



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
SEPTEMBER 19, 2016 – 5:00 P.M.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA

CITY CLERK'S OFFICE

DATE 9/16/16 TIME 9:25 A.M.

SERVED BY Yolanda Green

RECEIVED BY Melanie Byers

## CONSENT AGENDA

5. Request for Approval of On-Call Agreement in the Amount of \$992,466.77 – 2016/17 Pavement Resurfacing Projects for Streets and Maintenance Division; GM Emulsion LLC. (David Catanach)
6. Request for Approval of Procurement Under Cooperative Price Agreement in the Amount of \$257,417 – One (1) High Dump Mechanical Street Sweeper for Streets and Drainage Maintenance Division; Schwarze Industries, Inc. (David Catanach)
7. Request for Approval of One (1) 2016 State of New Mexico Severance Tax Bond Capital Appropriation Project Agreement and Budget Increase in the amount of \$880,000; State of New Mexico Department of Finance and Administration, Local Government Division. (David Chapman)
8. Request for Approval of Two (2) 2016 State of New Mexico Severance Tax Bond Capital Appropriation Project Agreements in the Amount of \$990,000 and Budget Increase – Plan, Design and Construction Projects; State of New Mexico Department of Finance and Administration Local Government Division. (David Chapman)
  - Santa Fe Farmers' Market
  - Santa Fe Municipal Airport Terminal Building
9. Request for Approval of Amendment No. 1 to Agreement in the Amount of \$120,839.38 – Additional Services for City of Santa Fe Asset Management Plan; Ameresco, Inc. (LeAnn Valdez)
10. Request for Approval of Agreement Between Owner and Contractor in the Amount of \$199,228.44 – Municipal Recreation Sports Complex (MRC) Soccer Valley, Irrigation System Remodeling and Field Rehabilitation; Cooperative Educational Services (CES)/Mountain West Golf Scapes, Inc. (Jason Kluck)
11. Request for Approval of Procurement Under Cooperative Price Agreement in the Amount of \$24,117.19 – Annual Turnout Gear Repair and Cleaning for Fire Department; Fire WIRE, LLC. (Jan Snyder)



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
SEPTEMBER 19, 2016 – 5:00 P.M.

12. Request for Approval of Bid No. 17/03/B and Professional Services Agreement in the Amount of \$255,000 – Procurement of Tires, Tire Casings and Tire Repairs for Environmental Services Division; Purcell Tire and Service Center. (Lawrence Garcia)
13. Request for Approval of Procurement Under Cooperative Price Agreement in the Amount of \$58,144 – Two (2) Support Vehicles for Environmental Services Division; Cooperative Educational Service/Don Chalmers Ford. (Lawrence Garcia)
14. Request for Approval of Procurement Under Federal Price Agreement and Professional Services Agreement in the Amount of \$65,777 – HVAC Maintenance and On-Call Services at Tourism Santa Fe; Trane U.S. Inc. (Randy Randall)
15. Request for Approval of Amendment No. 2 to Professional Services Agreement and Budget Adjustment in the Amount of \$36,078.90; Eco Resource Management Systems, Inc. (Mark Tibbetts)
16. Request for Approval of Grant Award and Budget Increase in the Amount of \$66,620 – FY 2016/17 Santa Fe Metropolitan Planning Organization for Operating Expenses; New Mexico Department of Transportation and Federal Highway Administration Section. (Mark Tibbetts)
17. Request for Approval of Amendment No. 1 to Three (3) Community Development Block Grant Contracts and One (1) CDBG Professional Services Agreement in the Amount of \$108,000 and Budget Adjustment in the Amount of \$45,739 – Support Rent and Overhead Expenses for Attorney's Legal Services to Low and Moderate-Income Residents. (Margaret Ambrosino)
  - Kitchen Angels
  - St. Elizabeth's Casa Familia Shelter
  - YouthWorks! Facility
  - YouthWorks! Dreamers' Project
18. Request for Approval of Grant Agreements and Budget Increase in the Total Amount of \$700,000 – Small Community Air Service Development Program and Air Service Assistance Program to Promote Increased Air Service at Santa Fe Municipal Airport. (Cameron Humphres)
  - U.S. Department of Transportation
  - New Mexico Department of Transportation Aviation Division



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
SEPTEMBER 19, 2016 – 5:00 P.M.

19. Request for Approval of Grant Agreements and Equipment and Budget Increases for Santa Fe Municipal Airport; State of New Mexico Department of Transportation Aviation Division. (Cameron Humphres)

- Purchase Required Snow Removal Equipment (SAF-17-02)
- Design Runway 2-20 Resurfacing – Primary Commercial Service Runway (SAF-17-03)
- Design Reconstruction of Taxiway D – Primary Taxiway (SAF-17-04)
- Airfield Survey and Drainage Plan (SAF-17-05)

20. Request for Approval of Exempt Procurement and Service Agreement in the Amount of \$77,700.72 – Preventative Maintenance and Repairs for City's Land Mobile Radio System; Motorola Solutions, Inc. (Larry Worstell)

21. Request for Approval of Professional Services Agreement – Codification, Supplementation, Electronic and Internet Hosting Services for the Santa Fe City Code 1987 (RFP #16/51/P); Municipal Code Corporation. (Melissa Byers)

22. Request for Approval of a Resolution Declaring the Second Monday in October as Indigenous Peoples Day in the City of Santa Fe. (Mayor Gonzales, Councilors Rivera and Ives) (Randy Randall)

**Committee Review:**

City Council (scheduled)

09/28/16

Fiscal Impact – No

23. Request for Approval of a Resolution Relating to Santa Fe's Historical and Cultural Heritage; Authorizing Staff to Enter into a Professional Services Agreement for Services that Would Provide Opportunities for Individuals to be Educated About Santa Fe's Rich Historic and Cultural Heritage. (Mayor Gonzales) (Debra Garcia)

**Committee Review:**

City Council (scheduled)

09/28/16

Fiscal Impact – Yes (\$10,000 expenditure for professional services; \$10,000 revenue from lodgers' tax)

24. Request for Approval of a Resolution Relating to Participation in Local Government Road Fund Hardship Match Waiver Program Administered by the New Mexico Department of Transportation for Improvements to La Cieneguita and Between Camino Carlos Rey and Agua Fria Street. (Councilors Lindell and Villarreal) (David Catanach)



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
SEPTEMBER 19, 2016 – 5:00 P.M.

---

**Committee Review:**

Public Works Committee (approved)  
City Council (scheduled)

09/12/16  
09/28/16

Fiscal Impact – No

25. Request for Approval of a Resolution Directing the City Manager to Develop a Plan to Identify, Locate and Fund the Construction of Public Restrooms in the Historic Core of Santa Fe; Identify Other Areas that Would Benefit from Public Restrooms; and Report Back to the Governing Body Within Six Months of Adoption of this Resolution. (Councilor Ives, Mayor Gonzales, Councilors Villarreal and Lindell) (Brian Snyder)

**Committee Review:**

Public Works Committee (approved)  
City Business Quality of Life Committee (scheduled)  
City Council (scheduled)

09/12/16  
09/14/16  
09/28/16

Fiscal Impact – No

26. Request for Approval of a Resolution Naming the Sunny Slope Meadows Community Garden after Amy Hetager. (Councilor Lindell) (Jessie Esparza)

**Committee Review:**

Public Works Committee (approved)  
City Council (scheduled)

09/12/16  
09/28/16

Fiscal Impact – No

27. Request for Approval of a Resolution Directing the City Manager to Develop Written Policies for Communications, Media Relations, and Multimedia Staff; Directing the City Manager to Develop a Communications Plan; and Reporting Back to the Governing Body within 60 Days. (Councilors Dominguez and Ives) (Matt Ross)

**Committee Review:**

City Council (scheduled)

09/28/16

Fiscal Impact – No



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
SEPTEMBER 19, 2016 – 5:00 P.M.

28. Request for Approval of an Ordinance Repealing Ordinance No. 2016-15 Adopting a Municipal Gross Receipts Tax. (Councilor Dominguez) (Marcos Martinez)

**Committee Review:**

City Council (request to publish)	09/14/16
City Council (public hearing)	10/13/16

Fiscal Impact – No

29. Request for Approval of an Ordinance Relating to the City of Santa Fe Telecommunications Facilities in the Public Rights-of-Way Ordinance; Amending Subsection 27-2.1 SFCC 1987 to Establish Legislative Findings; Amending Subsection 27-2.3 SFCC 1987 to Repeal the Definition of "Gross Revenue" and Establish a New Definition for "Gross Charge"; Amending Subsection 27-2.5 to Repeal the Fee Structure and Establish an Infrastructure Maintenance Franchise Fee; and Making such Other Changes as are Necessary to Carry Out the Intent of this Ordinance. (Councilor Ives) (Marcos Martinez)

**Committee Review:**

Public Utilities Committee (postponed)	09/07/16
Public Works Committee (approved)	09/12/16
City Council (request to publish)	09/14/16
Public Utilities Committee (approved)	10/07/16
City Council (public hearing)	10/13/16

Fiscal Impact – No

30. Request for Approval of a Resolution Calling for the Update of the Community Economic Development Plan and Relevant Sections of City Code in Order to Establish Program Priorities, Goals and Metrics. (Councilor Maestas) (Fabian Trujillo)

**Committee Review:**

Economic Development Review Board (approved w/amendment)	09/06/16
Public Works Committee (approved)	09/12/16
City Business and Quality of Life Committee (not approved)	09/14/16
City Council (scheduled)	09/28/16

Fiscal Impact – No

**END OF CONSENT AGENDA**



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
SEPTEMBER 19, 2016 – 5:00 P.M.

## DISCUSSION

31. Request for Approval of an Ordinance Amending Section 7-4.2 SFCC 1987, Residential Green Building Code by Repealing Exhibit A to Chapter VII SFCC 1987; Adding a Requirements Section; and Amending Section 14-8.2(D) Best Management Practices for Grading Before and During Construction. (Councilors Ives, Dominguez and Villarreal) (Katherine Mortimer)

- a. Request for Approval of Resolution Establishing Target Goals for the City's Green Building Code to Meet the Goals Set Forth in the U.S. Mayors Climate Change Protection Agreement, the City's Goal of Becoming Carbon Neutral by 2040, and the Need to Conserve Water Resources Due to the Projected Effects of Climate Change. (Councilors Ives, Dominguez and Villarreal) (Katherine Mortimer)
- b. Request for Approval of Budget Increase in the Amount of \$73,982.

### **Committee Review:**

Sustainable Santa Fe Commission (approved)	08/17/16
Planning Commission (approved)	08/18/16
Public Works Committee (approved)	08/29/16
Water Conservation Commission (approved)	09/13/16
City Council (request to publish)	09/14/16
Public Utilities Committee (scheduled)	10/05/16
City Council (public hearing)	10/13/16

Fiscal Impact – Yes (FY 16/17 – expenditure = \$73,982; revenue = \$10,000)  
(FY 17/18 – expenditure = \$123,514; revenue = \$15,000)

32. Request for Approval of an Ordinance Amending the Land Development Code to Update Land-Use Categories, Table of Permitted Uses to add Agricultural Uses; Amending Subsection 14-6.2(H) of the Land Development Code to Prohibit Animal Production and Slaughterhouses, and Providing for Agricultural Uses; Creating a New Subsection 14-6.3(D)(4) of the Land Development Code to Allow for Agricultural Home Occupation Exceptions; Amending Section 14-8.7 of the Land Development Code to Waive Architectural Design Review of Agricultural Related Structures by the Land Development Director; and Amending Subsection 14-12 of the Land Development Code to Include Definitions for Terms Relating to Urban Agriculture. (Mayor Gonzales and Councilor Ives) (John Alejandro)
- a. Request for Approval of a Resolution Creating the City of Santa Fe Procedures and Guidelines for Urban Agriculture Activities and Uses. (Mayor Gonzales and Councilor Ives) (John Alejandro)



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
SEPTEMBER 19, 2016 – 5:00 P.M.

## Committee Review:

Public Works Committee (approved)	08/29/16
City Council (request to publish) (approved)	08/31/16
Planning Commission (approved)	09/08/16
Water Conservation Committee (approved)	09/13/16
City Business Quality of Life Committee (approved with recommendation)	09/14/16
Sustainable Santa Fe Commission (scheduled)	09/21/16
City Council (public hearing)	09/28/16

Fiscal Impact – No

33. Presentation and Request for Approval of Procurement Under Federal Price Agreement and Professional Services Agreement in the Amount of \$400,000 – Time and Attendance Software Subscriptions, Implementation Services and Equipment (RFP #16/22/P); Kronos, Inc. (Renee Martinez and Oscar Rodriguez)

Approval of this Contract will launch the First Phase of the 2 year \$1.6 million Implementation of a Modern Financial Community Development and Human Resources Process Management Platform.

34. Update and Proposed Timeline for Accomplishing Strategic Planning Resolution. (Adam Johnson)
35. MATTERS FROM THE COMMITTEE
36. ADJOURN

• Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521.

**SUMMARY INDEX  
FINANCE COMMITTEE MEETING  
Monday, September 19, 2016**

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
CALL TO ORDER & ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-5
<b><u>CONSENT CALENDAR DISCUSSION</u></b>		
REQUEST FOR APPROVAL OF A RESOLUTION CALLING FOR THE UPDATE OF THE COMMUNITY ECONOMIC DEVELOPMENT PLAN AND RELEVANT SECTIONS OF CITY CODE IN ORDER TO ESTABLISH PROGRAM PRIORITIES, GOALS AND METRICS	Approved w/amendment	5-9
REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE CITY OF SANTA FE TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY ORDINANCE; AMENDING SUBSECTION 27-2.1 SFCC 1987, TO ESTABLISH LEGISLATIVE FINDINGS; AMENDING SUBSECTION 27-2.3 SFCC 1987, TO REPEAL THE DEFINITION OF "GROSS REVENUE," AND ESTABLISH A NEW DEFINITION FOR "GROSS CHARGE;" AMENDING SUBSECTION 27-2.5 TO REPEAL THE FEE STRUCTURE AND ESTABLISH AN INFRASTRUCTURE MAINTENANCE FRANCHISE FEE; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE	Approved	9-10
REQUEST FOR APPROVAL OF ON-CALL AGREEMENT IN THE AMOUNT OF \$992,466.77 - 2016/2017 PAVEMENT RESURFACING PROJECTS FOR STREETS AND MAINTENANCE DIVISION; GM EMULSION, LLC	Approved	10-12

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF ONE (1) 2016 STATE OF NEW MEXICO SEVERANCE TAX BOND CAPITAL APPROPRIATION PROJECT AGREEMENT AND BUDGET INCREASE IN THE AMOUNT OF \$880,000; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION	Approved	12-13
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT IN AMOUNT OF \$120,839.38 – ADDITIONAL SERVICES FOR CITY OF SANTA FE ASSETS MANAGEMENT PLAN; AMERESCO, INC.	Approved [amended]	13-17
REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND CONTRACTOR IN THE AMOUNT OF \$199,228.44 – MUNICIPAL RECREATION SPORTS COMPLEX (MRC) SOCCER VALLEY, IRRIGATION SYSTEM REMODELING AND FIELD REHABILITATION; COOPERATIVE EDUCATIONAL SERVICES (CES) MOUNTAIN WEST GOLF SCAPES, INC.	Approved	17-18
REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT IN THE AMOUNT OF \$58,144 – TWO (2) SUPPORT VEHICLES FOR ENVIRONMENTAL SERVICES DIVISION; COOPERATIVE EDUCATIONAL SERVICE/DON CHALMERS FORD	Approved	18-19
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT AND BUDGET ADJUSTMENT IN THE AMOUNT OF \$36,078.90; ECO RESOURCE MANAGEMENT SYSTEMS, INC.	Approved	19-21
REQUEST FOR APPROVAL OF GRANT AWARD AND BUDGET INCREASE IN THE AMOUNT OF \$66,620 – FY 2016/17 SANTA FE METROPOLITAN PLANNING ORGANIZATION FOR OPERATING EXPENSES; NEW MEXICO DEPARTMENT OF TRANSPORTATION AND FEDERAL HIGHWAY ADMINISTRATION SECTION	Approved	21-22

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF GRANT AGREEMENTS AND BUDGET INCREASE IN THE TOTAL AMOUNT OF \$700,000 – SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM AND AIR SERVICE ASSISTANCE PROGRAM TO PROMOTE INCREASED AIR SERVICE AT SANTA FE MUNICIPAL AIRPORT	Approved w/condition	22-24
US DEPARTMENT OF TRANSPORTATION NEW MEXICO DEPARTMENT OF TRANSPORTATION AVIATION DIVISION	Approved w/condition	22-24
REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO SANTA FE'S HISTORICAL AND CULTURAL HERITAGE; AUTHORIZING STAFF TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR SERVICES THAT WOULD PROVIDE OPPORTUNITIES FOR INDIVIDUALS TO BE EDUCATED ABOUT SANTA FE'S RICH HISTORIC AND CULTURAL HERITAGE	Postponed to 12/05/16	25-28
REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND HARDSHIP MATCH WAIVER PROGRAM, ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO LA CIENEGUITA AND BETWEEN CAMINO CARLOS REY AND AGUA FRIA STREET	Approved	28
***** END OF CONSENT CALENDAR DISCUSSION *****		
<u>DISCUSSION</u>		
UPDATE AND PROPOSED TIMELINE FOR ACCOMPLISHING STRATEGIC PLANNING RESOLUTION	Information/discussion	28-30

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 7-4.2 SFCC 1987, RESIDENTIAL GREEN BUILDING CODE BY REPEALING EXHIBIT A TO CHAPTER VII SFCC 1987; ADDING A REQUIREMENTS SECTION; AND AMENDING SECTION 14-8.2(D) BEST MANAGEMENT PRACTICES FOR GRADING BEFORE AND DURING CONSTRUCTION	Approved w/condition	30-38
REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING TARGET GOALS FOR THE CITY'S GREEN BUILDING CODE TO MEET THE GOALS SET FORTH IN THE U.S. MAYORS CLIMATE CHANGE PROTECTION AGREEMENT, THE CITY'S GOAL OF BECOMING CARBON NEUTRAL BY 2040, AND THE NEED TO CONSERVE WATER RESOURCES DUE TO THE PROJECTED EFFECTS OF CLIMATE CHANGE	Approved w/condition	30-38
REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND USE CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES; AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE	Approved w/direction to staff	38-44
A RESOLUTION CREATING THE CITY OF SANTA FE PROCEDURES AND GUIDELINES FOR URBAN AGRICULTURE ACTIVITIES AND USES	Approved w/direction to staff	38-44

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

**PRESENTATION AND REQUEST FOR APPROVAL  
OF PROCUREMENT UNDER FEDERAL PRICE  
AGREEMENT AND PROFESSIONAL SERVICES  
AGREEMENT IN THE AMOUNT OF \$400,000 – TIME  
AND ATTENDANCE SOFTWARE SUBSCRIPTIONS,  
IMPLEMENTATION SERVICES AND TIME AND  
ATTENDANCE SOFTWARE SUBSCRIPTIONS,  
IMPLEMENTATION SERVICES AND EQUIPMENT  
(RFP #16/22/P); KRONOS, INC.**

**Approved**

**44-47**

**MATTERS FROM THE COMMITTEE**

**Information/discussion**

**47**

**ADJOURN**

**47**

**MINUTES OF THE  
CITY OF SANTA FE  
FINANCE COMMITTEE  
Monday, September 19, 2016**

**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, September 19, 2016, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Carmichael A. Dominguez, Chair  
Councilor Mike Harris  
Councilor Peter N. Ives  
Councilor Signe I. Lindell  
Councilor Renee Villarreal

**OTHER COUNCILORS ATTENDING:**

Councilor Joseph Maestas

**OTHERS ATTENDING:**

Oscar S. Rodriguez, Director, Finance Department  
Teresita Garcia, Finance Department  
Yolanda Green, Finance Department  
Elizabeth Martin for 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**

Oscar Rodriguez, Director, Finance Department, said he would like to pull Items #14 and #19, because they're not ready to be heard, and to postpone until the next meeting.

Councilor Harris said Item #12 has incorrect information attached, and should be removed from the Agenda and postponed to the next meeting.

Chair Dominguez said he has to leave early, and asked that Item #34 be moved to be heard before Item #31.

**MOTION:** Councilor Lindell moved, seconded by Councilor Villarreal, to approve the agenda, as amended.

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

#### **4. APPROVAL OF CONSENT AGENDA**

Councilor Ives asked to be shown as a cosponsor of Item #30.

Chair Dominguez asked that Item #30 be heard before Item #5, and then to hear Item #29 after Item #30.

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

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

\*\*\*\*\*  
**CONSENT AGENDA**  
\*\*\*\*\*

**5. *[Removed for discussion by Councilor Ives]***

**6. REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICES AGREEMENT IN THE AMOUNT OF \$257,417 – ONE (1) HIGH DUMP0 MECHANICAL STREET SWEEPER FOR STREETS AND DRAINAGE MAINTENANCE DIVISION; SCHWARZE INDUSTRIES, INC. (DAVID CATANACH)**

**7. *[Removed for discussion by Councilor Harris]***

**8. REQUEST FOR APPROVAL OF TWO (2) 2016 STATE OF NEW MEXICO SEVERANCE TAX BOND CAPITAL APPROPRIATION PROJECT AGREEMENTS IN THE AMOUNT OF \$990,000 AND BUDGET INCREASE – PLAN, DESIGN AND CONSTRUCTION PROJECTS; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION. (DAVID CHAPMAN)**

- **SANTA FE FARMERS' MARKET**
- **SANTA FE MUNICIPAL AIRPORT TERMINAL BUILDING**

9. *[Removed for discussion by Councilor Ives]*
10. *[Removed for discussion by Councilor Lindell]*
11. **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT IN THE AMOUNT OF \$24,117.19 – ANNUAL TURNOUT GEAR REPAIR AND CLEANING FOR FIRE DEPARTMENT; FIRE WIRE, LLC. (JAN SNYDER)**
12. **REQUEST FOR APPROVAL OF BID NO. 17/03/B AND PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$255,000 – PROCUREMENT OF TIRES, TIRE CASINGS AND TIRE REPAIRS FOR ENVIRONMENTAL SERVICES DIVISION; PURCELL TIRE AND SERVICE CENTER. (LAWRENCE GARCIA)**
13. *[Removed for discussion by Councilor Lindell]*
14. **REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$65,777 – HVAC MAINTENANCE AND ON-CALL SERVICES AT TOURISM SANTA FE; TRANE U.S., INC. (RANDY RANDALL)**
15. *[Removed for discussion by Councilor Lindell]*
16. *[Removed for discussion by Councilor Lindell]*
17. **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THREE (3) COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACTS AND ONE (1) CDBG PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$108,000 AND BUDGET ADJUSTMENT IN THE AMOUNT OF \$45,739 – SUPPORT, RENT AND OVERHEAD EXPENSES FOR ATTORNEY'S LEGAL SERVICES TO LOW AND MODERATE-INCOME RESIDENTS. (MARGARET AMBROSINO)**
- **KITCHEN ANGELS**
  - **ST. ELIZABETH'S CASA FAMILIA SHELTER**
  - **YOUTHWORKS! FACILITY**
  - **YOUTHWORKS! DREAMERS' PROJECT**
18. *[Removed for Discussion by Councilor Harris]*
19. **REQUEST FOR APPROVAL OF GRANT AGREEMENTS AND EQUIPMENT AND BUDGET INCREASES FOR SANTA FE MUNICIPAL AIRPORT; STATE OF NEW MEXICO DEPARTMENT OF TRANSPORTATION AVIATION DIVISION. (CAMERON HUMPHRES)**
- **PURCHASE REQUIRED SNOW REMOVAL EQUIPMENT (SAF-17-02)**
  - **DESIGN RUNWAY 2-20 RESURFACING – PRIMARY COMMERCIAL SERVICE RUNWAY (SAF-17-03)**
  - **DESIGN RECONSTRUCTION OF TAXIWAY D – PRIMARY TAXIWAY (SAF-17-04)]**
  - **AIRFIELD SURVEY AND DRAINAGE PLAN (SAF-17-05).**

20. REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND SERVICE AGREEMENT IN THE AMOUNT OF \$77,700.72 – PREVENTATIVE MAINTENANCE AND REPAIRS FOR CITY'S LAND MOBILE RADIO SYSTEM; MOTOROLA SOLUTIONS, INC. (LARRY WORSTELL)
21. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CODIFICATION, SUPPLEMENTATION, ELECTRONIC AND INTERNET HOSTING SERVICES FOR THE SANTA FE CITY CODE 1987 (RFP #16/51/P); MUNICIPAL CODE CORPORATION. (MELISSA BYERS)
22. REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THE SECOND MONDAY IN OCTOBER AS INDIGENOUS PEOPLES DAY IN THE CITY OF SANTA FE (MAYOR GONZALES, COUNCILORS RIVERA AND IVES). (RANDY RANDALL) Committee Review: City Council (scheduled) 09/28/16. Fiscal Impact – No.
23. *[Removed for discussion by Councilor Villarreal]*
24. *[Removed for discussion by Councilor Harris]*
25. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO DEVELOP A PLAN TO IDENTIFY, LOCATE AND FUND THE CONSTRUCTION OF PUBLIC RESTROOMS IN THE HISTORIC CORE OF SANTA FE; IDENTIFY OTHER AREAS THAT WOULD BENEFIT FROM PUBLIC RESTROOMS AND REPORT BACK TO THE GOVERNING BODY WITHIN SIX MONTHS OF ADOPTION OF THIS RESOLUTION. (COUNCILOR IVES, MAYOR GONZALES, COUNCILOR VILLARREAL AND LINDELL). (BRIAN SNYDER). Committee Review: Public Works Committee (approved) 09/12/16; City Business Quality of Life Committee (scheduled) 09/14/16; and City Council (scheduled) 09/28/16. Fiscal Impact – No.
26. REQUEST FOR APPROVAL OF A RESOLUTION NAMING THE SUNNY SLOPE MEADOWS COMMUNITY GARDEN AFTER AMY HETAGER (COUNCILOR LINDELL). (JESSE ESPARZA) Committee Review: Public Works Committee (approved) 09/12/16; and City Council (scheduled) 09/28/16. Fiscal Impact – No.
27. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO DEVELOP WRITTEN POLICIES FOR COMMUNICATIONS, MEDIA RELATIONS, AND MULTIMEDIA STAFF; DIRECTING THE CITY MANAGER TO DEVELOP A COMMUNICATIONS PLAN; AND REPORTING BACK TO THE GOVERNING BODY WITHIN 60 DAYS (COUNCILORS DOMINGUEZ AND IVES) Committee Review: City Council (scheduled) 09/28/16. Fiscal Impact – No.
28. REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING ORDINANCE NO. 2016-15, ADOPTING A MUNICIPAL GROSS RECEIPTS TAX (COUNCILOR DOMINGUEZ). (MARCOS MARTINEZ). Committee Review: City Council (request to publish) 09/14/16; and City Council (public hearing 10/13/16. Fiscal Impact – No.

29. *[Removed for discussion by Chair Dominguez]*

30. *[Removed for discussion by Chair Dominguez]*

\*\*\*\*\*

## END OF CONSENT AGENDA

\*\*\*\*\*

### CONSENT CALENDAR DISCUSSION

30. **REQUEST FOR APPROVAL OF A RESOLUTION CALLING FOR THE UPDATE OF THE COMMUNITY ECONOMIC DEVELOPMENT PLAN AND RELEVANT SECTIONS OF CITY CODE IN ORDER TO ESTABLISH PROGRAM PRIORITIES, GOALS AND METRICS (COUNCILOR MAESTAS AND COUNCILOR IVES). (FABIAN TRUJILLO) Committee Review: Economic Development Review Board (approved w/amendment) 09/06/16; Public Works Committee (approved) 09/12/16; City Business and Quality of Life Committee (not approved) 09/14/16; and City Council (scheduled) 09/28/16. Fiscal Impact – No.**

A copy of an amendment sheet for Item #30, submitted by Councilor Maestas, is incorporated herewith to these minutes as Exhibit "1."

Fabian Trujillo, Office for Business Growth, said the Resolution is to develop an interim update of the City's Economic Development Plan and it has gone to 3 Committees, and it passed the EDRC and Public Works Committee unanimously, but it was not approved at the Business & Quality of Life Committee. He said the bill will require the City to do an interim duty of the Strategic Plan. He said after the CBQL, Councilor Maestas has approved an amendment which should be in the Committee packet [Exhibit "1"]. He said the amendment provides that this part of the update will not be brought forward until an Economic Development Director is hired, and the "staff has the capacity by which it can be brought forward to the Governing Body, and this should be done before July 1, 2017."

Mr. Trujillo said the other two things would be set up to work with staff, noting CBQL has formed a working group to work with this, so, if approved, "the Coded sections of Chapter 11, which oversees the Economic Development Ordinance, and we would develop a plan of community engagement process, as well as a budget and a comprehensive update, as well as a scope of work that we would present to the Governing Body by March for inclusion in next year's fiscal year budget."

Mr. Trujillo continued, "A brief history. Our current plan we are undergoing is the Angelou Plan which was adopted in 2004 with a community engagement and assessment process, and in 2008, it was revised by the adoption of the Economic Development Implementation Strategy, we used the stakeholders and the CBQL as part of that process. Then in 2011, there were changes by the CBQL through the Economic Development Existing Economy Subcommittees and the Future Economy Subcommittees. That wasn't adopted by the Governing Body, but only by the City Business & Quality of Life Committee. If the Resolution is passed they will work with the CBQL to develop goals, set up stakeholder meetings, conduct

a SWAT analysis and then develop a scope of work for the consultant and do visioning with the Governing Body on Economic Development.

Councilor Maestas explained his reasons for the bill. We are two years into the administration and there has been no collective discussion on economic development, what is our shared vision, the Angelou Plan and updates and with what we do and do not agree. He thinks the Governing Body needs to address the Economic Development Plan periodically. The Angelou Plan was done in 2004, and each update since its adoption became more and more informal, and the latest update never made its way to the Council. He said given the need to have a discussion and we all need to agree on the direction we are going on economic development, and his proposed interim update would be a very good exercise.

Councilor Maestas continued, saying more specific issues are, every time we're asked to make an expenditure using Economic Development Funds, there are two kinds of expenditures. One is a formal project solicitation, noting we just approved almost \$1 million in projects. There are formal criteria for the projects, and we're supposed to be getting a 10 to 1 investment of City funds, noting there is a definition of economic development in the Code which is very broad and invests a lot into the Community Economic Development Fund. The Governing Body said the Code calls for up to 1% of State shared GRTs, but the enabling legislation calls for the dedication of an Infrastructure GRT which in the late 1990's was allowed to be used for economic development. He couldn't find any legislation calling for the dedication of the 1% of the State shared GRT which is current practice, reiterating it is in the Code.

Councilor Maestas continued, saying his bill will call for an interim update, a review of the Code and to be sure we have the enabling legislation providing for dedication of the State shared GRTs it would call on staff to scope an update that wouldn't be budgeted until FY 2017. There are 4 issues, with 3 primary components in the bill. He agreed to extend the deadline for the interim update to July 1<sup>st</sup>. He said Ms. Noble has departed the City, and agrees that we should postpone action until the Director's position filled. He said Ms. Noble did an update in January 2015, noting he shared it with the Economic Development Review Committee. He doesn't anticipate the interim update to be very extensive, noting many aspects of the strategy are still very relevant today. He thinks it is vital that the Governing Body be brought into this discussion, and in the process of update to look at Ms. Noble's strategy update. He said a lot of the work already has been done by Ms. Noble, and doesn't see a great staff economic and large level of effort.

Councilor Maestas continued, said he thinks the current legislation is reasonable, the interim update won't be commenced until we get a director, and July 1<sup>st</sup> is the deadline to submit the interim update to the City Council.

Councilor Lindell said she still is concerned about this, although she appreciates the amendment. She said as Councilor Maestas knows, we really don't have any idea when we will have an Economic Development Director hired. She said we've worked on this for a number of years, and neither of us have any idea when that might happen. She asked Mr. Trujillo how much the City paid for the Angelou plan completed.

Mr. Trujillo said the cost is roughly \$100,000, and for that amount, we got the Angelou Plan, an industry report and community assessments, commenting these are the kinds of things you would get for those reports and what would be scoped for another plan to see what other things we would do. He said one of the things he would recommend that we don't have would be a gap analysis measuring the service sector and the leakage. Some of that was done through the Housing Assessment, but didn't go further than the housing industry.

Councilor Lindell said she is concerned that this is not a plan and she is unsure she sees a subcommittee of the CBQL doing and update and review of the Code. She thinks that's a tremendous amount to ask a committee to do. She said there are a lot of new members and a little concerned about having a subcommittee taking this on, especially with a new director. Her big concern is getting the actual work done. She is unsure our time frame is reasonable and what we might be asking. She won't feel comfortable with this until we have an Economic Director who has a little time on the job, reiterating her concern with the July 1<sup>st</sup> deadline. She said 60-70% of the BQL has served on the Committee for less than 60 days, and she is unsure if this is a realistic request of this Committee. She said perhaps in next year's budget, we may want to budget to have paid consultants work on updating the plan. She doesn't think right now we are in a position to complete the update by July 1, 2017.

Councilor Ives said it is time for the City to develop a well thought out, and deeply researched economic development plan, noting 2004 was a lot time ago in terms of time and how business is conducted across the economy. He said the Resolution talks about including community input which he thinks is good and worthwhile, although he is unsure when that is supposed to happen. He said is staff is being asked to do this, there will be fiscal impact although it says there is none. He said he is not opposed to "jumping to" hiring a consultant right away, because he shares Councilor Lindell's concern about the internal capacity to do this work in any significant way. He thinks the significant way ultimately will be beneficial to the City.

Councilor Harris said he agrees with the comments of Councilor Maestas and Councilor Ives that this is overdue. Regarding Councilor Lindell's comments, he sees nothing in the Resolution saying it will require work on the part of a new subcommittee from BQL.

Councilor Lindell said she heard that from comments.

Councilor Harris heard it as well, but doesn't see that in the Resolution. He said he reads the Resolution that this is an interim step, and even though we don't have an Economic Development Director this adds another reason to make this happen. He thinks there is sufficient for a new person to be hired, to look at the record, the staff capabilities and start to make an impact by July 1, 2017. He will support the Resolution. He noted in the acronym in the Resolution is reversed, and references CEPD instead of CEDP, which confuses things. He also supports the proposed amendment.

Councilor Villarreal said it was discussed at length in Public Works, and her questions were answered, noting she appreciates the amendment proposed and that it will commence when the Economic Development Director is hired and staff capacity allows for it. She thinks we're due for this and it will start moving us forward, although it may not meet the deadline date, but we can strive to do that.

Councilor Maestas said the 2004 Angelou Report was done through an outside contract in the amount of \$100,000. He asked if there were subsequent contracted efforts since the 2004 Angelou Report.

Mr. Trujillo said there was a contractor for the 2008 Implementation Strategy, at a cost of approximately \$50,000, which is standard practice. The 2011 update was done with members of the CBQL and staff. He said there was a stakeholder engagement process, with a business roundtable where roughly 60 businesses participation with engagement from some of the stakeholders, but there was nothing as thorough as was done with the Angelou Plan.

Councilor Maestas said when he appeared before the Economic Development Review Committee, members commented that in their work they lacked context and that "we all need to sing from the same sheet of music." He said they voiced their concerns that, given the current status, they lacked the context needed to make confident decisions and in making recommendations to the CBQL, especially in evaluating projects. They approved the Resolution unanimously with the amendment to extend the interim update deadline to July 1, 2017.

Councilor Maestas continued, saying this should not be the last priority in economic development, noting a lot of work is going on and there are impacts that could delay the existing work. However, this has to "get in there and rank at least near the middle, if not near the top." He said, "I would request this Committee move it forward as did Public Works because it's overdue."

Chair Dominguez asked if this Fiscal Impact Report is complete.

Mr. Trujillo said it is complete.

Chair Dominguez said this Resolution provides, "Be it Further Resolved," that we are going to do this with wide community input across all demographics, age, you name it, shortest, tallest, whatever, that's going to cost money. He said first of all in this community we can't count on communicating with the rest of the community the way we have in the past. We need to evolve in that realm, because if not, it will be the same people coming to the Council meetings telling everyone what is important for them, and the City wouldn't have gone through a process to get that input from the entire community. He asked him to talk about what this looks like.

Mr. Trujillo said, "The way I read this is that we actually will just provide you a scoping and a budget for a community-wide, community engagement process that is going to be starting in the next fiscal year. In the meantime, by July 1<sup>st</sup>, we would do a mini interim update with some stakeholders.

Chair Dominguez asked if the community will be engaged in the interim update.

Mr. Trujillo said, "We will, but not the way we would do for a whole...."

Chair Dominguez asked, "How are you going to do that in the interim."

Mr. Trujillo said he would get a working committee together to meet and identify stakeholders, with some outdoor visioning sessions like what was done with the Southwest Planning Initiative." The way he was reading the Resolution is that a full community engagement process with all the different types of reports that come with this would be done in 2017, which would be something similar to what we did with it with the Angelou Plan where we touched more than 200 people. They would solicit an RFP and they would listen to what the Contractor wanted to do and how they wanted to go through the engagement process, which could involve surveys, depending on the group.

Chair Dominguez said in the interim there will be as many sessions with stakeholders as possible, and asked if we will need to spend money to do that. Or is it just going to be Fabian knocking on doors. This is part of the concern – staff already is doing more with less. He said, "And so you need to justify that with me. I want to make sure there is not a part of our community that will be shortchanged because there is a sense of urgency, more so for some than others."

Mr. Trujillo said it will have to be done internally because we don't have a budget for it, and we didn't look at engaging a contractor. They were looking "at just myself and Ross and Alex and just convening, getting a working committee from the outside to help us with that. And there's some people from the CBQL have volunteered to be part of that process in the last meeting. If that's what we're willing to do, we can go through that process."

**MOTION:** Councilor Ives moved, seconded by Councilor Villarreal, to approve this request with the proposed amendment.

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

**For:** Councilor Lindell, Councilor Harris, Councilor Ives and Councilor Villarreal.

**Against:** None.

**Explaining her vote:** Councilor Lindell said, "I'll vote yes to move it on to Council. I think there's more work to be done on this. I'm just not convinced that we have the human power to complete what we're being asked to do in the timeframe that we're being asked to do it. I think it's a very sizable project and I think that our Economic Development Department is certainly not at full capacity and this is asking an awful lot, but I'm fine to see it move on."

- 29. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE CITY OF SANTA FE TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY ORDINANCE; AMENDING SUBSECTION 27-2.1 SFCC 1987, TO ESTABLISH LEGISLATIVE FINDINGS; AMENDING SUBSECTION 27-2.3 SFCC 1987, TO REPEAL THE DEFINITION OF "GROSS REVENUE," AND ESTABLISH A NEW DEFINITION FOR "GROSS CHARGE;" AMENDING SUBSECTION 27-2.5 TO REPEAL THE FEE STRUCTURE AND ESTABLISH AN INFRASTRUCTURE MAINTENANCE FRANCHISE FEE; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE**

**(COUNCILOR IVES). (MARCOS MARTINEZ) Committee Review: Public Utilities Committee (postponed) 09/07/16; Public Works Committee (approved) 09/12/16; City Council (request to publish) 09/14/16; Public Utilities Committee (approved) 09/07/16; and City Council (public hearing) 10/13/16. Fiscal Impact – No.**

Chair Dominguez said he pulled this to see if the other members of the Committee have concerns about this item.

Councilor Villarreal asked Marcos Martinez to talk about the intent of the Ordinance, and what it is changing specifically, and the legal ramifications for the change.

Marcos Martinez, Assistant City Attorney, said, "I would be happy to give an overview of the impetus behind these amendments. Basically, the City enacted a Telecommunications Ordinance in 2010. That Ordinance was challenged by the incumbent telecommunications provider, Qwest, now CenturyLink, and after years of litigation, certain parts of that Ordinance were struck down by a Federal Judge. Ultimately, the City ended up settling with CenturyLink, after it appealed the decision. The settlement was, I think, fair and reasonable. But the parts of the Ordinance never were cured after the Federal Judge had enjoined and struck those elements of the Ordinance. So the purpose of this amendment is to basically fill in the gaps that were struck by the Federal Court, and that is, in essence creating a new fee provision and some new definitions we think will comply with State and federal law."

Mr. Martinez continued, "The gist of this Ordinance is to have a new definition of gross charge, and have a fair, reasonable, non-discriminatory gross charge that the City may charge any telecommunications provider that comes and seeks to do business in the City of Santa Fe. We found this gross charge definition from a model Ordinance, so we think it should pass constitutional muster. And, if you have other specific questions, I would try to address them. I guess one other point I would like, before I stand for questions, is more specifically I was prompted to bring these amendments forward because we have a new telecommunications provider, called Broadband Network of New Mexico. They want to get a telecommunication franchise with the City, and we want to be able to charge them for their use and occupancy of the rights-of-way. And this Ordinance will allow us to impose a fee on them."

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

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

**5. REQUEST FOR APPROVAL OF ON-CALL AGREEMENT IN THE AMOUNT OF \$992,466.77 – 2016/2017 PAVEMENT RESURFACING PROJECTS FOR STREETS AND MAINTENANCE DIVISION; GM EMULSION, LLC. (DAVID CATANACH)**

Councilor Ives said this is on-call here, but the packet identifies specific streets and amounts, and asked if it because the base contract was an on-call agreement.

David Catanach, Director, Streets & Drainage Division, said there were 3 contractors, Century Club, GM Emulsion and ENCO.

Councilor Ives said then it is tracking the original document.

Mr. Catanach said yes. The prices have already been established, with a cap of \$4 million on each of the contractors. He said the prices were fair compared to area projects, and the reason they went with the particular contractor.

Councilor Ives during the budget we received a streets assessment that broke it down by District, and so many of our streets in the 2 range, some below in the 1-2 range and many in the 3-2 range. He asked if the streets identified here that report in terms taking care of those streets that have been identified in poor condition and possibly deteriorating rapidly.

Mr. Catanach said he believes all the streets here are at less than 2, so they are in very poor shape.

Councilor Harris said there is a Resolution talking about the hardship for La Cieneguita later today. He asked if there is duplication/overlap here and how these two fit together.

Mr. Catanach said there is an overlap, noting there is a grant process in place. He said they never grant the full ask, noting the original request is for 25% and they'll give us that, but this is more than that. He said these are moving parallel with one another. He said they can't work on La Cieneguita until a grant is approved or not approved.

Councilor Harris said under the GM Emulsion contract, the \$121,000 doesn't cover the whole subdivision.

Mr. Catanach said it's only for La Cieneguita and a few side streets. He said if you are "coming from the extension of Carlos Rey, there is a roundabout, and you go down and Cieneguita cuts to the left, goes around the bend and all the way past the park, and through a Senior Facility and cuts back to the right and then to Agua Fria – that's Cieneguita as it's defined.

Councilor Harris said the intent is to just piggyback those monies on this and do a bit more work, presuming the grant is approved, which needs to be done.

Mr. Catanach said yes.

Councilor Harris asked if they will be putting up signage regarding fire lanes.

Mr. Catanach said he will get with Engineering and Public Works to get their comments.

Councilor Harris said he is sure Mr. Catanach will bring Fire Marshal Gonzales on this as well.

Mr. Catanach said yes.

Councilor Ives asked if any of the streets reflected in the work for this item are ones we received from the County in connection with the recent annexation.

Mr. Catanach said Zepol Road has not been handed to the City. It was part of the annexed area, and it was to be handed over to the City. He said Ed Vigil came back and said this is our street to maintain. He said it is in very poor condition, and the only one we have "that is something like that."

Councilor Ives said in the process there had been a review of all the streets and a commitment by the County to bring them to a level 6, obviously a different scale than the 0-4 that we use internally. He asked if that street was part of the assessment, and if not, why not.

Mr. Catanach said the County always claimed it as a private road, and when the annexation happened, there was a lot of discussion. But the residents, and Ed Vigil did look into it and Mr. Vigil said it absolutely is a City street at this time, noting it is very poor condition.

Councilor Ives asked what action the City took to make it a City street if it was private road previously.

Mr. Catanach said according to Ed Vigil, it truly never was a private road and should have been a County road to begin with. He said we've had discussions with the County in a lot of these situations and it's been difficult on some these roads. He said, "We just took it upon ourselves to include this one, because it was so rough and it services a pretty poor area and it's in poor condition."

Councilor Lindell thanked Mr. Catanach for his work he does with the City.

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

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

**7. REQUEST FOR APPROVAL OF ONE (1) 2016 STATE OF NEW MEXICO SEVERANCE TAX BOND CAPITAL APPROPRIATION PROJECT AGREEMENT AND BUDGET INCREASE IN THE AMOUNT OF \$880,000; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION. (DAVID CHAPMAN)**

Councilor Harris said \$440,000 is for Park improvements, and the balance is for the Transit Center. He asked what park improvements we are addressing with these funds.

David Chapman said he would defer to the Parks Director.

Richard Thompson, Director, Parks Division, said they were invited to look at the offer of Severance Tax Bond funds about 60 days ago, and they have collected figures, talking to providers and manufactures. He said what has been requested in park land is restroom facilities, so they are leaning toward 8 drop-in, two stall restrooms, at cost of \$40,000 to \$50,000 each, including pad development. He doesn't have a list of parks for restroom installation, but they know they have a need for public restrooms on City lands.

Councilor Harris said that would be a modular restroom, not portable, and Mr. Thompson said that is correct.

Councilor Harris said the parks will identified after a certain process, the Parks Committee or something like that.

Mr. Thompson said that is correct, and they will work with the Governing Body, look over the list of calls to the CRN and his offices, and then through PARC and Public Works, Finance and then the Council.

Councilor Harris said he would like them to consider purchasing new trash collectors, and would like him to put that on the agenda as well, and Mr. Thompson said he will do so.

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

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

**9. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT IN AMOUNT OF \$120,839.38 – ADDITIONAL SERVICES FOR CITY OF SANTA FE ASSETS MANAGEMENT PLAN; AMERESCO, INC. (LeANN VALDEZ)**

Councilor Ives said he has concerns about how this contract initially was let, and now we're sort of "doubling down" by doubling the amount and increasing the scope. He asked if this is the same contract which was awarded under the State Price Agreement relating to investment grade energy audits.

Ms. Valdez said yes.

Councilor Ives said there were copies of the contractors requiring you use the attached within the State Agreements, in terms of the investment grade energy audits that were to be performed, but he doesn't see any of that in the packet, and the original agreement wasn't included in the packet. He is totally uncomfortable as we appear to be buying software which will put us into a sole source circumstance before long on all of this. He is unsure how this pricing relates to the special negotiations from that prior term, etc. He has lots of questions.

John Alejandro said those contracts are templates suggested for use, noting the templates were vetted, and developed together. He said the scoping document attached as Exhibit B, reflects the scope of the audit in those types of contracts that are affecting the State Pricing Agreement.

Councilor Ives asked the page that is located in the packet, and asked if it begins roughly on page 13, and Mr. Alejandro said that is correct.

Councilor Ives said a number of people have worked extensively in doing investment grade energy audits of buildings, noting they worked extensively with them on the Climate Action Task Force, and now with the Sustainability Commission. He asked if we have asked them to look at any of these and comment on them as qualifying as investment grade energy audits.

Mr. Alejandro said we have not asked the Sustainability Commission member to look at this exhibit, due to some potential conflict in working with [inaudible]. The Climate Action Task Force and Sustainable Commission has made recommendations to pursue investment grade energy audits, but they haven't been asked specifically to review this document.

Councilor Ives said he doesn't have the template agreements, and his recollection of the price agreements is it more explicit in terms of use, rather than here is something you might think of using. He asked Mr. Alejandro to provide him copies of all of that information, so he will have had the opportunity to look at that information more extensively prior to this coming to the Governing Body.

Councilor Ives asked what involvement IT has had in this agreement.

LeAnn Chavez said she believes David Pfeifer has had some communication with ITT.

Councilor Ives asked ITT Director, Rene Martinez, to provide her assessment and its integration into the City's reworking of the City's ITT platform.

Rene Martinez, Director, ITT Department, said David Pfeifer had mentioned the software, but said she thinks she needs to be much more involved in this item. She said she needs to sit and review the minutes and consult with Mr. Pfeifer.

Councilor Ives said he would appreciate that. He would like, when this goes to the Governing Body, to have a report and an assessment of that, in terms of the specifics.

Councilor Ives said he is concerned that the prior agreement is not in the packet, because he recalls it was one-time expenditure agreement, and now all of a sudden, it's come back as a four year agreement, which is expanding in terms of cost, which concerns him. He asked, in the interim before the Governing Body meeting, to send him the original project so he can understand the changes here.

Ms. Valdez will said she will provide him with the original contract and the State Price Agreement as well.

Councilor Lindell said she has more concern now, knowing ITT hasn't reviewed this, which seems absolutely for a piece of software like this. She said in the original audit, what will be the overlap of that audit on items that will end up on an Energy Audit Report. She is concerned we're putting together vast lists of deficiencies without vast quantities of money to address them. She is unsure why we need to hurry

and spend \$38,000 on an energy audit when we've got a sizeable list of unaddressed maintenance items that need attention soon. She is not convinced that spending \$38,000 to do another audit couldn't be put off for a little time and those funds used to repair something that we are well aware needs repair now. She said she has a feeling there will be overlap in these documents.

Mr. Alejandro said a level 3 actuary energy audit involves going through every single piece of energy related equipment in our facilities with a fine tooth comb, and reviewing the performance, or lack, the deficiencies, the age, associated costs of the equipment and facility and comparing those to cost savings if new equipment were to be put into that facility. It would take hours and hours to give us an excellent idea of what is happening in that buildings, and why we are spending so much on this building, and man hours for band-aid solutions on equipment. He said that is the difference between an initial walk-through versus a level 3 actuary investment grade energy audit.

Mr. Alejandro continued, saying if we look at the energy audits and determine there are a lot of deficiencies and lots of things we need to do, but we want to hold off, then we have to pay the full \$38,000 associated with that energy audit. The energy performance contract, Phase 2 of the project, allows us to make changes to our buildings, with really better equipment that ultimately will save money and energy over time. He said the energy savings will be used to fund the installation of that equipment. The energy performance contract is no money out of the City's pocket to install energy saving equipment – the savings we get from energy, upgrades and retrofits will be used to pay for the cost of the installation over time.

Councilor Harris said he has the same comments as he heard primarily from Councilor Ives regarding ITT's review which he thinks is absolutely necessary. He said the presentation from Ameresco a few months ago in terms of deliverables was so poor the Mayor asked him to stop, so he has concerns about Ameresco as a vendor. He would be more interested in seeing the work product to date and how it tracks with the scope of their contract, before moving into proprietary software, preventative maintenance and such. He said he heard what Mr. Alejandro said about the process which he understands. He said we only have a partial list, because he understands the City has more than 1 million sq. ft., but this responds only to 273,000 sq. ft. He said this building has a long list of deficiencies for the City Hall and the only way to address those is to address the building as a whole and not piecemeal. He questions the value of the energy audit on some of these buildings because the determination would be that something very drastic needs to be done.

Councilor Harris continued, saying through the Sustainable Santa Fe Commission, the Brendle Group is on board, and they don't have specific responsibility for energy audits, although he is sure they would say it's something to be done as part of its overall work. He said if you put it all together, with Ameresco's performance to date, the lack of any thorough review by our ITT Department, and the buildings listed, he can't support this at this time.

Councilor Ives talked about the idea of the audits paying for themselves over time, and our obligation to pay the \$38,000 if we don't move into the audit phase. He is concerned that we are locking ourselves into a very long term relationship with Ameresco. He wonders why we are using this very simplified form as opposed to the template agreements. He would like to see the initial results of the contract, noting there was a preliminary report but not a full and final report of the Ameresco contract. He

said about 10 power points was made, but there supposedly was a large, significant document that was to come to us justifying the \$4.2 million needed annually to keep our properties in fair condition. He is willing to move this forward, but he has a lot of serious questions, although he strongly endorsed the City engaging in these kinds of projects to work on our facilities to get the process worked before expanding it to the rest of the City's facilities. He said these were identified as the greatest opportunity to succeed in recouping the funds through the work done.

Mr. Alejandro said that is correct. He said for the past 18 months, he and Mr. Schiavo have been looking at an energy performance contract for City facilities. They looked first at the energy hogs such as the Chavez Center commenting on the with multiple issues and which costs about \$35,000 a month for electricity, or the Southside Library which is a huge energy user.

Chair Dominguez said we can move this forward, or send it back to Public Works for a closer look.

Councilor Harris said if it is scheduled, he would attend Public Works, because this is an important discussion that should happen, but has concerns about whether the time is now and if this is the right vendor. He understands this is the first step.

Chair Dominguez asked the time sensitivity.

Mr. Alejandro said he doesn't know, noting he isn't on the fast track and wants to do this right the first time around.

**MOTION:** Councilor Ives moved, seconded by Harris, to refer this matter back to the Public Works Committee for an additional round of questions and answers with the benefit of the various documents in hand.

**DISCUSSION:** Chair Dominguez asked Councilor Ives to make sure to let Councilor Harris know when this comes back to Public Works. He asked if the Committee wants it back at Finance, commenting he has no problem in doing that. He said, hearing no response, he will bring it back to the Finance Committee after it is heard by the Public Works Committee.

Councilor Harris said there are two different and distinct scopes of work in the aggregate of \$120,000, and \$38,000 is for the energy audit and the balance for preventative maintenance. It is really two different discussions and thinks they should be separated.

Chair Dominguez said Councilor Harris can work that out for the Chair.

Councilor Villarreal said they should be separate.

**FRIENDLY AMENDMENT:** Councilor Harris asked to amend the motion to separate the discussions on the energy audit and preventative maintenance. **THE AMENDMENT WAS FRIENDLY TO THE MAKER OF THE MOTION, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

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

**10. REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND CONTRACTOR IN THE AMOUNT OF \$199,228.44 – MUNICIPAL RECREATION SPORTS COMPLEX (MRC) SOCCER VALLEY, IRRIGATION SYSTEM REMODELING AND FIELD REHABILITATION; COOPERATIVE EDUCATIONAL SERVICES (CES) MOUNTAIN WEST GOLF SCAPES, INC. (JASON KLUCK)**

Councilor Lindell asked what caused the failure of the current system.

Jason Kluck, Project Administrator, Facilities Division, said his rough understanding, is that it failed because of long term use – it was worn out.

Councilor Lindell said she doesn't want to spend \$200,000 to repair an irrigation system if the original design wasn't what it should be. She asked warranty is standard on this kind of work and Mr. Kluck said yes.

Mr. Kluck said yes.

Councilor Lindell asked if there was a review of the design, and if we know the reason the original system failed.

Mr. Kluck said the designer did review the design, but it was for an upgrade, not to figure out why it failed in the first place. He said there are components of the system that are still viable. He said the plan is to completely remodel the existing system so it functions correctly to current standards. He said that may entail replacing large sections of the system.

Councilor Lindell how many fields are covered by the system.

Mr. Kluck said 5.

Councilor Lindell said then it costs about \$40,000 a field to do this work.

Mr. Kluck said that is right.

Councilor Harris asked where the scope of work is in the packet.

Mr. Kluck said it is on page 95, noting it is basically a scoping document.

Councilor Harris said this seems to be a good scope of work. He doesn't know how long the Soccer Valley has been there, but he knows that piping in these systems break down, separate and we're conditioning soil as well as irrigation. It seemed to address the appropriate things to get extended life on these. He said this a legislative grant which initially went to the Chavez Center and was then

reappropriated to this facility. He said his feeling is this is a good use of the funds.

Councilor Ives said when we were looking at the Soccer Complex master plan, questions were raised about redesigning Soccer Valley, to bring it to the level of a regional facility for soccer.

Mr. Kluck said that is correct.

Councilor Ives asked, in doing this irrigation work, will we be addressing any of those larger issues.

Mr. Kluck said very marginally, and with the grant of \$227,000 all we can do is extensive remodeling of the irrigation system and the top dressing, noting that was deemed most appropriate by all the parties involved in the design. He said there really aren't sufficient funds to do anything more significant.

Councilor Ives said he is looking at the shorter term investment versus a longer term investment to do the longer term improvements needed. He said we supply water from the pond adjacent to Soccer Valley, and presumably it is sufficient to cover the existing facility and in the future to cover any additional build-out according to the master plan. He asked if the irrigation systems track that type of thinking.

Mr. Kluck said yes, and based on the flow coming into the facility, the pond would function for the existing irrigation system and the new system calculated by the designers.

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

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

**13. REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT IN THE AMOUNT OF \$58,144 – TWO (2) SUPPORT VEHICLES FOR ENVIRONMENTAL SERVICES DIVISION; COOPERATIVE EDUCATIONAL SERVICE/DON CHALMERS FORD. (LAWRENCE GARCIA)**

Councilor Lindell said this was just discussed at Public Utilities.

Mr. Garcia said correct.

Councilor Lindell asked the reason the vote at Public Utilities isn't in the packet.

Mr. Garcia said he is unsure.

Chair Dominguez asked if there was time to get it in the packet, noting Ms. Green gets her stuff two weeks in advance of the meeting.

Councilor Lindell said at Public Works she talked about this being an expansion and adding a vehicle, so someone else can address this request.

Councilor Harris said for this FY year, \$54,360 was budgeted, and we are now looking at \$58,144 to buy these two vehicle, and asked the source of the funds.

Mr. Garcia said they had surplus funds in another Business Unit. He said they usually buy on the State Purchasing Agreement, but that Agreement expired, and it would put us to the end of the year to purchase, when they would go to the 2017 model and we couldn't meet the fiscal year deadline. He said they looked at the CES contract and used that pricing for the purchase, which is the difference in cost.

Councilor Harris said he spoke with Mr. Rodarte to told him the same thing as Mr. Garcia. He said he is glad he used CES which was Mr. Rodarte's recommendation to SWMA last week. He asked Mr. Garcia if he is confident he can take approximately \$4,000 from a different line item without harming that line item.

Mr. Garcia said yes.

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

**DISCUSSION:** Chair Dominguez asked if all of this in the budget, although you are moving from one location to another, and Mr. Garcia said that is correct it is in the 16/17 budget.

**VOTE:** The motion was approved on a voice vote, with Councilor Harris, Councilor Ives and Councilor Villarreal voting in favor of the motion and Councilor Lindell voting against.

**15. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT AND BUDGET ADJUSTMENT IN THE AMOUNT OF \$36,078.90; ECO RESOURCE MANAGEMENT SYSTEMS, INC. (MARK TIBBETTS)**

Councilor Lindell asked Mr. Tibbetts to briefly explain the use of this.

Mr. Tibbetts said it is for their travel demand model. He said it was designed by a consultant with whom he has worked for 12 years, noting it is used extensively to help guide investment infrastructure for roadways. This money is to bring our base model to a level of competence which has more utility.

Councilor Lindell asked when the last time it was updated, or when was it done.

Mr. Tibbetts said it generally follows a census, so we currently are using 2010 census data for it, and takes a little while, because our model was never thoroughly brought up to date for every single intersection. We have been relying a lot on improvement projects and the data gathered for those

improvement projects has been incorporated into the model. He said this particular consultant worked on the Diverging Diamond project at I-25 and Cerrillos, and in 2010 he worked on an extensive review of St. Francis, as well as on I-25 and on 599.

Councilor Lindell said in A, it says not to exceed \$79,000, and asked if the \$36,000 part of that \$79,000, and Mr. Tibbetts said yes.

Councilor Lindell said then we pay this consultant \$195 per hour, and Mr. Tibbetts said yes.

Councilor Lindell said she is trying to make sure this is something we need right now.

Mr. Tibbetts said it is something that the Public Works Department, the DOT, the State all rely on this as an objective tool. He said it doesn't answer all of the questions, but it give fairly direct and objective guidance.

Councilor Ives said Mr. Tibbetts' memorandum says, *"The additional funding is needed due to extensive and unanticipated recoding of intersections and compiling additional demographic data...."* He asked about the nature of the need.

Mr. Tibbetts' said one of the things that the model doesn't calibrate and validate in it is that we are constantly testing it. He said when it is tested and you look at results that seem skewed and don't make sense, you have to backtrack because one intersection was mis-coded. He said to find that problem is like debugging it. He said these changes are happening all the time. Sometimes an intersection is changed and we're not following this model 24/7, and don't have staff to do it. He said the consulting has been helping a lot, and they have relied on that over the years. He said they try to keep improving the model and this is a big attempt to improve to the point where we wouldn't have to do this type of update until 2020.

Councilor Ives asked how we build a better system, because we're 6 years out from 2010, and we know all the changes over the City-scape in terms of knowledge within the City. He said his challenge would be how we get MPO and Land Use working together better so we get the information on changes for modification of the model.

Mr. Tibbetts said it is possible, and very much a concern of the MPO. The MPO isn't in favor of building bigger and bigger roads, and currently are pursuing more focus on bicycle travel, alternative modes of transit, walking. He said one of the issues they are going against is many years of engineering focus on capacity building. They have faith in the model, but it is not like the magic crystal ball. The volume of traffic has been flat for the past several years in the Santa Fe area, and if anything is a decline, commenting this is the national trend. He feels by working more collaboratively with Land Use, and Public Works, and public health, they will be focused more on minimizing the amount of car traffic.

Councilor Harris said with the adoption of the new ITT platform, there might be opportunities to build in a greater communication between the departments on items needed.

Councilor Harris said this is Amendment #2 and asked if this scope is a carry forward of a scope that already has been identified in the original contract or in Amendment #1.

Mr. Tibbetts said, basically yes.

Councilor Harris said this goes back to 2014, and asked the reason a time extension and cost increase is needed for a scope that was identified in 2014.

Mr. Tibbetts said the problem is the level of competence you are willing to accept.

Councilor Harris asked if the company can finish the work needed to be done under this amendment and Mr. Tibbetts said.

Councilor Harris said he believes they need to be able to that, in essence to "wrap it up."

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

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

**16. REQUEST FOR APPROVAL OF GRANT AWARD AND BUDGET INCREASE IN THE AMOUNT OF \$66,620 – FY 2016/17 SANTA FE METROPOLITAN PLANNING ORGANIZATION FOR OPERATING EXPENSES; NEW MEXICO DEPARTMENT OF TRANSPORTATION AND FEDERAL HIGHWAY ADMINISTRATION SECTION. (MARK TIBBETTS)**

Councilor Lindell asked if these funds was budgeted and what is the use for these funds.

Mr. Tibbetts said the amount budgeted originally for this program grant was an estimate in the Spring and they didn't receive authorization for the full amount, so there was a budget adjustment. The amount of the estimated amount and the actually was a difference of \$66,000. The program funds were \$220,000 with a 14% local match requirement. He said these are new funds for 2017, and we are authorized to spend the new funds beginning October 1<sup>st</sup>. He said this is new money coming in that is put into the system as of October 1<sup>st</sup>.

Councilor Lindell asked if the use of it was already called out.

Mr. Tibbetts said yes, in the work program.

Councilor Harris said the Memo says, "*Funds associated with this NTP must be spent by 12/31/16 and invoiced separately in 2017.*" He asked if there are issues with that.

Mr. Tibbetts said no, they are on track to spent those funds by the end of December, all of the older money.

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

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

**18. REQUEST FOR APPROVAL OF GRANT AGREEMENTS AND BUDGET INCREASE IN THE TOTAL AMOUNT OF \$700,000 – SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM AND AIR SERVICE ASSISTANCE PROGRAM TO PROMOTE INCREASED AIR SERVICE AT SANTA FE MUNICIPAL AIRPORT. (CAMERON HUMPHRES)**

- **US DEPARTMENT OF TRANSPORTATION**
- **NEW MEXICO DEPARTMENT OF TRANSPORTATION AVIATION DIVISION**

Councilor Harris said this was announced at the end of the previous Finance Committee, and he asked questions regarding the grant agreement with a local 50% in-kind match of \$500,000 for the Small Community Air Service Development Program. He said we are looking at two different grants tonight. His focus is on the Development Program. He said he has asked for more detail about where the match will come from. He has heard the Santa Fe Chamber of Commerce will be the Fiscal Agent and the Northern New Mexico Air Alliance will be gathering the \$500,000. He has heard there will be an MOU between the City and, he presumes the Air Alliance, as well with the Chamber of Commerce. He said the problem for him is we have accepted the grant really doesn't know what we've gotten into. We haven't seen an MOU or anything from the Chamber, although he has seen a list of the members of the Air Alliance. He asked if they have made the commitment that has been represented. He asked Mr. Humphries to respond to his questions.

Cameron Humphres, Director, Airport, said he wants to be very clear about the action tonight. This is simply an acceptance or ratification of the acceptance of these two grants. It is the beginning of the project, not the end. He said, "To your question specifically, these two grants provide federal and State assistance for air service development here in Santa Fe. They both come with a 50% match requirement, and an Alliance has been established, the Northern New Mexico Air Alliance, an alliance of governmental and private entities coming together to collect the funds necessary to match both grants. The Northern New Mexico Air Alliance has been organized under the Chamber of Commerce under the Opportunity Fund, and they are in the process of collecting the donations for those matches. There is an MOU that currently is in the works between the City of Santa Fe and the Chamber of Commerce in the early draft form, where the Chamber is the fiscal agent for the Northern New Mexico Air Alliance and the Opportunities Fund."

Mr. Humphres continued, "Essentially what that will be is that the Northern New Mexico Air Alliance is going to enter into these agreements with an Airline and/or marketing firm for the purposes of these grants, not the City. And that's good news to the City and the taxpayers is that private entities and organizations are coming alongside and saying we're willing to provide financial support for these efforts. Those agreements are still in draft form. Again, this action is simply the acceptance of the grant. It is not

approving any kind of agreement with the Alliance or the Chamber, it's not approving any other agreements, and I will note that it does not give authorization to go out and spend any money against these grants. This action tonight before this Committee and the Council later on, is merely the acceptance of the grant."

Councilor Harris said aren't we being asked, and ultimately the Governing Body, to ratify this acceptance that's already signed off. He said the City has accept this and we are being asked to ratify it after the fact, so there's a big difference. He said, "It may be the best deal in the whole wide world, but I don't know what we're getting into and that is a problem for me as a member of the Finance Committee."

Councilor Harris continued, saying the Governing Body absolutely needs to be able to see the MOU and have a much better understanding of what we've accepted and what we've agreed to. He said there is no real sense of urgency now, commenting the urgency occurred earlier this month. He said that's in the past, but he wants to know about the future and what we're getting into, and to do that, we need to be able to see the MOU. He said this is what he would propose to the Committee.

**MOTION:** Councilor Harris moved, seconded by Ives for purposes of discussion, to move this item forward to the Council, and prior to moving it forward to the Governing Body, the MOU between the City and the Chamber of Commerce Opportunities Fund, should be reviewed by this body.

**DISCUSSION:** Mr. Humphres said he would add that any agreement the City enters into with the Chamber Opportunities Fund would have to come before this Committee and the full Council. He said the action tonight is ratification of the acceptance of the grants. The agreement in its entirety is before the Committee. He understands Councilor Harris concerns, and those activities will be coming before this body and the Council when it's complete, but at this point is just ratification of acceptance of these grants. It's not binding the City to any agreements with the Northern New Mexico Airlines Alliance, the Chamber, or airlines or anybody else. He wants to be clear this all this action does.

Councilor Harris said he understands there is no issue in terms of timing, and there is no reason we shouldn't be able to see this MOU and have an understand of what we have accepted and what we are being asked to ratify.

Mr. Rodriguez said if, for some reason, we don't have the information, we will move it to the next Council meeting.

Councilor Ives asked if doing this creates timing issues in connection with this matter.

Mr. Humphres said at this point, the answer is no. He said there is a long process ahead of us, one of which is establishing an MOU. He said both grants require an air service agreement with an airline and that will have to go before the Council, "perhaps Council, depending on the nature of the agreement as well as a marketing plan." He said if this body and Council want to delay this action, he sees no problem. He doesn't know we will have the MOU and all other moving parts together by the next Council meeting. An alternative may be to delay it until we do.

Councilor Ives said he doesn't want to pass up federal grant funds for improvements at the Airport without really good reason. He said a like match might be that reason, depending on how much money is raised. He said if we accept these grants, given there so many items to be put in place, and if not put in place over a certain period of time, the grant fund would disappear. He presumes there is no down side to that, other than having lost an opportunity to use those funds.

Mr. Humphres said that would be the biggest downside. He said American Airlines offering service to Phoenix was predicated on the grants and the acceptance by the City and the organizations that provide these were pivotal in its decision to move forward. He said we aren't at risk at this point of losing that as we work through the process.

Councilor Ives doesn't mind supporting looking at the MOU, but on the other hand if he hears we will be losing these grant funds, he would be in favor of moving forward and accepting the grants, and working out the details in a way we know would be satisfactory, based on Mr. Humphres coming back before the various Committees and Governing Body with the specifics. He said, "For the time being, if it's not a timing issue, I'm happy to continue to support the motion made in hopes we can look at the MOU before it goes to the Governing Body. But I would like to say if, at any point in time, we are in threat of losing those grant funds, that would be a very important bit of information for us to know and the timing involved in that."

Mr. Humphres said a question he doesn't have an answer for, is because of the timing issues when these grants are required to be submitted both by the Federal and State governments. The City Manager signed them, and we're asking for ratification for these. He doesn't know if there is a legal timeline by which the Council has to act on ratifying that.

Mr. Rodriguez said there is none, but what he would recommend for the Committee is to do it at the next possible meeting so ratification is a step by staff to preserve the Council's right to decide. He said if it is understood at this point, you've seen it, it's been aired, the concern is that we have the MOU, in other words instructions to staff are clear, etc., at least we stay within the spirit of ratification.

Councilor Harris said, "I would like for it to be in the spirit of informed ratification, is what I'm looking for." He said nothing was said about the local match and he only became aware of it when he read the hard copy at the end of the meeting two weeks ago. He said this is part of his issue, so he would ask that the same sense of urgency carry forward and get the MOU to this body as soon as possible.

Chair Dominguez said, "I hope you understand both the issue... one of the things that could be brought up is, it's all great to get this kind of grant money, but how much time is it going to take to administer it. I have no idea if it's going to take 80% of your time on the grant, and you will be spending less time dealing with the other operations at the Airport. I think these are some of the thing that concerns me. We get money all the time from all sorts of agencies, but we never calculate the impact it has on staff and what it costs to actually administer the monies we're getting from the State or the feds or anyone else for that matter. I don't need an answer tonight, but it sounds like we're moving forward."

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

23. **REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO SANTA FE'S HISTORICAL AND CULTURAL HERITAGE; AUTHORIZING STAFF TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR SERVICES THAT WOULD PROVIDE OPPORTUNITIES FOR INDIVIDUALS TO BE EDUCATED ABOUT SANTA FE'S RICH HISTORIC AND CULTURAL HERITAGE (MAYOR GONZALES). (DEBRA GARCIA) Committee Review: City Council (scheduled) 09/28/16. Fiscal Impact – Yes. (\$10,000 expenditure for professional services; \$10,000 revenue from Lodgers' Tax)**

Councilor Villarreal said she isn't opposed to having an opportunity to educate the community about Santa Fe's rich history and culture. Her only concern is that we haven't been updated on the status of the Culture Connects Plan, and asked Ms. Garcia the status of the plan – has it been completed and how that plan connects back to the work that would be charged for the City Historian.

Ms. Garcia said the consultant, Estevan Galvez Rael, has delivered the plan to us, noting it is a hefty document in keeping with the direction to develop a broad vision, a roadmap for the community. There are a significant number of recommendations and action steps along with some pretty in-depth analysis of various aspects of our community. That document is now with the working group which is in the process of offering its insights and recommendations about the priorities for implementation, given the size of that. And also putting resource numbers to that – staff time, outside partnerships or actual financial resources for the recommendations they're bringing forward. So it continues to move through the process and will be coming to this body with the minutes in approximately two months. She said, without having it approved, we didn't want to get too directly into this. However, some of the language, particularly around scope is drawn from that document in an attempt to move forward and tie it into the yet to be approved plan.

Councilor Villarreal said she can see there is a lot of work behind that. She asked the contract amount.

Ms. Garcia said it is approximately \$40,000.

Councilor Villarreal said, "That is pretty hefty, a lot of community input, and there would be. From what you're describing, some recommendations that actually could tie into what the City Historian would do. I don't necessarily think it's bad to have a City Historian, although they usually tend to be somewhat of a figurehead for a City, but I really would like them to be connected to what we've spent quite a bit of time and money on. So I am not inclined to support this, and I would like to postpone it, and I would like to hear from my colleagues, because I think we need a first here. I would like to know about the Culture Connects plan and the recommendation to get a full understanding of what that work entailed, and then we can decide if we need a historian to fill that role for some of the recommendations or other things we should be doing."

Councilor Villarreal continued, "Well I'll yield, but I have one more question. But on that point, I think.... do you have a question on that."

Councilor Lindell said she will wait until Councilor Villarreal is done.

Councilor Villarreal said, "The other thing and this may be, I don't know if you will be able to answer it. I was just curious if you saw the role of the City Historian as somebody that could fit into the discussions we seriously need about historical truths around Fiestas, specifically the Entrada, and if there would be a role for the City Historian to play in that context."

Ms. Garcia said she thinks definitely so. She said the way the Resolution is drafted by the Sponsor, if adopted, an appointment is made, and then once appointed, that person has 30 days to come back with a scope of services. She thinks, with direction from the Governing Body, either formal in terms of an amendment to this Resolution, or informal in terms of policy direction, that person could be tasked with helping to address that issue.

Councilor Villarreal said it really doesn't state that currently in the scope, commenting the scope is fairly general, noting this is coming from Tourism dollars, essentially it says, '*...provided live lectures for tourist and residents in downtown venues...*' She said it doesn't talk to the kinds of cultural nuances that have not been discussed and historical *[inaudible]* that need to be discussed in a way that is a lot more inclusive. She said, "I don't even know if it necessarily would be the City Historian that would take on that role, because I think it should be community driven. And we can be participants, but I actually think there's a lot of community members and really great historians that have some good perspectives that are diverse perspectives from historians. So I think historians have a broad range of perspectives on our history, too. So, I'll yield the floor for now."

Councilor Lindell said she asked Ms. Garcia about that report yesterday. She asked if the money is the same as last year, \$10,000.

Ms. Garcia said no, it was \$5,000.

Councilor Lindell said so we're doubling the money.

Ms. Garcia said the intent is to double and therefore the scope would double.

Councilor Lindell said she has agreement with Councilor Villarreal... saying she might find it a more interesting proposal/Resolution, if we opened to proposals of what people would proposing to do, rather than to select someone and ask them what they propose to do when their "name is already is on the check." She thinks we would get some interesting proposals if we went about it in the opposite way, rather than just selecting someone and saying, well, what would you like to do. She said, "I would rather see a choice of 10 things than just one thing. That's my comment on it. I would like to see an amendment to have it changed to be reflective of that. I'll yield the floor."

Councilor Harris, referred to Resolution page 2, line 23, which provides, '*Advertise, publicize and promote historical tourist-related attractions, facilities and events, including nonprofit arts activities.*' He asked the reason we have attached "nonprofit arts activities" to these activities.

Mr. Garcia said the wording comes directly from the Ordinance related to the Lodgers' Tax for the arts, so a percentage of those funds could be used in addition to other Lodgers' Tax Funds.

Councilor Harris asked if that language is a requirement in order to use Lodgers' Tax.

Ms. Garcia said, "It is a requirement to access the Lodgers' Tax for the Arts Funds. It is not a requirement for the other portions of the Lodgers' Tax.

Councilor Harris questioned the necessity to have language which includes non-profit arts activities.

Ms. Garcia said, "That would allow us to access a portion of the Lodgers' Tax for the Arts Fund. That could be withdrawn, and we would have to look to other funding sources, from the Lodgers' Tax or elsewhere.

Councilor Harris asked if she can still access the Lodgers' Tax.

Ms. Garcia said, "The larger Lodgers' Tax, as long as it has the tie-in to the marketing and promotion of tourism, yes sir."

Councilor Harris said, "A subset of the Lodgers' Tax for arts activities."

Ms. Garcia said, "The one thing I would say is that I think that there are definitely opportunities for non-profit arts activities, if you keep in mind, for instance Fiestas is a nonprofit arts activity. The History Museum, there is a fair amount that goes on there that this person could tie into, but the language could be removed, and then I think it would be more of a judgment with Legal and the Finance Director about whether it was an appropriate use for the Lodgers' Tax for the arts."

Councilor Harris wants a little bit more research to be done before the next time we see it, about the reason it would necessary to have this language in the Resolution. He said if the focus is on a City Historian and their activities, he sees no reason to have yet another driver for nonprofit arts activities. He said he would rather see it all relate to any direct historic activities – attractions, facilities and events.

Mr. Garcia said, "I'm happy to do that. It does remove the clarity of the source, but we can talk to the sponsor about removing that language for sure."

Chair Dominguez said he would tend to agree that the issues we have in this community are much larger than a City Historian can deal with. He said there needs to be serious conversations in this community about lots of things, not just as it relates to Fiestas and recent activities – lots of other things as well that he doesn't want to get into tonight.

Councilor Villarreal said she agrees it probably is a lot larger than the scope of what a City Historian could handle, and sees this more as being a tourism promoter, the City Historian, which she doesn't think is how it should be. She said, "More than anything, I would like to postpone this so we can see this, I know it is a product of the Culture Connects plan, before I make any decisions on the Historian, and that is my motion."

**MOTION:** Councilor Villarreal moved, seconded by Councilor Lindell, to postpone Item 23, to the first meeting of the Committee in December on December 5, 2016.

**VOTE:** The motion was approved on a voice vote, with Councilor Lindell, Councilor Villarreal and Councilor Harris voting for the motion and Councilor Ives voting against. **Explaining his vote:** Councilor Ives said, "I would vote yes not simply because I think this makes sense for what it is considering. I don't think this is a measure to solve those broader issues."

- 24. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND HARDSHIP MATCH WAIVER PROGRAM, ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO LA CIENEGUITA AND BETWEEN CAMINO CARLOS REY AND AGUA FRIA STREET (COUNCILORS LINDELL AND VILLARREAL). (DAVID CATANACH) Committee Review: Public Works Committee (approved) 09/12/16; and City Council (scheduled) 09/28/16. Fiscal Impact – No.**

Councilor Harris said he thinks he got most of his questions answered the "first go around," that basically these grant funds should be available in the Spring, Mr. Catanach will create a schedule for these streets to piggyback the funds potentially with the funds we get here, and asked if that is correct.

Mr. Catanach said that is correct.

Councilor Harris said Mr. Catanach said he would address his question regarding emergency vehicle access with John Romero. He realizes the subdivision was developed under an older IFC, but there is an issue in a different neighborhood where signs are being installed. He said, "I should say, if that's the case, if the answer is yes, we should identify fire lanes, by all means let the people know in this Subdivision. That was the big problem in the other one I'm referring to okay. That's it Chair."

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

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

\*\*\*\*\*

**END OF CONSENT CALENDAR DISCUSSION**

\*\*\*\*\*

**DISCUSSION**

- 34. UPDATE AND PROPOSED TIMELINE FOR ACCOMPLISHING STRATEGIC PLANNING RESOLUTION. (ADAM JOHNSON)**

A copy of a Memorandum dated September 28, 2016, with attachments, to the City Council, from Adam Johnson, Budget Officer, regarding this matter is incorporated herewith to these minutes as Exhibit "2."

Adam Johnson, Budget Officer, reviewed the information in his Memorandum of September 28, 2016. Please see Exhibit "2," for specifics of this presentation.

Mr. Johnson said time is of the essence, because we have a lot of things to achieve in a short period of times, and we have to work very hard to do that. He said currently they are working to procure the items, a consultant to engage with this body as well as the survey, the training and the development of operating proposals is being done in-house with staff time.

*The Committee commented and asked questions as follows:*

- ◆ Chair Dominguez said he is curious to hear what the Committee has to say about the timeline, which is a little aggressive, but thinks it needs to be, especially since we're already thinking about the next budget cycle. He said this is going to be an ongoing institutional process. He said what we do this year won't solve all of our problems, and we won't have the luxury of doing it just one year. He said we will continue to do this or a similar strategic planning process continually. He would like for this Committee and all of the Councilors to think about what kinds of questions they might have to ask of the public. He said those need to be fleshed out and provided to staff so they can be incorporated into the packet.
- ◆ Councilor Harris said, having been involved in project management business for a long time, he appreciates the way Mr. Johnson has laid this out. He thinks it makes sense, and it may be aggressive, but an approach like this is much more likely to deliver effective results. It is ambitious and aggressive, but "good for you," as well as you Mr. Rodriguez.
- ◆ Councilor Harris noted Mr. Johnson said the Governing Body will have the opportunity to customize some of the questions, noting he thinks it would be appropriate to list it there. He said he is impressed with NCS, although he is unfamiliar with the firm, the list of activities seems appropriate and wished him luck, commenting, "I'm ready to get started."
- ◆ Councilor Lindell thinks this is really the very best process that she's seen on her short amount of time on the Governing Body. She said it's ambitious, but we're ambitious, and we can do this. She appreciates it very much and is completely on board to work on this and going through this process "to the very best of our abilities, and thank you very much to everyone that has touched this."
- ◆ Councilor Villarreal said good job Adam and staff to get this going. She asked the process, or how MTS was decided upon – did you look at other platforms that could help us with this piece.

Mr. Johnson said, "There has not been a competitive process. I looked at many other outfits that do a similar thing. Obviously, time is of the essence, and also we found an expert in the field. Our colleagues at the County have used the same firm, which is a big reason for the decision there, that that makes sense. They also are partners with ICMA, the International City/County Managers Association, they work closely with them. So, it's a real natural fit. As endeavors go, it's an inexpensive endeavor. So, in all honesty, those are the answers as to why we chose them."

- ◆ Councilor Villarreal asked if this is a hard copy of the survey that is mailed, or is there also a social media component to it.

Mr. Johnson said that decision is still to be made, noting at this point he is leaning toward mailing surveys to make sure we get the most number of respondents due to internet connectivity issues. He said they do intend to self-promote, self-market the opt-in survey which would be available via social media via the internet. He said they are trying to get the most respondents possible. He said NCS does offer a web-based only, statistically valid survey. He said given our newness to the process, they are thinking going with the printed route and see how we do, and then make a decision. He said as the Chair said, the intent is to institutionalize this process every two years. He said the only way we'll know how we're doing is to check back and see how we are doing with the answers we receive time after time.

- ◆ Councilor Villarreal said she thinks it should include both components – the mail piece and doing something on line we could put out on the social media.
- ◆ Councilor Ives thanked Mr. Johnson for the information, commenting it is very aggressive, commenting, "It will be fascinating I think to see some of the input back, especially putting together a cohesive, uniform process across what heretofore had been fairly disparate in terms of approach. He asked where the templates are coming from.

Mr. Johnson said those templates will not have been finished, but they will come from the Finance Department. He said the first format which will create consistent format for the departments to write their operating proposals are very simple – titles, business units, those types of things, current budget, FTEs. He said he is happy to supply those to the Committee/Council as they become ready.

- ◆ Councilor Ives said he would love to see it, as we go through the process to know what people are responding to, to better understand what is submitted. He said, "That would be my only request."
- ◆ Chair Dominguez said we will be meeting here soon to continue this process moving forward.

There was no action on this item because none was required.

31. **REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 7-4.2 SFCC 1987, RESIDENTIAL GREEN BUILDING CODE BY REPEALING EXHIBIT A TO CHAPTER VII SFCC 1987; ADDING A REQUIREMENTS SECTION; AND AMENDING SECTION 14-8.2(D) BEST MANAGEMENT PRACTICES FOR GRADING BEFORE AND DURING CONSTRUCTION (COUNCILOR IVES, COUNCILOR DOMINGUEZ AND COUNCILOR VILLARREAL). (KATHERINE MORTIMER).**
  - a. **REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING TARGET GOALS FOR THE CITY'S GREEN BUILDING CODE TO MEET THE GOALS SET FORTH IN**

**THE U.S. MAYORS CLIMATE CHANGE PROTECTION AGREEMENT, THE CITY'S GOAL OF BECOMING CARBON NEUTRAL BY 2040, AND THE NEED TO CONSERVE WATER RESOURCES DUE TO THE PROJECTED EFFECTS OF CLIMATE CHANGE (COUNCILOR IVES, COUNCILOR DOMINGUEZ AND COUNCILOR VILLARREAL). (KATHERINE MORTIMER).**

**Committee Review: Sustainable Santa Fe Commission - 08/17/16; Planning Commission - 08/18/16; Public Works Committee - 08/29/16; Water Conservation Committee - 09/13/16; Public Utilities Committee 09/07/16; City Council (Request to Publish) - 09/14/16; Finance Committee - 09/19/16; and City Council (Public Hearing) - 10/13/16. Fiscal Impact - Yes (FY 16/17 - expenditure = \$73, 982; revenue = \$10,000) (FY 17/18 - expenditure = \$123,514; revenue = \$15,000)**

A Memorandum dated August 31, 2016, to City Council Committees, with attachments, to City Council Committees, from Katherine Mortimer, Supervising Planner, Land Use Department, regarding Green Building Code Update & Establishing Target Goals, is incorporated herewith to these minutes as Exhibit "3."

A Memorandum dated September 19, 2016, to the Finance Committee, from Katherine Mortimer, Supervising Planner, Land Use Department, regarding Green Building Code Update Staffing Proposal, is incorporated herewith to these minutes as Exhibit "4."

Katherine Mortimer, Supervising Planner, Land Use Department, presented information regarding this matter. Please see Exhibits "3" and "4," for specifics of this presentation.

*The Committee commented and asked questions as follows:*

- Councilor Lindell said she would love to support this, she likes it and thinks it is important. However, she is committed to living with the existing budget. She is really concerned about adding another position at this point and time at a cost of about \$74,000, and we have no idea if the projected revenue will happen. She noted next year it will cost about \$124,000, with offset revenue of \$15,000. She reiterated she is committed to living within the approved budget, and doesn't see any reason this couldn't wait to be put into year's budget.
- Councilor Harris referred to the statement on packet page 4 which says, '*The source of the funds come from project increases in construction permit fees from projects that have either received development approvals or are well along in that process.*' He asked if this draft [Exhibit "4"] starts to address this statement.

Ms. Mortimer said yes, noting the redlines are projected. She said we are now a little more than 2 months into the first year's projections and we are on track.

- Councilor Harris said he has the same core concern as Councilor Lindell about the source of funds. He thinks it would be important for staff to provide the current numbers in terms of revenues associated with fees which would help to support her argument.

Ms. Mortimer said they did pull the numbers as of today, but at this point they have collected \$482,832 to date for this bubble in the current FY, that is anticipated to be with us for 3-4 years. She said they received two permits that are part of the bubble, and normal every day permits. She said in base levels they are ahead of budget. She said they are very confident we will be getting Presbyterian Hospital and Las Soleras Subdivision.

Lisa Martinez, Director Land Use Department, said it looks like the revenue to this point actually is ahead of projections, so they are hoping to be on track. She said one of the things that transpired is that during the budget hearings, they knew they were going to be cutting 2 positions. The current position being requested is not one of those positions, and was actually cut at the end of the process. She said they had budgeted for it, and if we are to go forward with this proposal they need this position. She said if the Council doesn't approve the program, they are open to hold off on that position, however she is trying to be realistic about the staffing needs are to be able to make this a successful program.

- Councilor Harris said then the current budget based on \$3, 200,399, and Ms. Mortimer said that is for building, mechanical and electrical permits.
- Councilor Harris asked if the projection on the chart tracks with that number and Ms. Mortimer said yes.
- Councilor Harris said then the number through mid-September is approximately \$400,000.

Ms. Mortimer said she is unsure of the date, but the number pulled from the system today is \$482,832.

- Councilor Harris said if we say it's through August and round it up that is \$250,000, and 12 months gets you to \$3 million, which is just shy of the projection. He has further questions he won't ask now.
- Councilor Harris said there is a cost to the single-family dwelling unit of approximately \$5,000. And, according to the Memo, the savings will range from \$2,800 to \$5,900 per residence, noting the low end of the range is about half the cost increase. He asked staff to look closely at the F.I.R. that suggests there is no real impact as follows: '*Community Impact. Trade-offs and requirements keep cost of compliance about the same as before.*' He said he doesn't think that is what her Memo says. He said affordability for the middle class potentially is impacted by this revised Ordinance.
- Councilor Harris said the last minor thing is on packet page 17, line 20, which provides, '*.... protection from drainage canales.... an impermeable liner shall be installed under the splash area under the canale; and a liner or other collector shall be installed that guides water away from the structure sloping a minimum of 6 inches over 6 feet...*' He said he doesn't think we need to get down to that level, and sees no advantage to having that little layer and has a hard time seeing it would accomplish much of anything. He said these are his comments for now.

Ms. Mortimer said this has been of concern in the building community, noting she came up with the \$5,000 figure as "it could be as much as," meaning the very highest end. She has gotten pushback from the builders saying it wouldn't be near that amount, and by putting that amount out there, she is implying something that's not really there. She said right now the HERS requirement is 70, and they are moving that down to 65. She said the average score 2 years ago was 61, which means half of the buildings built already meet that requirement, so their impact would be real, and that tends to be the smaller homes. It is the larger homes that will have higher HERS ratings because they tend to have equipment that is less efficient, but it's what they prefer to have.

Ms. Mortimer continued, saying, "I do stand behind the conclusion that for most people it would be met, but for many they would do cost benefit because of the simplification of the program."

- Councilor Harris said he called Kim Shanahan this afternoon to talk about this, but he was unavailable. He asked if Ms. Mortimer spoke to Pulte and how they would analyze this.

Ms. Mortimer said she did speak with Pulte and they have come in with some of their master sets and they know they have to comply, so their numbers are all 65 or less. So they don't see that this will cost them anything.

- Councilor Villarreal said on that point, she is assuming it could be up to \$5,000, depending on the construction additions they make, but it is achievable by taking the lowest cost option.

Ms. Mortimer said the \$5,000 is for homes that are larger that have a better requirement, so their number may be going from 50 to 45, or from 40 to 25, and they've done all the things that make sense.

- Councilor Villarreal said then it varies on size and materials, but you decided to select another factor.

Ms. Mortimer said to a certain degree it has to do with the kind and amount of insulation. She said one thing in the Code provides that you have to meet the overall insulation value of the 2015 National Energy Code. You don't have to meet the walls and the floor separately, but the net total has to be that, so that's driving some of the insulation into the exterior which is not *[inaudible]* that can run out and potentially be replaced with a less efficient unit.

- Councilor Villarreal said she can't quite remember how it played out with Land Use staff not being budgeted, and asked Mr. Rodriguez if he can shed light on that.

Mr. Rodriguez said the estimate when we were going over the budget was \$5 million. At that time, he asked for time to visit with 'her,' so we pared down that estimate to the \$3.5 million. He said Ms. Mortimer was more optimistic that we ultimately ended up getting to. He said at the rate we are going, he feels good that we will achieve at least the \$3.5 million, because it is cyclical and there was a peak. He said the peak happens more on the off-construction scene where the higher range probably will come in.

Mr. Rodriguez continued, saying, "I feel good in recommending to you that it does seem we're going to achieve at least that revenue figure. In terms of the staff what you saw at that time was a request for staff, that management did not recommend, and that is what is ultimately approved. That is why we're coming here, at least we asked the Planning Director to come here and ask for that amendment to the budget if the revenue is realized, and the Council amended the Ordinance that required this extra work, then at that time, the Council could roll one or the other. So I'm recommending to you that it does seem the revenue is going to there. Our intention was at the next Monthly Financial Performance Report, we would be coming to you with any revenue adjustments or project an adjustment that we would be seeing at that time."

- Councilor Villarreal asked when he provides that information, how does it translate into a position to cover this particular job.

Mr. Rodriguez said it does seem that we will have to pay for that job, at least in this year, and a request to appropriate funds to spend for staff does seem it will be supported by the increased revenue.

- Councilor Villarreal said this is an important Ordinance to approve, and asked the timeline to get staff on board for this – actually put it out so we can start looking for staff.

Mr. Rodriguez said as soon the funds are appropriated, then we can advertise and everything will follow so we can begin recruiting the position. He said all he can speak to is it seems there will be enough revenue to amend the budget so we can recruit staff.

- Chair Dominguez that could be the trigger, in that we go through a certain period of time just to make sure the revenues are waiting, and then the position can be advertised. He said one thing he doesn't want to see is for us to advertise for the position and then suddenly we're not getting the activity that we thought we would get. He said to bear that in mind, because that could be a condition of approval.
- Councilor Villarreal said for this fiscal year the \$73,028 is for personnel, with benefits of \$17,000, and there is a piece for capital outlay of \$20,000, and asked what that is for.

Ms. Mortimer said that is for a vehicle for the inspections, so that would not be recurring.

- Councilor Villarreal said there are operating costs of \$7,000, and asked what that will be used for.

Ms. Mortimer said that is for new computers dealing with data collection. The two computers being used currently in this effort are extremely old, and can't be used for this purpose.

- Councilor Villarreal said she can see the need for a person and fringe benefits, and the operating costs because the computers will help, but she isn't quite sure about the vehicle, because she needs to understand what we have. She asked if including this in the budget, includes the full amount of what we're looking at in terms of fiscal impact.

Mr. Rodriguez said yes, for the remainder of this year.

Ms. Mortimer asked if Councilor Villarreal would like to hear from Ms. Martinez about the state of our vehicles, because they did look for existing vehicles in the City we could use for this, and they were unable to find one in the City in current inventory. Responding to the Chair, Ms. Mortimer reiterated there is no vehicle for this currently.

- Councilor Villarreal said she doesn't know if she wants to go into it that much, but thinks it's a piece to look at. She said her biggest concern is to get the Resolution adopted and getting staff on board for implementation.
- Councilor Ives said this is the direction in which the City needs to move in terms of the Land Use Code and what is proposed here. He said we talk about saving energy and water, and all of this is designed to ensure we get that job done. He said he is totally in favor of the legislation. He said, regarding the position, he is totally in favor of that as well. He said he believes, in talking with staff in Land Use, that there already are stressors there in terms of the number of people and the work involved. He thinks the worst thing we can do is allow for any delays to occur. He said, given the activity we're seeing already, and what is anticipated, that the position is fully justified and wise, but imperative and necessary for a smooth operation and ensure we move forward the Land Use decisions and projects submitted.
- Councilor Ives continued, saying in his mail today, he received a note from Presbyterian who is doing a small ceremony celebrating the \$135 million investment they are making in the health of our community. He said there was prior discussion about Presbyterian for an inspector on site there permanently during its construction to move that process forward. He said the budgetary imperative is totally clear. He said the philosophical imperative in terms of what the Ordinance is trying to do in terms of increasing our gain in energy and water conservation is what we need to be moving. He said, "I'm in favor of moving this forward."
- Chair Dominguez thanked Ms. Mortimer for her presentation. He said if this bill is approved, it has to the Governing Body on October 26, 2016.

Ms. Mortimer said she believes that is correct, noting it was first supposed to be advertised on October 13<sup>th</sup>, and believe that has been pushed back.

- Chair Dominguez said at the last Council meeting we decided to have a public hearing on October 26<sup>th</sup>. He asked Mr. Rodriguez if we need another piece of legislation to amend the budget, or does whatever we decide here automatically trigger that and get that done.

Mr. Rodriguez said it can be done either way, commenting it is a simple action and can be done as part of the motion, or as a separate action now or on October 26<sup>th</sup>. He said at some point the Council needs to decide that the budget is hereby increased by this amount, and also recognize the additional revenue as a result.

- Chair Dominguez said, so we have to make it clear through the motion made at Council. He said we aren't just going to assume that the budget will be amended with this action, we need to be specific about that.

Mr. Rodriguez said that would be his recommendation – you are taking action that has financial consequences, and we're asking you to accept that, and do what is necessary to tie it all up.

- Chair Dominguez said then this position will be advertised in November.

Ms. Mortimer said the intention is for the position to start in the new year, but the advertising could occur before then in order for the person to be in place by the new year. She said the FIR will be for half of the cost because it is only for 6 months. She said the intention is to train the person and brought up to speed when we get the onslaught of building permits which tends to be in March and April.

- Chair Dominguez said sometimes we can get somebody hired in 3 days, while other times it takes 3 months, and asked if this will be expedited and we will get people on board after January 1, 2017, the first business day of the year.

Ms. Mortimer said it is hoped that person will start as early in the new year as possible, and certainly they will work with H.R. Department to make that happen as quickly as possible. She said they do have an approved job description for the position, and hope the process will go smoothly. She said Ms. Martinez may have a better sense of that.

- Chair Dominguez said he just wants to know the intention, and doesn't want to be at the end of this fiscal year saying we never hired that position, or it too H.R. too long, or whatever. He asked Mr. Rodriguez the plans for a mid-year review.

Mr. Rodriguez said what you get at the start of every budget cycle is a projection about how it looks for the next 5 years, with projections for the next year. He said they don't do a financial report for the first quarter because there isn't much financial activity to do projects on. He said in October you will receive the first Financial Performance Report, projecting revenues and expenditures through the end of the year. From that, you will be given staff's belief for the revenue trend, and at that point we can say if we have enough money so you can do it.

- Chair Dominguez said then we will get another one in December. He said, "We've never had a formal, or comprehensive, or more meaningful mid-year review."

Mr. Rodriguez said when he came and people talked about that, he said no, there should never be a mid-year review. We should be good at budgeting, we review things every month, and our adjustments needs to happen every month. We don't hold it all up to one time of the year, and then go forward. He said that means we're not doing a good job. He said he would hope that the idea of a mid-year budget adjustment is something that falls into the past.

- Chair Dominguez said by the time this happens we will be through half of the fiscal year. So then, based on the quarterly report we should have a clear indication of the revenues. He asked in the following monthly report if we will be able to parse out some of this stuff, because we haven't done Lane Use revenue in the report.

Mr. Rodriguez said, "This is the first time Land Use has sort of come to the arena."

- Chair Dominguez said he doesn't know what is going to happen here tonight, but he would request that whatever we get in the Monthly Report starting in October, include the monthly revenue and expenditures from Land Use, basically in the same format that we receive them for the other enterprise funds.

Mr. Rodriguez said he will do so.

- Chair Dominguez said, "Other than that, I'm good with the bill, so far."
- Councilor Harris said on the agenda, the City Council public hearing is scheduled for October 13, 2016.
- Chair Dominguez said at the last Council meeting we changed that public hearing as well as the one on St. Michael's drive to October 26, 2016.
- Councilor Harris said he wants to make sure he understood the Chair when he was asking from Mr. Rodriguez. So we move it forward to the Council, noting the appropriation is not made until the Council approves it.
- Chair Dominguez said the appropriate action is to make it explicitly clear that through this action, whatever is taken, assuming it is approved, that the budget is amended to reflect that.
- Councilor Harris said it would be amended if the Council goes on further to approve, and the Chair said yes.
- Councilor Harris said, "I still have a problem with that specific language having to do with creating a little swale away from the house. I don't see any real value to that. It talks about best management practices, that's the section it falls under in the Ordinance, and I just didn't view that as really a best practice. People will do what's best for the property in my opinion. Let's assume that they understand things and they do it. If they choose not to, they'll do something more gross or a bigger violation than this, believe me."

**MOTION:** Councilor Ives moved, seconded by Councilor Villarreal, to approve this request "with the express understanding that included in the approval is an amendment to the budget to cover the Fiscal Impact Report."

**VOTE:** The motion was approved on a voice vote, with Councilor Villarreal, Councilor Ives and Chair Dominguez voting in favor of the motion, Councilor Lindell voting against, and Councilor Harris abstaining.

- 32. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND USE CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES; AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE. (MAYOR GONZALES AND COUNCILOR IVES). (JOHN ALEJANDRO)**
- a. A RESOLUTION CREATING THE CITY OF SANTA FE PROCEDURES AND GUIDELINES FOR URBAN AGRICULTURE ACTIVITIES AND USES. (MAYOR GONZALES AND COUNCILOR IVES). (JOHN ALEJANDRO)**
- Committee Review: Public Works Committee (approved) 08/29/16; City Council (request to publish) (approved) 08/31/16; Planning Commission (approved) 09/08/16; Water Conservation Committee (approved) 09/13/16; City Business Quality of Life Committee (approved with recommendation) - 09/14/16; Sustainable Santa Fe Commission (scheduled) 09/21/16; and City Council (Public Hearing) - 09/28/16. Fiscal Impact – No.**

An amendment sheet regarding Item #32, submitted by Councilor Lindell, is incorporated herewith to these minutes as Exhibit "5."

An amendment sheet regarding Item 32(a), submitted by Councilor Lindell, is incorporated herewith to these minutes as Exhibit "6."

Mr. Alejandro said this has been discussed at length previously. He said the overall purpose of the Ordinance is to allow agricultural activities for commercial purposes, noting the Code currently is silent on that specifically.

*The Committee commented and asked questions as follows:*

- Councilor Lindell said she spent a lot of time on this Ordinance and has proposed an extensive amendment sheet to the bill and the table. She said, in principle, these are the kinds of bills we want to support and want to happen. However, we have to look down the road at unintended consequences, and any lack of clarity in these bills that lead to future problems of neighbor against neighbor. She noted we have done this before, for example in 2008 with the Short Term Rental Ordinance. She went through the Ordinance with an eye to trying to ward-off some of the /problems we've had in this regard, while promoting the purpose and intent of the bill. She has had a lot of interaction with Mr. Alejandro on this, and she believes adopting her amendments will

make our lives easier. She said she foresaw problems with the Ordinance as originally introduced. She said she will support the Ordinance with her amendments.

- Chair Dominguez said he has no problems with the amendments.
- Councilor Harris read a statement from page 2, paragraph 4, line 5, of the Memo as follows: '*...The provisions, guidelines and requirements with the Ordinance have been scaled in ways that help to encourage agriculture in Santa Fe rather than restrict it with over burdensome regulations.*' He said if you were to substitute, "*would have to encourage homebuilding in Santa Fe,*" it might inform some of the decisions when it comes to some of the regulations we're imposing.
- Councilor Harris said regarding this Ordinance, he understands the main thrust of Councilor Lindell's proposed amendments would be to remove the availability, opportunity to do a rooftop urban garden. He said there are timing issues, a space issue, on #10 of the Ordinance regarding street view and setback a minimum of 20 feet, but the really substantive ones have to do with removing the rooftop.
- Councilor Harris continued, asking Councilor Lindell if she intends to remove the opportunity for hydroponics, aquiculture as well as rooftop urban gardens, because they are removed in the *[inaudible]* chart, whether it is A, P or S. He asked if this is correct.
- Councilor Lindell said that is correct, and after spending time with Mr. Alejandro and talking to other people.... with some of these you get into some areas that in a neighborhood are the kinds of things people bring up. She said one of the original things in the bill was about prohibit animal production, slaughterhouses, and we started talking about some of this. She said two reasons it was include is because there are pumps running all the time, a constant level of noise all the time. Secondly, much like with composting, the drawback and problems can be with smell. Additionally, when you have people growing commercial fish they oftentimes process the fish at their home and you end up with smell and noise again.

Mr. Alejandro said he would note there are a variety of designs for aquiculture, Aquaponics, hydroponic facilities. Best practices dictate 3 different types of designs depending on land availability, water use, height restrictions or allowances. And so without a standard design on the books, he thinks there would be a lot of challenges, particularly in residentially zoned designs in terms of these specific types of pieces of equipment. He said it is very difficult for these kinds of facilities to move forward in Residential Districts without some specific design guidelines that probably should be included with the Land Use and the Building Code. He has seen aquaponic facilities that are 25 feet high and utilize full size shipping containers with *[inaudible]* on top. He has seen half that size of that type of design, and designs like those at the Community College where they are utilizing 200 sq. ft. of land for the fish ponds and then put the gardens next to the fish ponds and running the closed loop system in that way. He said it is enclosed, but it is open in a lot of different ways. He said, "Until you can provide some guidelines and design standards for those types of facilities, it may be best for now to not allow those in R Districts."

- Councilor Lindell said Mr. Alejandro articulated it quite well. She said in the future, if we were to get design standards and go through it that way, but to just leave it wide open, she thinks it's a huge invitation to problems for neighborhoods and neighbors. She said one person may do it in a very thoughtful way, while another may come up with a complete Rube Goldberg way of doing it and you drive up and you say, "Oh my God, what is that." And if we don't have standards for it, they are allowed to do that, so it's a real concern for her.
  - Councilor Villarreal thanked Councilor Lindell for going through this with a fine toothed comb, because she thinks the majority of her amendments are good and she agrees with them. She said she wants to spend more time in figuring out a compromise in the area of allowing urban farm rooftop options. She said, "I agree that greenhouses, we can forego, are probably not the kind of City and density that would allow that anyway, but I would like to consider urban form roof levels, specifically the one under 10,000. And I actually would like to see if maybe we could even look at under 1,000 and use that as maybe a test, because I don't think that's very large. We could set that as a baseline for 1,000, and actually make the special uses within residential areas. The other ones, I agree, after 10,000 and up and going into an acres, that's way too large."
  - Councilor Villarreal asked Councilor Lindell if she would like to address this point, and Councilor Lindell said yes.
  - Councilor Lindell said if someone wants to have a garden on their roof, they're perfectly able to do that, they just can't have a greenhouse or a hoop house or whatever on their roof. If they want to have raised beds and do gardening on their roof there is nothing that doesn't allow them to do that.
  - Councilor Villarreal asked if there is a way to separate those, because these are two different things. Urban farm roof level farming is different and maybe we could even take out the greenhouse aspect of that.
- Mr. Alejandro said yes, we can specify in the use table as well as in the Ordinance itself to allow for rooftop gardens up to a certain square footage.
- Councilor Villarreal said she wants to consider the option, not greenhouses, but just the garden part. She said, "I think that with regard to aquiculture and aquaponics we could consider that, especially the less than 750 sq. ft., as a special use, and anything above isn't allowed in a residential area. She thinks the aquiculture and aquaponics options could be a good thing because there are already the level of requirements and licensing that perhaps Mr. Alejandro can explain, but they have to get a license from the State to do this activity. Perhaps there is a procedural thing that we require, a checklist, that we would ask, what have you done so far to get the license from the State because we move forward to give them approval."

Mr. Alejandro said, regarding farm fish within the State, the Fish Department must provide you with a permit, and either restrict it to one species of fish, it's Tilapia. I think you can get a special dispensation, but right now it is easy to farm one fish within the State and it's Tilapia. And you have to go through a series of requirements, policies and procedures to obtain that permit from the State Department. However, the State does not permit agriculture or aquaponic facilities themselves. Currently, there is no design standard on that at this point in time at the State or local level, that regulates the design standards associated with those types of facilities. Hydroponics, may be separate, but for fish farming, I don't believe that is addressed.

Mr. Alejandro continued, saying, "I will say this for clarification, some facilities, aquiculture and aquaponics utilize a variety of mechanics – pumps, pipes, electrical wiring, raised management filters. Some utilize renewable energy so their stand along units, some are wired into the grid and are moving to commercial facilities. Some are frequented by the public, some are not. There is a fire risk associated with some of these things. And so, all of these things, after taking a look at various Codes and standards, there a lot of *[inaudible]* that is associated with these types of facilities. And so as we move forward and with prudence with these things, all of the best practices are being explored by the Community College in a wonderful facility. They are advocates of aquiculture. There are people moving forward on the national level designing aquiculture and aquaponic facilities for the future."

Mr. Alejandro continued, saying the Community College just signed a contract with an Aquaponic facility, a 5 acre facility, to be situated on the property by a company named EcoPonics, and it is a large scale commercial aquaponic facility. They are designing to a very high standard, and we should look at those kinds of facilities for guidance.

- Councilor Villarreal said she thinks we should be more open to be more innovative, but also taking caution as to what we're allowing. She thinks these systems are very expensive and very few people can pull this off.

Mr. Alejandro said it is true, and he would hope there would be prudent design standards, noting we are looking at 5 figures for these types of systems, and not for very large ones. He said his personal opinion is that these kinds of advanced farming techniques will be very important to the community at large in the future. He said he has spent a lot of time with the people from EcoPonics that are looking at moving their facility out at the community college. He said these kinds of systems will help us to manage our food production, our water resources, and to take a lead in the area of independent food security within the City. He thinks these things need to be approached very judiciously and effectively.

- Councilor Villarreal said there are sections we can allow and take up some of the larger scale pieces, and asked the best way to do this, commenting she doesn't want to wordsmith it tonight.
- Chair Dominguez asked Councilor Villarreal if some of her concerns are relative to Councilor Lindell's amendments and Councilor Villarreal said yes.

- Chair Dominguez recommended that Councilor Villarreal and Councilor Lindell get together and amend Councilor Lindell's amendment to reflect her concerns by the time this goes to the Council.
- Councilor Villarreal said she is in favor of the majority of amendments, "it's just those little tweaks I think we can make and maybe we will do that."
- Chair Dominguez said he doesn't want to see two conflicting amendment sheets.
- Councilor Villarreal said she wants to be involved with that, and take the lowest square footage or what she mentioned previously and figure out a middle ground."
- Councilor Lindell said she is happy to help her work on it, commenting she has put a ton of work into this already, but it will need to be soon.
- Councilor Ives said he has comments as part of this which touch on these same issues.
- Councilor Villarreal in looking at Amendments #7, 8, and 9, she doesn't understand, but when she and Councilor work together, perhaps she can explain those to her.
- Councilor Ives said as a general statement, he thinks increasing the opportunities for urban agriculture from a food security perspective is another one of those critical means of moving us forward. It creates resiliency in the food supply, the opportunity for an increase in healthy food, so it's important to pass this measure. He appreciates the time spent and the amendments authored by Councilor Lindell, although they are so extensive it's hard for him to get his head around them tonight.
- Chair Dominguez said perhaps we can just get a new/substitute bill with the amendments in it.
- Councilor Ives said the Public Works Committee has approved the existing measure, so it has earned its right to go to Council. He said his thought is to pass the forward with the amendments, so they can be considered, with the hope that a number of us can sit, talk and refine them to the point where we have greater agreement and a fundamental understand what all the proposed amendments constitute.

**MOTION:** Councilor Ives moved, seconded by Lindell, to "approve the measure in the packet, and also pass on the amendments to the next place this is going, with the hope and desire that compromises can be struck between now and then."

**DISCUSSION:** Chair Dominguez said the first time Urban Agriculture was an issue in the City, just as were Short Term Rentals. He said something needs to be said about the public process and how engaged the public was in this. He said his question to Mr. Alejandro is, "Of all these meetings of committee review that you have identified in the agenda, there were no public hearings at any of them."

Mr. Alejandro said there were: the Planning Commission on September 8, 2016, and the comments resulted some of the amendments proposed by Councilor Lindell; and public comments were provided at the Water Conservation Committee and those comments most likely will result in additional amendments related to water and are not reflected in Councilor Lindell's amendment sheet.

Councilor Ives believes there were comments at the Joint City/County Food Police Committee as well, during the extensive period this issue was being discussed.

Mr. Alejandro said that is correct, noting there will be public comment at the Sustainable Santa Fe Commission meeting on Wednesday. He said there also have been other public input and suggested changes, commenting certainly there are others who could be engaged.

Chair Dominguez said then there will be amendments from the Water Conservation Committee.

Mr. Alejandro said they spoke with him independently about that, and those amendments will be provided by a member of the Governing Body.

Chair Dominguez said this is not scheduled for the Public Utilities Committee, noting the next one is scheduled for October 5, 2016.

Mr. Alejandro said it wasn't heard by Public Utilities, and will go before The Sustainable Santa Fe Commission on Wednesday, and to be heard at the Evening Session of the Governing Body next Wednesday, September 28, 2016.

Chair Dominguez said he would hate to see this item come all this way and then suddenly be kicked back because a particular Committee didn't hear it.

Councilor Harris asked if there is a motion for approval with amendments, knowing there will be a discussion between now and when it goes to Council about the compromise language.

Chair Dominguez said what he is hearing that in principle we like what is moving forward, understanding there may be wordsmithing happening.

Councilor Ives said it is moving the base packet material forward, and moving forward the amendments without approving them as part of the changes being made by this Committee, noting that those discussions can occur.

Chair Dominguez said this is the way it should be done – collaboration, communication and so on and so forth. He thanked Councilor Lindell for the amendments, which answers a lot of questions and concerns that many members of the Governing Body had. He thanked staff. He is curious to see how things progress over time, and scale and amendments to some of this, potentially, in the future, and just from a food security perspective it is something his constituents support. He said they want to be able to grow what they eat and potentially to make a few extra bucks as well.

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

**33. PRESENTATION AND REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$400,000 – TIME AND ATTENDANCE SOFTWARE SUBSCRIPTIONS, IMPLEMENTATION SERVICES AND TIME AND ATTENDANCE SOFTWARE SUBSCRIPTIONS, IMPLEMENTATION SERVICES AND EQUIPMENT (RFP #16/22/P); KRONOS, INC. (RENEE MARTINEZ AND OSCAR RODRIGUEZ). APPROVAL OF THIS CONTRACT WILL LAUNCH THE FIRST PHASE OF THE 2 YEAR \$1.6 MILLION IMPLEMENTATION OF A MODERN FINANCIAL COMMUNITY DEVELOPMENT AND HUMAN RESOURCES PROCESS MANAGEMENT PLATFORM.**

Mr. Rodriguez presented information regarding this matter from the Memorandum of September 9, 2016, which is in the packet. Please see the Memorandum for specifics of this presentation. He explained that all of the staff is here so any and all of your questions can be answered on the spot.

Mr. Rodriguez said this Committee will be approving two things. You will launch, with approval, the first part of a multi-year, \$1.6 million capital project, the ERP. He said we can go with the best in class of this kind of service provider, which is Kronos, which is in many places in New Mexico and throughout the country, noting it has been around for some time. They also want to get that part done, noting that part will have the greatest impact on staff with this very burdensome time capture, electronically and on paper.

Mr. Rodriguez continued, saying the other thing you will be doing is reserving staff time, a big part of staff bandwidth to be dedicated to this. He said you should tailor your expectations tonight with this, commenting staff will be very busy doing things, processes and a lot of consequences will come back to you with proposed in policy. He said, "It's a big deal and it's going to take a lot of staff time."

Mr. Rodriguez said this particular action will be the time capture, and Kronos will begin to put all of the tables into the software, it will be ready and staff will begin to convert over a piece of the staff at a time, starting in March, and ending sometime in the late summer. He said once that is done, we will be much more efficient.

*The Committee commented and asked questions as follows:*

- Rene Martinez, Director, ITT Department, said in the 5 year CIP budget there are two projects, one called the ERP, with \$2.15 million budgeted over 3 years which would cover the Kronos piece which is a \$400 project and the rest would be for the financial capabilities and the Human Resource capabilities. She said there is a separate budget called Community Development which is a \$930,000 budget, and there is no money in the current fiscal year, but the amount will be there in the next fiscal year, and that is for the Land Use and Community Development capabilities. She said, "I wanted to make sure you understood how the Alliance fit with the budget. Oscar mentioned one of the reason we're doing time entry first is not only because it is an area of great need in terms of process efficiencies. But it also consumes not only employee time but also payroll staff time, because our systems today and our processes are really not efficient. We are

really doing the most human validation of trying to put it into our system unfortunately. So this frees up quite a bit of staff that are now babysitting our City payroll every two weeks, to be able to focus on the rest of the project for the Financial and the H.R., and that's really important. That's it."

- Chair Dominguez said one of the things he senses exists is the disconnect between Finance and H.R. and this is part of what this intended to do, is to make that connection a little bit more obvious.

Mr. Rodriguez said, among other things, there is a lot of disconnect pretty much all the way around, even within Finance. For example, the system we're relying on right now is a system that was an Oracle system and Oracle sort of cast it off. The City contracted with J.D. Edwards to take it over, and guesses J.D. Edwards was thinking we were going to upgrade it, but we didn't upgrade it. So this is an orphan system that fell behind and he would say it's pretty much disjointed in many places, and not just with H.R. and with all the other functions.

- Chair Dominguez said this a significant shift in the way we do business as a Governing Body as well as internally, and it's a lot of work. It is changing the culture and the climate for lots of our employees, many of our employees have been working without a time capture system for a long time. He knows they have been working on it, and a part of the team that is moving this forward. He asked if there will be a need to amend your Human Resource Policies.

Lynette Trujillo, Director, Human Services Department, said actually she has been working on all of the City's Rules and Regulations. It has taken a while because they are rather outdated, so they are moving in that direction. She said with the new system, the City policies will need to be updated to a certain degree.

- Chair Dominguez said then you are anticipating that these policies will be update in conjunction with, or parallel to this effort.

Ms. Trujillo said yes, the ones that are relevant to this project.

- Chair Dominguez said he doesn't want to implement this system that is supposed to solve a bunch of problems without having that internal stuff taken care of.

Mr. Rodriguez said process improvement, yes.

- Chair Dominguez asked if what we are doing is very clear to the employees.

Mr. Rodriguez said the point he was making is that that work right there is going to be the majority of this work. He said what will be paid for is the technology, etc., but the resources we will use, in terms of staff time, the majority will go toward that toward defining, improving business processes coming back to you for policy changes, ordinance changes, etc. – all of that work, not just in this area, but pretty much across the City.

- Chair Dominguez said it is good to hear that these things will be working in conjunction with each other. He reiterated this is a pretty significant in the way we've been doing for many years. He said the \$1.6 million, with \$400,000 going toward time entry.

Ms. Martinez said, just to make sure it is clear, the budget is \$2.15 million for an ERP system and \$400,000 of that will be going toward Phase 1, which is this Time and Attendance software.

- Chair Dominguez said then the rest will go toward Financial and H.R.

Ms. Martinez said this is correct, \$1.6 was budgeted this year, so we have a 3-year budget for this project, so that's where the \$1.6 million came from.

- Councilor Ives said it is exciting to be at this stage in the process, and it represents finally getting to the starting line of a process that has taken 4-5 years, beginning with the Presidio Report many years ago. He has great trust in the work being done based on the seriousness with which the entire process has been engaged. He said in terms of the integration of Kronos with the rest of the system, she foresees no difficulties or issues and has already figured all of that out.

Ms. Martinez said yes, noting they talked about the integration that has to happen between Kronos and the other systems they were considered for ERP. They required assurances, but also did their homework to know that Kronos integrates with the preferred solution. She noted they are in negotiations with the preferred vendor for ERP. They have spoken with Kronos and they have done that integration thousands of times.

- Councilor Harris said the initial step is \$400,000, but he saw the proposal with IMIX, the parent company.

Ms. Martinez said IMIX is the reseller. She said Kronos has a partner to resell its software, so IMIX holds the general services agreement which we are using.

- Councilor Harris said the IMIX proposal is \$522,000, and asked the difference, noting it is on packet 10 of the packet.

Ms. Martinez said there a software subscription component, and they have quoted a 5-year amount, which is an annual software subscription at \$95,288 a year for 5 years, which is the difference over 5 years. She said it will be necessary to adjust the operating budget to put the software subscription into the operating budget.

Mr. Rodriguez said as Kronos upgrades or makes improvements in its software, we will get the benefit of that.

- Councilor Harris said \$95,000 annually is a pretty healthy premium, but said "I'll leave it to you."

- Councilor Harris continued, saying the only other thing he would say, is that he and everybody else are pleased with Mr. Johnson's schedule, which is quite detailed, and "it was easy to accept and easy to believe." He would like to see something much more detailed than the simple chart we have. He said everybody needs to understand their roles and when they have to perform.

Ms. Martinez said, "Rest assured, we are going to have a very detailed project plan, that probably has hundreds of activities in it. That's the first part of the project – sitting with Kronos and the project management team from every area impacted, including department representatives. She said they will be putting together a very detailed project work plan, and it will be revised every two weeks, noting they will have project team meetings every week where they will look at the work plan until the needed work is done. They will be doing some very disciplined project management on all of the projects, commenting they have to do that to be successful.

- Councilor Harris said along the way he would like to see informational updates to the Governing Body, and to build that into the schedule.

Mr. Rodriguez said staff hasn't forgotten the direction from this body when the project was approved, that you wanted a quarterly status report on this project, so you will be getting that.

- Chair Dominguez said, if approved, the message should be loud and clear to City staff from top to bottom, that this effort has the Finance Committee approval to move in that direction, so everyone knows.

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

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

### **35. MATTERS FROM THE COMMITTEE**


Councilor Harris said he would say adios to Mr. Rodriguez. He wished congratulations to Mr. Johnson, and in full agreement to accept the role as Interim Finance Director.

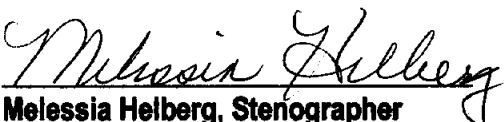
### **36. ADJOURN**

There was no further business to come before the Committee, and the meeting was adjourned at approximately 9:15 p.m.

  
Carmichael A. Dominguez, Chair

Reviewed by:

  
\_\_\_\_\_  
**Oscar S. Rodriguez, Finance Director**  
**Department of Finance**  
*Adam Johnson*

  
\_\_\_\_\_  
**Melessia Helberg, Stenographer**

CITY OF SANTA FE, NEW MEXICO  
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2016-\_\_\_\_  
Economic Development Plan Update

---

Mayor and Members of the City Council:

We propose the following amendment(s) to Resolution No. 2016-\_\_\_\_:

1. On page 3, lines 6 through 8, *delete* paragraph "1" in its and entirety and *insert* in lieu the following:

"1. An interim updated Strategy of Implementation for the CEPD by staff that will commence when an economic director is hired and staff capacity allows for it which will be brought forward no later [~~than July 1, 2017~~] for Governing Body action by July 1, 2017."

Respectfully submitted,

\_\_\_\_\_  
Joseph M. Maestas, Councilor

ADOPTED: \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

*Encl. #1*

# City of Santa Fe, New Mexico

## memo

DATE: September 28<sup>th</sup>, 2016  
TO: City Council  
VIA: Brian Snyder, City Manager *BKS*  
Oscar Rodriguez, Finance Director *OR*  
FROM: Adam Johnson, Budget Officer *AJ*

### ITEM AND ISSUE:

On August 31<sup>st</sup> the City Council passed Resolution 2016-67 which resolved the following; the City of Santa Fe will survey the residents of Santa Fe, the Governing Body will work with a facilitator on strategic planning, and the City Manager will develop program and service inventories and performance measures. This memo provides an update and proposed timeline for accomplishing the aforementioned initiatives.

### SUMMARY:

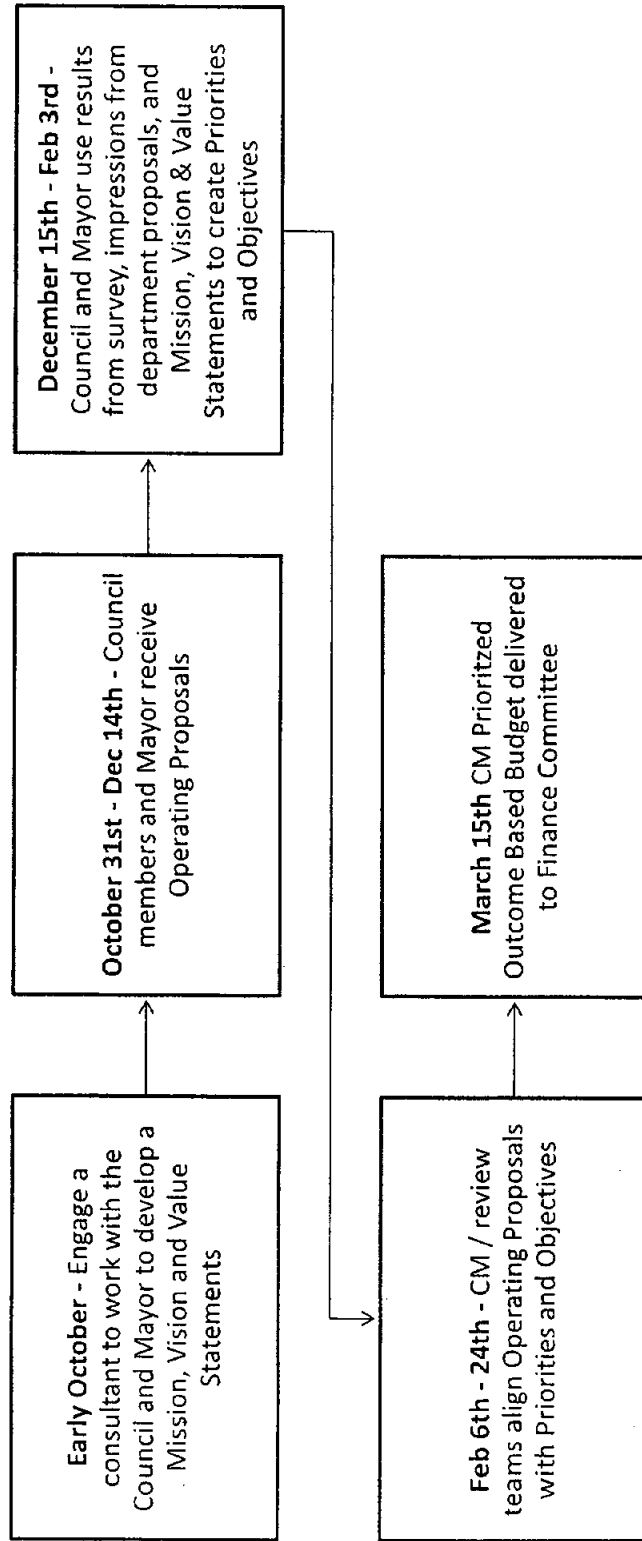
There are essentially three processes that need to occur cohesively and simultaneously to achieve the most productive outcome of the proposed initiatives. Staff has developed three time lines for each track; the survey process, the Department Progression, and the City Council & Mayor Progression. Each of the processes operates independently but provides critical feed-back to each other at important junctions. Please see the attached pages for detail of the schedules.

### ACTION RECOMMENDED:

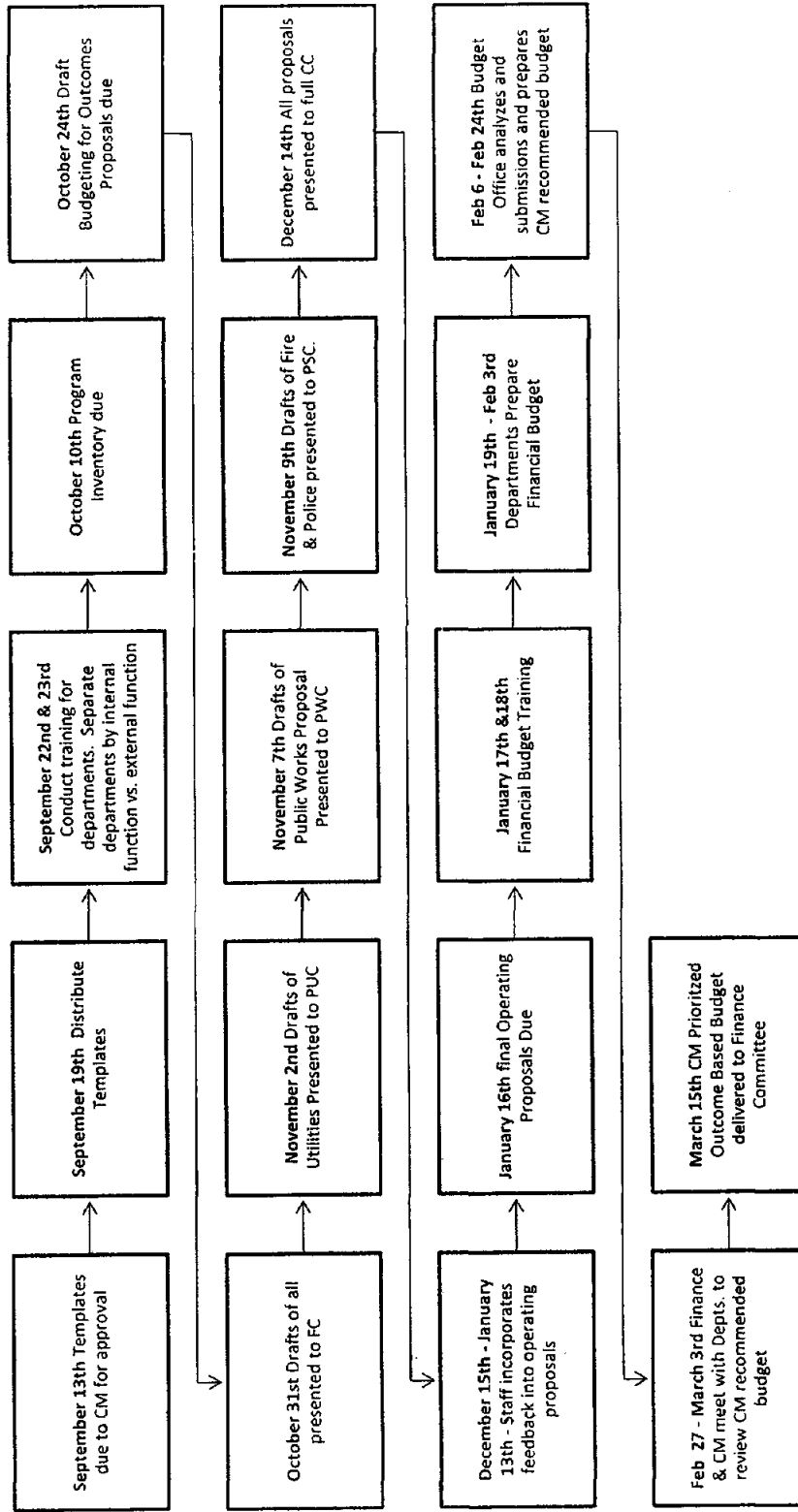
Informational Only

*Exhibit "2"*

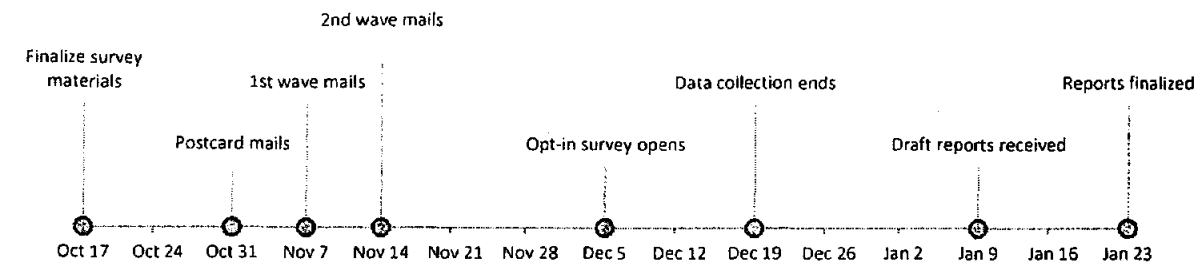
## 2017/18 Prioritized Outcome Based Budget – Council and Mayor Progression (Strategic Planning)



# 2017/18 Prioritized Outcome Based Budget – Department Progression (Program Inventory, Performance Measure Development, Budget to Outcomes)



## Timeline for The National Citizen Survey™



Item	Date
<b>Preparing for the Survey</b>	
⊙ The NCS survey process is initiated upon receipt of your enrollment form and first payment	Sep 12
← NRC emails you information to customize The NCS	Sep 12
→ Due to NRC: Selection of add-on options	Sep 26
→ Due to NRC: Drafts of the optional custom questions to be included in the survey	Sep 26
→ Due to NRC: Zip code information and GIS boundary data	Oct 3
→ Due to NRC: Additional payment for add-on options	Oct 3
⊙ NRC finalizes the survey instrument and mailing materials and sends .pdf samples for your records	Oct 17
⊙ NRC generates the sample of households in your community	Oct 3 to Oct 17
⊙ NRC prints materials and prepares mailings	Oct 24
→ Due to NRC: Selection of custom benchmark profile(s) (if custom benchmark add-on selected)	Oct 24
<b>Conducting the survey</b>	
⊙ Survey materials are mailed	Oct 31 to Nov 14
⊙ Prenotification postcards sent	Oct 31
⊙ 1st wave of surveys sent	Nov 7
⊙ 2nd wave of surveys sent	Nov 14
→ Opt-in web survey link posted on your website (source link provided to you by NRC)	Dec 5
⊙ Data collection: surveys received and processed for your community	Nov 7 to Dec 19
During this time, you will receive postcards that were undeliverable due to bad addresses, or vacant housing units. This is normal. Please count all the postcards, as we will subtract the number of returned postcards from the total number mailed to estimate the number of "eligible" households in calculating the final response rate.	
→ Due to NRC: Final count of returned postcards	Dec 19
⊙ Survey analysis and report writing	Dec 19 to Jan 9
During this time, NRC will process the surveys, perform the data analysis, and produce a draft report for your community. The report of results will contain a description of the methodology, information on understanding the results, and graphs and tables of your results, as well as a description of NRC's database of normative data from across the U.S. and actual comparisons to your results, where appropriate.	
← NRC emails draft report (in PDF format) to you along with invoice for balance due on The NCS Basic Service and any additional add-on options	Jan 9
→ Due to NRC: community feedback on the draft report (most final reports are identical to the draft reports, except being labeled as final instead of draft)	Jan 16
← NRC emails final report and data file to you	Jan 23

### Legend

← Indicates when items from NRC are due to you → Indicates when items from you are due to NRC ⊙ Indicates information items



## THE NCS™ The National Citizen Survey™

### Planning for the future shouldn't be guesswork. Use The NCS™ for a data-based picture of community needs and perspectives.

Understanding the needs of your community is crucial to ensuring resident satisfaction and high livability standards. Getting a clear and accurate picture from the residents themselves is the best way to accomplish this.

The National Citizen Survey™ (The NCS™) is the gold standard in community assessments — in fact, we wrote the book on citizen surveys. The NCS is tried and trusted and provides a broad but accurate picture of community quality and resident perspectives about local government services, policies and management. The NCS uses scientific survey methods to guarantee valid findings and compare local results with benchmarks compiled from surveys conducted across the U.S.

Our unique community livability framework facilitates connections among different groups in your community by providing valuable insight into shared community needs.

The NCS was developed by experts to produce clear, unbiased and accurate results that can be used as the basis for action. The NCS can be tailored to your specific needs with custom questions to best fit your community's topical issues and comparisons to the opinions of residents in communities across the country to help interpret results.

Visit [www.n-r-c.com/thencs](http://www.n-r-c.com/thencs) to learn more about The NCS.

City managers and local government leaders across the nation already use The NCS for:

Strategic  
planning

Program  
and capital  
investment

Budgeting

Performance  
monitoring

Communications

Fundraising



National Research Center, Inc. (NRC) is the leading public-sector research firm with over 20 years of experience in survey research for government. Our skilled team of researchers supports cities, counties, foundations and nonprofit organizations in using research to move communities forward. Visit [www.n-r-c.com](http://www.n-r-c.com) to learn how our suite of surveys — The NCS™, The NES™, The NBS™ and CASO™ — provide a complete picture of your community.



ICMA

Leading the World of Better Communities

The NCS is presented by National Research Center, Inc. in collaboration with ICMA.

# City of Santa Fe, New Mexico

# memo

**DATE:** August 31, 2016  
**TO:** City Council Committees  
**VIA:** Lisa Martinez, Director, Land Use Department   
**FROM:** Katherine Mortimer, Supervising Planner, Land Use Department   
**SUBJECT:** GREEN BUILDING CODE UPDATE & ESTABLISHING TARGET GOALS

## ITEM

**AMENDING SECTION 7-4.2 SFCC 1987, RESIDENTIAL GREEN BUILDING CODE BY REPEALING EXHIBIT A TO CHAPTER VII SFCC 1987; ADDING A REQUIREMENTS SECTION; AND AMENDING SECTION 14-8.2(D) BEST MANAGEMENT PRACTICES FOR GRADING BEFORE AND DURING CONSTRUCTION.**

This Bill would update the Residential Green Building Code, increasing the requirements for energy and water efficiency while simplifying the process for compliance and would ensure homes approved under the code are evaluated consistently.

**ESTABLISHING TARGET GOALS FOR THE CITY'S GREEN BUILDING CODE TO MEET THE GOALS SET FORTH IN THE U.S. MAYORS CLIMATE CHANGE PROTECTION AGREEMENT, THE CITY'S GOAL OF BECOMING CARBON NEUTRAL BY 2040, AND THE NEED TO CONSERVE WATER RESOURCES DUE TO THE PROJECTED EFFECTS OF CLIMATE CHANGE.**

This resolution sets forth targets for the green building code program to meet goals previously adopted by the governing body.

## BACKGROUND

The governing body adopted the first Residential Green Building Code in 2009 (Ordinance 2009-9). At that time the Code represented a major step towards reducing building energy and water efficiency along with cradle to grave impacts of building materials, ensuring healthy indoor air quality and providing homeowner education. The code has been amended several times with a significant streamlining in 2011 (Ordinance 2011-49). The proposed code changes would help achieve carbon neutrality by 2040.

The code was originally formatted to be consistent with the Build Green New Mexico (BGNM) program which is one of two programs that can be used to qualify for the New Mexico Sustainable Building (NMSB) Tax Credit. That program has undergone two updates and is expected to be continually updated over time. The current checklist used by the Santa Fe

Residential Green Building Code no longer aligns with the BGNM checklist.

This proposed bill would increase required energy and water conservation, demonstrated through computer modeling. Energy modeling has been a requirement for the NMSB Tax Credit. Additionally, a requirement for water efficiency modeling was added in 2015 NM legislation (SB279). The modeling required by the proposed bill is consistent with the requirements needed to take advantage of this tax credit.

The proposed code updates include key mandates and, together with the computer modeling, will create a simpler, more flexible program that can more predictably save energy and water. This program can be used to drive energy and water savings by changing the required home energy rating system (HERS) index and water efficiency rating score (WERS) requirements and can also be used as a model for developing green codes for other building types such as residential remodels and commercial buildings.

#### Applicability

This update will apply to all new single-family structures, attached and detached, including accessory dwellings and modular homes.

#### Summary of Code Changes:

1. Computer modeling will replace the current Residential Green Building Code Checklist
2. Lower (improve) HERS score requirement by 5 points now and 5 more effective 1/1/18
3. Building thermal envelope insulation shall meet the 2015 International Energy Conservation Code
4. Require training for HERS raters on local standards for the modeling software
5. Require computer water modeling using the newly created Water Efficiency Rating Score (WERS) tool with a score of 70 (30 percent better than building code) (More information on WERS below)
6. Incorporate requirements to preserve vegetation with fencing and to protect buildings from canale and gutter splashing into the City's Chapter 14, Development Code
7. Require air exchanges consistent with 2010 ASHRAE 62.2 standards
8. Provide consistent inspections of building thermal enclosure sealing and insulation by City staff
9. Confirm duct installations per manufacturer's specifications and ensure that leakage does not exceed 6% of total fan flow
10. Require duct protection from dust and debris during construction
11. Ensure heating and cooling system(s) are designed and selected per the Air Conditioning Contractors of America (ACCA) manuals
12. Ensure homeowner manuals include all relevant information and are bi-lingual
13. Establish a new \$100 green code permit fee for permits reviewed under the new program
14. Dedicate and train city green code staff to review, inspect and track program progress

#### Incorporation of Water Efficiency Rating Score

This bill includes incorporation of the new Water Efficiency Rating Score (WERS) tool which replaces the checklist section for Water Efficiency under the current code as directed by Resolution 2015-28. The WERS tool measures the projected water savings of different water fixtures and appliances, both inside and outside of the building, and compares that projected usage to the same home if it were built under minimum code standards. The initial recommended requirement is for all new homes to achieve a score of 70, which is 30% better than buildings subject to no green code requirements. The current green code requires

increased water efficiency using a checklist. It is estimated that a WERS of 70 will save about the same amount of water, or a little more, than the amount saved under the current green building code. While the tool calculates the water savings, should someone elect to install graywater or rainwater harvesting systems, such systems are not a requirement in order to achieve a score of 70. Once achieving a WERS 70, the Council may consider lowering the required score which would require additional water conserving measures.

#### Resolution Establishing Target Goals:

The Resolution aims to align with goals embodied in policy previously adopted by the governing body for reducing greenhouse gas emissions, creating more energy efficient buildings, and conserving water in incremental amounts over time. To achieve the goals of the resolution, staff will collect data about the effectiveness of the updated green building code and then use the new model and data to develop green building codes for other building types including commercial buildings and additions and remodels of all building types.

#### **FISCAL IMPACT**

##### Cost for City Administration:

City administration costs of the update will increase over the current program. Green code trained staff will review HERS and WERS submissions, identify those elements used to obtain the required score and subsequently inspect the construction. They will also ensure inclusion of the required components of the green building code which exceed the basic International Residential Code or Uniform Mechanical or Plumbing codes to ensure installation during construction. A higher level of oversight is needed to allow the flexibilities of the new program. To cover the additional costs, the bill includes a \$100 fee for each building permit issued under the updated code.

##### Land Use Department Budget Amendment

The Fiscal Impact Report (FIR) shows the need to increase the Land Use Department's budget by \$73,982 in the current fiscal year (2016/17), and by \$123,514 for fiscal year 2017/18 and beyond. The source of the funds comes from projected increases in construction permit fees from projects that have either received development approvals or are well along in that process. The funds will come from business unit #11001, line item #420300.

##### Cost of Compliance:

The changes in the code will result in increased costs to builders in some areas and decreases in others. Whether or not there will be a net increase or decrease depends upon how builders used checklist points in the past and how they will reduce their energy use to reach the new HERS requirement. While the minimum HERS requirement has been 70, the average HERS index over time has lowered to 61. Due to this general decrease, most homes would not have an increased cost to achieve the proposed requirement of 65. The proposal would lower the required HERS index to 60 in 2018 and expects the additional costs to achieve that score to be minimal, if any, by that time.

For builders currently achieving a HERS of 70, increased costs to achieve a HERS of 65 could be \$5000. Additionally there would be a cost to obtain third-party WERS professional services of about \$500 to \$800 depending upon additional water conservation strategies they would need to employ. Finally with the new \$100 fee, a maximum estimated additional cost would be about \$5900. It is important to note that cost savings

from program changes would offset most or all of that additional cost.

Additional cost savings include services the City would start providing, including thermal bypass inspections that are currently performed by third-parties. City staff will also provide most of the homeowner manual content, in a bi-lingual format. Elimination of the checklist and most of the documentation requirements for the points taken will also save money. Reductions in the requirements for resource efficiency and indoor air quality will further minimize costs. Points commonly taken in the areas which would no longer be checklist items include: covering all exterior entries, creation of waste management and recycling plans, hiring a professional to conduct HVAC start up testing and certification, programmable thermostats, rain barrels, sealed combustion furnaces and water heaters, energy star and humidistat-controlled bathroom fans, insulation of cold water pipes and increased insulation of hot water pipes. Those items would instead be included in a website of best construction practices. Savings will vary but would be expected to range from \$2800 to \$5900 per residence.

Program compliance costs have reduced over time as many energy and water saving technologies have become less expensive due to demand and producers realizing economies of scale. Programmable thermostats, efficient HVAC equipment and home appliances, low-flow toilets and other water fixtures were selling at a premium in 2009 when the green code first went into effect and are now closer in price to less efficient devices. Additionally, increases in both energy and water efficiency will save homeowners utility costs each month.

**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO BILL NO. 2016-38**  
**Residential Green Building Code Updates**

---

Mayor and Members of the City Council:

We propose the following amendment(s) to Bill No. 2016-\_\_:

1. On page 2, line 22, *delete* "January 1, 2017" and *insert* in lieu thereof "March 1, 2017"
2. On page 2, line 23, *insert* the following sentence "The permit fee in paragraph F of this subsection shall apply"
3. On page 5, line 13, *delete* "licensed and"
4. On page 5, line 14, *delete* "annual"
5. On pages 7-8, *delete* paragraph (11) and *insert* in lieu thereof:  
    "(11) Heating and cooling equipment sizing and system design.
  - a. Heating and cooling equipment shall be sized in accordance with Air Conditioning Contractors of America (ACCA) Manual S based on building loads calculated in accordance with ACCA Manual J (version 8 or higher) or other approved heating and cooling methodologies.
  - b. Duct systems serving heating, cooling, and ventilation equipment shall be designed and installed in accordance with ACCA Manual D, the manufacturer's installation instructions or other approved methodologies.
  - c. Radiant hydronic systems shall be designed using manufacturer's recommendations, mechanical engineer design specifications or other approved hydronic heating design methods, and shall include equipment specifications, the number of zones, pipe diameter, length, and flow rate for each zone.
  - d. ACCA Manual J, and S, and Manual D and radiant design reports, as applicable, along with an AHRI (Air-Conditioning, Heating and Refrigeration Institute) certificate or equivalent mechanical equipment certification shall be submitted to the land use department either at time of building permit application or no later than the completion of rough framing. Duct design reports shall be submitted before ducts are installed. Radiant hydronic system in concrete shall be submitted before installation.
  - e. All HVAC documents submitted are subject to review and approval by the land use director before installation. Other approved HVAC design methodologies shall be approved by the land use director."
6. On page 9, lines 4-5, *revert* to the original language.
7. On page 9, line 16, after "intent" *insert* "or a notice of intent (NOI) is filed"

Respectfully submitted,

\_\_\_\_\_  
Staff

ADOPTED: \_\_\_\_\_  
NOT ADOPTED: \_\_\_\_\_  
DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2016-38

INTRODUCED BY:

Councilor Peter N. Ives

Councilor Carmichael A. Dominguez

Councilor Renee D. Villarreal

AN ORDINANCE

AMENDING SECTION 7-4.2 SFCC 1987, RESIDENTIAL GREEN BUILDING CODE BY  
REPEALING EXHIBIT A TO CHAPTER VII SFCC 1987; ADDING A REQUIREMENTS  
SECTION; AND AMENDING SECTION 14-8.2(D) BEST MANAGEMENT PRACTICES  
FOR GRADING BEFORE AND DURING CONSTRUCTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE

Section 1. Section 7-4.2 SFCC 1987 (being Ord. #2009-9, as amended) is amended  
to read:

**7-4.2 Residential Green Building Code**

A. *Purpose.* The purpose of this section is to:

(1) Provide criteria for rating the environmental performance of single- family  
residential construction and site design practices and provide guidelines for documentation  
that demonstrates conformance with those criteria;

(2) Encourage cost-effective and sustainable building methods by encouraging  
conservation of fossil fuels, water and other natural resources, reduction of greenhouse gas

1 emissions, recycling of construction materials, reducing solid waste and improving indoor air  
2 quality;

3 (3) Identify the specific requirements for complying with the requirements of the  
4 Residential Green Building Code; and

5 (4) Encourage more aggressive green building development through incentives  
6 and rewards to work toward the goals of the 2030 challenge as adopted by the governing  
7 body by Resolution No. 2006-55.

8 B. *Residential Green Building Code; Applicability.*

9 (1) ~~[Exhibit A attached to the end of this chapter is adopted. Exhibit A shall be~~  
10 ~~referred to as the Santa Fe Residential Green Building Code.]~~ The provisions of the Santa Fe  
11 Residential Green Building Code shall apply to:

12 (a) ~~all~~ new single-family, attached and detached, residential units as defined  
13 by the 2009 International Residential Code or its successor as adopted by the city;

14 (b) modular homes which are built off-site and brought onto the site,  
15 provided that the land use director may approve exceptions to specific code  
16 requirements upon a showing by the applicant or modular home supplier that  
17 compliance would cause undue burden; and

18 (c) Residential additions that provide for living, sleeping, eating, cooking  
19 and sanitation. Only the addition is subject to the code provisions, not the existing  
20 structure.

21 ([3]2) Upon request of an applicant, applications for permits submitted prior to  
22 ~~[July 1, 2012]~~ January 1, 2017, may be issued in compliance with the prior version of  
23 Residential Green Building Code.

24 C. *Relationship to Other Codes; Compliance; Exceptions.*

25 (1) The requirements of this section are in addition to and do not replace the

1 requirements of other sections of this chapter and other chapters of this Code, including  
2 without limitation, all of the life safety codes, historic preservation ordinance, land  
3 development code and adopted building codes and development standards.

4 (2) ~~[No person shall fail to comply with the requirements of this section. No~~  
5 ~~person shall construct in violation of a Residential Green Building Code approval. All~~  
6 ~~approvals in inspections of Residential Green Code applications and requirements shall be~~  
7 ~~done in conjunction with a residential building permit application and field inspections. An~~  
8 ~~application shall be made on a form approved by the land use department director.] All~~  
9 submittals and approvals required under this Residential Green Building Code shall be  
10 rendered in conjunction with a residential building permit application and related field  
11 inspections. The application shall be on a form approved by the land use director. The  
12 applicant shall demonstrate compliance with all of the provisions of this section prior to the  
13 issuance of a certificate of occupancy by the land use director.

14 (3) For a structure located in an historic overlay district where it can be  
15 demonstrated that strict compliance with the requirements of this section cannot be achieved  
16 without an exception to the historic overlay district requirements, the requirements of this  
17 section may be adjusted so as to resolve the conflict between the two (2) sections of the Code.

18 D. Administration.

19 ~~[(1) The Residential Green Building Code shall be administered by the city as set~~  
20 ~~forth in the administrative procedures adopted by resolution of the governing body. All~~  
21 ~~changes to the administrative procedures shall be reviewed and approved by the governing~~  
22 ~~body. The administrative procedures shall set forth responsibilities, procedures and standards~~  
23 ~~for administrative actions necessary to implement the Residential Green Building Code,~~  
24 ~~which include, without limitation, the following:]~~

25 ~~[(a) Submitting and reviewing applicable residential building permit~~

1 requests and determining conditions of approval related to the requirements of the  
2 Residential Green Building Code;]

3 ~~[(b) Reviewing and certifying Residential Green Building Code~~  
4 ~~checklists with property owners to ensure compliance with the Residential Green~~  
5 ~~Building Code and the administrative procedures;]~~

6 ~~[(c) Monitoring the performance of property owners subject to such~~  
7 ~~agreements or other requirements of the Residential Green Building Code and the~~  
8 ~~administrative procedures; and taking appropriate action in the event of~~  
9 ~~noncompliance; and]~~

10 ~~[(d) Collecting and distributing any payments resulting from getting a~~  
11 ~~worse index than the required home energy rating index.]~~

12 ~~[(2)]~~ 1) The land use director [or its agents] shall:

13 (a) ~~[Be responsible for the administration of the Residential Green~~  
14 ~~Building Code.~~

15 (b)] Administer and enforce [all other building code and land use  
16 ordinances that apply to development requests that are subject to this section] the  
17 Residential Green Building Code; and

18 ~~[(e)]~~ b) Require~~[, as part of the building permit submittals, the]~~ an applicant  
19 for a building permit, to prepare and submit [a] Residential Green Building Code  
20 [checklist]documentation to the green code administrator or designee to assure  
21 compliance with this section~~;~~ and

22 ~~(d) Where applicable, invoke sanctions for noncompliance with this~~  
23 ~~section at the request of the city manager].~~

24 E. Requirements.

25 (1) Energy performance levels.

1           A documented analysis of the building's energy performance using software  
2           in accordance with 2009 ICC IECC Section 405 is required. A projected Home  
3           Energy Rating System (HERS) index, or equivalent, shall be submitted as part of a  
4           building permit application and a report of the confirmed HERS index, or equivalent,  
5           meeting the standards of this section is required prior to issuance of a certificate of  
6           occupancy. The required HERS index for residences up to and including 3000  
7           square feet of conditioned space shall be 65 until January 1, 2018, when it shall be  
8           reduced to 60. The required HERS index for residences over 3000 feet of  
9           conditioned space shall be reduced by one point for each 100 square feet of  
10           conditioned space over 3000, or pro-rata portion thereof, until the required HERS  
11           index is zero and shall be zero for those and larger residences.

12           (2) HERS raters.

13           HERS raters shall be licensed and certified to conduct HERS analysis by  
14           passing educational courses and obtaining annual continuing education credits as  
15           required by the land use director. In addition HERS raters shall:

- 16           a.       confirm ventilation rates of the ventilation equipment used to satisfy  
17           the required house ventilation and report the findings to the land use  
18           department;  
19           b.       supply a report that includes the building components contributing to  
20           achievement of the required HERS index to be compared to the building  
21           plans submitted for a building permit. Reports approved to supply this  
22           information shall be approved by the land use director; and  
23           c.       supply an estimation of the greenhouse gas emissions avoided and  
24           the electricity and natural gas usage avoided when submitting the final or  
25           confirmed HERS index. Reports approved to supply this information shall

1 be approved by the land use director.

2 (3) Building envelope insulation values.

3 Building insulation levels shall meet the requirements of overall UA for 2015 IECC.

4 A report of compliance shall be provided to the city as part of a building permit  
5 application. Reports approved to supply this information shall be approved by the  
6 land use director.

7 (4) Building thermal envelope insulation confirmation.

8 The insulation installers shall provide a certification complying with a template to be  
9 provided by the land use department listing the type, manufacturer and R-value of  
10 insulation installed in each element of the building thermal envelope. For blown or  
11 sprayed insulations (fiberglass and cellulose), the initial installed thickness, settled  
12 thickness, settled R-value, installed density, coverage area and number of bags  
13 installed shall be listed on the certification. For insulated siding, the R-value shall be  
14 listed on the product's package and shall be listed on the certification. The insulation  
15 installer shall sign, date and provide the certification in a conspicuous location on the  
16 job site. (consistent with 2015 IRC Section N1101.10.1)

17 (5) Air sealing and insulation.

18 The air barrier and insulation installation criteria from Table 402.4.2 from the 2009  
19 International Energy Conservation Code shall be visually inspected pursuant to  
20 Section 402.4.2.2 whether or not the testing option from Section 402.4.2.1 has been  
21 achieved. Insulation values shall be verified to match those used to obtain the  
22 required HERS rating.

23 (6) Duct installation.

24 The installation instructions for heating, ventilation and air conditioning equipment  
25 shall be made available to the inspector conducting the duct installation inspection to

1 ensure ducting meets the manufacture's specifications. It shall be located on the  
2 equipment or in a conspicuous location adjacent to the equipment to be easily located  
3 by the inspector.

4 (7) Duct leakage.

5 Duct tightness shall be verified in accordance with 2009 IECC section 403.2.2 and  
6 shall not exceed 6 percent of total fan flow.

7 (8) Duct protection during construction.

8 All boots, ducts and ventilation openings shall be sealed during construction to  
9 prevent dust and debris from entering them and shall remain sealed until they are put  
10 into operation.

11 (9) Water conservation levels.

12 Water conservation features are implemented to achieve conservation performance  
13 shall be required. A documented analysis using the water efficiency rating score  
14 (WERS) tool showing a maximum score of 70 shall be submitted to the land use  
15 department as part of a building permit application and a report of the confirmed  
16 rating with a maximum score of 70 shall be submitted to the land use department  
17 prior to receiving a certificate of occupancy.

18 (10) Whole-house mechanical ventilation requirement.

19 Mechanical ventilation shall be required at a rate based on the following formula:  
20 required cubic feet per minute of ventilation = (total heated floor area X .01) +  
21 ((number of bedrooms + 1) X 7.5)

22 (11) Heating and cooling equipment sizing and system design.

23 2009 IRC Section M1401.3 requires that heating and cooling equipment be sized in  
24 accordance with ACCA Manual S based on building loads calculated in accordance  
25 with ACCA Manual J or other approved heating and cooling methodologies.

1 Completed Manual S and J forms, along with the brand, model and capacity of the  
2 selected equipment, shall be submitted to the land use department either at time of  
3 building permit application or as soon as available but in no case after selected  
4 equipment is ordered.

5 (12) Disclosure of building performance and homeowner's manual.

6 The following items shall be documented and included in a homeowners manual  
7 provided to the first homeowner and available for review for homes that are for sale  
8 on forms provided by the land use director:

- 9 a. the confirmed HERS index;
- 10 b. the blower door result at ACH 50;
- 11 c. the required amount of ventilation and the archived ventilation rate  
12 in air changes per hour;
- 13 d. the type of ventilation system used;
- 14 e. the percentage better that the UA is above the 2015 IECC maximum  
15 requirement;
- 16 f. the confirmed WERS;
- 17 g. a diagram showing the location of shut off valves for water,  
18 electricity and any combustions fuels (natural gas or propane) with labels in  
19 english and spanish;
- 20 h. the manuals for all major equipment and fixtures in english and in  
21 spanish if available; and
- 22 i. All other homeowner manual items available from the land use  
23 department at the time of certificate of occupancy for that purpose.

24 F. Permit Fee.

25 (1) Applicants for residential building permits shall pay a green building code

1            permit fee of one hundred dollars (\$100.00) for each residential unit, subject to the  
2            provisions for fee waivers under Subsection 14-8.11(G)(2)(a).

3            [E]G. *Effective Date.*

4            (1)        Section 7-4.1 SFCC 1987 shall be effective [~~July 1, 2009~~] September 15,  
5            2016.

6            Section 2.        Section 14-8.2(D) SFCC 1987 (being Ord. #2011-37, as amended) is  
7            amended to read:

8            **14-8.2 Terrain and Stormwater Management**

9            **(D)     Standards for All Grading**

10            (7)        Best Management Practices.

11            The following best management practices shall be used before and during the  
12            construction process:

13                    (a)        disturbed areas shall be protected from *erosion* during construction  
14                    by diverting stormwater around the disturbed area, dissipating the energy of  
15                    stormwater adequate to prevent *erosion*, retaining sediment on the disturbed  
16                    area or other means adequate to retain soil on site;

17                    (b)        except as necessary to install temporary *erosion* and sediment control  
18                    devices, land shall not be *graded* or cleared of vegetation until all such  
19                    temporary devices have been properly installed and inspected. Temporary  
20                    *erosion* and sediment control devices may include silt fencing, *swales*, straw  
21                    bales, berms, geotextiles, sediment basins or traps and fencing. Control  
22                    devices shall be kept in place and [~~used~~] functional until the disturbed area is  
23                    permanently stabilized; or notice of termination (NOT) is filed;

24                    (c)        all *significant trees*, and other trees and vegetation, areas with  
25                    substantial grass coverage and *drainageways* that are to remain undisturbed

1 shall be fenced off prior to the use of any heavy machinery on-site and shall  
2 remain fenced during the entire construction process. Fencing material may  
3 include snow fencing, plastic mesh or other similar fencing material. To  
4 protect the root zone of all significant trees, and other trees and vegetation,  
5 fencing shall be placed five (5) feet to the outside of their dripline;

6 (d) to prevent soil from leaving a site, soil stockpiles shall be protected  
7 from wind and water *erosion* throughout the [~~construction process~~] time the  
8 stockpile remains by using appropriate *erosion* control techniques. Staging  
9 and soil stockpile areas shall be clearly designated on the site. All topsoil  
10 shall be kept on site, within the disturbance zone of a construction site and  
11 then reintroduced into planting areas to the extent possible. Stockpiled soil  
12 shall not be allowed to enter arroyos or other *drainageways*;

13 (e) techniques to prevent the blowing of dust or sediment from the site,  
14 such as watering down exposed areas, are required for projects that disturb  
15 greater than five thousand (5,000) square feet; and alternate forms shall be  
16 readily available and used if watering is not sufficient;

17 (f) protection for storm drain inlets, *drainageways* and any stormwater  
18 conveyance shall be provided to prevent the entry of sediment and pollutants  
19 from the site while still allowing the entry of stormwater; and

20 (g) protection from drainage from canales, downspouts and drip edges  
21 shall be achieved in accordance with all of the following:

22 (i) an impermeable liner shall be installed under the splash area  
23 under the canale; and

24 (ii) a liner or other collector shall be installed that guides water  
25 away from the structure sloping a minimum of 6 inches over 6 feet

for a minimum of 6 feet away from the structure or to an interceptor  
swale.

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

## 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 a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

### Section A.      General Information

(Check) Bill:   X        Resolution:   X  

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

Short Title(s): AN ORDINANCE AMENDING SECTION 7-4.2 SFCC 1987, RESIDENTIAL GREEN BUILDING CODE BY REPEALING EXHIBIT A TO CHAPTER VII SFCC 1987; ADDING A REQUIREMENTS SECTION; AND AMENDING SECTION 14-8.2(D) BEST MANAGEMENT PRACTICES FOR GRADING BEFORE AND DURING CONSTRUCTION.

Sponsor(s): Councilors Ives, Dominguez, and Villarreal

Reviewing Department(s): Land Use

Persons Completing FIR: Katherine Mortimer      Date: 08/10/16      Phone: x 6635

Reviewed by City Attorney: *Kelly A. Brewer*      Date: 8/10/16  
(Signature)

Reviewed by Finance Director: *[Signature]*      Date: 8-10-2016  
(Signature)

### Section B.      Summary

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

To update the residential green building code to simplify it, increase required energy and water conservation, and establish a new permit fee.

### 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: \_\_\_\_\_

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

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 2016/17	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY 2017/18	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected
	Personnel*	<u>\$28,828</u>	<u>N</u>	<u>R</u>	<u>\$57,656</u>	<u>N</u>	<u>R</u>	<u>12079</u>
	Fringe**	<u>\$17,854</u>	<u>N</u>	<u>R</u>	<u>\$35,708</u>	<u>N</u>	<u>R</u>	<u>12709-</u>
	Capital Outlay	<u>\$ 20,000</u>	<u>N</u>	<u>NR</u>	<u>\$20,000</u>	<u>NR</u>		<u>12079</u>
	Land/ Building	<u>\$</u>			<u>\$</u>			
	Professional Services	<u>\$</u>			<u>\$</u>			
	All Other Operating Costs	<u>\$ 7,300</u>	<u>N</u>	<u>\$2,500 NR</u> <u>\$4,800 R</u>	<u>\$10,150</u>	<u>N</u>	<u>R</u>	<u>12079</u>
	Total:	<u>\$73,982</u>			<u>\$123,514</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 2016/17	"R" Costs Recurring or "NR" Non-recurring	FY 1017/18	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected
	New Fee	<u>\$10,000</u>	<u>R</u>	<u>\$15,000</u>	<u>R</u>	<u>12079</u>
	Total:	<u>\$ 10,000</u>		<u>\$15,000</u>		

### 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.)

**Expenditure: FY16/17: \$46,682 for a new staff person (salary and benefits) for half of the year. \$20,000 for a new inspection vehicles (non-recurring). Other costs include purchase of 2 computers, 2 smart phones for reporting inspection results from the field (also non-recurring), staff training, inspection vehicle fuel, office supplies, and advertisement for the start-up of program.**

**FY17/18: Costs include a full year of new staff salary and benefits, on-going staff training, \$20,000 for a second new inspection vehicle (non-recurring), smart phone service costs, inspection vehicle fuel and maintenance, office supplies, ads for outreach, and membership in Green Building Advisory and US Green Building Council as sources for current information on green building technology and science.**

**Revenue: FY16/17: Establishment of \$100 application fee for permits under the green building code is estimated to generate \$10,000.**

**FY17/18: Income from fee would conservatively generate \$15,000 (would not apply to affordable homes).**

**NOTE: The source of the funds for the remainder of the expenditures comes from projected increases in recurring construction permit fees from projects that have either received development approvals or are well along in that process.**

---

### **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 identified.**

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

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

**The green code would not be updated and the increased energy and water conservation represented by this code update would not be realized.**

### **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.

**None identified.**



### **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 code update would further reduce energy and water use from new homes over code minimum homes and homes built under the current code version. Tradeoffs in requirements keep cost of compliance about the same as before. It should be noted that the fee being added would not apply to affordable housing units, similar to the fee waiver for other fees for these homes.**

# City of Santa Fe, New Mexico

## memo

**DATE:** August 31, 2016  
**TO:** City Council Committees  
**VIA:** Lisa Martinez, Director, Land Use Department   
**FROM:** Katherine Mortimer, Supervising Planner, Land Use Department   
**SUBJECT:** GREEN BUILDING CODE UPDATE & ESTABLISHING TARGET GOALS

### ITEM

**AMENDING SECTION 7-4.2 SFCC 1987, RESIDENTIAL GREEN BUILDING CODE BY REPEALING EXHIBIT A TO CHAPTER VII SFCC 1987; ADDING A REQUIREMENTS SECTION; AND AMENDING SECTION 14-8.2(D) BEST MANAGEMENT PRACTICES FOR GRADING BEFORE AND DURING CONSTRUCTION.**

This Bill would update the Residential Green Building Code, increasing the requirements for energy and water efficiency while simplifying the process for compliance and would ensure homes approved under the code are evaluated consistently.

**ESTABLISHING TARGET GOALS FOR THE CITY'S GREEN BUILDING CODE TO MEET THE GOALS SET FORTH IN THE U.S. MAYORS CLIMATE CHANGE PROTECTION AGREEMENT, THE CITY'S GOAL OF BECOMING CARBON NEUTRAL BY 2040, AND THE NEED TO CONSERVE WATER RESOURCES DUE TO THE PROJECTED EFFECTS OF CLIMATE CHANGE.**

This resolution sets forth targets for the green building code program to meet goals previously adopted by the governing body.

### BACKGROUND

The governing body adopted the first Residential Green Building Code in 2009 (Ordinance 2009-9). At that time the Code represented a major step towards reducing building energy and water efficiency along with cradle to grave impacts of building materials, ensuring healthy indoor air quality and providing homeowner education. The code has been amended several times with a significant streamlining in 2011 (Ordinance 2011-49). The proposed code changes would help achieve carbon neutrality by 2040.

The code was originally formatted to be consistent with the Build Green New Mexico (BGNM) program which is one of two programs that can be used to qualify for the New Mexico Sustainable Building (NMSB) Tax Credit. That program has undergone two updates and is expected to be continually updated over time. The current checklist used by the Santa Fe

Residential Green Building Code no longer aligns with the BGNM checklist.

This proposed bill would increase required energy and water conservation, demonstrated through computer modeling. Energy modeling has been a requirement for the NMSB Tax Credit. Additionally, a requirement for water efficiency modeling was added in 2015 NM legislation (SB279). The modeling required by the proposed bill is consistent with the requirements needed to take advantage of this tax credit.

The proposed code updates include key mandates and, together with the computer modeling, will create a simpler, more flexible program that can more predictably save energy and water. This program can be used to drive energy and water savings by changing the required home energy rating system (HERS) index and water efficiency rating score (WERS) requirements and can also be used as a model for developing green codes for other building types such as residential remodels and commercial buildings.

#### Applicability

This update will apply to all new single-family structures, attached and detached, including accessory dwellings and modular homes.

#### Summary of Code Changes:

1. Computer modeling will replace the current Residential Green Building Code Checklist
2. Lower (improve) HERS score requirement by 5 points now and 5 more effective 1/1/18
3. Building thermal envelope insulation shall meet the 2015 International Energy Conservation Code
4. Require training for HERS raters on local standards for the modeling software
5. Require computer water modeling using the newly created Water Efficiency Rating Score (WERS) tool with a score of 70 (30 percent better than building code) (More information on WERS below)
6. Incorporate requirements to preserve vegetation with fencing and to protect buildings from canale and gutter splashing into the City's Chapter 14, Development Code
7. Require air exchanges consistent with 2010 ASHRAE 62.2 standards
8. Provide consistent inspections of building thermal enclosure sealing and insulation by City staff
9. Confirm duct installations per manufacturer's specifications and ensure that leakage does not exceed 6% of total fan flow
10. Require duct protection from dust and debris during construction
11. Ensure heating and cooling system(s) are designed and selected per the Air Conditioning Contractors of America (ACCA) manuals
12. Ensure homeowner manuals include all relevant information and are bi-lingual
13. Establish a new \$100 green code permit fee for permits reviewed under the new program
14. Dedicate and train city green code staff to review, inspect and track program progress

#### Incorporation of Water Efficiency Rating Score

This bill includes incorporation of the new Water Efficiency Rating Score (WERS) tool which replaces the checklist section for Water Efficiency under the current code as directed by Resolution 2015-28. The WERS tool measures the projected water savings of different water fixtures and appliances, both inside and outside of the building, and compares that projected usage to the same home if it were built under minimum code standards. The initial recommended requirement is for all new homes to achieve a score of 70, which is 30% better than buildings subject to no green code requirements. The current green code requires

increased water efficiency using a checklist. It is estimated that a WERS of 70 will save about the same amount of water, or a little more, than the amount saved under the current green building code. While the tool calculates the water savings, should someone elect to install graywater or rainwater harvesting systems, such systems are not a requirement in order to achieve a score of 70. Once achieving a WERS 70, the Council may consider lowering the required score which would require additional water conserving measures.

#### Resolution Establishing Target Goals:

The Resolution aims to align with goals embodied in policy previously adopted by the governing body for reducing greenhouse gas emissions, creating more energy efficient buildings, and conserving water in incremental amounts over time. To achieve the goals of the resolution, staff will collect data about the effectiveness of the updated green building code and then use the new model and data to develop green building codes for other building types including commercial buildings and additions and remodels of all building types.

#### **FISCAL IMPACT**

##### Cost for City Administration:

City administration costs of the update will increase over the current program. Green code trained staff will review HERS and WERS submissions, identify those elements used to obtain the required score and subsequently inspect the construction. They will also ensure inclusion of the required components of the green building code which exceed the basic International Residential Code or Uniform Mechanical or Plumbing codes to ensure installation during construction. A higher level of oversight is needed to allow the flexibilities of the new program. To cover the additional costs, the bill includes a \$100 fee for each building permit issued under the updated code.

##### Land Use Department Budget Amendment

The Fiscal Impact Report (FIR) shows the need to increase the Land Use Department's budget by \$73,982 in the current fiscal year (2016/17), and by \$123,514 for fiscal year 2017/18 and beyond. The source of the funds comes from projected increases in construction permit fees from projects that have either received development approvals or are well along in that process. The funds will come from business unit #11001, line item #420300.

##### Cost of Compliance:

The changes in the code will result in increased costs to builders in some areas and decreases in others. Whether or not there will be a net increase or decrease depends upon how builders used checklist points in the past and how they will reduce their energy use to reach the new HERS requirement. While the minimum HERS requirement has been 70, the average HERS index over time has lowered to 61. Due to this general decrease, most homes would not have an increased cost to achieve the proposed requirement of 65. The proposal would lower the required HERS index to 60 in 2018 and expects the additional costs to achieve that score to be minimal, if any, by that time.

For builders currently achieving a HERS of 70, increased costs to achieve a HERS of 65 could be \$5000. Additionally there would be a cost to obtain third-party WERS professional services of about \$500 to \$800 depending upon additional water conservation strategies they would need to employ. Finally with the new \$100 fee, a maximum estimated additional cost would be about \$5900. It is important to note that cost savings

from program changes would offset most or all of that additional cost.

Additional cost savings include services the City would start providing, including thermal bypass inspections that are currently performed by third-parties. City staff will also provide most of the homeowner manual content, in a bi-lingual format. Elimination of the checklist and most of the documentation requirements for the points taken will also save money. Reductions in the requirements for resource efficiency and indoor air quality will further minimize costs. Points commonly taken in the areas which would no longer be checklist items include: covering all exterior entries, creation of waste management and recycling plans, hiring a professional to conduct HVAC start up testing and certification, programmable thermostats, rain barrels, sealed combustion furnaces and water heaters, energy star and humidistat-controlled bathroom fans, insulation of cold water pipes and increased insulation of hot water pipes. Those items would instead be included in a website of best construction practices. Savings will vary but would be expected to range from \$2800 to \$5900 per residence.

Program compliance costs have reduced over time as many energy and water saving technologies have become less expensive due to demand and producers realizing economies of scale. Programmable thermostats, efficient HVAC equipment and home appliances, low-flow toilets and other water fixtures were selling at a premium in 2009 when the green code first went into effect and are now closer in price to less efficient devices. Additionally, increases in both energy and water efficiency will save homeowners utility costs each month.

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2016-\_\_

3 INTRODUCED BY:

4  
5 Councilor Peter N. Ives

6 Councilor Carmichael A. Dominguez

7 Councilor Renee D. Villarreal

8  
9  
10 A RESOLUTION

11 ESTABLISHING TARGET GOALS FOR THE CITY'S GREEN BUILDING CODE TO MEET  
12 THE GOALS SET FORTH IN THE U.S. MAYORS CLIMATE CHANGE PROTECTION  
13 AGREEMENT, THE CITY'S GOAL OF BECOMING CARBON NEUTRAL BY 2040, AND  
14 THE NEED TO CONSERVE WATER RESOURCES DUE TO THE PROJECTED EFFECTS  
15 OF CLIMATE CHANGE.

16  
17 WHEREAS, on March 11, 2009, the Governing Body adopted Resolution No. 2009-45  
18 which approved target goals for the Santa Fe Residential Green Building Code; and

19 WHEREAS, on October 28, 2014, the Governing Body adopted Resolution No. 2014-85  
20 declaring the governing body's intent for the City of Santa Fe to become carbon neutral by the  
21 year 2040; and

22 WHEREAS, on May 31, 2006, the Governing Body adopted Resolution No. 2006-54  
23 that endorsed the U.S. Mayors Climate Change Protection Agreement; and

24 WHEREAS, on May 31, 2006, the Governing Body adopted Resolution No. 2006-55  
25 that adopted high performance energy efficient building standards; and

**WHEREAS**, the Governing Body desires to adopt ever more efficiency energy and water conservation strategies into the Santa Fe green building code.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE** that the following progress goals are adopted for the Green Building Code:

1. The energy rating requirement for single-family residential buildings shall be improved over time to achieve a rating of zero by the year 2030.
2. The water rating requirement for single-family residential buildings shall be improved over time as part of an overall water strategy for the City anticipating projected climate change effects on the availability of water in the region.
3. Other building types shall be added to the Green Building Code using the same approach of using modeling combined with required goals in energy and water efficiency to provide maximum flexibility and accountability to ensure goals are met.
4. The City shall seek all available options to reduce the greenhouse gas footprint of energy and water sources used within the City of Santa Fe in furtherance of the city's goal of becoming carbon neutral by 2040.

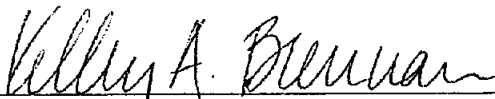
JAVIER GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPROVED AS TO FORM:

  
\_\_\_\_\_  
KELLEY A. BRENNAN, CITY ATTORNEY

*M:/Legislation/Resolutions 2016/Green Building Code Goals*

## 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 ESTABLISHING TARGET GOALS FOR THE CITY'S GREEN BUILDING CODE TO MEET THE GOALS SET FORTH IN THE U.S. MAYORS CLIMATE CHANGE PROTECTION AGREEMENT, THE CITY'S GOAL OF BECOMING CARBON NEUTRAL BY 2040, AND THE NEED TO CONSERVE WATER RESOURCES DUE TO THE PROJECTED EFFECTS OF CLIMATE CHANGE.**

Sponsor(s): Councilors Ives, Dominguez and Villarreal

Reviewing Department(s): Land Use

Persons Completing FIR: Katherine Mortimer Date: 6/30/16 Phone: x6635

Reviewed by City Attorney: Kelly A. Burman Date: 7/7/16  
(Signature)

Reviewed by Finance Director: [Signature] Date: 7-8-2016  
(Signature)

### Section B.      Summary

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

To set policy regarding goals for the future of the green building codes

### 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: \_\_\_\_\_

X   Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 2016/17	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY 2017/18	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$				\$			
Fringe**	\$				\$			
Capital Outlay	\$				\$			
Land/ Building	\$				\$			
Professional Services	\$				\$			
All Other Operating Costs	\$				\$			
Total:	\$				\$			

\* 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 2016/17	"R" Costs Recurring or "NR" Non-recurring	FY 1017/18	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

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

\*\*Assumes need to purchase 2 new vehicles. If vehicle pool or other existing vehicles can be used this may be lower or zero.

### 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.)

Expenditure: N/A

---

### 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 identified.

---

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

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

The policy indicating the future direction of the green building code would not be established.

---

### 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.

None identified.

---

### 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 goals identified would further reduce Santa Fe's contribution to greenhouse gas emissions and use of water over time, making the community more resilient to the effects of climate change.

---

Log # (Finance use <u>only</u> ):	
Batch # (Finance use <u>only</u> ):	

## City of Santa Fe, New Mexico

### BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME Land Use Department / Permit Division					DATE 08/03/2016	
ITEM DESCRIPTION	BUSINESS UNIT	LINE ITEM	SUBSIDIARY {.000000}	SUBLEDGER {0000}	INCREASE	DECREASE
<b>EXPENDITURES</b>					{enter as <u>positive</u> #}	{enter as <u>negative</u> #}
Full time Classified	12079	500350			46,682	
Vehicles <1.5	12072	570950			20,000	
Gasoline	12072	531000			600	
Data Processing	12072	572800			2,000	
Advertising	12072	561850			1,500	
Communication	12072	514100			1,200	
Dues	12072	561900			450	
Training Fees	12072	432800			1,550	
<b>REVENUES</b>					{enter as <u>negative</u> #}	{enter as <u>positive</u> #}
Building Permits	11001	420300			(73,982)	

**JUSTIFICATION:** (use additional page if needed)  
 --Attach supporting documentation/memo

As presented during the FY 16/17 budget hearings, increased recurring permit fees are expected both this year and beyond. In addition, the green code update includes a new fee which is expected to generate \$10,000 this year and \$15,000 per year thereafter. The amount expected increased revenue is well in excess of the \$73,982 budget amendment requested. The existing Department budget will cover staff time and other expenses required to administer the green building code update.

(Complete section below if BAR results in a net change to ANY Fund)	
Fund(s) Affected:	Fund Bal. Increase/ (Decrease):
1001	(73,982)
<b>TOTAL:</b>	

<b>{REQUIRED}</b>		(Use this form for Finance Committee/ City Council agenda items ONLY)		 Budget Officer	8-31-2016 Date
Prepared By (print name)	Date	<b>CITY COUNCIL APPROVAL</b>			
Katherine Mortimer	8/31/16	City Council			
Division Director (optional)	Date	Approval Date		Finance Director (< \$5,000)	Date
	8-31-16	Agenda Item #:	{Budget will enter}		
Department Director	Date			City Manager (< \$50,000)	Date

# City of Santa Fe, New Mexico

## memo

**DATE:** September 19, 2016

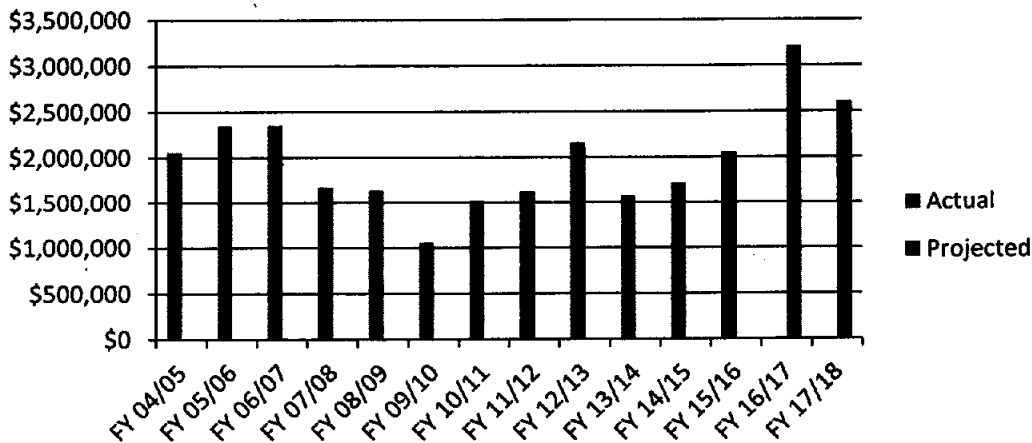
**TO:** Finance Committee

**VIA:** Lisa Martinez, Director, Land Use Department

**FROM:** Katherine Mortimer, Supervising Planner, Land Use Department

**SUBJECT:** Green Building Code Update Staffing Proposal

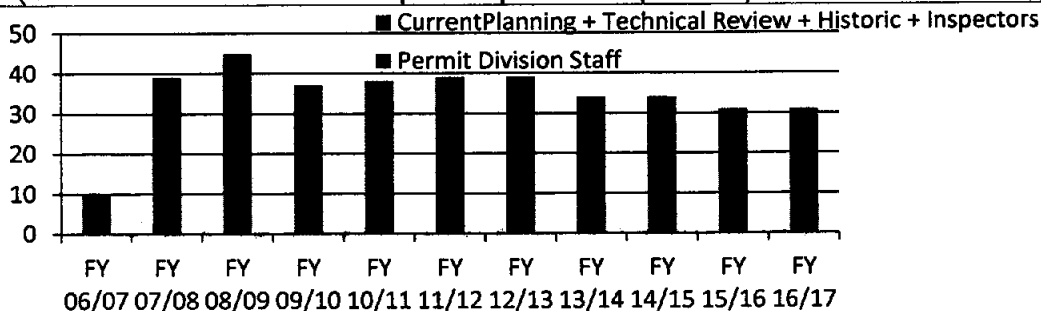
### Construction Permit Revenue



Construction permit values fluctuate over time but dipped substantially during the recession. The recovery is resulting in a bubble of permits which is expected to level off to pre-recession levels in 3 to 4 years.

### Land Use Department Staffing Levels

(Staff that works on development/permit/inspection)



Land Use staffing levels for building development, permits, and inspections declined through attrition during the recession.

*Exhibit "4"*

Recent signs of economic growth in Santa Fe are showing promise that our construction market is returning to historic levels. Not having enough staff, with the right skills, can jeopardize City operations during an economic recovery. The Land Use Department is experiencing a "bubble" of development projects due to pent up development pressures from the recession. The Land Use Department will provide a future proposal to address the bubble of work beyond historic levels; however, in the interim, the proposed FTE in the Budget Adjustment Request would restore a position included in the FY 2016/17 Land Use Department budget request, but was cut at the end of that process. The requested position will assist with restoring needed staffing levels and will serve to enhance the proposed green building code program managed by the department. The funding for this position is included in the base level of building permit fees expected to continue after the bubble of development levels out.

**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO BILL NO. 2016-\_\_**  
**Urban Agriculture Ordinance**

---

**Mayor and Members of the City Council:**

**I propose the following amendment(s) to Bill No. 2016-\_\_:**

1. On page 2, line 10 after "public nuisance" *insert* "subject to Subsection 10-9, Nuisance Abatement Ordinance,"
2. On page 2, line 19, after "14.-6.2(I)" *insert* ", and shall not supersede the rights of Home Owner Associations (HOA) or any existing covenants, conditions and restrictions of HOAs or other neighborhood associations."
3. On page 3, *delete* line 25
4. On page 4, *delete* lines 1-4
5. On page 4, line 14 after "the premises," *delete* "and"; after "square feet" *insert* ", and shall be erected only during business operating hours and during the farming season."
6. On page 5, line 11 *delete* "lot" and *insert* "farm"
7. On page 5, lines 22 and 23 *delete* "compost bins,"
8. On page 5, line 23 *delete* "and windrows"
9. On page 5, line 25 *delete* "structures" and *insert* "compost" in lieu thereof
10. On page 6, line 2 after "street view" *insert* "and setback a minimum of twenty (20) feet from the property line"
11. On page 6, line 14 after "agricultural use" *insert* "and are metered"
12. On page 6, *delete* line 15
13. On page 6, *delete* "vii" and *insert* "vi" in lieu thereof
14. On page 7, line 10 *delete* "180" and *insert* "90" in lieu thereof
15. On page 7, line 22 *delete* "180" and *insert* "90" in lieu thereof
16. On pages 8 and 9, *delete* Table 14-6.1-1 and *insert* the following in lieu thereof:

*Exhibit "5"*

Table 14-6.1-1

CATEGORY Specific Use	RR	R- 1 - R- 6	R- 7 - R- 9	R- 7 -1	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I - 1	I - 2	BIP	SC- 1	SC- 2	SC- 3	M U ** +	Use- Spec ific Regs 14- 6.2
<b>AGRICULTURAL USES</b>																						
Animal production	[S]																					(M)
[Crop production]	[S]																					((H))
Commercial stable	S																					(H)
Urban Farm Ground Level, less than 10,000 sq ft.	A	A	A	A	A	A				P	P	P			P	P		P	P	P		(U)
Urban Farm Ground Level, 10,000 sq ft. - 1 acre	S	S	S	S	S	S				P	P	P			P	P		P	P	P		(U)
Urban Farm Ground Level, greater than 1 acre	S	S	S	S	S	S				S	S	S			P	P		S	S	S		(U)
Urban Farm Roof Level, Open Air, less than 10,000 sq ft.										S	S	S			S	S		S	S	S		(U)
Urban Farm Roof Level, Open Air, 10,000 sq ft. - 1 acre										S	S	S			S	S		S	S	S		(U)
Urban Farm Roof Level, Open Air, greater than 1 acre										S	S	S			S	S		S	S	S		(U)
Urban Farm, Rooftop Greenhouse, any size										S	S	S			S	S		S	S	S		(U)
Aquaculture, less than 750 sq ft.										S	S	S			S	S		S	S	S		(U)
Aquaponics, less than 750 sq ft.										S	S	S			S	S		S	S	S		(U)
Aquaponics, greater than 750 sq. ft.										S	S	S			S	S		S	S	S		(U)
Hydroponics, any size										S	S	S			S	S		S	S	S		(U)
Composting															S	S						

17. On page 10, *delete* lines 21 through 25

18. On page 11, *delete* lines 1 through 11

19. On page 12, line 2 after "A" *insert* "non-permanent"; after "table," *delete* "stall," and *insert* in lieu thereof "or"; after "tent" *delete* "or other structure"

Respectfully submitted,

\_\_\_\_\_  
Councilor Signe I. Lindell

ADOPTED: \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO  
PROPOSED AMENDMENT(S) TO BILL NO. 2016-\_\_\_\_  
Urban Agriculture Activities and Uses Resolution

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2016-\_\_\_\_:

1. On page 1, line 1.1 after "shall be examined" *delete* "and permitted"; after "Director" *insert* "and permitted if applicable"

Respectfully submitted,

\_\_\_\_\_  
Councilor Signe I. Lindell

ADOPTED: \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk