attorney's Office (955-6303) with any questions on this matter.

Sincerely,


Teresita Garcia
Assistant Finance Director

enclosure

¹ If you do not cease in the above-stated activities within fifteen (15) days of receiving this notice, "the street performer shall surrender his business license to the [Santa Fe] finance director and the license shall be placed in suspension until a hearing is held before the finance committee."

PS Form 3800, August 2005
See Reverse for Instructions

Sent to: Santa Fe, NM 87505
City, State, ZIP+4
559 Onate Place
Street, Apt. No., or PO Box No.

Total Postage & Fees \$ 6.40
Postage 3.30
Certified Fee 1.00
Return Receipt Fee 1.00
Restricted Delivery Fee 1.00
Endorsement Required (Endorsement Required)

Postmark Here
11/25/2014

OFFICIAL USE
For delivery information visit our website at www.usps.com
(Domestic Mail Only; No Insurance Coverage Provided)

August 2005
See Reverse for Instructions

Sent to: Santa Fe, NM 87505
City, State, ZIP+4
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OFFICIAL USE
For delivery information visit our website at www.usps.com
(Domestic Mail Only; No Insurance Coverage Provided)

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, 87504-0909



1700



U.S. POST

ZIP 8750
02 1W
0001384

Thomas Dukette

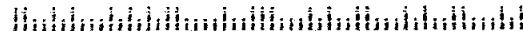
559 Onate Place
Santa Fe, NM 87505

871 82 1009 2212

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

8C: 87504090909 *0268-0347

87501#38460222



**CITY OF SANTA FE
FINANCE COMMITTEE**

Thomas Dukette

Respondent

Street Performer License No. 14-00125805

STREET PERFORMER CEASE AND DESIST ORDER

THIS MATTER came before the City of Santa Fe's Finance Committee upon request of City Attorney's Office for the Respondent to show cause whether the Respondent has complied with Street Performer Ordinance, SFCC 1987, Section 23-8 . The Finance Committee being advised in the premises finds grounds to issue a Street Performer Cease and Desist Order for the following reasons:

Findings of Fact

1. On or about May 14, 2014, Mr. Thomas Dukette applied for and received a 2014 Street Performer License. See Exhibit #1.
2. Mr. Dukette listed his address at 559 Onate, Santa Fe, NM 87501. See Exhibit #1, p.2 .
3. His License Number is No. 14-00125805. See Exhibit #1, p. 3.
4. The Street Performer Application reads: "I understand that I may accept contributions of money or property at my performance, in exchange for representations of my own work, and I will not exchange any type of food product or vegetation, on public property. I also will not sell goods or wares on public property at a fixed price except for audio or video recordings." See Exhibit #1, p. 2.
5. The Street Performer Application reads: "I will display my performer's business license and have proof of identification on my person for review by the City." See Exhibit #1, p. 2.

6. The Street Performer Application reads: "I will not block, or cause the blocking of any sidewalk, passageway, street, or entrance to a building." See Exhibit #1, p. 2.
7. Mr. Dukette checked these boxes on his application. See Exhibit #1, p.2.
8. Mr. Dukette signed the application. See Exhibit #1, p. 2
9. The License Comments, which appear on the license, state: "Poetry Music No Sales." See Exhibit #1, p.3.
10. On or about November 6, 2014, Mr. Dukette attempted to sell sage to persons near Don Gaspar Avenue, Santa Fe, New Mexico. See Exhibit #2.
11. Mr. Dukette was also using a table on the sidewalk to conduct his sales. See Exhibit #2.
12. Mr. Dukette did not have Street Performer License No. 14-00125805 on his person. See Exhibit #2.
13. On or about November 25, 2014, Mr. Dukette was sent a "Violation" letter by certified mail and first class mail to 559 Onate Place. See Exhibit #3.
14. This letter advised him that he would have an opportunity to attend the January 5, 2015 City Finance Committee Meeting at City Council Chambers to address these violations.
15. This letter advised him that he could present evidence and could provide witnesses and show cause why his street performer license should not be revoked.
16. This letter advised him that the Committee had the power to revoke his license and issue a cease and desist order that would bar him from receiving a new license for a one (1) year period.
17. Mr. Dukette did not attend the hearing.

Conclusions of Law

1. The City of Santa Fe has jurisdiction over street performers who obtain licensure in the City of Santa Fe under its Street Performer (Busker) Ordinance. See SFCC 1987, § 23-8.4
2. The street performer license “may be applied for each calendar year.” See SFCC 1987, § 23-8.4(A).
3. The City of Santa Fe has jurisdiction over Mr. Dukette and Street Performer License No. 14-00125805.
4. The Street Performer Ordinance states street performers “shall not block, or cause the blocking of any sidewalk, passageway, street, or entrance to a building.” See SFCC 1987, § 23-8.5(A).
5. Based on Findings of Fact #6, 7, 8 & 11, Mr. Dukette violated this provision.
6. The Street Performance Ordinance states a street performer “may accept contributions of money or property at their performance, in exchange for representations of their own work, except that street performers shall not exchange any type of food product or vegetation, on public property.” See SFCC 1987, § 23-8.5(B).
7. Based on Findings of Fact #4, 7, 8 & 10, Mr. Dukette violated this provision.
8. The Street Performance Ordinance states a street performer “shall not sell goods or wares on public property at a fixed price except for audio or video recordings.” See SFCC 1987, § 23-8.5(B).
9. Based on Findings of Fact # 4, 7, 8 & 10, Mr. Dukette violated this provision.

10. The Street Performer Ordinance states a street performer shall at all times “have available the performer’s city-issued business license and proof of identification for review by the city.” See SFCC 1987, § 23-8.4(D).

11. Based on Findings of Fact #5, 7, 8 & 12, Mr. Dukette violated this provision.

12. The Street Performer Ordinance provides a notice process for any administrative enforcement action. See SFCC 1987, § 23-8.7(B).

13. Based on Findings of Fact #13-16, City staff provided notice process for the administrative action for events that occurred in 2014.

ORDER

Mr. Dukette has failed to show cause why his license should be maintained:

- a. Street Performer License No. 14-00125805 is revoked.
- b. Mr. Dukette shall not apply and receive a Santa Fe Street Performer License for one (1) year from the date of this hearing, which is until January 5, 2016.
- c. Mr. Dukette may appeal this decision in writing to the Governing Body within thirty (30) days.

Councilor Carmichael Dominguez
Chairperson

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Zachary Shandler
Assistant City Attorney

Date:

CITY OF SANTA FE
FISCAL YEAR-TO-DATE FINANCIAL PERFORMANCE
REPORT

As of September 30, 2014

Presented to the Mayor and City Council

January 14, 2015

Exhibit "4"

FINANCIAL PERFORMANCE REPORT: SEPTEMBER 2014

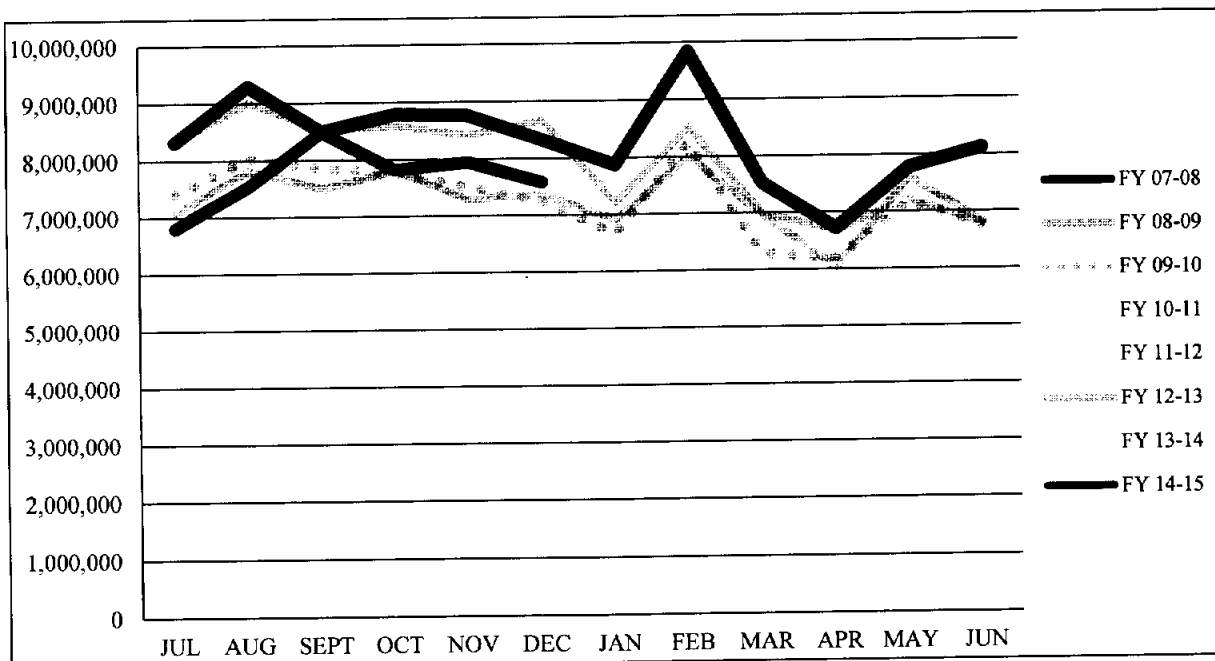
The following report is a summary of financial results for the City. It provides summarized information on how the City's financial sources and uses have performed to date by major categories. Significant financial developments and budget variances are highlighted and explained. The report also includes a projection of revenues and expenditures to the end of the fiscal year based on the rate of activity already realized.

Finance Director's Highlights

At the end of the first quarter, the City's financial performance appears to be on course with the FY 2014-2014 Budget Plan. Expenditures are occurring within the limits authorized by the City Council, and revenues are coming in at the expected levels. The experience year-to-date has brought no major development that would indicate a significant unanticipated shortfall. Looking forward, there are a number of points that staff will be monitoring:

- Prior year General Fund obligations and escrows continued from FY 2013-2014 amounted to \$3,079,917. This amount is reported as cash, but it is already committed and unavailable to be spent in the current fiscal year exercise. After accounting for this amount, the resulting ending balance exceeds the state-mandated 30-day or 1/12 minimum reserve by \$89,046, or less than 0.1%.
- Revenue figures show a significant increase above budgeted projections in the early months of FY 2014-2015 (August & September) due to the General Obligation bond issue that had not been incorporated in the original FY 2014-2015 budget.
- Gross Receipts Tax, the largest revenue source overall and the General Fund's primary support, is projected to come in within 1% of budget. This continues a clear pattern of a significantly lower monthly stream for this revenue source in comparison to pre-recession levels, after correcting for inflation. With the current GRT revenues consistently running more than a \$1 million below FY 2007-2008 each month, it appears that an important structural change has taken place with this critical revenue source. See chart below.

Y-T-D Gross Receipts Tax Revenue Comparison with Prior Years:
\$'s on 2014 Value Basis (Corrected at 1.7% Average Annual Inflation)



FINANCIAL PERFORMANCE REPORT: SEPTEMBER 2014

ALL FUNDS - OPERATING BUDGET SUMMARY & PROJECTIONS

DESCRIPTION	FISCAL YEAR 2013/2014 ACTUAL	FISCAL YEAR 2014/2015				
		APPROVED BUDGET	AMENDED BUDGET	YEAR TO DATE*	PROJECTED YEAR-END	PROJECTED VARIANCE
BEGINNING BALANCE	155,378,212	146,227,772	146,227,772	146,227,772	146,227,772	
<i>Revenues:</i>						
Gross Receipts Tax	95,725,848	97,244,078	97,244,078	41,946,686	96,288,652	-1%
Property Tax	9,251,086	8,225,005	9,595,713	367,808	9,743,299	2%
Lodgers' Tax	8,376,475	8,000,000	8,000,000	5,006,357	8,582,459	7%
Other Taxes	4,938,789	5,116,152	5,116,152	1,374,451	6,266,089	22%
Licenses & Permits	2,378,207	2,641,500	2,641,500	1,027,019	2,428,243	-8%
Ambulance Fees	3,511,498	2,000,000	2,000,000	682,574	1,246,554	-38%
Insurance Premiums	24,993,908	27,522,846	27,522,846	12,054,974	27,218,818	-1%
Parking Fees	3,927,368	4,392,963	4,392,963	1,900,212	3,908,761	-11%
Recreation Fees	3,247,009	3,356,843	3,356,843	1,288,594	3,062,993	-9%
Solid Waste Fees	18,034,108	18,206,951	18,206,951	6,781,314	17,107,573	-6%
Wastewater Fees	11,000,820	11,327,400	11,327,400	4,285,149	11,476,558	1%
Water Fees	34,511,650	38,365,611	38,398,472	14,982,499	38,472,669	0%
Other Fees/Services	22,239,989	15,713,920	15,677,911	6,369,525	16,379,963	4%
Fines & Forfeitures	1,724,194	2,002,350	2,002,350	582,893	1,391,095	-31%
Miscellaneous Revenues	17,788,118	5,654,898	15,202,834	30,255,813	33,578,484	121%
Interest on Investments	977,130	776,013	776,013	278,874	822,326	6%
State Grants	2,906,658	5,757,225	2,765,265	1,478,346	2,765,265	0%
Federal Grants	6,157,366	3,975,232	5,747,083	4,099,023	5,747,083	0%
SF County/Other Grants	2,759,589	6,120,514	6,889,136	5	6,889,136	0%
Transfers In	60,913,862	54,230,413	62,439,169	27,392,102	62,439,169	0%
Subtotal - Revenues	335,363,675	320,629,914	339,302,679	162,154,219	355,815,188	5%
TOTAL RESOURCES	490,741,887	466,857,686	485,530,451	308,381,990	502,042,960	
<i>Expenditures:</i>						
Salaries	69,868,698	74,322,442	74,047,546	28,324,078	71,823,088	-3%
Benefits	34,421,888	36,901,786	35,832,650	14,997,542	34,527,702	-4%
Contractual Services	20,956,652	22,768,812	25,923,366	15,506,959	19,015,362	-27%
Utilities	11,164,646	13,415,660	11,807,807	8,283,385	10,448,275	-12%
Repairs & Maintenance	4,115,112	5,836,753	5,601,907	3,193,779	4,333,020	-23%
Supplies	8,318,764	10,138,885	10,115,684	4,960,405	8,091,412	-20%
Insurance	28,167,219	32,355,629	32,308,399	14,379,663	29,044,960	-10%
Other Operating	21,503,186	18,605,477	19,143,858	9,557,819	17,462,108	-9%
Capital Purchases	5,683,446	8,654,024	14,200,932	12,060,075	10,988,442	-23%
Land & Building	11,976,090	8,900	1,142,295	662,770	936,558	-18%
Debt Service-Principal	22,943,220	20,291,015	20,291,015	1,949,000	20,291,015	0%
Debt Service-Interest	16,854,003	16,248,036	16,248,036	8,251,048	16,248,036	0%
Transfers Out	88,541,191	66,598,203	99,606,261	34,226,121	99,606,261	0%
TOTAL EXPENDITURES	344,514,115	326,145,622	366,269,756	156,352,643	342,816,239	-6%
ENDING BALANCE	146,227,772	140,712,064	119,260,695	152,029,347	159,226,721	

*includes year-to-date actuals plus encumbrances; excludes CIP funds

FINANCIAL PERFORMANCE REPORT: SEPTEMBER 2014

GENERAL FUND SUMMARY

DESCRIPTION	FISCAL YEAR	FISCAL YEAR 2014/2015				
	2013/2014 ACTUAL	APPROVED BUDGET	AMENDED BUDGET	YEAR TO DATE*	PROJECTED YEAR-END	PROJECTED VARIANCE
BEGINNING BALANCE	8,121,688	9,305,512	9,305,512	9,305,512	9,305,512	
<i>Revenues:</i>						
Gross Receipts Tax	52,621,883	53,836,678	53,836,678	22,991,516	53,076,545	-1.41%
Property Tax	3,288,358	3,262,577	3,464,591	136,546	3,617,122	4.40%
Franchise Tax	2,873,554	3,145,000	3,145,000	533,652	3,739,502	18.90%
Other Taxes	468,660	490,000	490,000	210,166	639,731	30.56%
Licenses & Permits	2,346,669	2,628,000	2,628,000	1,012,836	2,389,702	-9.07%
Ambulance Fees	3,511,498	2,000,000	2,000,000	682,574	1,246,554	-37.67%
Planning/Land Use Fees	207,451	271,400	203,900	81,225	193,869	-4.92%
Recreation Fees	467,169	490,000	490,000	176,213	416,264	-15.05%
Reimbursed Expenditures	5,944,541	5,397,995	5,397,995	2,629,383	5,397,995	0.00%
Other Fees/Services	206,804	235,800	235,800	56,208	174,379	-26.05%
Fines & Forfeitures	506,527	544,700	544,700	205,007	521,929	-4.18%
Miscellaneous Revenues	62,904	149,000	149,000	19,898	114,794	-22.96%
Interest on Investments	49,918	29,038	29,038	13,344	39,347	35.50%
State/Other Grants	73,578	-	79,625	29,759	78,030	-2.00%
Transfers In	3,155,921	3,291,762	4,141,762	1,695,881	4,141,762	0.00%
Subtotal - Revenues	75,785,437	75,771,950	76,836,089	30,474,209	75,787,524	-1.36%
TOTAL RESOURCES	83,907,125	85,077,462	86,141,601	39,779,721	85,093,036	
<i>Expenditures:</i>						
Housing & Community						
Development Department	1,188,575	1,295,819	1,398,325	771,345	1,168,875	-16.41%
Community Services Department:						
-Administration Division	424,594	593,537	660,501	489,285	542,659	-17.84%
-Library Division	2,586,901	2,603,177	2,603,203	1,231,371	2,523,811	-3.05%
-Senior Services Division	2,224,573	2,374,548	2,374,548	1,187,486	2,374,548	0.00%
-Youth & Family Division	675,405	754,120	754,216	350,263	756,118	0.25%
Finance Department	5,551,101	3,986,326	3,992,931	1,756,005	3,806,996	-4.66%
Fire Department	14,829,280	14,614,959	15,464,959	7,126,658	15,212,416	-1.63%
General Government	5,568,378	5,547,392	5,720,467	2,570,474	5,354,776	-6.39%
Human Resources Department	834,723	831,127	831,127	425,423	877,239	5.55%
Information Technology and						
Telecommunications Department	3,198,547	3,349,676	3,418,088	1,672,446	3,218,473	-5.84%
Land Use Department	3,811,855	4,049,442	4,079,928	1,630,466	3,919,479	-3.93%
Police Department	20,392,955	22,977,918	23,067,553	9,420,215	21,511,382	-6.75%
Public Utilities Department	147,121	299,723	299,723	106,030	272,501	-9.08%
Public Works Department:						
-Administration Division	82,565	31,625	31,625	22,748	34,754	9.89%
-Facilities Maintenance Division	2,689,873	2,615,200	2,611,448	1,290,764	2,547,756	-2.44%
-Parks, Trails & Watershed Division	5,221,566	5,956,498	5,998,839	2,768,029	5,859,349	-2.33%
-Recreation Division	2,285,419	2,596,169	2,600,819	1,224,142	2,436,846	-6.30%
-Streets & Drainage Division	422,654	496,926	496,926	200,406	454,517	-8.53%
-Traffic Engineering Division	2,465,529	2,566,274	2,566,770	1,556,950	2,256,238	-12.10%
TOTAL EXPENDITURES	74,601,613	77,540,456	78,971,996	35,800,506	75,128,730	-4.87%
ENDING BALANCE	9,305,512	7,537,006	7,169,605	3,979,215	9,964,306	
City Council-Mandated Minimum						
General Fund Balance †	6,136,549	6,050,312	6,167,112		6,167,112	
General Fund Ending Balance -						
Equivalent # Days of Operation	46	38	35		52	

*includes year-to-date actuals plus encumbrances

†minimum balance defined as 1/12 budgeted annual General Fund expenditures excluding transfers (30 days)

FINANCIAL PERFORMANCE REPORT: SEPTEMBER 2014

City of Santa Fe First Quarter Cash Balance Comparisons

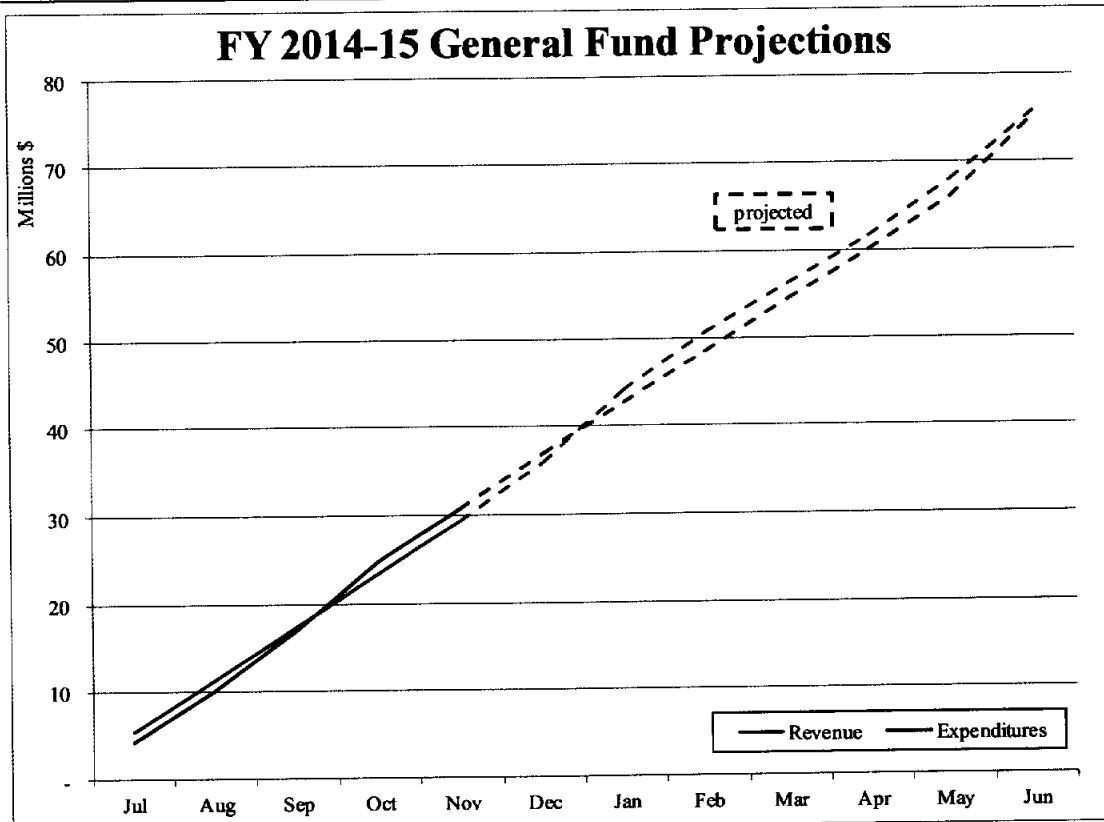
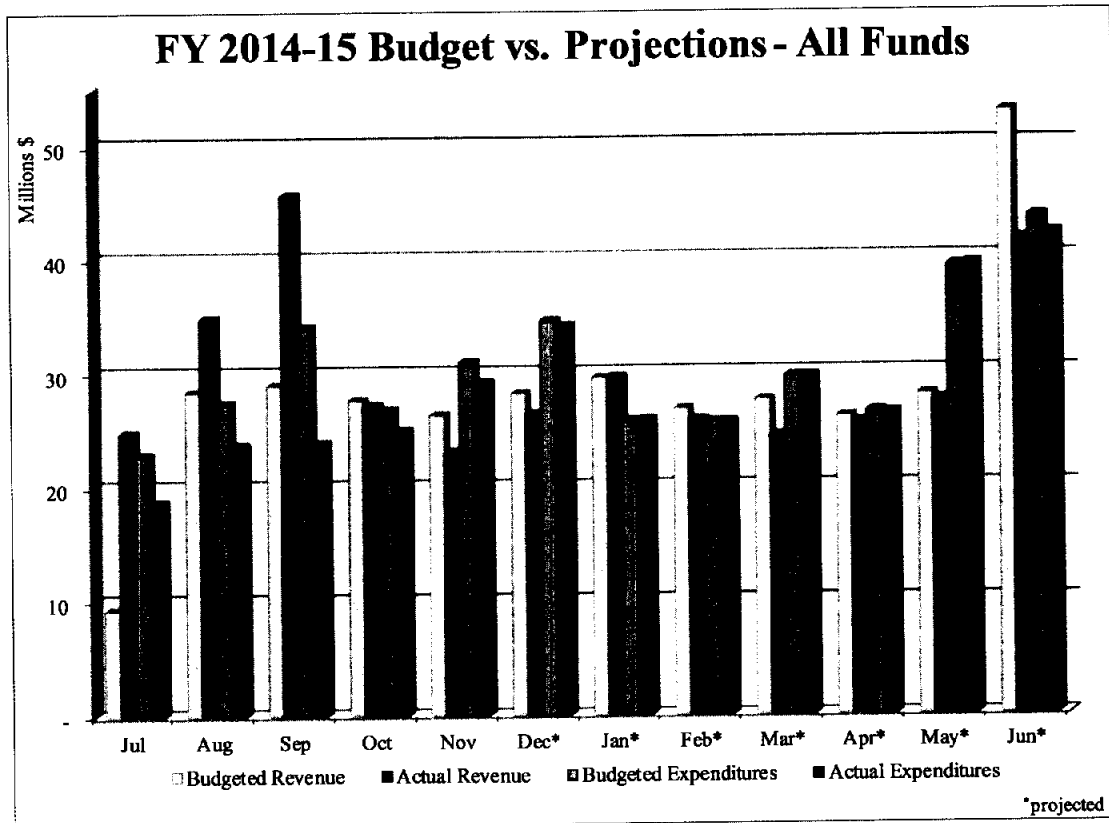
Fund Type	Type of Account	Audit Cash Balance 06-30-2014	Restricted State Mandated *minimum balance'	Restricted for Debt Payment/ Actuarial Reserve/ miscellaneous	Committed- Accts Payable & Escrows	Total Cash Available 06-30-2014	Cash Balance General Ledger 09-30-2014
Major Government Funds							
	GEN - General Fund	9,305,512	6,136,549		3,079,917	89,046	7,847,609
	GRT - 1/2% Gross Receipts Tax	2,356,377	-	0	33,574	2,322,803	2,810,957
	DBT - Debt Service Funds	5,144,335	-	3,509,669	40,015	1,594,651	29,336,830
Special Revenue Government Funds							
	General Government						
	CAP - Capital Equipment Reserve	129,598			4,352	125,246	122,286
	MTG - Mortgage Refund Residual	8,361		-	-	8,361	8,373
	FEE - Franchise Fee	1,938			8,137	(6,199)	(24,635)
	LNS - Economic Deveopment	31,962			31,275	687	(133,486)
	LDG - Lodger's Tax Funds	2,983,884			558,641	2,425,243	3,884,808
	SPL - Other Special Revenue Funds	451,541				451,541	483,387
	SFB - Santa Fe Business Incubator	32,937				32,937	32,988
	GRT - 1/2% Gross Receipts Tax	1,298,770				1,298,770	1,460,027
	CHD - Child Care Center	0				-	(1,282)
	Public Safety					-	
	ANM - Animal Services	147,189			323	146,866	153,567
	EMG - Emergency Services Funds	717,277			5,203	712,074	1,146,440
	ENV - Environmental Services	180,932			0	180,932	52,805
	LAW - Law Enforcement Grants	2,249,599			125,088	2,124,511	2,449,801
	HOS - Affordable Housing Prog	(0)				(0)	(0)
	Public Works						
	CON - Resource Conservation	1,810				1,810	1,810
	DRN - City Drainage Projects	25,736			5,110	20,626	22,766
	IFP - Impact Fee Projects	1,481,147			0	1,481,147	1,635,915
	TRN - Transportation Grants	219,406			5,315	214,091	191,362
	Community Development					-	
	COM - Community Development Gra	1,032,982			60,049	972,933	1,228,262
	SEN - Senior Grants	184,358			9,105	175,253	52,841
	Culture and Recreation					-	
	HIS - Historic Preservation Grants	157,639			-	157,639	161,697
	LIB - Library Grants	401,177	0	250,000	60,250	90,927	430,966
	NEA - NEA Grant	(77)				(77)	7,423
	PLA - Plaza Use Fund	96,162				96,162	114,186
	PUB - Public Facilities Purchases	56,262				56,262	56,349
	QUA - Quality of Life Project	141,426			7,705	133,721	169,062
	REC - Recreation Grants	846,282			121,318	724,964	755,618
	TEA - Land Development	1,572,971			0	1,572,971	1,575,045
	SRL - Special Recreation League	130,102			1,029	129,073	127,465
Total Special Revenue funds		14,581,371	0	250,000	1,002,900	13,328,471	16,038,380

FINANCIAL PERFORMANCE REPORT: SEPTEMBER 2014

Fund Type	Type of Account	Audit Cash Balance 06-30-2014	Restricted State Mandated *minimum balance'	Restricted for Debt Payment/ Actuarial Reserve/ miscellaneous	Committed- Accts Payable & Escrows	Total Cash Available 06-30-2014	Cash Balance General Ledger 09-30-2014
Capital Projects Government Funds							
	General Government						
	CIP - CIP Re-allocation	181,433			-	181,433	202,420
	CON - Resource Conservation	2,505,509			-	2,505,509	2,500,800
	RNV - Building Renovation Projects	291,283			67,815	223,468	676,619
	PRJ - Other CIP	(512,948)			-	(512,948)	(512,948)
	Public Works					-	
	ARL - Beautif. of Major Arterials	106,715			5,395	101,320	63,022
	BND - Bond Aquisition Funds	79,494			-	79,494	79,494
	DRN - City Drainage Projects	134,366			4,125	130,241	127,177
	PAV - City Paving Projects	3,831,198			391,416	3,439,782	3,282,684
	RVR - Santa Fe River Channel	32,507				32,507	32,507
	SIG - City Signalization Projects	406,011			77,670	328,341	235,285
	STR - City Street Constr. Projects	3,530,931			14,818	3,516,113	3,464,491
	WLK - City Sidewalk Projects	508,785			134	508,651	401,811
	ZIA - Zia Road Street Lighting	151,301			-	151,301	142,746
	Community Development						
	HOS - Affordable Housing Program	1,000				1,000	1,000
	PUC - Public Care Facilities	1,687,156				1,687,156	1,678,025
	Culture and Recreation						
	ART - Art for CIP Projects	339,984			17,018	322,966	302,156
	PRK - City Parks Imprvmt.	9,853,803			724,839	9,128,964	7,765,732
	SPC - Open Space Acquisition	146,307			-	146,307	246,345
	LIB - Library Grants	57,119			-	57,119	39,560
Total Capital Projects Funds		23,331,953	0	0	1,303,230	22,028,723	20,728,928
Enterprise Funds							
	WWT - Wastewater Enterprise	20,646,606	180,312	206,292	673,603	19,586,399	21,782,262
	WTR - Water Enterprise	90,334,614	-	6,017,797	2,337,114	81,979,703	98,466,559
	SLD - Solid Waste Management	6,849,406	171,616	108,990	70,505	6,498,295	6,965,540
	UTL - Utilities Administration	3,676,216	-		0	3,676,216	2,962,610
	RRL - Railyard Properties	972,392	-	118,386	104,426	749,580	1,138,619
	SWY - Santa Fe Convention Enterpr	3,126,762	-	49,366	475,489	2,601,907	4,443,330
	CSF - College of Santa Fe	2,160,852			0	2,160,852	2,738,170
	MUN - Municipal Recreation Comple	-841,334			34,132	(875,466)	(386,507)
	PAR - Parking Enterprise	1,216,488			9,932	1,206,556	1,417,689
	BUS - Transit Bus Enterprise	4,059,993			120,939	3,939,054	6,969,827
	AIR - Airport Enterprise	-92,036			119	(92,155)	(421,298)
	GCC - Genoveva Chavez Community	1,684,691			117,928	1,566,763	1,600,931
Total Enterprise Funds		133,794,650	351,928	6,500,831	3,944,187	122,997,704	147,677,731
Internal Service Funds							
	RSK - Risk Management	2,288,404		2,167,549	69,726	51,129	1,134,185
	SFH - Santa Fe Health/dental	5,776,720		2,465,974	563,959	2,746,787	4,954,761
	WRK - Workers Compensation	5,456,164		4,134,729	8,800	1,312,635	5,540,518
	SLB - AFSCME Sick Leave Bank	214,690				214,690	200,584
	FUL - Fire Union Sick Leave Bank	0				-	(7,401)
	NUL - Non Union Sick Leave Bank	0				-	(363)
	PUL - Police Union Sick Leave Bank	0				-	(1,255)
Total Internal Service Funds		13,735,978	0	8,768,252	642,485	4,325,241	11,821,030
Overall Totals		202,250,176	6,488,477	19,028,752	10,046,308	166,686,639	236,261,465

FINANCIAL PERFORMANCE REPORT: SEPTEMBER 2014

ANALYSIS



BUDGET DEVELOPMENT CALENDAR - FY 2015/16

February 2, 2015	Finance Committee kick-off work session to review the fiscal forecast and discuss/approve budget priorities and policies for preparing the operating budget
February 4, 2015	Budget preparation training (10 am–Noon; 1:00-3:00pm)--City Council Chambers
February 5, 2015	Budget preparation training (1:00-3:00pm)--City Council Chambers
<i>March 2, 2015</i>	<i>Final budget forms to Budget Office</i>
March 3 to March 24, 2015	Finance Department review, analysis and formulation of budget requests
March 25 to April 2, 2015	City Manager's review of department requests and formulation of City Manager's Budget Recommendations
*April 3 to April 24, 2015	Preparation of presentation material for Finance Committee review of City Manager's Budget Recommendations
April 27 to May 1, 2015	Finance Committee's review and consideration of City Manager's Recommendations
May 18, 2015	City Council first reading of Finance Committee proposed operating budget
May 25, 2015	CITY COUNCIL MEETING FOR ADOPTION OF FY 2015/16 OPERATING BUDGET
June 1, 2015	Submit FY 2015/16 Budget to NM Department of Finance and Administration, Local Government Division
July 1, 2015	Beginning of FY 2015/16

***NOTE:** April 4, Passover; April 3, Good Friday; April 6, Easter Monday

GRT \$'s Distributed by Sector 2008-2014

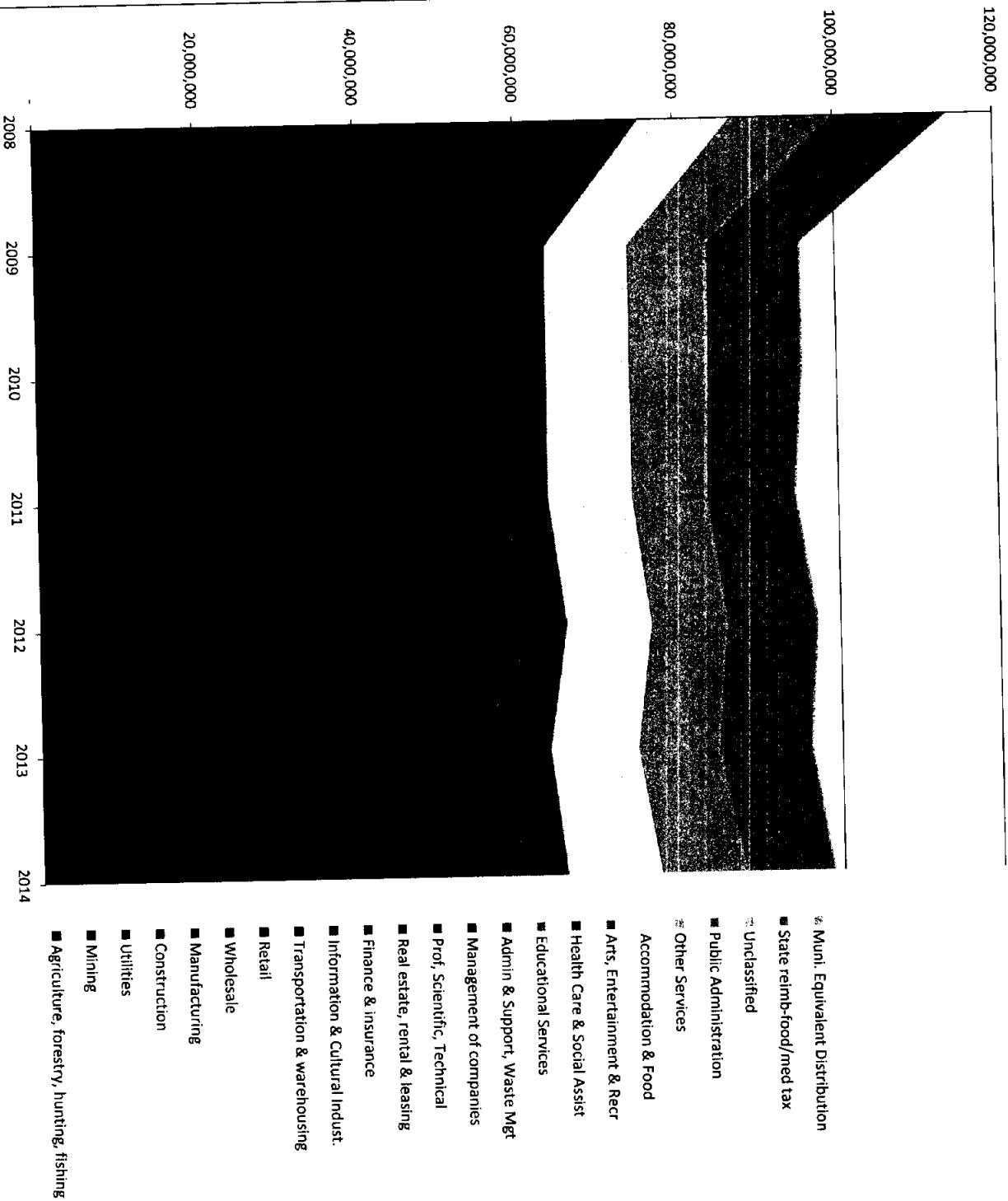


Exhibit "6"



**FINANCE COMMITTEE MEETING OF
January 5, 2015
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule

Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
	<p style="text-align: center;">A RESOLUTION DECLARING THE ELIGIBILITY AND INTENT OF THE CITY OF SANTA FE TO SUBMIT AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FEDERAL FISCAL YEAR 2016 SECTION 5310 PROGRAM FUNDS FOR ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM.</p>	<p>Public Works Committee - 1/12/15 Finance Committee - 1/20/15 City Council - 1/28/15</p>

Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DECLARING THE ELIGIBILITY AND INTENT OF THE CITY OF SANTA FE TO SUBMIT AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FEDERAL FISCAL YEAR 2016/2017 TRANSPORTATION ALTERNATIVES PROGRAM FUNDS TO COMPLETE IMPROVEMENTS AT THE DOWNTOWN TRANSIT CENTER.	Public Works Committee - 1/12/15 Finance Committee - 1/20/15 City Council - 1/28/15
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule

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

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2015-____

INTRODUCED BY:

Councilor Lindell

A RESOLUTION

**DECLARING THE ELIGIBILITY AND INTENT OF THE CITY OF SANTA FE TO
SUBMIT AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF
TRANSPORTATION FOR FEDERAL FISCAL YEAR 2016 SECTION 5310 PROGRAM
FUNDS FOR ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH
DISABILITIES PROGRAM.**

WHEREAS, the City of Santa Fe, New Mexico has the legal authority to apply for, receive
and administer federal funds; and,

WHEREAS, the City of Santa Fe is submitting an application for Federal Fiscal Year 2016
(FFY16) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program funds
in the amount of \$154,267, as set forth by the Federal legislation, Moving Ahead for Progress in the
21st Century (MAP-21); and,

WHEREAS, the vehicle procurement named in the Section 5310 application is an eligible
project under MAP-21; and,

WHEREAS, the City of Santa Fe acknowledges availability of the required local match of 20

1 percent; and

2 **WHEREAS**, when purchasing capital using a state approved price agreement, the City of
3 Santa Fe will make a check to the awarded vendor for the 20 percent local match and send the check
4 to the New Mexico Department of Transportation (NMDOT) Transit and Rail Division; and, at
5 delivery, the check is given to the vendor and NMDOT is billed for the difference; and,

6 **WHEREAS**, the City of Santa Fe agrees to pay any costs that exceed the project amount if
7 the application is selected for funding; and,

8 **WHEREAS**, the City of Santa Fe agrees to maintain all capital acquired with Section 5310
9 funds for the useable life of the project.

10 **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
11 **CITY OF SANTA FE, NEW MEXICO** that:

12 1. The City of Santa Fe authorizes staff to submit an application for FFY16 Section 5310
13 funds in the amount of \$154,267 to NMDOT on behalf of the residents of the city of Santa Fe.

14 2. That the City of Santa Fe assures the NMDOT that if Section 5310 funds are awarded,
15 sufficient funding for the local match is available; a check to the awarded vendor for the local match
16 will be sent to NMDOT; and that any costs exceeding the award amount will be paid for by City of
17 Santa Fe.

18 3. That the City of Santa Fe assures the NMDOT that if awarded Section 5310 funds,
19 sufficient funding for the operation and maintenance of the Section 5310 capital will be available for
20 the life of the project.

21 4. That staff with the City of Santa Fe is authorized to enter into a Cooperative Project
22 Agreement with the NMDOT for Section 5310 projects using these funds as set forth by MAP-21 on
23 behalf of the residents of City of Santa Fe. City staff is also authorized to submit additional
24 information as may be required and act as the official representative of the City of Santa Fe in this
25 and subsequent related activities.

1 5. That the City of Santa Fe assures the NMDOT that the City of Santa Fe is willing and able
2 to administer all activities associated with the proposed project.

3 PASSED, ADOPTED, AND APPROVED this _____ day of _____ 2015.
4
5

6 _____
7 JAVIER M. GONZALES, MAYOR

8 ATTEST:
9
10 _____

11 YOLANDA Y. VIGIL, CITY CLERK

12 APPROVED AS TO FORM:
13
14 _____

15 KELLEY A. BRENNAN, CITY ATTORNEY
16
17
18
19
20
21
22
23
24

25 *M/Legislation/2015 Resolutions/ NMDOT – Section 5310 Projects_KS_123014*

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2015-__

3 INTRODUCED BY:

4
5 Councilor Maestas
6
7
8
9

10 A RESOLUTION

11 DECLARING THE ELIGIBILITY AND INTENT OF THE CITY OF SANTA FE TO
12 SUBMIT AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF
13 TRANSPORTATION FOR FEDERAL FISCAL YEAR 2016/2017 TRANSPORTATION
14 ALTERNATIVES PROGRAM FUNDS TO COMPLETE IMPROVEMENTS AT THE
15 DOWNTOWN TRANSIT CENTER.
16

17 WHEREAS, the City of Santa Fe has the legal authority to apply for, receive and administer
18 federal funds; and,

19 WHEREAS, the City of Santa Fe is submitting an application for Federal Fiscal Year
20 2016/2017 (FFY16/17) New Mexico Transportation Alternatives Program (TAP) funds in the amount
21 of \$2,000,000, as set forth by the Federal legislation, Moving Ahead for Progress in the 21st Century
22 (MAP-21) and as outlined in the FFY 16/17 New Mexico TAP Guide; and,

23 WHEREAS, the Downtown Transit Center – Sheridan Avenue Improvements named in the
24 TAP application are eligible project(s) under New Mexico TAP and MAP-21; and,

25 WHEREAS, the City of Santa Fe acknowledges availability of the required local match of

1 14.56 percent and the availability of funds to pay all upfront costs, since TAP is a cost reimbursement
2 program; and,

3 **WHEREAS**, the City of Santa Fe agrees to pay any costs that exceed the project amount if
4 the application is selected for funding; and,

5 **WHEREAS**, the City of Santa Fe agrees to maintain all project(s) constructed with TAP
6 funding for the useable life of the project(s); and,

7 **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY** of the City of
8 Santa Fe that:

9 1. The City of Santa authorizes staff to submit an application for FFY16/17 New Mexico
10 TAP funds in the amount of \$2,000,000 to the New Mexico Department of Transportation (NMDOT)
11 on behalf of the residents of the City of Santa Fe.

12 2. That the City of Santa Fe assures the NMDOT that if TAP funds are awarded, sufficient
13 funding for the local match and for upfront project costs are available, since TAP is a reimbursement
14 program, and that any costs exceeding the award amount will be paid for by the City of Santa Fe.

15 3. That the City of Santa Fe assures the NMDOT that if awarded TAP funds, sufficient
16 funding for the operation and maintenance of the TAP projects will be available for the life of the
17 projects.

18 4. That staff of City of Santa Fe is authorized to enter into a Cooperative Project Agreement
19 with the NMDOT for construction of TAP projects using these funds as set forth by MAP-21 on
20 behalf of the residents of the City of Santa Fe. City staff is also authorized to submit additional
21 information as may be required and act as the official representative of the City of Santa Fe in this
22 and subsequent related activities.

23 5. That the City of Santa Fe assures the NMDOT that the City of Santa Fe is willing and able
24 to administer all activities associated with the proposed project.

25 PASSED, ADOPTED, AND APPROVED this _____ day of _____ 2015.

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JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY