



Agenda

CITY CLERK'S OFFICE

DATE 7/27/17 TIME 10:10a

SERVED BY Shannon Jones

RECEIVED BY SSSS

PUBLIC UTILITIES COMMITTEE

WEDNESDAY, AUGUST 2, 2017

City Hall

City Council Chambers

200 Lincoln Avenue

Regular Meeting – 5:00pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE JULY 5, 2017 PUC MEETING

INFORMATIONAL ITEMS

6. Monthly Update of Capital Projects. (Shannon Jones)
7. Santa Fe Municipal Watershed Program and Watershed Protection. (Alan Hook)

CONSENT – ACTION CALENDAR

8. Update on Current Water Supply Status. (Alex Puglisi)
9. Wastewater Management Division Monthly Update. (Shannon Jones)
10. Water Conservation Scorecard Update for July 2017. (Christine Chavez)
11. Request for approval of a Professional Services Agreement with JMA Municipal Advisors for Public Utility Rate Evaluation and Financial Services for the amount of \$146,808 exclusive of NMGR. (Shannon Jones)

Public Utilities Committee – 8/2/2017

Finance Committee – 8/21/2017

City Council – 8/30/2017

12. Request for approval of Amendment No. 1 to the Professional Service Agreement # 16-0984 (Tire Recapping Services) for the amount of \$255,000. (Lawrence Garcia)

Public Utilities Committee – 8/2/2017

Finance Committee – 8/21/2017

City Council – 8/30/2017

13. Request for approval of Resolution No. 2017-_____. A resolution granting provisional authority to the City Manager to approve grants with time sensitive deadlines; and directing the City Manager to submit the grant to the Governing Body for Ratification at the earliest regularly scheduled City Council meeting thereafter. (Councilors Rivera, Maestas, Harris and Ives) (David Chapman)

Public Works Committee – 7/24/2017

Finance Committee – 7/17/2017

Public Utilities Committee – 8/2/2017

City Council – 8/9/2017

14. Request for approval of Bill No. 2017-_____. An ordinance relating to the telecommunications in the Public Rights-of-Way Ordinance; amending Subsection 27-2.19 SFCC 1987 to streamline the land use review process for telecommunications facilities in the public rights of way; amending Subsection 27-2.20 to include facilities; and repealing Subsection 27-21 relating to the Telecommunications Advisory Committee. (Councilor Harris) (Kellen Brennan/Marcos Martinez).

Public Works Committee – 7/24/2017

Finance Committee – 7/31/2017

Public Utilities Committee – 8/2/2017

City Council (Request to Publish) - 8/9/2017

City Council (Public Hearing) - 8/30/2017

15. Request for approval of Resolution No. 2017-_____. A resolution supporting the New Mexico Litter Control and Beautification Act of 1985 which provides public funds in the form of grants for the purpose of enhancing local litter control and beautification programs. (Councilor Trujillo) (Gilda Montano)

Finance Committee – 7/31/2017

Public Utilities Committee – 8/2/2017

City Council – 8/9/2017

16. Request for approval of Resolution No. 2017-_____. A resolution directing the City Manager to develop a Feasibility Study focused on achieving the goal of using 100 percent renewable energy by 2025 for city facilities and report back in 90 days; and

urging state elected leaders to achieve 100 percent renewable energy for state facilities. (Mayor Gonzales) (John Alejandro)

Sustainable Santa Fe Commission – 7/29/2017

Public Utilities Committee – 8/2/2017

Finance Committee – 8/21/2017

City Council – 8/30/2017

Executive Session

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(8) discussion regarding: Discussion Regarding the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe. (Marcos Martinez)

End of Executive Session

MATTERS FROM THE PUBLIC

MATTERS FROM THE CITY ATTORNEY

MATTERS FROM STAFF

MATTERS FROM THE COMMITTEE

NEXT MEETING: Wednesday, September 6, 2017

ADJOURN

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.

Public Utilities Meeting Index

August 2, 2017

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1. Call to Order	Councilor Chris Rivera, Chair of the Public Utilities Committee called the meeting to order at 5:10 p.m. at the Santa Fe Community Convention Center.	1
2. Roll Call	A quorum was established with roll call.	1
3. Approval of Agenda	Councilor Maestas moved to approve the agenda as presented with a second by Councilor Trujillo which passed by voice vote.	1
4. Approval of Consent Agenda	Councilor Trujillo moved to approve the consent agenda with the clarification of items #11, #13 and #16 with a second from Councilor Lindell which passed by voice vote.	1
5. Approval of Minutes from the July 5, 2017 Meeting	Councilor Maestas moved to approve the minutes of July 5, 2017 as presented with a second from Councilor Villarreal which passed by voice vote.	2
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11. Request for approval of a Professional services Agreement with JMA Municipal Advisors for Public Utility Rate Evaluation and Financial Services for the amount of \$146,808 exclusive of NMGR	Councilor Maestas moved to approve a Professional services Agreement with JMA Municipal Advisors for Public Utility Rate Evaluation and Financial Services for the amount of \$146,808 exclusive of NMGR with a second from Councilor Villarreal which passed by voice vote.	4
12. Request for approval of Amendment No. 1 to the Professional Service Agreement #16-0984 (Tire Recapping Services) for the amount of \$255,000	On Consent Agenda	4
13. Request for approval of Resolution No. 2017- . A Resolution granting provisional authority to the City Manager to approve grants with time sensitive deadline; and directing the City Manager to submit the grant to the Governing Body for Ratification at the earliest regularly scheduled City Council meeting thereafter	Councilor Maestas moved to approve and add the language "shall submit the grant and any associated budget requests", with a second from Ms. Villarreal which passed by voice vote.	5
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15. Request for approval of Resolution No. 2017- . A resolution supporting the New Mexico Litter Control and Beautification Act of 1985 which provides public funds in the form of grants for the purpose of enhancing local litter control and beautification programs.	On Consent Agenda	5
16. Request for approval of Resolution No. 2017- . A resolution directing the City Manager to develop a Feasibility Study focused on achieving the goal of using 100 percent renewable energy by 2025 for city facilities and report back in 90 days; and urging state elected leaders to achieve 100 percent renewable energy for state facilities.	Councilor Maestas moved to amend the Resolution to add the language "For City facilities and all State-owned facilities within the City limits", with a second from Councilor Villarreal which passed by voice vote.	6,7
Executive Session	Councilor Trujillo moved to begin Executive Session in accordance with New Mexico Open Meetings Act NMSA § 10-15-1(H)(8) to discuss the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe with a second from Councilor Maestas.	7

	ROLL CALL VOTE: Chair Rivera –YES, Councilor Villarreal –YES, Councilor Trujillo-YES, Councilor Maestas- YES Councilor Villarreal moved to exit Executive Session where the discussion was held on the matters mentioned in the agenda with a second from Councilor Maestas which passed by voice vote	
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MINUTES OF THE PUBLIC UTILITIES COMMITTEE
WEDNESDAY, AUGUST 2, 2017
City Councilor Chambers Center
200 Lincoln Ave. Santa Fe, NM
5:00 p.m.

1. CALL TO ORDER

Councilor Chris Rivera, Chair of the Public Utilities Committee called the meeting to order at 5:10 p.m. at the Santa Fe Community Convention Center. A quorum was established with roll call.

2. ROLL CALL

PRESENT:

Councilor Chris Rivera, Vice Chair
Councilor Signe Lindell
Councilor Joseph M. Maestas
Councilor Ronald S. Trujillo
Councilor Renee D. Villarreal

NOT PRESENT/EXCUSED:

OTHERS PRESENT:

Shannon Jones, Public Utilities
Stephanie Lopez, Public Utilities
Alan Hook, City Water Division
Marcos Martinez, City Attorney's Office
Porfiro Chavarria, City Fire Department Wildland
John Alejandro, City Sustainability SF
Linda Vigil, Stenographer

3. APPROVAL OF AGENDA

MOTION: Councilor Maestas moved to approve the agenda as presented with a second by Councilor Trujillo which passed by voice vote.

4. APPROVAL OF CONSENT AGENDA

Councilor Villarreal would like to clarify item #11, #13 and #16. Councilor Lindell appreciates the accommodation, she will need to leave early but there is still a voting quorum.

MOTION: Councilor Trujillo moved to approve the consent agenda with the clarification of items #11, #13 and #16 with a second from Councilor Lindell which passed by voice vote.

The entire meeting packet will serve as Exhibit A for review of all consent items.

5. APPROVAL OF MINUTES FROM THE JULY 5, 2017 PUC MEETING

MOTION: Councilor Maestas moved to approve the minutes of July 5, 2017 as presented with a second from Councilor Villarreal which passed by voice vote.

INFORMATIONAL ITEMS:

6. Monthly Update of Capital Projects

Mr. Jones brief update on the current Capital Projects. The hospital project is progressing, the testing of the tank is happening.

The Buckman pipeline project is moving along. There is a nutrient study at the wastewater treatment plant. There has been discussions with the EPA and NMED and they have made some recommendations. Additional sampling will be done. They will also look further to the lower reach.

7. Santa Fe Municipal Watershed Program and Watershed Program and Watershed Protection

Mr. Hook presented a slideshow explaining the Watershed program and watershed protection. (Exhibit B)

Mr. Hook explained the area that is on City property and the areas surrounded it. In 2009 there was a collaboration with the City, The Natures Conservancy (TNC), the Watershed Association and the Forest Service. It was amended and then called the Municipal Watershed Plan. The city committed to invest into it as a capital improvement program project.

Mr. Hook explained the maps that shows treatment and vegetative and fire use. There were different areas of the program the thinning and prescribed burns, water management, also public awareness and outreach.

Mr. Hook discussed the budget and expenditures for broadcast burnings. In 2011 TNC hired a firm to conduct a survey. Voters were asked if they would support a fund to protect the area in case of a fire. There was a strong support for it.

Mr. Hook explained the likelihood for fires as well as flooding. The City has a water source and water protection plan, they are working with NMED and an engineering company as well as with NM Tech gathering sampling. They are testing carbon and metals that could change the water.

Mr. Hook discussed the education and outreach of the plan. The Watershed Association has been crucial. They work on getting kids out of the classroom and showing them where the water comes from. They have taken mid and high school students to collect for testing. They are also working with Water Conservation to coordinate more classes.

Mr. Hook discussed the financial plan, payment for eco system services, and green infrastructure. The original idea was to have a fee. But with the rate increases, the Water Division and City Council decided to use CIP funds.

Mr. Hook discussed the cost share with the US Forest Service. The City was also given money from the Water Trust Board. They are also executive members of the Rio Grande Water Fund with TNC.

Mr. Chavarria stated the greater SF Watershed Coalition was adopted last year. That area is a high priority because of all that it would impact if there was a fire. The coalition was formed with federal, state, local, and private stakeholders to come up with the risk and hazard and some activities to protect it.

Councilor Maestas thanked them for the comprehensive projects. It is important to continue to be vigilant.

Councilor Villarreal thanked them for the great presentation. She is interested in the ecosystem services on the water bill.

Mr. Hook stated it is part of the revenue and it was under the CIP funding. They didn't put a name on it due to the rate increase. There was already enough to fund it.

Councilor Villarreal asked if there was an expiration on the Water Trust Board grants. Mr. Hook explained there is still funding left from FY15. They can always reapply for the grant.

Councilor Trujillo asked if there was an opportunity to use funds and services to clean other sections of the river. Mr. Chavarria stated in the Environmental Impact Study it shows that they can include sections of the river.

Councilor Trujillo explained there are sections that are overgrown, there are dead trees and over hanging. The weeds are overgrown and there needles everywhere. Mr. Chavarria stated it has been done before they employed youth to do it. There are some sections that are on private land and sometimes there are issues with the landowners.

Councilor Maestas suggested when a press release goes out, that perhaps some compelling facts that are relevant be added to the bottom. Chair Rivera agrees letting them know the impacts is important.

Mr. Chavarria explained the area is so large because they felt the watershed is in the center. The thinning areas need to be treated.

Chair Rivera asked how the fuels spread to the top of the trees. Mr. Chavarria explained it depends on the area. When they burn through the surface it stays low and can be controlled. Once it burns from the tops of the trees.

Chair Rivera asked about the La Cueva thinning project. Mr. Chavarria explained there are 4 positions that are being tested and interviewed. There are 5 positions in place right now.

CONSENT –ACTION CALENDAR

8. **Update on Current Water Supply Status** *in packet*
9. **Wastewater Management Division Monthly Update** *in packet*
10. **Water Conservation Scorecard Update for July 2017** *in packet*
11. **Request for approval of a Professional services Agreement with JMA Municipal Advisors for Public Utility Rate Evaluation and Financial Services for the amount of \$146,808 exclusive of NMGRT**

Public Utilities 8/2/2017 Finance Committee 8/21/2017 City Council 8/30/2017

Councilor Villarreal asked how they calculated revenue cost of service studies.

Mr. Jones explained the plan looks at the cost of service studies with current costs and revenue. There is an opportunity to look at the rate structure. In the future, they can.

Mr. Jones discussed the debt to rate structure it will serve as analytics. There can be recommendations with the studies. Councilor Rivera would like to consider that when the time comes.

Councilor Maestas asked why a consultant is needed. There is a financial staff that are familiar with the debt coverage from the CIP for each item? Why do they need one? He would like to see some uniformity with all divisions. Mr. Jones stated that some of the others have them in their plans.

Councilor Maestas discussed the Buckman project there was a presentation from the consultant that mentioned a plan for 20 years with the obligation to CIP being factored into. Will it include it?

Mr. Jones stated the Water Division will direct an asset management plan project and track it .

Councilor Maestas mentioned the broadband project, he would like a memo from staff. He would like a memo from staff, are there going to be rates to maintain it?

Mr. Martinez will get that information.

MOTION: Councilor Maestas moved to approve a Professional services Agreement with JMA Municipal Advisors for Public Utility Rate Evaluation and Financial Services for the amount of \$146,808 exclusive of NMGRT with a second from Councilor Villarreal which passed by voice vote.

12. **Request for approval of Amendment No. 1 to the Professional Service Agreement #16-0984 (Tire Recapping Services) for the amount of \$255,000**

Public Utilities 8/2/2017 Finance Committee 8/21/2017 City Council 8/30/2017

13. **Request for approval of Resolution Nol. 2017- . A Resolution granting provisional authority to the City Manager to approve grants with time sensitive deadline; and directing the City Manager to submit the grant to the Governing Body for Ratification at the earliest regularly scheduled City Council meeting thereafter.**

*Public Works 7/24/2017 Finance Committee 7/17/2017 Public Utilities Committee 8/2/2107
City Council 8/9/2017*

Councilor Villarreal asked that they move on this item due to the deadlines for the grants.

Mr. Hook explained this was in Finance and the Water Division staff requested it come here for approval. Some of the grants are specific to Water grants and involve utilities.

Councilor Maestas asked if some grants have budget implications and requires a local match. Some may have instances that the city will have the funds.

Mr. Hook states it will allow staff to move forward on applications. Not committing them to it, just to get the applications started.

MOTION: Councilor Maestas moved to approve and add the language "shall submit the grant and any associated budget requests", with a second from Ms. Villarreal which passed by voice vote.

Chair Rivera asked if the City Manager is out or unavailable is it assumed to leave someone in charge of those duties as a designee?

Mr. Martinez stated it is assumed so and this is to allow staff to work on the application.

14. **Request for approval of Bill No. 2017- . An ordinance relating to the telecommunications in the Public Rights of Way Ordinance; amending Subsection 27-2.19 SFCC 1987 to streamline the land use review process for telecommunications facilities in the public rights of way; amending Subsection 27-2.20 to include facilities; and repealing Subsection 27-21 relating to the Telecommunications Advisory Committee.**

*Public Works 7/24/2017 Finance Committee 7/31/2017 Public Utilities Committee 8/2/2107
City Council (Request to Publish) 8/9/2017 City Council 8/30/2017 (Public Hearing)*

15. **Request for approval of Resolution No. 2017- . A resolution supporting the New Mexico Litter Control and Beautification Act of 1985 which provides public funds in the form of grants for the purpose of enhancing local litter control and beautification programs.**

Finance Committee 7/31/2017 Public Utilities 8/2/2017 City Council 8/9/2017

16. **Request for approval of Resolution No. 2017- . A resolution directing the City Manager to develop a Feasibility Study focused on achieving the goal of using 100 percent renewable energy by 2025 for city facilities and report back in 90 days; and urging state elected leaders to achieve 100 percent renewable energy for state facilities.**

*Sustainable Santa Fe Commission 7/29/2017 Public Utilities Committee 8/2/2017
Finance Committee 8/21/2017 City Council 8/30/2017*

Councilor Villarreal discussed the new goal of 100 percent renewable by 2025. Mr. Alejandro explained it had changed from 50 percent by 2025 to 100 percent by 2040.

Mr. Alejandro discussed the recent inventory on facilities. It gave greater insight to the management of the buildings, the age, square footage, and ways to save on electricity and energy. The 25-year plan helps make the goal more aggressive and helps them to push it more. Councilor Villarreal asked if it is viable and can be accomplished by then.

Mr. Alejandro believes it can there are several things that would need to happen at the state level. There is a state law for public utilities that prohibits some solar activities.

Councilor Villarreal by the sustainability committee were they thinking of public energy utility?

Mr. Alejandro stated it would have to be separate from the City facility conversation.

Councilor Villarreal asked if there was a date associated so that it can be brought to City Council to urge state lawmakers to review that law. Mr. Alejandro stated it was supported and a bill was moved and sent to the Governor but it was pocket vetoed.

Councilor Maestas if this goal is achieved how much with that help the goal of 2040. Mr. Alejandro stated with the greenhouse gas emissions study he believes the City facilities would contribute 5 percent.

Councilor Maestas is concerned this will be an expensive mandate. In the resolution, it mentions state buildings already set the goal the priority should be state owned buildings within the city limits to become 100% renewable. Mr. Alejandro would consider that a friendly amendment. Councilor Maestas wants to see a study on consolidation of facilities first before that.

Mr. Alejandro agrees that may address other things, reduce and consolidate, improve services and operations and continue to promote energy efficient to reduce electricity consumption.

A brief discussion was held about battery storage.

Councilor Maestas would like to see Ameresco help with the feasibility study. It has the models for recommendations. Mr. Alejandro will get that information. There are cost benefits and the goal is to reduce the retrofits on HVAC and other systems. It doesn't make sense to layer on top of that efficient unit.

Councilor Trujillo asked what is the goal to unplug from the grid completely. Councilor Trujillo thanked Mr. Alejandro and wants to see more. He discussed the solar lights at Frenchie's park, maybe they can put some more around the City.

Chair Rivera not sure it mentions in the resolution about the consolidation of the facilities. He would consider that a friendly amendment.

Chair Rivera states in the resolution it mentions the City Manager and staff. Mr. Alejandro will ask help from other divisions.

Chair Rivera asked about any studies done here at City Hall. Mr. Alejandro believes it was a pilot test. The recently came back through an inserted light meters they need to be replaced.

Mr. Alejandro states the test will be able to help with a priority facility list.

MOTION: Councilor Maestas moved to amend the Resolution to add the language "For City facilities and all State-owned facilities within the City limits", with a second from Councilor Villarreal which passed by voice vote.

Councilor Maestas asked how prominent is the cost of the feasibility. Mr. Alejandro stated that will be done in the 25-year plan, it will be included.

EXECUTIVE SESSION

MOTION: Councilor Trujillo moved to begin Executive Session in accordance with New Mexico Open Meetings Act NMSA § 10-15-1(H)(8) to discuss the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe with a second from Councilor Maestas.

ROLL CALL VOTE: Chair Rivera –YES, Councilor Villarreal –YES, Councilor Trujillo-YES, Councilor Maestas- YES

MOTION: Councilor Villarreal moved to exit Executive Session where the discussion was held on the matters mentioned in the agenda with a second from Councilor Maestas which passed by voice vote.

MATTERS FROM THE PUBLIC

There were not any matters from the Public.

MATTERS FROM THE CITY ATTORNEY

MATTERS FROM STAFF

There were not any matters from Staff.

MATTERS FROM THE COMMITTEE

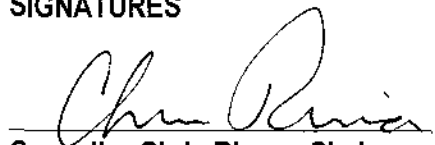
There were not any matters from the Committee.

NEXT MEETING WEDNESDAY, SEPTEMBER 6, 2017

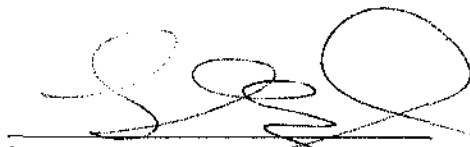
ADJOURN

There being no further business to come before the Public Utilities Committee the Chair called for adjournment at 6:57 p.m.

SIGNATURES



Councilor Chris Rivera, Chair



Linda Vigil, Stenographer



CITY CLERK'S OFFICE

Agenda

DATE 7/27/17 TIME 10:10a

SERVED BY Shannon Jones

RECEIVED BY [Signature]

PUBLIC UTILITIES COMMITTEE

WEDNESDAY, AUGUST 2, 2017

City Hall

City Council Chambers

200 Lincoln Avenue

Regular Meeting – 5:00pm

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Public Utilities Committee – 8/2/2017

Finance Committee – 8/21/2017

EXHIBIT

A

City Council – 8/30/2017

12. Request for approval of Amendment No. 1 to the Professional Service Agreement # 16-0984 (Tire Recapping Services) for the amount of \$255,000. (Lawrence Garcia)

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City Council (Public Hearing) - 8/30/2017

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Sustainable Santa Fe Commission – 7/29/2017

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End of Executive Session

MATTERS FROM THE PUBLIC

MATTERS FROM THE CITY ATTORNEY

MATTERS FROM STAFF

MATTERS FROM THE COMMITTEE

NEXT MEETING: Wednesday, September 6, 2017

ADJOURN

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.

**PUBLIC UTILITIES COMMITTEE
INDEX
JULY 5, 2017**

Cover Sheet Call to Order and Roll Call	A meeting of the Public Utilities Committee was called to order at 5:00 pm by the Chair, in the City Council Chambers, Santa Fe, New Mexico. The Roll Call reflects a quorum	Page 1
Approval of Agenda	Councilor Lindell moved to approve the agenda as presented, second by Councilor Villarreal, motion carried by unanimous voice vote.	Page 1
Approval of Consent Agenda	Remove Item #14 indefinitely. Councilor Lindell pulled #19 for discussion and asked that this item be heard at the start of business. Councilor Trujillo moved to approve the Consent Agenda as amended to include discussion of #19 and removal of #14, second by Councilor Villarreal, motion carried by unanimous voice vote.	Page 1
Approval of Minutes, June 7, 2017	Staff No Changes. Councilor Lindell moved to approve the minutes of June 7, 2017 as presented, second by Councilor Trujillo, motion carried by unanimous voice vote.	Page 3
Information Items	<i>Trophy Presentation to Matthew Lujan of the Environmental Services Division for winning the New Mexico Solid Waste Association of North America State Road-e-o Competition. Informational</i>	Page 2
Consent Action Calendar Discussion #19 – Request for approval of Ratification of Purchase Order No. 16175967 for the amount of \$112,909.18 for sewage services near Christus St. Vincent Hospital for the WWMD.	Councilor Maestas moved to approve Ratification of Purchase Order No. 16175967 for the amount of \$112,909.18 for sewage services near Christus St. Vincent Hospital for the WWMD, second by Councilor Trujillo, motion carried by unanimous voice vote.	Page 3
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Matters from the Public	<i>None</i>	Page 5
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Adjournment and Signature Page	There being no further business to come before the Public Utilities Committee the Chair called for adjournment at 5430 pm	Page 8

CITY OF SANTA FE

PUBLIC UTILITIES COMMITTEE

MINUTES, JULY 5, 2017

Fran Lucero, Stenographer

7/5/2017

Draft until approved

**MINUTES OF THE
PUBLIC UTILITIES COMMITTEE**

WEDNESDAY, JULY 5, 2017

City Hall

City Council Chambers

200 Lincoln Avenue

Regular Meeting – 5:00pm – 5:40 pm

1. CALL TO ORDER

A meeting of the Public Utilities Committee was called to order at 5:00 pm by the Chair, in the City Council Chambers, Santa Fe, New Mexico. The Roll Call reflects a quorum.

2. ROLL CALL

Present:

Councilor Christopher M. Rivera, Chair

Councilor Signe Lindell

Councilor Joseph M. Maestas

Councilor Renee D. Villarreal

Councilor Ronald S. Trujillo

Others Present:

Shannon Jones, Public Utilities

Stephanie Lopez, Public Utilities

Marcos Martinez, Assistant City Attorney

Shirlene Sitton, Environmental Services Division Director

Mr. Charles Fidler, Chair of the NMSWANA Board of Directors

Fran Lucero, Stenographer

3. APPROVAL OF AGENDA

Councilor Lindell moved to approve the agenda as presented, second by Councilor Villarreal, motion carried by unanimous voice vote.

4. APPROVAL OF CONSENT AGENDA

Remove Item #14 indefinitely. Councilor Lindell pulled #19 for discussion and asked that this item be heard at the start of business.

Councilor Trujillo moved to approve the Consent Agenda as amended to include discussion of #19 and removal of #14, second by Councilor Villarreal, motion carried by unanimous voice vote.

5. **APPROVAL OF MINUTES FROM THE JUNE 7, 2017 PUC MEETING**
No changes from staff or Committee members.

Councilor Lindell moved to approve the minutes of June 7, 2017 as presented, second by Councilor Trujillo, motion carried by unanimous voice vote.

INFORMATIONAL ITEMS

6. Trophy Presentation to Matthew Lujan of the Environmental Services Division for winning the New Mexico Solid Waste Association of North America State Road-e-o Competition. (Shirlene Sitton)

Ms. Sitton stated that with pleasure today, she and Mr. Charles Fiedler, Chair of the NMSWANA Board of Directors recognized Mr. Matthew (Matt) Lujan for winning first place in the Automated Side Load competition, but also won overall top points in the collections category.

Mr. Charles Fiedler was honored to recognize the excellence in Mr. Lujan's job performance. We had a rodeo on the 6th of May, drivers and equipment operators from throughout the state and Matthew showed his excellence on a competition course with his peers and he came out as #1 as an equipment operator. You should be proud to have him in your employ. Thank you for supporting this program, it could not have been done with the in-kind contribution of equipment from the city of Santa Fe for the Road-e-o. Both first and second place winners from the city qualify for Nationals to compete with solid waste drivers from across the country. Thank you.

Matt expressed his thanks to the governing body for giving him this opportunity. He will go to National Equipment Rodeo in Orlando, Florida this fall.

Councilor Trujillo expressed his gratitude and congratulations; "bring back a National title."

Councilor Lindell extended her congratulations, she is astounded as to the daily accomplishments and stated that Matt getting first place is notable.

Councilor Villarreal is honored that Matt represents Santa Fe and New Mexico.

The Chair extended his congratulations and assured that what ever he needs to practice to please accommodate him. The Chair would like to see Matthew come before the City Council and the Mayor for this notable award.

7. Monthly Update of Capital Projects. (Shannon Jones)

CONSENT – ACTION CALENDAR - Discussion

19. Request for approval of Ratification of Purchase Order No. 16175967 for the amount of \$112,909.18 for sewage services near Christus St. Vincent Hospital for the WWMD. (Jerry Tapia)

Councilor Lindell asked about the invoice that was presented by Service Master Restoration (included in packet) in the amount of \$37,119.14. Description of Services; "sewage back-up of septic line on St. Michael's Dr., Emergency Waste Water does not enumerate what we are being billed for.

Mr. Jones informed the committee members that the memo in the packet had been modified and the new memo was sent by e-mail, which is different from what is included in packet.

Councilor Lindell stated that this did not explain the 1-line description of services provided for Service Master Restoration in packet.

Mr. Jones stated that Service Masters was contracted to clean up the spill and the work was done and it was paid. Green Image Construction invoice had to be funded under Wastewater Management Division. The ratification is for Green Image Construction in the amount of \$75,790.04.

Councilor Lindell: Who is New Mexico Waste Recovery?

Mr. Jones: They are the company that actually did the removal and as specified on invoice, provided all materials, i.e. containers, safety devices, plus transport and disposal of contaminated materials.

Councilor Maestas moved to approve Ratification of Purchase Order No. 16175967 for the amount of \$112,909.18 for sewage services near Christus St. Vincent Hospital for the WWMD, second by Councilor Trujillo, motion carried by unanimous voice vote.

CONSENT CALENDAR: NO ACTION

8. Environmental Services Division Update. (Shirlene Sitton)
9. Update on Current Water Supply Status. (Alex Puglisi)
10. Wastewater Management Division Monthly Update. (Shannon Jones)
11. Water Conservation Program June Scorecard. (Christine Chavez)

12. Request for approval of Award of Bid No. '17/32/B for the FY 2017/2018 City Wide Water Utility Construction & Repair Contract – CIP # 953 to Sub Surface Contracting, Inc. for the amount of \$516,011.50 exclusive of NMGRT. (Bill Huey)

Public Utilities Committee – 7/5/2017
Finance Committee – 7/17/2017
City Council – 7/26/2017
13. Request for approval of a Budget Adjustment/Increase in 2016/2017 Debt Service for the amount of \$1,567,788. (Shannon Jones)

Public Utilities Committee – 7/5/2017
Finance Committee – 7/17/2017
City Council – 7/26/2017
14. Request for approval of a Budget Adjustment/Increase in the Water Rights Development CIP Fund for the amount of \$132,809. (Shannon Jones)

Public Utilities Committee – 7/5/2017
Finance Committee – 7/17/2017
City Council – 7/26/2017
15. Request for approval of Award of Bid No. '17/48/P to HDR Engineering, Inc. to provide consultant services for the Paseo Real Wastewater Treatment Plant Belt Filter Press # 3 for the total amount of \$157,073.28 exclusive of NMGRT. (Kenneth Espinoza)

Public Utilities Committee – 7/5/2017
Finance Committee – 7/17/2017
City Council – 7/26/2017
16. Request for approval of a Professional Services Agreement with Intraworks, Inc. through a Cooperative Education Services Agreement for CRWTP Security System Improvements Phase III for the amount of \$184,438.92 inclusive of NMGRT. (Alex Gamino)

Public Utilities Committee – 7/5/2017
Finance Committee – 7/17/2017
City Council – 7/26/2017
17. Request for approval of a Professional Services Agreement with Carollo Engineers to complete Phase I Engineering and Permitting/Preliminary Design Evaluation for Reuse Pipeline from Paseo Real WWTP to the Rio Grande based on a cooperative procurement via an Albuquerque Bernalillo County Water Authority On-Call Engineering Contract for Water and Wastewater Services for the amount of \$221,997.00 exclusive of NMGRT. (William Schneider)

Public Utilities Committee – 7/5/2017

Finance Committee – 7/17/2017

City Council – 7/26/2017

18. Request for approval of Bill No. 2017-_____. An ordinance repealing Section 25-11 Relating to the Water Conservation Credit Program. (Andrew Erdmann) (Councilor Rivera)

Public Utilities Committee – 7/5/2017

City Council (Request to Publish) – 7/12/2017

Finance Committee – 7/17/2017

City Council (Public Hearing) – 8/9/2017

19. (moved to top of agenda discussion)

Public Utilities Committee – 7/5/2017

Finance Committee – 7/17/2017

City Council – 7/26/2017

MATTERS FROM THE PUBLIC

None

MATTERS FROM THE CITY ATTORNEY

None

MATTERS FROM STAFF

None

MATTERS FROM THE COMMITTEE

Councilor Maestas noted at the last council meeting they ratified the position on regionalization of water and there was a suggestion to meet with the county. Since that time they have developed a white paper that all have been tracking and asked if they are going to convey this through some type of letter? Are we sending the white paper to Santa Fe County? It was noted that the Santa Fe City Council created policy and suggested to the chair that they convey the ratified resolution to Santa Fe County.

Mr. Marcos Martinez: At the time that this came up in a joint meeting, they did not have the Resolution. Mr. Martinez will follow up with the City Manager to communicate how they share the Resolution with Santa Fe County.

Councilor Maestas asked about the purview of this committee taking action on Broadband; do they fall under Public Works. The Councilor can see it falling under Public Works as it is an infrastructure project. There are other aspects of Broadband that the Council has taken action on, for example the code and franchises for additional development. We adopted some policy recommendations that were made by the Economic Development to accelerate the

recommendations for broadband. Should this committee do anything, Economic Development or Public Works? The goal is to further connect city facilities. Councilor Maestas addressed the Chair wanting to make sure that it falls within one of the two committees to track the implementation.

Mr. Martinez: Question is good and the City Attorney's office has been discussing which sub-committee should spearhead telecommunications and broadband generally; and they are leading towards Public Works but there are some commonalities from other public utility aspects. The process review will continue and it is assured that they will ask the City Council for their advice.

Councilor Maestas stated that they have invested \$1 million dollars on fiber optic and infrastructure. We have taken a turn here, instead of extending that infrastructure and addition to that investment. We haven't declared it an enterprise but it is an infrastructure aspect and we need to look at this. There has to be a broader tracking at the policy level. Where are the recommendations from the Economic Development Department and is that where we want to go, are we done investing in the infrastructure?

Councilor Maestas stated that with these comments as stated above, where should this discussion be held?

Mr. Martinez said it should be discussed in Public Works.

Councilor Maestas second question; the City Council ratified a Resolution to explore consolidation of transportation services in the regional transit district. Some of the products are coming out of that study. Councilor Maestas stated that is not entirely sure how this will roll out and asked if this is also under Public Works, the Consolidation Study.

Mr. Martinez said that he believes it is and he will check with staff on updates that can be shared with the committee members.

Councilor Maestas stated that he serves on the RTD Board and wanted to assure on the record that he explained that there is an issue with consultant performance. A full report has not been released, yet in reviewing the financial analysis Councilor Maestas has found it disappointing in the consolidation area. RTD will come to the Council, starting at the committee level first, where they will present the draft report and conduct Public Hearings. Councilor Maestas felt it important to mention that there are issues with the financial analysis, status quo vs. consolidation scenario. Councilor Maestas is the representative and he knows he is being held accountable to a certain degree. This is a quick update and he would like to know if it falls under Public works vs. PUC.

Councilor Maestas asked the Chair to schedule an Executive Session regarding the public water system built on San I land. Right now the rainy project built on San I land enjoyed by the city and count is still in the hands of the city and county and in negotiations with San I. Councilor Maestas said he wants the committee to make a decision but right now it has been stagnant and he believes that the part of the water system can be used in negotiations that could benefit the city and the county and the tribe. Councilor Maestas has asked Mr. Martinez in the legal

department to read the historical documents from the very start and asked for potential recommendations. This committee should know about this rainy system, stats and possibly discuss recommendations on steps that should be taken to benefit the city/county and the tribe.

Mr. Marcos Martinez stated that the recap from Councilor Maestas was stated appropriately. An Executive Session would be founded as it deals with the disposition of water rights.

The Chair asked Mr. Martinez to let the Committee members know when an appropriate time is to have a presentation and Mr. Martinez responded next month.

Forest Service Presentation: Councilor Maestas said there should be discussion on how this committee should discuss how we interface with the Forest Service on their selection of projects related to watershed protection and the public safety aspect. Councilor Maestas suggested that staff talk about this internally and let the committee members know what goes in to the project selection and the criteria. How much of it is watershed protection, how does PR work, decisions, how do we provide input before it goes to the full Council.

Councilor Villarreal – Question about jurisdiction, at what point does this committee become the body for public process. Not sure if the county is involved, how can we get this information. We get e-mails and in many cases cannot answer because it is out of our jurisdiction and we don't have a response.

Councilor Trujillo: This project was a JPA, we had no say so, it was going to get done whether we liked it or not. We got chosen to do the job, Forest Service chose us to do through the Joint Powers of Agreement.

Councilor Maestas said he thought this project with the watershed was funded from the Rio Grande Fund and it was not. Mr. Maestas would like to know what programs are out there generating these projects.

The Chair said that the Watershed does their study; they will either do thins or burns. If we don't want to be involved in any of these issues, or using our hand crew and activity in the watershed, we need to notify our hand crew. They use our hand crew because it is the closest to the Water Shed and it keeps us at the forefront for reporting. They could use another hand crew but that takes us back and we don't have first hand information for the public.

Councilor Maestas: Can Allen give us an update on any watershed protection projects and detail on current projects?

Chair asked Shannon to give us an overall picture of projects in the Watershed. It is important to be an active participant in the JPA, if anything would happen we need to support the JPA, we want to have reciprocal relationship and partnership.

NEXT MEETING: Wednesday, August 2, 2017

Stephanie: Discussed the Canyon Road Water Treatment Plant – September

ADJOURN

There being no further business to come before the Public Utilities Committee, the Chair called for adjournment at 5:40 pm.

Signature Page:

Councilor Chris Rivera, Chair



Fran Lucero, Stenographer

Water Division

5

City of Santa Fe, New Mexico

memo

To: Public Utilities Committee

Via: Shannon Jones, Acting Public Utilities Director 
Rick Carpenter, Acting Water Division Director 

From: Alan G. Hook, Water Resources Coordinator Assistant *A.G.H.*

Date: July 24, 2017

**Re: Informational Item Concerning the Santa Fe Municipal Watershed Program,
Watershed Protection and Coordination with Stakeholders In and Around the Santa Fe
Municipal Watershed**

Background:

In 2009, the City Council passed Resolution 2009-87, approving the Santa Fe Municipal Watershed Plan; and authorizing the implementation of the Santa Fe Municipal Watershed Plan. This 20 year master plan provides a framework and recommendations for long term management, outreach, and funding for the Santa Fe Municipal Watershed (see Attachment 1).

The plan addresses four areas critical to the maintenance of the watershed:

- Vegetation Management and Fire Use
- Water Management
- Public Awareness and Outreach
- Financial Management based on Payment for Ecosystem Services.

Development of the original plan was funded from the USDA Forest Service Collaborative Forest Restoration Program with a collaborative grant (CFRP #27-07) that included the Española Ranger District of the Santa Fe National Forest, the Santa Fe Watershed Association, the City of Santa Fe Water Division, City of Santa Fe Fire Department and The Nature Conservancy.

In 2013, the Santa Fe Municipal Watershed Plan was amended to provide updates to the vegetation management plan for the wilderness area of the municipal watershed vs. the non-wilderness area of the municipal watershed. Subsequently, the USDA, Santa Fe National Forest published the Final Environmental Assessment for Santa Fe Municipal Watershed Pecos Wilderness Prescribed Burn Project in 2014 with the following Finding of No Significant Impact in 2015. These documents followed the Final Environmental Impact Statement and Record of Decision published in 2001 for the non-wilderness area of the municipal watershed.

Attachment 1: Executive Summary for 2013 Santa Fe Municipal Watershed Plan

Outline for Informational Presentation:

Santa Fe Municipal Watershed Program

- What are the four components of the plan?
 - o Vegetation Management & Fire Use
 - o Water Management
 - o Public Awareness & Outreach
 - o Financial Management
- What role is played by the partners within each component?
 - o USFS & the City's Cost-share agreement for treatments in the watershed
 - Treatment levels & type based upon 2001 EIS for non-wilderness area
 - Treatment levels & type based upon 2014 EA for Pecos Wilderness Area
 - o City of Santa Fe Water Division's Source Water Protection Plan
 - o Financial Management
 - \$5.1 million over 20 years (2010 – 2029) as part of CIP Budget Green Infrastructure and the Payment for Ecosystem Services
 - Previous Water Trust Board (WTB) funding of \$1.3 million. Present WTB funding of \$150,000.
 - o Education & Outreach
 - Santa Fe Watershed Association & Water Conservation Office – 4th & 5th grade STEM student curriculum & field trips
 - Middle & High School Environmental Monitoring
 - Watershed Tours into the closed watershed for adults & families
 - Coordination with colleges, universities and professional groups.
 - o On-going data collection & sharing of information.
 - Smoke Management Plan
 - Water Quality monitoring with NM Tech
 - Interstate Stream Commission's on-going Paired Basin Study
 - USGS Stream Gaging & Reservoir Storage
 - NMOSE Rio Grande Compact Accounting

How does the City of Santa Fe fit into the larger role of watershed protection?

- Executive Committee member and member of the Technical Advisory Committee to The Nature Conservancy's Rio Grande Water Fund.
- Greater Santa Fe Watershed Coalition (GSFFC)
 - o Map with proposed projects
 - o Roles of the City Water Division & Fire Department
 - o USFS funding to the City of Santa Fe Fire Department for:
 - Coordinating NEPA planning on 5,000 acres within the 107,000 acres of the GSFF
 - Develop and implement education and outreach across multiple platforms and events
 - Survey and analyze community priorities

Santa Fe Municipal Watershed Plan 2010-2029

Executive Summary

About this Plan

Like many cities throughout the western United States, Santa Fe's water supply is dependent upon forest health and protection from catastrophic wildfire. This master plan provides a framework and recommendations for long term management, outreach, and funding for the Santa Fe Municipal Watershed. The ongoing collaborative work in the municipal watershed is known as the Watershed Investment Program. The plan addresses four areas critical to the maintenance of the municipal watershed: (i) vegetation management and fire use; (ii) water management; (iii) public awareness and outreach; and (iv) financial management based on Payment for Ecosystem Services (PES). This plan is unique in that it seeks to fund forest restoration activities using the Payment for Ecosystem Services model as an insurance policy against future threats, particularly of catastrophic fire, to the municipal water supply.

About the Watershed

The Santa Fe Municipal Watershed provides water for approximately 30,000 households and businesses within the City of Santa Fe and surrounding communities. The municipal watershed comprises the upper 17,384 acres of the Santa Fe river basin. Two reservoirs in the municipal watershed have a combined storage capacity of 4,000 acre feet, which is about one-third of the water used annually in the Santa Fe water system. The upper 10,000 acres of the municipal watershed, dominated by mixed conifer and spruce-fir woodlands, are contained within the Pecos Wilderness Area. The lower 7,270 acres of the municipal watershed is dominated by ponderosa pine and piñon pine-juniper woodlands.

The greatest threat to the ecosystem services provided by the municipal watershed is wildfire, which could significantly impact the City's water utility and environmental monitoring infrastructure. Congress has spent \$7 million in federal earmarks for planning and restoration of forest conditions in the lower, non-wilderness portion of the municipal watershed, resulting in over 5,459 acres being treated with mechanical thinning and pile burns between 2003 and 2009. Since 2009, the City of Santa Fe, with support from the New Mexico Finance Authority Water Trust Board, has spent over \$1 million in environmental monitoring infrastructure improvements, education and outreach and forest treatments. To date, no forest treatments have been conducted in the wilderness area above McClure Reservoir to address critical fuel loads which pose a risk the City's water supply. Once areas that present the greatest wildfire risk to municipal water supply are addressed through forest treatment, the challenge is to provide a framework and funding mechanism for long term maintenance, including protection from catastrophic fire, soil erosion, and invasive plants. This plan provides a framework for achieving these goals.

The Need for Long Term Maintenance

One hundred years of fire suppression have rendered Southwestern forests overcrowded, vulnerable to pests and highly prone to stand replacement fires that strip steep slopes of soil protecting vegetation. The loss of forest cover decreases a watershed's capacity to regulate flow and control soil erosion. Research of the Los Alamos Canyon Reservoir following the 2000 Cerro Grande fire (in which one third of the basin's mixed conifer forest were severely burned) measured a dramatic spike in the sedimentation rate. One year after the fire, reservoir sediment accumulation was 140 times higher than the previous 57 years combined, and remained significantly elevated throughout the five-year study period (Lavine et al. 2005). Reservoir sedimentation caused by soil erosion reduces the quantity and longevity of water supplies and substantially increases filtration costs. In the case of Strontia Springs Reservoir in Colorado, Aurora Water and Denver Water utilities' annual production of municipal water supply from the reservoir has been decreased by approximately the same storage volume lost through sedimentation (15%) that resulted from the Hayman (2002) and Buffalo Creek (1996) fires in Colorado (Mike McHugh, Aurora Water, 2013). A 2002 study of 27 water suppliers across the U.S. demonstrated that water treatment costs increased significantly with progressive loss of forest cover (Ernst 2004).

Vegetation management is critical to restoring forests, reducing the risk of fire and maintaining water quality throughout the western U.S. Without fuel reduction and ongoing maintenance efforts, forests within the municipal watershed would pose a wildfire risk to the Santa Fe's water supply. It is estimated that a 10,000 to 40,000 acre wildfire impacting some portion of the municipal watershed would result in significant amounts of erosion and sediment and ash accumulation in the City's reservoirs, with the actual accumulated volume being highly dependent on the severity and duration of storm events within the first year after the fire. Estimates of the volume of debris and sediment range from 415 acre-feet up to 2,000 acre-feet for the maximum storm event in the first year following a severe wildfire, the latter resulting in a loss of more than 60 % of the reservoir capacity. The sediment loading would not only reduce the capacity of the reservoirs, but the turbidity and suspended ash of the water would impair use of the water for an extended period until the watershed healed and erosion rates decreased to near-normal levels. The estimated cost to dredge, haul and dispose of 2,000 acre-feet of sediment and ash from McClure Reservoir would likely be between \$80M and \$240M, based on the cost estimate from the 2001 Santa Fe Watershed EIS (\$25/yd³ or \$40,000/acre-foot) and Strontia Springs Reservoir dredging costs (\$75/yd³ or \$120,000/acre-foot) in Colorado following the 1996 Buffalo Creek Fire and the 2002 Hayman Fire (Mike McHugh, Aurora Water, 2013). Although the Strontia Springs Reservoir project was originally budgeted for \$30M to dredge and dispose of 685 yd³ (\$44/yd³) of sediment and ash, significant technical problems have thus far prevented project completion and resulted in additional costs. Specifically, the presence of large diameter granitic debris among the accumulated sediment has proven highly destructive to available dredging equipment and slurry pipelines. The high likelihood of similar conditions being present in the municipal watershed following a large wildfire suggests that successfully dredging large volumes of material from McClure Reservoir would be, for all intents and purposes, impractical within a 5- to 10-year time frame.

Fire suppression and rehabilitation costs associated with a 10,000 to 40,000 acre wildfire impacting some portion of the municipal watershed could be between \$11.9M and \$48M. The cost to dredge, haul and dispose of 2,000 acre-feet of sediment and ash the City's reservoirs would likely be between \$80M

and \$240M. These costs exclude increased water treatment costs, increased water utility operating costs associated with production of water from different water sources and impacts to the local economy from loss of tourism income. In comparison to these avoided costs, the cost to treat and maintain forests within the municipal watershed is expected to be \$5.1 million over 20 years, an average of \$258,000 per year.

Payment for Ecosystem Services

Ecosystems naturally produce resources that are important for humans, such as water, wood, clean air, and insects that pollinate garden and fruit plants. "Ecosystem services" refer to these resources and the natural processes that produce them. Typically, these services are not paid for, nor are they included in conventional markets or economic analyses. Surface water for municipal use is an example of an ecosystem service that is neither paid for by the city nor individual water users. Water users pay for the services of capturing, treating, and delivering water, but they do not currently pay for the ecosystem services that produce this water which may be preserved through watershed restoration and protection efforts. By attaching an economic value to these natural processes and services, water districts and municipalities can access a new source of revenue to support needed watershed protection. Payment for Ecosystem Services provides clear economic incentives for maintaining watershed health. This model of watershed protection has been implemented in major U.S. cities such as Salt Lake City, UT, Eugene, OR, and Denver, CO, and has been shown to save millions of dollars in capital outlay and annual operating costs. The Santa Fe Municipal Watershed Plan is unique in that it seeks to use the Payment for Ecosystem Services model to fund ongoing forest restoration activities as an insurance policy against future threats to the municipal water supply. The advantages of having beneficiaries pay for ecosystem services are (i) awareness and education about municipal watershed health and protection; (ii) genuine collaboration between upstream land managers (USFS) and downstream water consumers; and (iii) long term funding of true municipal watershed maintenance costs.

Collaborative Planning

This plan was developed in collaboration with the Española Ranger District of the Santa Fe National Forest, City of Santa Fe Fire Department, City of Santa Fe Water Division, The Nature Conservancy, and the Santa Fe Watershed Association. The Española Ranger District of the Santa Fe National Forest consulted with contractors who were responsible for preparing a watershed management plan, including vegetation management, fire use, and monitoring, in conjunction with consultants from the University of California Los Angeles, and University of Arizona Tree Ring Laboratory. The City of Santa Fe Wildland Urban Interface Specialist also participated in the vegetation management and fire use plans to ensure consistency with Santa Fe's Community Wildfire Protection Plan. The City of Santa Fe Water Division prepared the water management plan, and The Nature Conservancy designed the original financial management plan. The Santa Fe Watershed Association was responsible for the education and outreach plan. A Technical Advisory Group comprised of independent scientists also met with project collaborators and consultants to review draft plans and provide input into the structure and content of the plan. In 2013, the City of Santa Fe Water Division and the Española Ranger District of the Santa Fe National Forest finalized revisions to the plan which reflect updated cost information and the Proposed Action in the wilderness area.

Recommendations

1. Vegetation Management

Recommendations for vegetation management within the Santa Fe municipal watershed are provided for three areas of the municipal watershed: (i) the non-wilderness municipal watershed, comprised of 7,270 acres of ponderosa pine and piñon pine-juniper woodlands; (ii) the wilderness municipal watershed; and (iii) riparian areas within the municipal watershed.

The overly dense mid-elevation ponderosa pine forests of the municipal watershed were prioritized for restoration and crown fire hazard reduction due to the importance of the municipal watershed to the water supply of Santa Fe. A crown fire in the municipal watershed would overload the Canyon Road Water Treatment Plant with ash and potentially threaten the two dams and reservoirs used for water storage. Initial mechanical treatments of 5,285 acres of upland, pine-dominant forests in the municipal watershed temporarily reduced the risk of crown fire, but maintenance treatments are vital for future forest health and protection of the water supply. The 10,000 acres of the municipal watershed located within the Pecos Wilderness have not been treated. The riparian corridor was not thinned, and is in relatively good functioning condition.

Recommendations for Non-Wilderness Municipal Watershed

Initial mechanical treatments of 5,285 acres of upland, ponderosa pine dominant forests have temporarily reduced the risk of crown fire, but maintenance treatments are vital for future forest health and protection of the water supply. The Española Ranger District of the Forest Service has already burned slash piles within treated areas as well as conducted broadcast prescribed burns on over four thousand acres to prevent fuel accumulation within this range of the municipal watershed. If approximately 1,000 acres are broadcast burned each year, the entire municipal watershed will be burned every 7 years.

- Prescribed fire in the treated areas of the municipal watershed, with 4 proposed burn entries (1 pile burn and 3 maintenance burns). Pile burns are proposed between 2003 and 2013. Maintenance burns are proposed at three intervals between 2005-2012; 2013-2019; and 2019-2029;
- Continue current smoke management practices as well as public outreach;
- Evaluate piñon-juniper woodland density and soil conditions and develop recommendations for future management;
- Protect Southwestern white pine during prescribed burns;
- Monitor for cheat grass and other invasive species.

Recommendations for Wilderness Municipal Watershed

The portion of the municipal watershed located within the Pecos Wilderness contains at least 10 vegetation classes, from alpine grasslands to pine and oak with yucca and cactus. For the purposes of fire management, the Wilderness Area can be divided into two vegetation zones: (i) lower elevation (<10,000 feet) mixed conifer forests (comprised of Gambel oak, ponderosa pine, and piñon pine), and

(ii) the upper elevation (>10,000 feet) spruce-fir dominant forests. While this division into two zones is more accurately described as a gradient, the two types can be used as general guides for fire regimes.

- No treatment in the 4,107 acres of spruce-fir forest
- Prescribed fire in approximately 2,900 acres of mixed conifer, ponderosa pine, and Gambel oak

Recommendations for the Riparian Area

The riparian community along the Santa Fe River above Nichols Reservoir is reasonably intact relative to other southwestern riparian zones, and relative to the pre-treatment conifer forest of the municipal watershed. There are approximately 10 miles of stream from the headwaters to McClure Reservoir, and three miles of stream between the two reservoirs.

- No treatment from McClure Reservoir to Wilderness boundary
- Consider refining seasonal water release from McClure Reservoir
- Remove non-native tree species growing below Nichols Dam
- Continue monitoring for integrity of riparian function and for non-native species using the Proper Functioning Condition methodology.

2. *Water Management*

Crown fire within the municipal watershed could degrade the storage capacity of the water supply reservoirs and cause irreparable damage to the forested areas of the municipal watershed. The focus of the water management plan is to provide sustainable water yields from the municipal watershed, maintain water quality, and protect the longevity of Nichols and McClure Reservoirs. The water management plan provides a framework for long term monitoring that addresses three critical objectives for water management:

- Maintain a Reliable Water Supply
- Maintain a High Quality of Water
- Enhance Wildlife Habitat and Ecosystem Function.

For each of these objectives, the plan also recommends (i) critical parameters for regular analysis; (ii) secondary parameters if critical parameters exceed a threshold; and (iii) parameters considered, but not recommended. In addition, the plan outlines necessary water quality/quantity monitoring infrastructure improvements as well as recommendations for stream habitat assessment and restoration.

3. *Outreach*

Outreach will target residents of the City and County of Santa Fe, water customers of the City of Santa Fe Water Division, and Santa Fe youth with a focus on two areas:

- Providing general watershed education, including forest and riparian ecology, natural and cultural history, and water issues, and
- Building and maintaining support for the Payment for Ecosystem Services model.

The plan recommends offering watershed education to the general public and school children through educational hikes within the municipal watershed, public presentations, a self-guided interpretive trail overlooking the municipal watershed, a video offering a virtual experience of the municipal watershed, water utility bill educational inserts, a website, and other brochure and publications. The plan recommends providing youth education through single classroom visits to all 4th and 5th grade students in Santa Fe, multiple visit programs with a field trip for a smaller number of 4th and 5th graders, and watershed monitoring with middle and high school students. The plan also recommends conducting a survey with Santa Fe residents to assess the attitudes and knowledge of Santa Fe residents toward watershed management and the Payment for Ecosystem Services model, staffing information tables, writing articles for existing organizational newsletters, developing public service announcements and 30-second television spots, and placing an information page in the phone book.

4. Financial Management

Congress has spent \$7 million in federal earmarks for planning and restoration of forest conditions in the lower, non-wilderness portion of the municipal watershed, resulting in over 5,459 acres being treated with mechanical thinning and pile burns between 2003 and 2009. In addition, the Santa Fe National Forest has allocated a portion of its budget for municipal watershed restoration before and since these appropriations. Since 2009, the City of Santa Fe, with support from the New Mexico Finance Authority Water Trust Board, has spent over \$1 million in environmental monitoring infrastructure improvements, education and outreach and forest treatments. Annual maintenance with prescribed fire is needed to keep fuels at the reduced level. The cost to retain the restored forest condition over 20 years is estimated at \$5.1 million, an average of \$258,000 per year, depending on the level of maintenance needed in any given year, with diminishing cost over time.

In contrast, fire suppression and rehabilitation costs associated with a 10,000 to 40,000 acre wildfire impacting some portion of the municipal watershed could be between \$11.9M and \$48M. The cost to dredge, haul and dispose of 2,000 acre-feet of sediment and ash the City's reservoirs would likely be between \$80M and \$240M. These costs exclude increased water treatment costs, increased water utility operating costs associated with production of water from different water sources and impacts to the local economy from loss of tourism income. The likelihood of such a fire in the municipal watershed is estimated to be 1 in 5 in any given year.

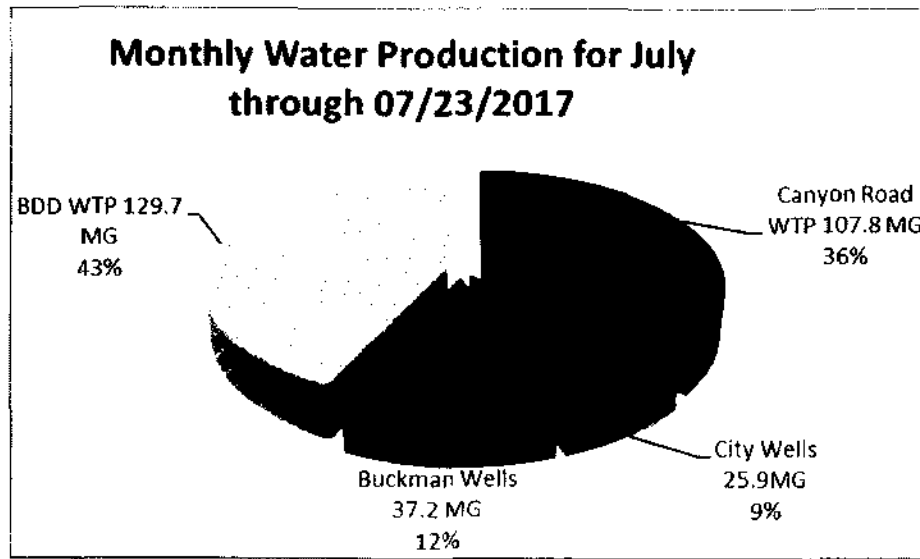
While federal funding has supported hazardous fuel reduction through earmarks and Forest Service appropriations, much of the Forest Service's budget has been and likely will increasingly be focused on fire suppression. As funding declines, cost-share agreements that leverage federal funding by providing matching funds will become more important. A Payment for Ecosystem Services agreement between the City of Santa Fe and the Santa Fe National Forest will ensure that the Forest Service will be able to continue its management activities at a higher rate within the municipal watershed than might be possible otherwise, even as funding declines in the region.

Beginning in May of 2013, following expiration of the New Mexico Finance Authority Water Trust Board grant, City of Santa Fe water utility's rates will cover the City's obligations under this plan. The City may choose to itemize municipal watershed project fees as a separate item public utility bills.

In order for the cost-share arrangement between the City and the U.S. Forest Service to continue, the Collection Agreement will need to be renewed every 5 years. Annual review of work plans, budgets, and project implementation per the terms of the Collection Agreement should also be done.

**City of Santa Fe, Source of Supply Section
Water Production Update - through July 23, 2017
Public Utilities Committee Meeting
August 2, 2017**

Water Production for July (through 07/23/2017)



Total Production of System

Sum: 280.6 million gallons (MG) for 23 days

Daily Average Consumption: 12.2 million gallons per day (MGD)

Reservoir Storage Levels:

McClure: 51.4% or 560.93 MG

Nichols: 63.52% or 136.9 MG

Combined: 53.43% or 697.83 MG

Santa Fe River Flow

Below Nichols (Living River Flows): 0.8 cubic feet per second or 0.52 MGD

Above McClure (Inflow to Reservoir): 3.36 cubic feet per second (cfs) or 1.81 MGD

Baca Street Well

The City will meet with the NMED Petroleum Storage Tank Bureau and the Ground Water Quality Bureau (GWQB) again in August to further discuss the ongoing investigation and findings at this site. A date for that meeting has not yet been set.

Former Ortiz Landfill

INTERA Corporation has finished their field investigations at the former Ortiz Site with the installation of test pits and gas monitoring wells. Soil gas monitoring wells were sampled, and field work was completed, during the

week of July 10th through July 14th. Samples were submitted to Hall Environmental Analysis Laboratory in Albuquerque for appropriate analyses, as requested by the New Mexico Environment Department. The City expects to receive field testing results and laboratory analyses in early August and will meet with INTERA at that time to discuss these results, as well as the need for further investigation or amendment of the City's original "Stage 1 Ground Water Abatement Plan" (aka, Site Investigation phase).

Drought/Monsoon, Storage, and ESA Update

NOAA has recently (7/17/17) updated ENSO (El Nino/La Niña) status to: ENSO (El Nino Southern Oscillation) - neutral is favored (50 to ~55% chance) through the Northern Hemisphere through winter 2017-2018. Regional reservoir levels on the Rio Grande and Chama Rivers are rising. Upper Santa Fe River reservoirs are experiencing inflow, although at a much lower rate, but reservoir levels are basically static due to matching outflows for irrigation and Living River flows. The City has received 100% delivery of full firm-yield of San Juan-Chama Project (SJCP) water. There are no water-related Endangered Species Act (ESA) updates. Updates on ESA issues will be made as needed. Rio Grande Compact Article VII storage restrictions are not in effect, which means the City will be allowed to impound "native" runoff into Nichols and McClure Reservoirs above the pre-Compact pool of 1,061 acre-feet (AF). Rio Grande Compact status regarding Article VII is expected to change soon. Updates to this condition will be made as needed.

Most current City of Santa Fe SJCP Reservoir Storage:

Heron:

10,209 AF. 2016 deliveries were at about 95% of annual total.

El Vado:

0 AF.

Abiquiu:

7,858 AF SJCP carry-over from previous years, no time limit to vacate due to storage agreement with ABCWUA

TOTAL:


18,067 AF

City of Santa Fe, New Mexico

memo

DATE: July 13, 2017

TO: Public Utilities Committee

FROM: Shannon Jones, Wastewater Management Division Director 

SUBJECT: Wastewater Management Division (WWM) Informational Update

Major Projects

WWM staff and HDR, Inc. continue work to finalize the design of the new Anaerobic Digesters including the cogeneration facility. The construction phase is scheduled to bid in August 2017.

WWM and Carollo Engineering Inc. have begun the Nutrient Removal Optimization Study. Preliminary sampling has been completed for model calibration. On-line analyzers for dissolved oxygen and nitrate have been installed. Staff installed a Total Phosphorus/Total Nitrogen analyzer. Data is currently being processed manually and provided to Carollo. Staff is working to automate this data transfer. Estimated project completion is in the spring of 2018. This study and the installation of the on-line analyzers are deliverable items for the Schedule of Compliance pursuant to the National Pollutant Discharge Elimination System (NPDES) permit, Part I, Section B.

WWM and CDMSmith Inc. have completed a technical evaluation of the city's existing technically based local limits (TBLLs) and started to draft revisions to the sewer use ordinance pursuant to the NPDES permit, Part II, Section A.2. Submittal to the EPA is required in August 2017. Upon EPA approval, the recommended revisions to the sewer use ordinance will be presented to the governing body for approval.

WWM and Sasquatch Construction have begun the 2017 sewer line rehabilitation project. This project is utilizing a cured-in-place pipe (CIPP) method to restore pipeline integrity and mitigate root intrusion as well as infiltration and inflow. Preliminary cleaning and service identification has been completed. Two sections of line have been completed to date.

CITY OF SANTA FE WASTEWATER TREATMENT FACILITY

2016 Plant Data

2016 Annual Summary	INFLUENT FLOW MGD	EFFLUENT FLOW MGD	EFFLUENT BIOLOGICAL OXYGEN DEMAND MG/L	EFFLUENT TOTAL SUSPENDED SOLIDS MG/L	TOTAL NITROGEN 30/DAY AVERAGE MG/L	TOTAL PHOSPHORUS 30/DAY AVERAGE MG/L	TREATED EFFLUENT REUSE MILLION GALLONS
Sum	1,872.41	1,441.92	16,966	28,878	62,330	24,306	423,864
Daily Avg	5.13	3.94	1.41	2.4	5.18	2.02	1,158
Daily Max	7.685	6.605	6.56	6	8.28	8.41	12,504

Through June 2017 Plant Data

2017 Accumulative Summary	INFLUENT FLOW MGD	EFFLUENT FLOW MGD	EFFLUENT BIOLOGICAL OXYGEN DEMAND MG/L	EFFLUENT TOTAL SUSPENDED SOLIDS MG/L	TOTAL NITROGEN 30/DAY AVERAGE MG/L	TOTAL PHOSPHORUS 30/DAY AVERAGE MG/L	TREATED EFFLUENT REUSE MILLION GALLONS
Sum	906.61	760.34	8,376 (lbs)	14,594 (lbs)	37,056 (lbs)	7,424 (lbs)	175.36
Daily Avg	5.01	4.20	1.32	2.3	5.84	1.17	.98
Daily Max	5.696	7.244	2.2	15.5	9.30	5.17	5.985



Water Conservation Office

Monthly Overview of Scorecard Progress – July 2017



Education Outreach:

Education Initiative:

- Activity development with program partners and high school volunteers
- Children's Water Fiesta planning/Education Program integration
- Summer program – Wastewater Treatment Plant tour rescheduled

General Outreach:

- Bag Sponsor for the International Folk Art Market
- Southside Farmer's Market on 7/25
- Signage requests filled: 107 general, 14 restaurant, 49 hotel/motel, 170 signs total



Communication and Customer Service:

EyeOn Water Rollout:

- 2,413 users have signed up as of 7/19/2017

Indoor Water Audits:

Enforcement Activity:

- 7/5 – Warning: Time of day watering with a sprinkler
- 7/10 – Warning: Malfunctioning air conditioner
- 7/10 – Warning: Fugitive water going into street from backdoor
- 7/10 – Warning: Time of day watering with oscillating sprinkler

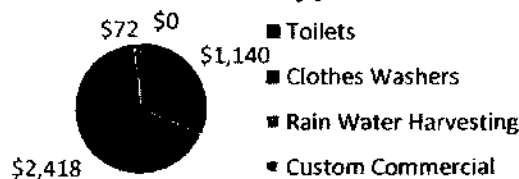
Residential and Commercial Rebates:

New Fiscal Year began July 1. Remaining fund balance as of July 19, 2017: \$296,370

Rebate Fund



Rebate Amounts per Device Type



Rebates awarded FY-to-date:

- HET (all types) 20
- Clothes Washers (all types) 9
- Rain Water Harvesting (including rain barrels) 6
- Custom Commercial 0

Strategic Marketing Plan:

- Radio Show Guests (BDD, Customer Service, Alex Puglisi, Rich Schrader)
- Contract renewal (approved at Council on June 28, 2017)
- Strategic planning for FY18/19 calendar timeline
- News media vendor meetings
- On-going social media
- Developing ad placement strategy
- Story pitch on featuring top water savers including motivation and practical steps

**Effective Program Management****Organizational Development:**

- Re-advertisement for the Water Conservation Enforcement Officer was posted on 7/10/2017. Job posting closes on 7/21/2017.
- Lisa Noriega and Patricio Pacheco QWEL certified
- Attending weekly customer service meetings and working on coordinating efforts

Water Conservation Committee:

- New subcommittee work being established for commercial sector

Integration with Water Resources:


- GPCD work being continued with Utility Billing and ITT
- AWWA audit is in progress (pending GPCD calculations)
- Annual Water Report information is being gathered (pending GPCD calculations)
- Caryn Grosse assisting with the Long Range Water Supply Plan

**Stewardship and Conservation:****Regional Collaborations:**

- EyeOn Water Article in the Treatment Plant Operator Magazine
- Article on EyeOn Water App being developed for Water World magazine

City of Santa Fe, New Mexico

memo

DATE: July 21, 2017
TO: Public Utilities Committee/Finance Committee/City Council
FROM: Shannon Jones, Interim Public Utilities Director 

ITEM AND ISSUE:

The Public Utilities Department requests approval of Professional Service Agreement with JMa Municipal Advisors, in the amount of \$146,808 plus applicable gross receipts tax for Public Utility Rate Evaluation and Financial Services.

BACKGROUND AND SUMMARY:

The Public Utilities Department requires rate evaluation services and financial services to be completed for Public Utilities Department rate structures, financial plans and cost of service studies. The Public Utilities Department consists of the Water Division, Wastewater Management Division and Environmental Services Division. The Public Utilities Department requested and received proposals from qualifying financial consulting firms through RFP #17/53/P. Through the RFP evaluation process, the division's selection committee evaluated two (2) proposals and recommends JMa Municipal Advisors as the firm best qualified to provide these services.

ACTION REQUESTED:

The Public Utilities Department requests approval of Professional Service Agreement with JMa Municipal Advisors, in the amount of \$146,808 plus applicable gross receipts tax for Public Utility Rate Evaluation and Financial Services. Funding for this PSA is available within the FY17/18 approved operating budget for each of the utilities as follows; Water-52300.510300, Wastewater- 52451.510300 and Environmental Services- 52251.510300

ATTACHMENTS:

- Procurement Checklist
- Summary of Contract
- Professional Service Agreement
- RFP Evaluation Scores

	Water Division	Wastewater Division	Envir. Svc. Division	Total (excluding GRT)
Financial Plan Updates	\$19,202	\$42,000	\$33,500	\$94,702
Cost of Service Study	\$52,106	0	0	\$52,106
Total less GRT	\$71,308	\$42,000	\$33,500	\$146,808
Total	\$71,308	\$42,000	\$33,500	
		GRT		\$12,203.42
		Total		\$159,011

CITY OF SANTA FE RFP PROCUREMENT CHECKLIST

Contractor Name: JMA

Procurement Title: Proposal for Public Utilities Rate Evaluation and Financial Services

Solicitation RFP#: 17/53/P

Department Requesting/Staff Member Maya Martinez

Procurement Requirements:

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees.

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Approved Procurement Checklist (by Purchasing)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Departments Recommendation of Award Memo addressed to Finance
<input type="checkbox"/>	<input type="checkbox"/>	Tabulation Evaluation score sheet
<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAR
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FIR
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contract, Agreement or Amendment
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Current Business Registration and CRS numbers on contract or agreement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Summary of Contracts and Agreements form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Certificate of Insurance
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

Maya Martinez Fiscal administrator
Department Rep Printed Name and Title

[Signature]
Department Rep Signature attesting that all information included

Robert Rodarte, CPPO, CPPB,

Digitally signed by Robert Rodarte, CPPO, CPPB, CPO
DN: cn=Robert Rodarte, CPPO, CPPB, CPO, o=City of Santa Fe,
ou=Purchasing Division, email=rrodarte@ci.santa-fe.nm.us, c=US
Date: 2017.07.21 16:36:39 -06'00'

CPPO
Purchasing Officer attesting that all information is reviewed

REQUIRED DOCUMENTS FOR BID FILE*

YES	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Final RFP Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of legal solicitation published in the newspaper, website, etc.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All addendums
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Plan holders list
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copies of all RFP submittals
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Complete evaluation score sheets
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Non-Responsive/Non-Responsibility Form and correspondence or letters from Department to vendor regarding disqualifications
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Oral presentations (sign-in sheets, presentation materials, etc.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Documentation sent to Proponents/Offerors and responses received regarding clarifications, decisions, negotiations, and/or best and final offers, etc.

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reference Reviews/Reference Check Questionnaires
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pricing evaluation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Final overall evaluation matrix or summary of evaluator scores
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

AWARD*

YES N/A

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fully executed Memo to Committees from the Department with recommendation of award
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Winning proposal (this is a copy that has all confidential/proprietary information excluded)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contract Award Notice
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Email or notification sent to all Proponent(s)/Offerors that award was made
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waiver or "No Action Taken" from Procurement Office
<input type="checkbox"/>	<input checked="" type="checkbox"/>	If IFB and not awarded to lowest responsive, responsible bidder; written explanation
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

DISCLOSURES*

YES N/A

Contractor Disclosures & Conflicts of Interest		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Disclosures & Conflicts of Interest Form(s) (winning proponent(s)/offeror(s))
Contractor –Conflicts of Interest		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Purchasing Office Letter or e-mail to designated individual regarding potential conflict
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conflict of Interest Form signed by all parties
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from Procurement Office regarding the potential conflict
Subcontractor Disclosures		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Disclosures & Conflicts of Interest form of Subcontractor(s)
Subcontractor –Conflicts of Interest		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Purchasing Officer Letter or email to designated individual regarding potential conflict
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conflict of Interest form signed by all parties
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from Legal Office regarding the potential conflict
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

CONTRACT*

YES N/A

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of Executed Contract
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of all documentation presented to the Committees
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Finalized Council Committee Minutes
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

MISCELLANEOUS FILE*

YES N/A

<input type="checkbox"/>	<input type="checkbox"/>	Local Preference Form
<input type="checkbox"/>	<input type="checkbox"/>	New Mexico Residence Form
<input type="checkbox"/>	<input type="checkbox"/>	Veterans Exemption
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.

PROTEST (If applicable)*

YES

N/A

☐☒

Documentation from protester filed with the Purchasing Office

☐☒

Letter from Department to Purchasing Office Providing response to protest

☐☒

Letter from Purchasing Officer to protester and Department on final outcome

☐☐

Other: _____

Create a separate file folder which may contain any documents with trade secrets or other competitively sensitive, confidential or proprietary information.

YES

N/A

☒☐

Original proposal (s) with no redactions

Marya Martinez Fiscal Administrator
Department Rep Printed Name and Title


Department Rep Signature attesting that all information included

Total Scores

RFC

JMA

Reviewer	Proposal Component	Weighted Value	Max		Total		Total
			Score		Score		Score
Total	Approach/ Methodology	30	300	38	1140	45	1350
	Firm/Project Team Experience:	20	200	41	820	46	920
	Past Performance:	15	150	40	600	45	675
	Knowledge of Local Conditions:	5	50	30	150	47	235
	Task Plan & Project Schedule:	10	100	37	370	41	410
	Work Load:	5	50	37	185	43	215
	Proposed Fees:	15	150	36	540	45	675
	Total Score	100	1000	259	3805	312	4480
				Local	No	Local	No

CITY OF SANTA FE
PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Santa Fe (the "City") and JMa Municipal Advisors (the "Contractor"). The date of this Agreement shall be the date when it is executed by the City and the Contractor whichever occurs last.

1. SCOPE OF SERVICES

The Contractor shall provide the following services for the City:

The basic tasks that the Contractor will be expected to accomplish for the project are listed, but not limited to, the following items:

A. COMPREHENSIVE WATER DIVISION, WASTEWATER DIVISION AND ENVIRONMENTAL SERVICES DIVISION (SOLID WASTE) FINANCIAL PLANS

Evaluate and update as necessary the current Financial Plans by comparing starting cash balances, projected revenues and revenue requirements over the forecast period. Analyze each division's operating and capital plan needs. Present update to the Public Utilities Committee and City Council

B. DOCUMENTATION AND REPORTING

The Contractor shall provide the City with thorough documentation in support of the analysis, City Council study sessions and shall present the study findings to the City Council upon substantial completion of the scope of work. The City shall be provided with a reasonable number of copies of the written report, and all presentation materials upon request.

C. MEETINGS

The Contractor will need to meet with staff on several occasions during the course of work. In addition to these staff meetings, the Contractor's cost proposal shall include the following meetings at a minimum for each of the (3) three divisions and shall incorporate a cost proposal indicating exactly who on the Contractor's project team will attend these meetings;

the total cost for attending, including expenses; and the cost proposal shall assume three (3) hours for each meeting.

- C.1 Financial Update Kickoff meeting
- C.2 Current Financial Plan update meeting with Wastewater, Environmental Services and Water Divisions.
- C.3 Cost of Service update meeting with Wastewater, Environmental Services and Water Divisions.
- C.4 Public Utilities Committee meeting and Finance Committee meeting.
- C.5 City Council Presentation

D. RATE MODEL SUPPORT FINANCIAL ON-CALL CONTRACT

The Contractor shall provide rate model updates, rate financial forecasts and rate model maintenance as requested by the City using generally accepted utility ratemaking methodologies and applicable New Mexico and Federal law. Work shall be initiated by a City work order and shall be based on hourly rates and required Contractor time to complete the tasks identified in the City work order.

- D.1 *Rate Model Work Orders* – The Contractor shall perform work identified in individually approved City work orders including, but not limited to: Annual revenue forecast support and rate model maintenance based on updated assumptions and governing body directives.
- D.2 *Collection of needed information* – The Contractor shall provide the City with a data request that will outline information needed to evaluate the City work order.
- D.3 *Evaluate effects of City work order* – The Contractor shall use information available from the utility billing system and the existing financial plan to evaluate the effects of the scope of work identified in the City work order.
- D.4 *Calculate the revenue impacts* – The Contractor shall use information available from the existing financial plan to determine the revenue impacts.
- D.5 *Document results* – The Contractor shall document the results of the analysis in a memorandum that shall be provided to the City along with all work papers, computer model outputs or other

supporting information. Work orders may require presentation at City Committees or City Council.

E. UTILITY COST-OF-SERVICE STUDY (Water, Wastewater and Environmental Services- Solid Waste)

The Contractor shall collect the necessary data/information and take all efforts necessary to calculate and update the utility user charges (i.e. rates) for the City using generally accepted utility ratemaking methodologies as described by the American Water Works Association, Manual M1 (Manual M1 describes the methods for developing water rates and charges).

E.1 *Collection of needed information* - The Contractor shall provide the City with data requests outlining information needed to calculate the utility user charges.

E.2 *Calculate the revenue requirements* - The Contractor shall use information available from the existing financial plan to determine the revenue requirements.

E.3 *Allocate revenue requirements in a cost-of-service study* - The Contractor shall allocate revenue requirements to the City's various customer classes using generally accepted cost-of-service allocation techniques.

E.4 *Develop recommendations for updating existing utility rates* - The Contractor shall work with the City to update the existing rates based on the findings of the cost-of-service allocation described above.

F. The Contractor shall provide On Call Financial Services as requested for the City work shall be initiated by a City work order and shall be based on hourly rates and required Contractor time to complete the tasks identified in the City work order.

2. STANDARD OF PERFORMANCE: LICENSES

A. The Contractor represents that it possesses the experience and knowledge necessary to perform the services described under this Agreement.

B. The Contractor agrees to obtain and maintain throughout the term of this Agreement, all applicable professional and business licenses required by law, for itself, its employees, agents, representatives and subcontractors.

3. COMPENSATION

A. The City shall pay to the Contractor in full payment for services rendered, a sum not to exceed one hundred forty six thousand eight hundred eight dollars (\$146,808), plus applicable gross receipts taxes as outlined in Exhibit "A" attached hereto.

B. The Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.

C. Payment shall be made upon receipt and approval by the City of detailed statements containing a report of services completed. Compensation shall be paid only for services actually performed.

4. APPROPRIATIONS

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the City for the performance of this Agreement. If sufficient appropriations and authorization are not made by the City, this Agreement shall terminate upon written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.

5. TERM AND EFFECTIVE DATE

This Agreement shall be effective when signed by the City and terminate on June 30, 2018, unless sooner pursuant to Article 6 below. This Agreement shall have the option to be renewable for up to three (3) additional twelve (12) month terms, with

the mutual agreement of both parties.

6. TERMINATION

A. This Agreement may be terminated by the City upon 10 days written notice to the Contractor.

(1) The Contractor shall render a final report of the services performed up to the date of termination and shall turn over to the City original copies of all work product, research or papers prepared under this Agreement.

(2) If compensation is not based upon hourly rates for services rendered, the City shall pay the Contractor for the reasonable value of services satisfactorily performed through the date Contractor receives notice of such termination, and for which compensation has not already been paid.

(3) If compensation is based upon hourly rates and expenses, then Contractor shall be paid for services rendered and expenses incurred through the date Contractor receives notice of such termination.

7. STATUS OF CONTRACTOR; RESPONSIBILITY FOR PAYMENT OF EMPLOYEES AND SUBCONTRACTORS

A. The Contractor and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Contractor, and its agents and employees, shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to employees of the City as a result of this Agreement.

B. Contractor shall be solely responsible for payment of wages, salaries and benefits to any and all employees or subcontractors retained by Contractor

in the performance of the services under this Agreement.

C. The Contractor shall comply with City of Santa Fe Minimum Wage, Article 28-1-SFCC 1987, as well as any subsequent changes to such article throughout the term of this Agreement.

8. CONFIDENTIALITY

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the City.

9. CONFLICT OF INTEREST

The Contractor warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. Contractor further agrees that in the performance of this Agreement no persons having any such interests shall be employed.

10. ASSIGNMENT; SUBCONTRACTING

The Contractor shall not assign or transfer any rights, privileges, obligations or other interest under this Agreement, including any claims for money due, without the prior written consent of the City. The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City.

11. RELEASE

The Contractor, upon acceptance of final payment of the amount due under

this Agreement, releases the City, its officers and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the City to any obligation not assumed herein by the City unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

12. INSURANCE

A. The Contractor, at its own cost and expense, shall carry and maintain in full force and effect during the term of this Agreement, comprehensive general liability insurance covering bodily injury and property damage liability, in a form and with an insurance company acceptable to the City, with limits of coverage in the maximum amount which the City could be held liable under the New Mexico Tort Claims Act for each person injured and for each accident resulting in damage to property. Such insurance shall provide that the City is named as an additional insured and that the City is notified no less than 30 days in advance of cancellation for any reason. The Contractor shall furnish the City with a copy of a Certificate of Insurance as a condition prior to performing services under this Agreement.

B. Contractor shall also obtain and maintain Workers' Compensation insurance, required by law, to provide coverage for Contractor's employees throughout the term of this Agreement. Contractor shall provide the City with evidence of its compliance with such requirement.

C. Contractor shall maintain professional liability insurance throughout the term of this Agreement providing a minimum coverage in the amount required under the New Mexico Tort Claims Act. The Contractor shall furnish the City with proof of

insurance of Contractor's compliance with the provisions of this section as a condition prior to performing services under this Agreement.

13. INDEMNIFICATION

The Contractor shall indemnify, hold harmless and defend the City from all losses, damages, claims or judgments, including payments of all attorneys' fees and costs on account of any suit, judgment, execution, claim, action or demand whatsoever arising from Contractor's performance under this Agreement as well as the performance of Contractor's employees, agents, representatives and subcontractors.

14. NEW MEXICO TORT CLAIMS ACT

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

15. THIRD PARTY BENEFICIARIES

By entering into this Agreement, the parties do not intend to create any right, title or interest in or for the benefit of any person other than the City and the Contractor. No person shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary of this Agreement.

16. RECORDS AND AUDIT

The Contractor shall maintain, throughout the term of this Agreement and for a period of three years thereafter, detailed records that indicate the date, time and

nature of services rendered. These records shall be subject to inspection by the City, the Department of Finance and Administration, and the State Auditor. The City shall have the right to audit the billing both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments.

17. APPLICABLE LAW; CHOICE OF LAW; VENUE

Contractor shall abide by all applicable federal and state laws and regulations, and all ordinances, rules and regulations of the City of Santa Fe. In any action, suit or legal dispute arising from this Agreement, the Contractor agrees that the laws of the State of New Mexico shall govern. The parties agree that any action or suit arising from this Agreement shall be commenced in a federal or state court of competent jurisdiction in New Mexico. Any action or suit commenced in the courts of the State of New Mexico shall be brought in the First Judicial District Court.

18. AMENDMENT

This Agreement shall not be altered, changed or modified except by an amendment in writing executed by the parties hereto.

19. SCOPE OF AGREEMENT

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the services to be performed hereunder, and all such agreements, covenants and understandings have been merged into this Agreement. This Agreement expresses the entire Agreement and understanding between the parties with respect to said services. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

20. NON-DISCRIMINATION

During the term of this Agreement, Contractor shall not discriminate against any employee or applicant for an employment position to be used in the performance of services by Contractor hereunder, on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual orientation, physical or mental disability, medical condition, or citizenship status.

21. SEVERABILITY

In case any one or more of the provisions contained in this Agreement or any application thereof shall be invalid, illegal or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

22. NOTICES

Any notices required to be given under this Agreement shall be in writing and served by personal delivery or by mail, postage prepaid, to the parties at the following addresses:

City of Santa Fe:
Water Division Director
Water Division
801 W. San Mateo
Santa Fe, NM 87504

Contractor:
Jason Mumm
JMa Municipal Advisors
825 La Farge Ave.
Louisville, CO 80027

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

CITY OF SANTA FE:

CONTRACTOR:
JMa Municipal Advisors

JAVIER M. GONZALES, MAYOR

NAME & TITLE

DATE: _____

DATE: _____

CRS #03-382086-00-4
City of Santa Fe Business
Registration # 17-00145070

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

Kelley A. Brennan Asst City Attorney for
KELLEY A. BRENNAN, CITY ATTORNEY

APPROVED:

ADAM JOHNSON, FINANCE DEPARTMENT

52300, 52251, 52451 . 510300 Business Unit Line Item

	Water Division	Wastewater Division	Envir. Svc. Division	Total (excluding GRT)
Financial Plan Updates	\$19,202	\$42,000	\$33,500	\$94,702
Cost of Service Study	\$52,106	0	0	\$52,106
Total less GRT	\$71,308	\$42,000	\$33,500	\$146,808
Total	\$71,308	\$42,000	\$33,500	
		GRT		\$12,103.42
		Total		\$159,011

Exhibit "A"



City of Santa Fe
Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

1 **FOR: ORIGINAL CONTRACT** ☒ or **CONTRACT AMENDMENT** ☐

2 Name of Contractor JMa Municipal Advisors

3 Complete information requested

☒ Plus GRT

☐ Inclusive of GRT

Original Contract Amount: \$146,808.00

Termination Date: June 30, 2018

☒ Approved by Council Date: Pending

☐ or by City Manager Date: _____

Contract is for: Financial Services

Amendment # _____ to the Original Contract# _____

Increase/(Decrease) Amount \$ _____

Extend Termination Date to: _____

☐ Approved by Council _____

☐ or by City Manager Date: _____

Amendment is for:

4 **History of Contract & Amendments:** (option: attach spreadsheet if multiple amendments)

☒ Plus GRT

☐ Inclusive of GRT

Amount \$ 146,808.00 of original Contract# _____ Termination Date: 6/30/2018

Reason: original contract

Amount \$ _____ amendment _____ Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Total of Original Contract plus all amendments: \$ \$146,808.00



City of Santa Fe
Summary of Contracts, Agreements, & Amendments

5 Procurement Method of Original Contract: (complete one of the lines)

RFP# 17/53/P Date: June 1, 2017

RFQ ☐ _____ Date: _____

Sole Source ☐ _____ Date: _____

Other _____

6 Procurement History: year one of up to 4 years
example: (First year of 4 year contract)

Purchasing Officer Review

Comments or Exceptions: _____

7 Funding Source: Water, Waste Water & Env Svcs Op Fund BU/Line Item: 523005225152451.000000

Budget Officer Approval

Comments or Exceptions: _____

8 Any out-of-the ordinary or unusual issues or concerns:

N/A

(Memo may be attached to explain detail.)

9 Staff Contact who completed this form: Maya Martinez

Phone # 4271

10 Certificate of Insurance attached: (If original Contract) ☒

Submit to City Attorney for review/signature

Forward to Finance Director for review/signature

Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).

To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____

Note: If further information needs to be included, attach a separate memo.

Comments:

City of Santa Fe, New Mexico

memo

DATE: August 2, 2017

TO: Public Utilities Committee

VIA: Shirlene E. Sitton, Environmental Services Division Director
Shannon W. Jones, Interim Public Utilities Department Director

FROM: Lawrence Garcia, Environmental Services Division Project Administrator

SUBJECT

Request for approval of Amendment No. 1 to Professional Service Agreement #16-0984, (Tire Recapping Services) in the amount of \$255,000. Funding is available in Environmental Services Division fiscal year 17/18 operating budget.

BACKGROUND

The Environmental Services Division (ESD) is currently utilizing retread tires on the rear axles of refuse collection vehicles. The Division has seen a reduction in operational costs by utilizing retread tires, using casings from City Transit Division, the Santa Fe Solid Waste Management Agency, and the Fire Department. Additionally we are minimizing disposal costs for all three Divisions.

On August 18, 2016 the Division received bids from two vendors for retread tires. Bid prices are listed below:

Vendor Name	Cumulative Bid Pricing*
Purcell Tire and Service Center	\$1,084
GCR Tire and Service	\$1,353

*Cumulative pricing includes a total of all services provided by the vendor.

On August 7, 2016 the Governing Body approved a Professional Service Agreement with Purcell Tire and Service Center (Contractor). The term of the contract was for one year with an option to renew for three additional one year term. The Division is renegotiating the term and conditions with the Contractor, and the Contractor has agreed to the same pricing, terms and conditions for one additional year.

FISCAL INFORMATION

The Division budgeted and was approved for this purchase in the fiscal year 17/18 operating budget. The funding for this Amendment is available within several business units including 52255, (Residential Curbside Collections) 52262, (Commercial Collections) and 52265, (Recycling Collections). The funding is available within all three business units in line item 530900 (Tires).

ACTION REQUESTED:

The Division is respectfully requesting approval of Addendum #1 to the professional services agreement 16-0984. The Contractor was the lowest bid, has provided a quality product and exceptional service.

ATTACHMENTS:

1. Amendment No 1
2. Clarification E-mail from Contractor
3. Summary of Contract
4. Original Approval Packet

**CITY OF SANTA FE
AMENDMENT No. 1, TO
PROFESSIONAL SERVICES AGREEMENT
ITEM# 16-0984**

AMENDMENT No.1, (the "Amendment") to the CITY OF SANTA FE PROFESSIONAL SERVICES AGREEMENT, dated October 31, 2016, (the "Agreement"), between the City of Santa Fe (the "City") and Purcell Tire and Service Center (the "Contractor"). The date of this Amendment shall be the date when it is executed by the City and the Contractor, whichever occurs last.

RECITALS

A. THIS AGREEMENT is made and entered into by and between the City of Santa Fe (the "City") and Purcell Tire and Service Center (the "Contractor").

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the City and the Contractor agree to amend the Agreement as follows:

1. **COMPENSATION**

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of two hundred fifty-five dollars (\$255,000), inclusive of applicable gross receipts taxes, so that Article 3, paragraph A reads in its entirety as follows:

A. The City shall pay to the Contractor in full payment for services rendered a sum not to exceed five hundred ten thousand dollars (\$510,000), inclusive of applicable gross receipts taxes. Payment shall be made for services actually rendered at the rate based on Exhibit "A" attached hereto and incorporated herein.

2. **TERM**

Article 3 of the Agreement is hereby amended to read in its entirety as follows:

This Agreement shall be effective when signed by the City and Terminate on September 30, 2018, unless sooner pursuant to Article 7 of this Agreement.

3. **OPTION TO RENEW**

Article 6 of the Agreement is hereby amended to read in its entirety as follows:

Contractor is granted, upon a satisfactory performance, an option to review this Agreement for two (2) additional one (1) year period, not to exceed four (4) years. Contractor and City shall renegotiate the terms and conditions upon renewal. The option shall be exercised by the parties prior to the expiration date of this Agreement.

4. **AGREEMENT IN FULL FORCE.**

Except as specifically provided in this Amendment, the Agreement remains and shall remain in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 2, to the City of Santa Fe Professional Services Agreement as of the date set forth below.

CITY OF SANTA FE:

CONTRACTOR:
PURCELL TIRE and SERVICE CENTER

JAVIER M. GONZALES, MAYOR

DANIEL STEWART
COMMERCIAL SALES

DATE: _____

DATE: _____

NM Taxation & Revenue
CRS #03-007106-00-2
City of Santa Fe Business
Registration # 17-00140134

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

ADAL 7/11
KELLEY A. BRENNAN, CITY ATTORNEY

APPROVED:

ADAM K. JOHNSON, FINANCE DIRECTOR

52255, 52262, 52265 / 530900
BUSINESS UNIT/LINE ITEM

GARCIA, LAWRENCE M.

From: Daniel Stewart <Daniel.Stewart@purcelltire.com>
Sent: Monday, July 03, 2017 7:03 AM
To: GARCIA, LAWRENCE M.
Cc: GARCIA, LAWRENCE M.
Subject: Agreement 160984

Lawrence,

Good morning, we are good to extend this agreement and pricing for another year for contract 160984.

Let me know if you have any questions. I will be out of the office all week but I will have my phone on.

Daniel Stewart
Purcell Tire and Rubber Co
505-220-2285



City of Santa Fe
Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

1 **FOR:** ORIGINAL CONTRACT ☐ or CONTRACT AMENDMENT ☒

2 Name of Contractor Purcell Tire and Service Center

3 Complete information requested

☐ Plus GRT

☒ Inclusive of GRT

Original Contract Amount: \$255,000.00

Termination Date: September 30, 2017

☒ Approved by Council Date: October 7, 2016

☐ or by City Manager Date: _____

Contract is for: Retread Tires, Tire Casings and Tire Repairs

Amendment # No 1 to the Original Contract# 16-0984

Increase/(Decrease) Amount \$ Same (\$255,000)

Extend Termination Date to: September 30, 2018

☒ Approved by Council Date: TBA

☐ or by City Manager Date: _____

Amendment is for: Change of Name

4 **History of Contract & Amendments:** (option: attach spreadsheet if multiple amendments)

☐ Plus GRT

☒ Inclusive of GRT

Amount \$ 255,000.00 of original Contract# 16-0984 Termination Date: 9/30/2017

Reason: Retread Tires, Tire Casings and Tire Repairs

Amount \$ 255,000.00 amendment # 1 Termination Date: 9/30/2018

Reason: Extend second year of contract at the same terms and conditions

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Total of Original Contract plus all amendments: \$ _____



City of Santa Fe
Summary of Contracts, Agreements, & Amendments

5 Procurement Method of Original Contract: (complete one of the lines)

RFP# 17-3-B Date: August 18, 2016

RFQ ☐ _____ Date: _____

Sole Source ☐ _____ Date: _____

Other _____

6 Procurement History: Second year with two additional one year options for renewal
example: (First year of 4 year contract)

7 Funding Source: 05250 Operating Budget **BU/Line Item:** 52255, 52262, 52265/530900

8 Any out-of-the ordinary or unusual issues or concerns:
N/A

(Memo may be attached to explain detail.)

9 Staff Contact who completed this form: Lawrence Garcia

Phone # 505-955-2241

10 Certificate of Insurance attached. (if original Contract) ☒

Submit to City Attorney for review/signature

Forward to Finance Director for review/signature

Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).

To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____

Note: If further information needs to be included, attach a separate memo.

Comments:

CITY OF SANTA FE RFB PROCUREMENT CHECKLIST

Contractor Name: Parcell Tire and Service Center
 Procurement Title: Retread Tires, Tire Castings and Tire Repairs
 Solicitation RFB#: 171/03/13
 Department Requesting/Staff Member: Lawrence Garcia, ESD Project Administrator 0011

Procurement Requirements:

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees.

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Approved Procurement Checklist (by Purchasing)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Department's Recommendation of Award Memo addressed to Finance
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bid Tab
<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAR
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FIR
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contract, Agreement or Amendment
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Current Business Registration and CRS numbers on contract or agreement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Summary of Contracts and Agreements form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Certificate of Insurance
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

Lawrence Garcia
 Department Rep Printed Name and Title

Lawrence Garcia
 Department Rep Signature attesting that all information included

James Rodriguez 08/26/14
 Purchasing Officer attesting that all information is reviewed

REQUIRED DOCUMENTS FOR BID FILE*

YES	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Final Bid Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Final RFQ
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of legal solicitation published in the newspaper, website, etc.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All addendums
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pttn holders list
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Complete evaluation score sheets
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copies of all RFQ submittals
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copies of all bid submittals
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bid Tab

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Non-Responsive/Non-Responsibility Form and correspondence or letters from Department to vendor regarding disqualifications
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Oral presentations (sign-in sheets, presentation materials, etc.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Documentation sent to Bidders/Offerors and responses received regarding clarifications, decisions, negotiations, and/or best and final offers, etc.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Reference Reviews/Reference Check Questionnaires
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual evaluations included for each RFP.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pricing evaluation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Final overall evaluation matrix or summary of evaluator scores
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other: _____

AWARD*

YES N/A

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fully executed Memo to Committees from the Department with recommendation of award
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Winning bid (this is a copy that has all confidential/proprietary information excluded)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contract Award Notice
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Email or notification sent to all Bidders/Offerors that award was made
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waiver or "No Action Taken" from Procurement Office
<input type="checkbox"/>	<input checked="" type="checkbox"/>	If IFB and not awarded to lowest responsive, responsible bidder; written explanation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other: _____

DISCLOSURES*

YES N/A

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contractor Disclosures & Conflicts of Interest
		Disclosures & Conflicts of Interest Form(s) (winning bidder(s)/offeror(s))
		Contractor - Conflicts of Interest
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Purchasing Office Letter or e-mail to designated individual regarding potential conflict
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conflict of Interest Form signed by all parties
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from Procurement Office regarding the potential conflict
		Subcontractor Disclosures
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Disclosures & Conflicts of Interest form of Subcontractor(s)
		Subcontractor - Conflicts of Interest
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Purchasing Office Letter or email to designated individual regarding potential conflict
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conflict of Interest form signed by all parties
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from Legal Office regarding the potential conflict
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other: _____

CONTRACT*

YES N/A

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of Executed Contract
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of all documentation presented to the Committees
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Finalized Council Committee Minutes
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other: _____

MISCELLANEOUS FILE*

YES N/A

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Preference Form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	New Mexico Residence Form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Veterans Exemption

☐ ☒ Other: _____

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.

PROTEST (If applicable)*

YES	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Documentation from protester filed with the Purchasing Office
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from Department to Purchasing Office Providing response to protest
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from Purchasing Officer to protester and Department on final outcome
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other: _____

Create a separate file folder which may contain any documents with trade secrets or other competitively sensitive, confidential or proprietary information.

YES	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original bid(s) with no redactions

Lawrence E. Harris Project Administrator
Department Rep Printed Name and Title


Department Rep Signature attesting that all information included


City of Santa Fe, New Mexico

memo

DATE: September 7, 2016

TO: Public Utilities Committee

FROM: Lawrence Garcia, Project Administrator 

VIA: Shirlene E. Sifton, Environmental Services Division Director 
Nick Schinvo, Public Utilities Department and Water Division Director

ITEM AND ISSUE:

Request for approval of Bid # 17/03/B for a one-year contract with three one-year extensions to Purcell Truck Service Center for the purchase of retread tires, tire casings, and tire repairs for the Environmental Services Division for a not-to-exceed amount of \$255,000 per fiscal year.

SUMMARY:

The Environmental Services Division (Division) is currently utilizing retread tires on the rear axles of refuse collection vehicles. The Division has seen a reduction in operational costs by utilizing retread tires, using casings from City Transit Division, the Santa Fe Solid Waste Management Agency, and the Fire Department. Additionally we are minimizing disposal costs for all three Divisions.

On August 18, 2016 the Division received bids from two vendors for retread tires. Bid prices are listed below:

Vendor Name	Cumulative Bid Pricing*
Purcell Tire and Service Center	\$1,084
GCR Tire and Service	\$1,368

*Cumulative pricing includes a total of all services provided by the vendor.

RECOMMENDED ACTION:

Staff recommends approving the contract with Purcell Tire and Service Center for a total amount not to exceed two hundred fifty five thousand dollars (\$255,000) per year. Purcell Tire and Service Center was the low bidder and met all specifications to assure available casings and acceptable turnaround times, both of which are critical for safe, efficient operations. The term of this agreement is for one year with the option to renew for three additional one year terms. The funds for this purchase are available in business line item 530900. The charges will be applied to the appropriate business units 52255, 52262 and 52265 for residential, recycling, and commercial collection services.

ITEM # 16-0984

CITY OF SANTA FE
PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Santa Fe (the "City") and Purcell Tire and Service Center, (the "Contractor"). The date of this Agreement shall be the date when it is executed by the City and the Contractor, whichever occurs last.

1. SCOPE OF SERVICES

The Contractor shall provide the following services for the City:

- A. Provide tire re-capping services.
- B. Pick-up used tire castings from City yard, 1142 Siler Rd. Santa Fe, NM and deliver finished product to the same address based on turnaround time provided within the RFB.
- C. Provide tire castings for re-capping at City request.
- D. Provide documentation of all castings pick-up at the time of collection.
- E. Stock a minimum of fifty 11R22.5 tire casings for use by the City upon request.

2. STANDARD OF PERFORMANCE; LICENSES

- A. The Contractor represents that it possesses the

personnel and knowledge necessary to perform the services described under this Agreement.

B. The Contractor agrees to obtain and maintain throughout the term of this Agreement, all applicable professional and business licenses required by law, for itself, its employees, agents, representatives and subcontractors.

3. COMPENSATION

A. The City shall pay to the Contractor in full payment for services rendered a sum not to exceed two hundred fifty five thousand dollars (\$255,000), plus applicable gross receipts taxes. Payment shall be made for services actually rendered at a rate based on RFB pricing (price quote will be attached and incorporated as Exhibit "A" to the Agreement.)

B. The Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.

C. Payment shall be made upon receipt and approval by the City of detailed statements containing a report of services completed. Compensation shall be paid only for services actually performed.

4. APPROPRIATIONS

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the City for the performance of this Agreement. If sufficient

appropriations and authorization are not made by the City, this Agreement shall terminate upon written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.

5. TERM AND EFFECTIVE DATE

This Agreement shall be effective when signed by the City and terminate on September 30, 2017, unless sooner pursuant to Article 7 below.

6. OPTION TO RENEW

Contractor is granted, upon a satisfactory performance, an option to renew this Agreement for three (3) additional one (1) year period, not exceed four (4) years. Contractor and City shall renegotiate the terms and conditions upon renewal. The option shall be exercised by the parties prior to the expiration date of this Agreement.

7. TERMINATION

A. This Agreement may be terminated by the City upon 30 days written notice to the Contractor.

(1) The Contractor shall render a final report of the services performed up to the date of termination and shall turn over to the City original copies of all work product, research or papers prepared under this Agreement.

(2) If compensation is not based upon hourly rates for services rendered, the City shall pay the Contractor

for the reasonable value of services satisfactorily performed through the date Contractor receives notice of such termination, and for which compensation has not already been paid.

(3) If compensation is based upon hourly rates and expenses, then Contractor shall be paid for services rendered and expenses incurred through the date Contractor receives notice of such termination.

7. STATUS OF CONTRACTOR; RESPONSIBILITY FOR PAYMENT OF EMPLOYEES AND SUBCONTRACTORS

A. The Contractor and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Contractor, and its agents and employees, shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to employees of the City as a result of this Agreement.

B. Contractor shall be solely responsible for payment of wages, salaries and benefits to any and all employees or subcontractors retained by Contractor in the performance of the services under this Agreement.

C. The Contractor shall comply with City of Santa Fe Minimum Wage, Article 28-1-SFCC 1987, as well as any subsequent changes to such article throughout the term of this Agreement.

8. CONFIDENTIALITY

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be

kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the City.

9. CONFLICT OF INTEREST

The Contractor warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. Contractor further agrees that in the performance of this Agreement no persons having any such interests shall be employed.

10. ASSIGNMENT; SUBCONTRACTING

The Contractor shall not assign or transfer any rights, privileges, obligations or other interest under this Agreement, including any claims for money due, without the prior written consent of the City. The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City.

11. RELEASE

The Contractor, upon acceptance of final payment of the amount due under this Agreement, releases the City, its officers and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the City to any obligation not assumed herein by the City unless the Contractor has express written authority to do so, and then only within the strict limits

of that authority.

12. INSURANCE

A. The Contractor, at its own cost and expense, shall carry and maintain in full force and effect during the term of this Agreement, comprehensive general liability insurance covering bodily injury and property damage liability, in a form and with an insurance company acceptable to the City, with limits of coverage in the maximum amount which the City could be held liable under the New Mexico Tort Claims Act for each person injured and for each accident resulting in damage to property. Such insurance shall provide that the City is named as an additional insured and that the City is notified no less than 30 days in advance of cancellation for any reason. The Contractor shall furnish the City with a copy of a Certificate of Insurance or other evidence of Contractor's compliance with the provisions of this section as a condition prior to performing services under this Agreement.

B. Contractor shall also obtain and maintain Workers' Compensation insurance, required by law, to provide coverage for Contractor's employees throughout the term of this Agreement. Contractor shall provide the City with evidence of its compliance with such requirement.

C. Contractor shall maintain professional liability insurance throughout the term of this Agreement providing a minimum coverage the amount required under the New Mexico Tort

Claims Act. The Contractor shall furnish the City with proof of insurance of Contractor's compliance with the provisions of this section as a condition prior to performing services under this Agreement.

13. INDEMNIFICATION

The Contractor shall indemnify, hold harmless and defend the City from all losses, damages, claims or judgments, including payments of all attorneys' fees and costs on account of any suit, judgment, execution, claim, action or demand whatsoever arising from Contractor's performance under this Agreement as well as the performance of Contractor's employees, agents, representatives and subcontractors.

14. NEW MEXICO TORT CLAIMS ACT

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

15. THIRD PARTY BENEFICIARIES

By entering into this Agreement, the parties do not intend to create any right, title or interest in or for the

benefit of any person other than the City and the Contractor. No person shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary of this Agreement.

16. RECORDS AND AUDIT

The Contractor shall maintain, throughout the term of this Agreement and for a period of three years thereafter, detailed records that indicate the date, time and nature of services rendered. These records shall be subject to inspection by the City, the Department of Finance and Administration, and the State Auditor. The City shall have the right to audit the billing both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments.

17. APPLICABLE LAW; CHOICE OF LAW; VENUE

Contractor shall abide by all applicable federal and state laws and regulations, and all ordinances, rules and regulations of the City of Santa Fe. In any action, suit or legal dispute arising from this Agreement, the Contractor agrees that the laws of the State of New Mexico shall govern. The parties agree that any action or suit arising from this Agreement shall be commenced in a federal or state court of competent jurisdiction in New Mexico. Any action or suit commenced in the courts of the State of New Mexico shall be brought in the First Judicial District Court.

18. AMENDMENT

This Agreement shall not be altered, changed or modified except by an amendment in writing executed by the parties hereto.

19. SCOPE OF AGREEMENT

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the services to be performed hereunder, and all such Agreements, covenants and understandings have been merged into this Agreement. This Agreement expresses the entire Agreement and understanding between the parties with respect to said services. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

20. NON-DISCRIMINATION

During the term of this Agreement, Contractor shall not discriminate against any employee or applicant for an employment position to be used in the performance of services by Contractor hereunder, on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual orientation, physical or mental disability, medical condition, or citizenship status.

21. SEVERABILITY

In case any one or more of the provisions contained in

this Agreement or any application thereof shall be invalid, illegal or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

22. NOTICES

Any notices required to be given under this Agreement shall be in writing and served by personal delivery or by mail, postage prepaid, to the parties at the following addresses:

City of Santa Fe:
Lawrence M. Gonzales
Environmental Services
P.O. Box 999
Santa Fe, NM 87504

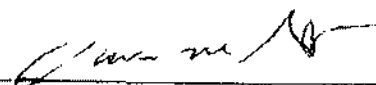
Contractor:
Daniel Stewart
Purcell Tire and Service Center
Commercial Sales
1400 Mission Ave.
Albuquerque, NM 87107

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

CITY OF SANTA FE:

CONTRACTOR:

Purcell Tire and Ser. Center


JAVIER M. GONZALES, MAYOR


NAME & TITLE

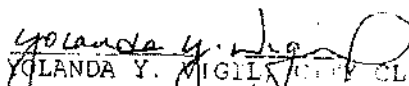
DATE: 10/26/15

DATE: 10/31/16


CRS# 03-007106-00-2

SFBL# 16-00140134

ATTEST:


YOLANDA Y. MIGILA, CLERK
cc mtg. 10/13/16

APPROVED AS TO FORM:

 8/24/16
KELLY A. BRENNAN, CITY ATTORNEY

APPROVED:

 10-21-16
FINANCE DIRECTOR

Business Unit/Line Item:
52255, 52262, 52263, 52265, 52270, 530900

this Agreement or any application thereof shall be invalid, illegal or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

22. NOTICES

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City of Santa Fe:
Lawrence M. Garcia
Environmental Services
P.O. Box 999
Santa Fe, NM 87504

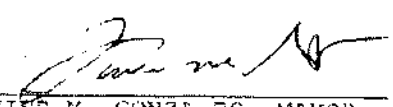
Contractor:
Daniel Stewart
Purcell Tire and Service Center
Commercial Sales
1400 Mission Ave.
Albuquerque, NM 87107

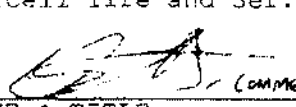
IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

CITY OF SANTA FE:

CONTRACTOR:

Purcell Tire and Ser. Center


JAVIER M. GONZA ES, MAYOR


NAME & TITLE

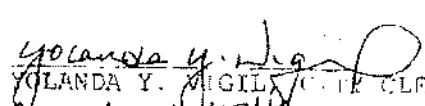
DATE: 10/26/15

DATE: 10/31/16


CRS# 03-007106-00-2

SFBL# 16 00140134

ATTEST:


YOLANDA Y. MIGILA, CLERK
cc mtg. 10/13/16

APPROVED AS TO FORM:

 8/24/16
KELLEY A. BRENNAN, CITY ATTORNEY

APPROVED:

 10-21-16
FINANCE DIRECTOR

Business Unit/Line Item:
52255, 52262, 52263, 52265, 52270, 530900

Exhibit A.

SPECIFICATIONS
17/03/B

SPECIFICATIONS:

YES NO OFFERED

Vendor to provide Bandag Retread BDM 210 or 220 or equal on all 11/R 22.5, 12/R 22.5 tires

6177

Vendor to provide Bandag Retread BDM 240, 250, 260, or 270 or equal on all 315/80R 22.5

6177

Vendor to provide Bandag Retread BDM or equal on all 275/70R22.5, 295/70R 22.5 low profile tires

6177

Vendor to provide Bandag Retread BDLT or equal on all 245/70R 19.5, low profile tires

6167

COST OF RETREAD TIRES

COST PER TIRE

11/R22.5

\$124.37

12/R22.5

\$133.91

315/80R 22.5

\$141.24

245/70R 19.5 Low Profile

\$90.00

275/70R 22.5 Low Profile

\$105.00

295/70R 22.5 Low Profile

\$129.20

11/R22.5 Casing Cost

\$80.00

315/80R 22.5 Casing Cost
Must maintain a minimum of fifty stock casings

\$80.00

245/70R 19.5 Low Profile Casing Cost
Must maintain a minimum of fifty stock casings

\$0

275/70R 22.5 Low Profile Casing Cost

\$80.00

295/70R 22.5 Low Profile Casing Cost

\$80.00

Section Repair Cost

\$25.00

Nail Hole Repair Cost

\$0

Bead Repair Cost

\$15.00

Exhibit "A"



City of Santa Fe, New Mexico

BUSINESS LICENSE

THIS BUSINESS LICENSE IS THE PROPERTY OF THE CITY OF SANTA FE. IT IS NOT TO BE LOANED, REPRODUCED, COPIED, OR IN ANY MANNER USED FOR ANY OTHER PURPOSE.

City Of Santa Fe
PO BOX 909
Santa Fe NM, 87504

Official Document
Please Post

Business Name: **PURCELL TIRE & SERVICE**

Location: **LINCOLN AVE**

Class: **BUSINESS REGISTRATION-STANDARD PSA W/CTY**

Comment:

Control Number: 6068717

License Number: 16-00140134

Issue Date: August 22, 2016

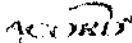
Expiration Date: December 31, 2016

PURCELL TIRE & SERVICE
1400 MISSION AVE

ALBUQUERQUE NM 87107

THIS IS NOT A CONSTRUCTION PERMIT OR SIGN PERMIT. APPROPRIATE PERMITS MUST BE OBTAINED FROM THE CITY OF SANTA FE BUILDING PERMIT DIVISION PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR THE INSTALLATION OF ANY EXTERIOR SIGN.

THIS REGISTRATION LICENSE IS NOT TRANSFERABLE TO OTHER BUSINESSES OR DOCUMENTS.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
8/23/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
AssuredPartners of Missouri, LLC
11975 Westlane Industrial Dr

CONTACT NAME: Katie Manlove, CTR
PHONE: (310) 529-8800
FAX: (310) 529-8800
EMAIL: kmanlove@APMissouri.com
ADDRESS: INSURANCE AFFORDING COVERAGE

St Louis MO 63146
INSURED
Burrell Tire & Rubber Company
301 North Hall Street

INSURER A: English American Insurance Company
INSURER B:
INSURER C:
INSURER D:
INSURER E:
INSURER F:


Potosi MO 63664

COVERAGES CERTIFICATE NUMBER: 16/17 PTR (MO) REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY PERIOD	UNIT
<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> GEN'L AGGREGATE LIMT: \$1,000,000 <input checked="" type="checkbox"/> BODILY <input type="checkbox"/> PROP. <input type="checkbox"/> ADCT <input type="checkbox"/> FOC <input type="checkbox"/> OTHER	NE01126444-05	3/1/2016 3/1/2017	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Each occurrence) MED EXP (Any and all services) PERSONAL & ADJ INJURY GENERAL AGGREGATE PRODUCTS / COMPOUND AGG
<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	RA09196443-05	3/1/2016 3/1/2017	COMBINED SINGLE LIMIT (Per accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per person) MEDICAL EXPENSE AGGREGATE
<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> RETENDORS			EACH OCCURRENCE AGGREGATE
<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS LIABILITY <input type="checkbox"/> ANY PROPRIETARY/INDEMNITY (Mandatory in MO) <input type="checkbox"/> DISCONTINUATION OF OPERATIONS COVER	RCN176442-05	3/1/2016 3/1/2017	<input checked="" type="checkbox"/> STATUTE <input type="checkbox"/> EMP. LIA. ALL EACH ACCIDENT E.L. DISEASE - GA EMPLOYEE E.L. DISEASE - POLICY LIMIT

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Imgraxia LLC, Santa Fe, NM, USA City of Santa Fe PO Box 909 Santa Fe, NM 87501	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS AUTHORIZED REPRESENTATIVE 
--	--

ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 10/04/16
FOR CITY COUNCIL MEETING OF 10/13/16

ISSUE:

10. 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)

FINANCE COMMITTEE ACTION:

Approved as consent item.

FUNDING SOURCE: 52255, 52262, 52265.530900

SPECIAL CONDITIONS OR AMENDMENTS

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR VILLARREAL	X		
COUNCILOR IVES	Excused		
COUNCILOR LINDELL	Excused		
COUNCILOR HARRIS	X		
CHAIRPERSON DOMINGUEZ	X		

4-13-15

ACTION SHEET
PUBLIC UTILITIES COMMITTEE MEETING OF 9/7/16

ISSUE NO. 12

Request for approval of Bid # 17/03/B for a one-year contract with three (3) one-year extensions to Purcell Truck Service Center for the purchase of retread tires, tire casing, and tire repairs for the Environmental Services Division for an amount not to exceed \$255,000 for per fiscal year. (Lawrence Garcia)

Public Utilities Committee – 9/7/2016

Finance Committee – 9/19/2016

City Council – 9/28/2016

PUBLIC UTILITIES COMMITTEE ACTION: Approved to forward to 9/19/2016 Finance Committee.

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR MAESTAS	X		
COUNCILOR TRUJILLO	X		
COUNCILOR LINDELL	X		
COUNCILOR VILLARREAL	X		

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Purcell Tire & Rubber Company

2 Business name/disregarded entity name, if different from above
Purcell Tire Company dba Purcell Tire and Service Center

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
☐ Individual/sole proprietor or single-member LLC
☐ C Corporation
☒ S Corporation
☐ Partnership
☐ Trust/estate
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) >
 Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) >

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
 Exempt payee code (if any) _____
 Exemption from FATCA reporting code (if any) _____
 (Applies to accounts that are not FATCA-reporting)

5 Address (number, street, and apt. or suite no.)
301 N Hall St

6 City, state, and ZIP code
Potosi, MO 63664

7 List account number(s) here (optional)

8 Requestor's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number

--	--	--	--	--	--	--	--	--	--

or

Employer identification number

8	6	-	0	4	8	2	2	8	2
---	---	---	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign this certification, but you must provide your correct TIN. See the instructions on page 3.

Sign
Here

Signature of
U.S. person >

Date > **3-12-15**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/w9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filed-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/19/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
AssuredPartners of Missouri, LLC
11975 Westline Industrial Dr

St Louis MO 63146

INSURED

Purcell Tire & Rubber Company
301 North Hall Street

Potosi MO 63664

CONTACT NAME: Katie Manlove, CISR
PHONE: (314) 523-8800 FAX: (314) 453-7553
JAC. No. EXT: E-MAIL: kmanlove@APMissouri.com
ADDRESS:

INSURER(S) AFFORDING COVERAGE
INSURER A: Zurich American Insurance Company NAIC # 16535
INSURER B:
INSURER C:
INSURER D:
INSURER E:
INSURER F:

COVERAGES

CERTIFICATE NUMBER: 17/18 PTR (MO):

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBROGATION (INSR) (Y/N)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOG OTHER:		QLO8196444-07	3/1/2017	3/1/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS		BAP8196443-07	3/1/2017	3/1/2018	COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB EXCESS LIAB DED: RETENTION \$ OCCUR CLAIMS MADE					EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED? (If mandatory in Hjt) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N N/A	WC8196442-07	3/1/2017	3/1/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER EL EACH ACCIDENT \$ 1,000,000 EL DISEASE - EA EMPLOYEE \$ 1,000,000 EL DISEASE - POLICY LIMIT \$ 1,000,000
	WC Does Not Apply to: MO, AZ & NV					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

lmgarcia@ci.santa-fe.nm.us

City of Santa Fe
PO Box 909
Santa Fe, NM 87501

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

J Mentel, JD/KATIE

© 1988-2014 ACORD CORPORATION. All rights reserved.



City of Santa Fe, New Mexico

BUSINESS LICENSE

THIS BUSINESS IS IN COMPLIANCE WITH THE CITY OF SANTA FE LIAING WAGE ORDINANCE 328-1 SPEC. 1987

City Of Santa Fe
PO BOX 909
Santa Fe NM, 87504

Official Document
Please Post

Business Name: PURCELL TIRE & SERVICE

Location: LINCOLN AVE

Class: BUSINESS REGISTRATION-STANDARD PSA W/CTY

Comment:

Control Number: 0068717

License Number: 17-00140134

Issue Date: June 27, 2017

Expiration Date: December 31, 2017

PURCELL TIRE & SERVICE
1400 MISSION AVE

ALBUQUERQUE NM 87107

THIS IS NOT A CONSTRUCTION PERMIT OR SIGN PERMIT. APPROPRIATE PERMITS MUST BE OBTAINED FROM THE CITY OF SANTA FE BUILDING PERMIT DIVISION PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR THE INSTALLATION OF ANY EXTERIOR SIGN.

THIS REGISTRATION LICENSE IS NOT TRANSFERABLE TO OTHER BUSINESSES OR PREMISES.

<p align="center">ACTION SHEET</p> <p align="center">ITEM FROM FINANCE COMMITTEE MEETING OF 07/17/17</p> <p align="center">FOR CITY COUNCIL MEETING OF 07/26/17</p>
--

27. Request for Approval of a Resolution Granting Provisional Authority to the City Manager to Approve Grants With Time Sensitive Deadlines; and Directing the City Manager to Submit the Grant to the Governing Body for Ratification at the Earliest Regularly Scheduled City Council Meeting, Thereafter. (Councilors Rivera, Maestas, Harris and Ives) (David Chapman)

Committee Review:

Public Works Committee
City Council

07/10/17
07/26/17

Fiscal Impact: None

FINANCE COMMITTEE ACTION:

Approved as discussion item.

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

Send to Public Utilities on August 2 for review & approval

STAFF FOLLOW-UP:

Direction to staff

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR VILLARREAL			
COUNCILOR IVES			
COUNCILOR LINDELL			
COUNCILOR HARRIS			
CHAIRPERSON DOMINGUEZ			

4-13-17

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Resolution No. 2017-____
City Manager Grant Approval

SPONSOR(S): Councilors Rivera, Maestas, Harris and Ives

SUMMARY: The proposed resolution grants provisional authority to the City Manager to approve grants with time sensitive deadlines; and directing the City Manager to submit the grant to the Governing Body for ratification at the earliest regularly scheduled City Council meeting, thereafter.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: June 29, 2017

ATTACHMENTS: Resolution
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2017-__

3 INTRODUCED BY:

4
5 Councilor Christopher M. Rivera

Councilor Joseph M. Maestas

6 Councilor Mike Harris

Councilor Peter N. Ives

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8
9
10 A RESOLUTION

11 GRANTING PROVISIONAL AUTHORITY TO THE CITY MANAGER TO APPROVE
12 GRANTS WITH TIME SENSITIVE DEADLINES; AND DIRECTING THE CITY
13 MANAGER TO SUBMIT THE GRANT TO THE GOVERNING BODY FOR
14 RATIFICATION AT THE EARLIEST REGULARLY SCHEDULED CITY COUNCIL
15 MEETING, THEREAFTER.

16
17 WHEREAS, the City of Santa Fe receives federal and state grants for capital
18 improvement, as well as grants from other entities; and

19 WHEREAS, for many of the grants, there is often a time restriction for acceptance of the
20 grant that must be returned to the granting authority; and

21 WHEREAS, these deadlines rarely give the city ample time to bring the matter before
22 the Governing Body for approval before the deadline for accepting the grant has elapsed; and

23 WHEREAS, the City Manager has certain powers and duties as specified in 2-4.6 SFCC
24 1987; and

25 WHEREAS, it would be to the benefit of the residents of the City of Santa Fe if the City

1 Manager was given authority to accept certain grants with time sensitive deadlines and then
2 present the grant for ratification at the next City Council meeting.

3 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
4 **CITY OF SANTA FE** that the City Manager is hereby granted provisional authority to approve
5 grants from counties, states, federal agencies, housing authorities, tribes or intergovernmental
6 agencies with time sensitive deadlines.

7 **BE IT FURTHER RESOLVED** that the City Manager shall submit the grant to the
8 Governing Body for ratification at the earliest regularly scheduled meeting of the City Council
9 thereafter.

10 PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017.

11
12 _____
13 JAVIER M. GONZALES, MAYOR

14 ATTEST:

15
16 _____
17 YOLANDA Y. VIGIL, CITY CLERK

18 APPROVED AS TO FORM:

19 
20 _____
21 KELLEY A. BRENNAN, CITY ATTORNEY

22
23
24
25 *M/Legislation/Resolutions 2017/City Manager Grant Approval*

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 GRANTING PROVISIONAL AUTHORITY TO THE CITY MANAGER TO APPROVE GRANTS WITH TIME SENSITIVE DEADLINES; AND DIRECTING THE CITY MANAGER TO SUBMIT THE GRANT TO THE GOVERNING BODY FOR RATIFICATION AT THE EARLIEST REGULARLY SCHEDULED CITY COUNCIL MEETING, THEREAFTER.

Sponsor(s): Councilors Riveta, Maestas, Harris and Ives

Reviewing Department(s): Finance Department

Persons Completing FIR: David A. Chapman Date: 6/29/17 Phone: 955-2012

Reviewed by City Attorney:

Kellie A. Brumman
(Signature)

Date:

6/30/17

Reviewed by Finance Director:

Mr. K. P. B.
(Signature)

Date:

6-30-17

Section B. Summary

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

The proposed resolution would grant provisional authority to the City Manager to approve grants with time sensitive deadlines; and directing the City Manager to submit the grant to the Governing Body for ratification at the earliest regularly scheduled City Council Meeting, thereafter.

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 _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non- recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non- recurring	Fund Affected

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

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

3. Expenditure/Revenue Narrative:

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

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.

No

2. Consequences of Not Enacting This Bill/Resolution:

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

Failure to enact could restrict grant application submittals from the City due to the short response time required by the Grantor.

3. Technical Issues:

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

No

4. Community Impact:

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

Grant applications that I work on are for Capital Improvement Projects and affect the entire community such as businesses, neighborhoods, families, youth and social services. Most applications have a very short lead time, only 2 or 3 weeks to complete often a voluminous grant application. The majority of the time there is not enough time to run the grant application through the governing body.

If the grant application is approved by the Grantor, an Agreement is drafted by the Grantor and given to the City for approval. That Agreement is then fully vetted by our Legal Department and then is presented before the Governing Body for approval. Going through this process before the grant application is approved is a waste of time if the grant application is not awarded.



City of Santa Fe, New Mexico

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

www.santafenm.gov

Javier M. Gonzales, Mayor

Councilors:

Signe I. Lindell, Mayor Pro Tem, Dist. 1

Renee Villarreal, Dist. 1

Peter N. Ives, Dist. 2

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Chris Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Mike Harris, Dist. 4

Memorandum

To: Members of the Governing Body

From: Kelley A. Brennan
City Attorney

KAB

Re: Proposed Amendments to Chapter 27-2.19 SFCC 1987
Streamlining the Land Use Review Process
For Telecommunications Facilities in the Public Rights-of-Way

Date: July 17, 2017 for the July 24, 2017 Meeting of the Public Works Committee

Introduction

On June 28, 2017, the Governing Body adopted Resolution 2017-48, entitled "A Resolution Calling for the Expedited Implementation of All Pending Broadband Policy Recommendations by the Economic Development Division" (the Resolution). A copy of the Resolution is attached as Exhibit A. Among the four specific policy recommendations cited in the Resolution are the following:

1. Expedite Chapter 27 code revisions regarding the approval of new telecommunications franchises; [and]
2. Facilitate antenna installations...in the public rights-of-way (the PROW) to provide low visual impact and cost-effective options for expanding broadband coverage to businesses, residents and neighborhoods;...

The proposed amendments to Chapter 27 (the Ordinance) address these policy recommendations by removing barriers to entry through streamlining the land use review provisions of the Ordinance. While the City Attorney's Office had been reviewing the Ordinance prior to enactment of the Resolution in conjunction with a number of inquiries from providers of telecommunications services seeking entry to the PROW via a franchise agreement with the City, the Resolution has provided a framework for the proposed amendments.

Ordinance History

The Ordinance was enacted in June 2010 following a protracted process precipitated by the need to provide a mechanism to give access to the PROW to telecommunications providers after a number of providers had approached the City seeking a franchise. The Ordinance repealed and replaced an ordinance adopted by the City in 1998 (the 1998 Ordinance), which had been invalidated by order of the federal court in 2002, but had remained on the City's books.

The 1998 Ordinance had provided for the lease of land in the PROW to providers, with a number of attendant charges that the court found effectively prohibited the ability of the Plaintiff, Qwest Corporation, to provide telecommunications services within the City in violation of federal law. In its place, the Ordinance provided for access to the PROW for a fee equal to a percentage of revenues.

Shortly after the Ordinance was adopted, Qwest sued the City, again alleging effective prohibition in violation of federal law. The federal court in that case invalidated the fee provision of the Ordinance and certain related definitions, and upheld the remainder of the provisions challenged by Qwest. The City appealed to the federal Court of Appeals for the 10th Circuit. All claims of both parties were ultimately settled in August 2015. In November 2016 the City amended the Ordinance with a new fee provision.

Applicable Federal Law

In invalidating the 1998 Ordinance and striking the fee provisions of the Ordinance, the federal court was applying 47 U.S.C. § 253 (Section 253), which provides in Section 253(a) that “[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”

At the same time, Section 253(c) provides, “Nothing in this section affects the authority of a State or local government to manage the [PROW] or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of the PROW on a nondiscriminatory basis...”

47 U.S.C. § 332 (c)(7) (Section 332), entitled “Preservation of local zoning authority,” provides, “Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.” (Section 332 (c)(7)(A)) The limitations are set out in the following subparagraph (B), which provides that the regulation of the placement, construction, and modification of personal wireless facilities by a State or local government “shall not unreasonably discriminate among providers of functionally equivalent services; and...shall not prohibit or have the effect of prohibiting the provision of personal wireless services.” Section 332 also requires local governments to “...act on any request for authorization to place, construct, or modify personal wireless services within a reasonable

period of time after the request is duly filed..., taking into account the nature and scope of the request."

On October 17, 2014, the Federal Communications Commission (the FCC) issued an order establishing a presumption that a "reasonable period of time" for a local government to act on collocation requests was 90 days and on new facility requests, 150 days. These timeframes and many important definitions were subsequently codified at 47 CFR § 1.40001.

Federal law also explicitly prohibits the regulation by the City of the placement, construction and modification of personal wireless facilities on the basis of the environmental effects (including health effects) of radio frequency emissions to the extent that the facilities comply with FCC regulations. (Section 332 (c)(7)(B)(iv))

Questions relating to these statutory and regulatory provisions have been extensively litigated and there is a substantial body of case law addressing these questions that has been considered in drafting these proposed amendments.

The Proposed Amendments

When the Ordinance was enacted in 2010, federal law required only that municipalities act on telecommunications facilities requests within "a reasonable period of time." The land use review provisions set out in Section 2-19 of the Ordinance, requiring Planning Commission (Commission) review and approval, did not appear to be unreasonable. Special notice requirements likewise did not seem unreasonable.

However, the FCC's order establishing presumptively reasonable periods to act of 90 and 150 days for collocations and new construction respectively changed expectations. Processing an application from intake through Commission review and approval takes a significant amount of time. Land Use Department (LUD) staff process the application "according to the standard procedures established by the [LUD] for applications to the [Commission]". After reviewing the application for compliance with code, an often iterative process with the applicant and other City departments through the Design Review Team process, LUD staff draft a report to the Commission and schedule the application for hearing. This process alone takes several months at best. The Commission typically meets once a month, with Findings of Fact and Conclusions of Law adopted at the meeting following the meeting at which the case was heard. The timing of notice requirements add to the timeline.

Utilities have historically been given access to the PROW as a matter of public policy to build out their systems in the interest of efficiency to meet public purposes. Without access to the PROW, wireline telephone, electricity, water, gas, and wastewater service providers would all have had to negotiate with the individual owners of the many properties their lines crossed or to exercise piecemeal their respective powers of eminent domain. Access to the PROW brought their essential services quickly to residents and businesses, improving quality of life and economic well-being. The federal and state governments, and now the City via the Resolution, have identified the expansion of telecommunications services as a critical factor in economic development.

The proposed amendments accomplish the following ends endorsed by the Resolution:

1. They facilitate telecommunications service providers' access to the PROW through streamlining the land use review process to meet federal timing requirements; and
2. They establish easily comprehensible design standards with the goal of minimizing visual impact.

Material changes are summarized on the following table. Section references in the first column refer to the current ordinance; section references in the second column refer to the proposed bill.

<i>Current Ordinance</i>	<i>Proposed Amendments</i>	<i>Comments</i>
Prohibits self-supporting lattice and guyed towers in the PROW (27-2.19 A.)	Delete this provision	Based upon the design standards intended to minimize visual impact, these kinds of towers would not be permitted; in addition, it's unlikely that there is sufficient space in the PROW to accommodate them
Maximum height – on existing structures, no higher than the structure on which they are mounted; new structures cannot exceed the permitted height for buildings in the district where located (27-2.19 B.)	Maximum height is the higher of the permitted height of buildings in the district where located or the height of the highest structure located in the PROW within a 150-foot radius of the proposed facility. The provision also explicitly provides that additions to height permitted under federal law (discussed below) cannot be included in calculating height of adjacent structures in the PROW. (27-2.19 G.(2))	This recognizes that many existing structures in the PROW like telephone poles or streetlights exceed the permitted height for buildings in the district and provide a reasonable reference for height in the PROW. The prohibition on including height additions under federal law in calculating permitted height, should reduce height creep
Facilities must be undergrounded to the maximum extent feasible, including in residential areas where other utilities are undergrounded (27-2.19 C.(1))	Aboveground telecommunications facilities are not permitted in areas of the City where all other utilities are undergrounded, except to the extent that there are existing aboveground facilities (27-2.19 F.)	In a number of areas of the City where utilities are undergrounded, there are streetlights and cabinets aboveground. Thus telecommunications facilities could be located on existing streetlights

<p>Aboveground telecommunications facilities must be designed to minimize visual impact; listed methods include concealment, screening, camouflaging, color, materials, texture, shape, size, and location (27-2.19 C.(2))</p>	<p>Generally incorporates the same language, with additional standards, including specifying the need to minimize visual impact on the natural and built environment, and requiring wires and similar appurtenances to be contained within the tower or encased in conduit painted to match (27-2.19 G.(4))</p>	
<p>Does not address width</p>	<p>Requires telecommunications towers to have a slender profile, with antennas and related equipment, including wires, sheathed within a single cylinder or with antennas pulled in as close as possible in order to present a uniform appearance (27-2.19 G.(3))</p>	<p>Regulating width is important not just for obvious aesthetic reasons, but because federal law permits certain limited extensions of existing width</p>
<p>Applications require Commission review and approval (27-2.19 F.)</p>	<p>Land use review is a three-tier process as follows: 1. Certain facilities are permitted as of right, including facilities that conform to design parameters approved by the City; maintenance, repair and replacement of existing facilities that does not increase physical dimensions or visual impact; removal of facilities or modifications that reduce visual impact, etc. (27-2.19 C.(1)(a)-(f)) 2. Administrative review is required for modifications that do not substantially change the physical dimensions or visual impact of the facility (as defined by federal law) (27-2.19 D.(1)(a)-(c))</p>	<p>2. Federal law provides for approval of "eligible facilities" that do not substantially change the physical dimensions of a facility, including a 10-foot or 10% increase in height; protrusions from the edge of the structure of more than 6 feet, as well as addressing other factors such as addition of antennas or cabinets. The City's review of "visual impact" is another element of this level of review. Thus, even if the federal standard permits added width, it may be disallowed under the aesthetic/visual impact standards</p>

	3. Commission review is required for modifications to existing facilities that constitute "substantial change" under federal law or that do not otherwise meet aesthetic/visual impact standards or require a waiver, including new facilities (27-2.19 E.)	
Notice for telecommunications in the PROW includes website posting, posting of signs in the PROW, mailing, and newspaper advertising, as well as standard notice requirements for Commission hearings (27-2.19 I. and J.))	Completed applications and related submittals are posted on the City's website (27-2.19 A.(10)); applications for Commission review and approval are treated the same as all other applications with respect to notice; other current notice requirements are deleted	Notice for telecommunications in the PROW exceeds notice requirements for telecommunications facilities applications under standard zoning and isn't consistent with the process applied to installation of electrical and other facilities in the PROW; the cost and administrative burden (including adding to the timeline for approval) of the current notice program may be prohibitive
Commission review criteria and standards remain largely the same (27-2.19 K.)	Generally track current provisions, with some deletions of unusually high standards, e.g., requiring "clear and compelling evidence" that facilities are required to close a significant gap in coverage (27-2.19 E.(1)-(7))	
Establishes a per-application fee of \$2,500 (27-2.19 G.)	Provides for fee-setting by the Governing Body in conjunction with the setting of land use review fees; these should be significantly lower than the current \$2,500; also provides for reimbursement of reasonable costs of technical review by qualified consultants, e.g., engineers (27-2.19 G. (8))	The current fee may be prohibitive, e.g., the fee for 3 streetlight-mounted antennas would be \$7,500

	Clarifies that construction permits for work in the PROW must be obtained from NM CID (27-2.19 C. (2) and F.)	
Provides for a telecommunications committee (27-2.21)	Deletes the telecommunications committee	While the City may choose to create a telecommunications committee to advise on policy and planning, the franchise ordinance is not an appropriate place to do it; it appears, based on the Resolution, that the role is being filled by economic development

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2017-__

INTRODUCED BY:

Councilor Mike Harris

AN ORDINANCE

RELATING TO THE TELECOMMUNICATIONS IN THE PUBLIC RIGHTS-OF-WAY
ORDINANCE; AMENDING SUBSECTION 27-2.19 SFCC 1987 TO STREAMLINE THE
LAND USE REVIEW PROCESS FOR TELECOMMUNICATIONS FACILITIES IN THE
PUBLIC RIGHTS OF WAY; AMENDING SUBSECTION 27-2.20 TO INCLUDE
FACILITIES; AND REPEALING SUBSECTION 27-21 RELATING TO THE
TELECOMMUNICATIONS ADVISORY COMMITTEE.

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

Section 1. Subsection 27-2.19 SFCC 1987 (being Ord. #2010-14 § 15, as
amended) is amended to read:

27-2.19 Land Use Review.

A. General Applicability

(1) This subsection applies to all telecommunications facilities located
within the city's public rights of way for which a franchise agreement is required
pursuant to this Article 27-2 SFCC 1987.

1 (2) Land use review under this Chapter is not required for the following:

2 (a) telecommunications facilities located within the city limits, but
3 outside the public rights of way;

4 (b) telecommunications facilities in existence prior to July 5, 2010 in
5 the form in which they existed on such date;

6 (c) emergency and temporary telecommunications facilities or the
7 emergency repair of telecommunications facilities; and

8 (d) the underground installation of telecommunications facilities.

9 B. Land Use Review Required

10 (1) Unless otherwise excepted pursuant to subsections 29-2.19 A. (2) and
11 29-2.19 C., submittal of an application for land use review is required for the following:

12 (a) The construction of new telecommunications facilities in the
13 public rights of way, including, but not limited to, the addition of new facilities to
14 existing facilities, including, but not limited to street lights and telephone poles
15 (collocations); and

16 (b) Maintenance, repair and replacement of existing
17 telecommunications facilities to the extent that such work will increase the
18 physical dimensions or visual impact of such facilities, including, without
19 limitation, the addition of new elements that increase visual clutter.

20 (2) Land use review is separate from and in addition to the requirement for
21 submittal of an application to the New Mexico Construction Industries Division for a
22 construction permit.

23 C. No Application Required

24 (1) The following shall not require submittal of an application for review
25 under this subsection:

1 (a) the construction of new telecommunications facilities that
2 conform to design parameters established from time to time by the land use
3 department and are approved for use following a public hearing in the historic
4 districts by the historic districts review board or outside the historic districts by
5 the planning commission, provided that notice of the use of the approved design
6 is submitted to the city prior to commencement of the work;

7 (b) maintenance, repair and replacement of existing conforming and
8 legally nonconforming telecommunications facilities to the extent that such work
9 does not increase the physical dimensions or visual impact of such facilities, and
10 routine maintenance or improvements to existing infrastructure, such as painting
11 over graffiti on utility boxes or renewing screening elements used to minimize
12 visual impact;

13 (c) telecommunications facilities of any subdivision of government
14 used exclusively for emergency services, including police, fire, and the operation
15 of city utilities;

16 (d) upgrades in capacity that do not otherwise modify the
17 telecommunications facilities being upgraded;

18 (e) erection and removal of temporary or emergency facilities;

19 (f) removal of telecommunications facilities, or modifications that
20 reduce their visual impact.

21 (2) An exemption from land use review is not an exemption from the
22 requirement for submittal of an application to the New Mexico Construction Industries
23 Division for a construction permit.

24 D. Administrative Approval. Administrative approval as set forth in this paragraph
25 is separate from and required prior to submittal to the New Mexico Construction Industries

1 Division of an application for a construction permit.

2 (1) The following applications shall be subject to administrative approval:

3 (a) Except for facilities permitted under subsection Subsection 27-
4 2.19(C)(1) above or requiring planning commission review under subsection 27-
5 2.19(E) below, the construction of new telecommunications facilities in the
6 public rights of way, including, without limitation, the addition of new facilities
7 to existing facilities (collocations): and

8 (b) Applications for modifications to existing telecommunications
9 facilities submitted pursuant to subsection 27-2.19(B)(1) above, to the extent that
10 they do not substantially change the physical dimensions or visual impact of such
11 facilities.

12 (c) For the purposes of this subsection 27-2.19(D)(1)(c) the city
13 adopts the objective standards established under 47 C.F.R. § 1.40001 for what
14 constitutes a substantial change to the physical dimensions of an existing
15 telecommunications facility.

16 E. Planning Commission Review Required. Applications for telecommunications
17 facilities in the public rights of way that are not otherwise permitted or administratively approved
18 under subsections 27-2.19(A)(2), (C)(1) or (D), shall be heard and decided by the planning
19 commission.

20 (1) In reviewing applications for telecommunications facilities in the public
21 rights of way, the planning commission shall consider the visual impact of the proposed
22 facilities on the natural and built environment and the community benefits derived from
23 access to stable and efficient telecommunications services.

24 (2) In approving an application, the planning commission shall determine
25 that:

- 1 (a) The application is in compliance with this subsection;
- 2 (b) The application is necessary in order to close a proven significant
- 3 gap in service coverage, either generally or of the applicant; and
- 4 (c) The applicant has demonstrated that no other less intrusive means
- 5 or alternative to the approved facilities design and siting exists.
- 6 (3) The planning commission may not regulate the placement of
- 7 telecommunications facilities on the basis of the environmental effects of radio frequency
- 8 emissions where such telecommunications facilities comply with 47 C.F.R. 1.1310 et seq.
- 9 (4) The planning commission may place conditions upon its approval of the
- 10 application, but the conditions shall not prohibit or have the effect of prohibiting the
- 11 provision of the telecommunications services.
- 12 (5) Findings of fact and conclusions of law shall be prepared and approved.
- 13 (6) A decision of the planning commission is appealable as set forth in
- 14 subsection 14-3.17 SFCC 1987.
- 15 (7) Any denial of an application or any approval of an application containing
- 16 any conditions not accepted by the applicant shall:
- 17 (a) be in writing;
- 18 (b) cite to the administrative record; and
- 19 (c) not become final until approved by the same body at its next
- 20 regularly scheduled meeting.
- 21 F. Notwithstanding anything in this section 27-2.19 to the contrary, no aboveground
- 22 telecommunications facilities shall be approved in areas of the city where all other utilities have
- 23 been constructed underground, except where there are existing aboveground structures suitable
- 24 for collocation, including, but not limited to, street lights.
- 25 G. General Requirements for Land Use Review.

1 [A-] (1) *Zoning Districts; Location.* Telecommunications facilities are
2 permitted in all zoning districts~~[, except self-supporting lattice and guyed towers are prohibited in~~
3 ~~the public rights of way in residential and historic districts]~~. However, to the maximum extent
4 practicable, telecommunications networks shall be designed in such a manner as to locate
5 facilities:

- 6 [(+)] (a) On existing structures;
7 [(2)] (b) In nonresidential districts; and
8 [(3)] (c) Along major arterials.

9 [B-] (2) *Maximum Height.* Telecommunications facilities ~~[located on~~
10 ~~existing structures shall not exceed the height of the structure upon which the facility is~~
11 ~~located. Telecommunications facilities located on new structures]~~ in the public rights of
12 way shall not exceed the higher of:

13 (a) the maximum height for buildings permitted in the zoning
14 district in which such facilities are located as set forth in Chapter 14 SFCC 1987;
15 or

16 (b) the height of other structures, including, but not limited to, street
17 lights and telephone poles located in the public rights of way within a radius of
18 150 feet of the location proposed for such facilities.

19 (c) To the extent that the height on any telecommunications facility
20 has been increased pursuant to 47 C.F.R. § 1.40001, such increase shall not be
21 included in calculating the maximum permitted height under this subsection 29-
22 2.19(G).

23 (3) *Width.* To the maximum extent possible, telecommunications towers
24 shall have a slender profile, with antennas and related equipment, including, but not
25 limited to, wires, sheathed within a single cylinder or with antennas pulled in as close as

1 possible to the tower in order to present a uniform appearance.

2 [C:] (4) *Aesthetic Requirements.* Subject to applicable federal standards,
3 the following criteria shall be met:

4 (a) Telecommunications facilities shall be installed underground to
5 the maximum extent feasible~~[, including without limitation, in residential areas~~
6 ~~where covenants regulate underground installations]~~. No aboveground
7 telecommunications facilities shall be permitted in areas of the city where all
8 other utilities with facilities in the public rights of way are located underground
9 in accordance with applicable law or otherwise by covenant, except where there
10 are existing aboveground structures suitable for collocation, including, but not
11 limited to, street lights.

12 (b) ~~[If above ground, the]~~ Aboveground telecommunications
13 facilities shall be designed, installed and maintained in such a manner as to
14 minimize the visual impact upon the natural and built environment. Acceptable
15 methods to minimize visual impact shall include, but ~~[not be]~~ are not limited to:
16 concealment, screening, camouflaging, color, materials, texture, shape, size and
17 location. To the maximum extent feasible wires and similar appurtenances shall
18 be contained within the tower or encased in conduit painted to match, in order to
19 present a uniform appearance.

20 (c) Consideration shall be given to minimize disruption to or
21 alteration of the natural environment.

22 (d) No permanent lighting ~~[is]~~ shall be permitted unless the lighting
23 is necessary for compliance with federal, state or local law. Permanent lighting
24 shall not include equipment status indicating lights exceeding fifteen (15) watts
25 of power.

1 ~~[(5)] Telecommunications facilities located within the historic districts shall~~
2 ~~be reviewed by the historic design review board for compliance with this~~
3 ~~subsection.~~

4 ~~[D-]~~ (5) *Archaeological Requirements.* The provider shall comply with
5 subsection 14-5.3 SFCC 1987 regarding the city's archaeological review districts.

6 ~~[E-]~~ (6) *Other Requirements.*

7 ~~[(1)]~~ (a) No signs are permitted unless the sign is required for
8 safety reasons or for compliance with the federal, state or local law, or ~~[unless]~~ otherwise
9 permitted by the city.

10 ~~[(2)]~~ (b) All aboveground telecommunications facilities shall be
11 maintained so as to be orderly and attractive.

12 ~~[(3)]~~ (c) All telecommunications facilities shall be designed,
13 constructed and installed in such a manner as to minimize noise to the maximum
14 extent possible, but in no event shall it exceed the standards set forth in Section
15 10-2 SFCC 1987.

16 ~~[(4)]~~ (d) All lockable telecommunications facilities shall be kept
17 locked when not being actively serviced by the provider.

18 ~~[(5)]~~ (e) All nonlockable telecommunications facilities shall be
19 kept closed when not being actively serviced by the provider.

20 ~~[F-]~~ (7) *Applications to Land Use Department.* After approval of a
21 franchise as set forth in subsection 27-2.4 SFCC 1987 and prior to construction, any
22 person proposing to construct telecommunications facilities in the city's public rights-of-
23 way requiring land use review under this subsection 27-2.19 shall submit an application
24 to the land use department for review ~~[by the planning commission].~~

25 ~~[(+)]~~ (a) The application, in a form prescribed ~~[and as necessary]~~

1 ~~updated~~] by the land use department, shall, without limitation:

2 [(a)] (i) Describe the applicant's proposed
3 telecommunications services and facilities;

4 [(b)] (ii) Demonstrate compliance with this
5 subsection;

6 [(c)] (iii) Include a map at a suitable scale of the project
7 area indicating the proposed ~~[route and specific]~~ locations of
8 telecommunications facilities ~~[and specific information regarding a~~
9 ~~facility's radio frequency emissions]~~;

10 [(d)] (iv) If a significant gap in coverage is claimed by the
11 applicant, the applicant shall ~~[prove by clear and compelling]~~ provide
12 evidence demonstrating that the proposed facilities are necessary to close
13 a defined and disclosed significant gap in service coverage, and that ~~[its]~~
14 the proposed facilities are the least intrusive means to close the proven
15 significant gap;

16 [(e)] (v) To the extent that facilities are located in the
17 Historic or Escarpment Overlay Districts or are not otherwise permitted
18 or approved under this section 27-2.19, demonstrate that the applicant
19 has investigated alternative siting and that no other practicable
20 alternative exists; and

21 [(f)] (vi) Demonstrate that the applicant has complied
22 with the National Historic Preservation Act for the siting of proposed
23 facilities that may affect sites that are listed or eligible for listing in the
24 National Register of Historic Places.

25 [(2)] (b) The application shall be in writing with the

1 accompanying data in a format acceptable to the city that can be posted on the
2 city's website in the same descriptive format as tendered in physical form (i.e., by
3 use of PDF or other similar page reproduction software).

4 ~~[(3)]~~ (c) The applicant may submit one (1) application showing
5 multiple locations or, if a project is to be phased, phases, or may submit a new
6 application for each location or successive phase.

7 ~~[G-]~~ (8) *Land Use Review Fee.* Each application~~[, which may include~~
8 ~~multiple phases as set forth in paragraph F(3) of this subsection,]~~ shall be accompanied
9 by a nonrefundable fee ~~[of two thousand five hundred dollars (\$2,500) or the fee~~
10 ~~established from time to time by the governing body for development plan review,~~
11 ~~whichever is less].~~ In addition, the applicant shall reimburse the city for the reasonable
12 costs of any technical review by a qualified consultant, including, but not limited to, any
13 structural, electrical or radio frequency engineer.

14 ~~[H-]~~ (9) *Staff Review of Application.* The land use department and other
15 city staff as necessary shall review the application according to the standard procedures
16 established by the land use department for applications to the planning commission.

17 ~~[I-]~~ (10) *Community Information Availability.* Following verification by
18 the land use department that the application is complete, the application and related
19 submittal documents shall be made available to the public on the city's website ~~[and in~~
20 ~~the land use department at least fifteen (15) days prior to the planning commission~~
21 ~~hearing.~~

22 ~~I. Public Notice of Public Hearing and Review by Planning Commission.~~

23 ~~(1) The planning commission agenda shall be mailed and published~~
24 ~~by the land use department as set forth in subsection 14.3.11(1)(b) SFGC 1987.~~

25 ~~(2) No less than fifteen (15) days prior to the public hearing, the~~

1 applicant shall give notice to the public as set forth below. The posters, mailings
2 and display advertisements shall state the nature of the application; the date, time
3 and place of the public hearing; and the availability for the public to review the
4 application as set forth above. In addition, the mailings and display advertisement
5 shall include a map of the project area indicating the proposed route and specific
6 locations of all proposed above ground facilities and equipment. The applicant
7 shall:

8 (a) ~~Place in the public right of way in a location approved~~
9 ~~by the city, or if the project is on private or public property immediately~~
10 ~~adjacent to the public right of way in a location approved by the city,~~
11 ~~one (1) poster obtained from the land use department at each major~~
12 ~~intersection within the project area provided that there shall be no less~~
13 ~~than one (1) poster every one quarter (1/4) mile along the proposed~~
14 ~~route.~~

15 (b) ~~Mail by first class mail a notice in a format approved by~~
16 ~~the land use department to all property owners and physical addresses~~
17 ~~adjacent to the public rights of way where the telecommunications~~
18 ~~services are to be located.~~

19 (c) ~~Publish a display advertisement in the local daily~~
20 ~~newspaper of general circulation.~~

21 ~~K. Planning Commission Review.~~

22 (1) ~~The planning commission shall review the application for compliance~~
23 ~~with this subsection and all relevant city codes.~~

24 (2) ~~In approving an application, the planning commission shall determine~~
25 ~~that:~~

- (a) ~~The application is in compliance with this subsection;~~
- (b) ~~The application is necessary in order to close a proven significant gap in service coverage, either generally or of the applicant; and~~
- (c) ~~The applicant has demonstrated that no other less intrusive means or alternative to the approved facilities siting exists.~~
- (3) ~~The planning commission may not regulate the placement of telecommunications facilities on the basis of the environmental effects of radio frequency emissions where such telecommunications facilities comply with 47 C.F.R. 1.1310 et seq.~~
- (4) ~~The planning commission may place conditions upon its approval of the application but the conditions shall not prohibit or have the effect of prohibiting the provision of the telecommunications services.~~
- (5) ~~Findings of fact and conclusions of law shall be prepared and approved.~~
- (6) ~~A decision of the planning commission is appealable as set forth in subsection 14-3-17 S.F.C.C. 1987.~~
- (7) ~~Any denial of an application or any approval of an application containing any conditions not accepted by the applicant shall:~~
- (a) ~~Be in writing; and~~
- (b) ~~Shall cite to the administrative record; and~~
- (c) ~~Shall not become final until approved by the same body at its next regularly scheduled meeting.]~~

[L] H. *Modifications to Approved Plans.*

[(1) ~~Modifications to approved telecommunications facilities plans that comply with the standards of this Section 27-2 and do not materially modify the approved telecommunications plan may be approved by the land use director. An example of a material modification to the approved telecommunications plan is a route for which~~

1 residents did not receive notice of the planning commission public hearing, or an increase
2 in effective radiated power or any proposed increase in frequency. Relocation of a single
3 antenna to an adjacent structure along the approved route is not a material modification.

4 (2) ~~The maintenance, repair, replacement in kind, or reinforcement of~~
5 ~~existing telecommunications facilities, or the undergrounding of new telecommunications~~
6 ~~facilities are not modifications to approved plans and shall not require approval of the~~
7 ~~land use department or the planning commission.]~~

8 Modifications or amendments to approved telecommunications facilities or
9 networks shall be reviewed as provided under Section 27-2.19 (A) - (D). Approvals of
10 applications for telecommunications facilities shall expire after three (3) years if the
11 applicant has not commenced and completed the work.

12 [M:] 1 *Waivers.*

13 (1) The planning commission may grant a waiver of the requirements set
14 forth in this subsection 27-2.19 SFCC 1987 provided that the commission finds ~~[based on~~
15 ~~clear and convincing evidence provided by the applicant]~~ that the waiver:

16 (a) Is necessary to assure continuing service coverage by the
17 applicant at the same level, or is necessary to close a significant gap in coverage
18 ~~[proven by clear and convincing evidence];~~

19 (b) Is in the best interest of the community as a whole;

20 (c) Will not jeopardize public safety and welfare;

21 (d) Will better serve the purposes contained in Section 27-2 SFCC
22 1987; and

23 (e) The applicant demonstrates that compliance with the
24 requirement is not practicable due to physical or legal constraints ~~[proven by the~~
25 ~~applicant by clear and convincing evidence].~~

1 (2) The planning commission shall consider the following when granting a
2 waiver:

3 (a) The ~~[general appearance]~~ visual impact of the ~~[facility]~~ of the
4 proposed facilities on the natural and built environment;

5 (b) The nature of uses on adjacent and nearby properties;

6 (c) The physical surroundings and constraints; and

7 (d) Improved telecommunications services including service
8 coverage and the potential for increasing the affordability of telecommunications
9 services through competition.

10 ~~[N.] Permits Required. In addition to the permits required set forth elsewhere in~~
11 ~~Section 27-2 and city code, the following permits are required from the land use~~
12 ~~department:~~

13 ~~(1) Secondary electrical permit at each antenna or other facility site requiring~~
14 ~~secondary electrical service; and~~

15 ~~(2) Other permits as may be required.]~~

16 ~~[O.] L. Monitoring Standards.~~

17 (1) At all times, a telecommunications provider shall ensure that its
18 telecommunications facilities comply with the most current regulatory and operational
19 standards including but not limited to radio frequency emissions standards adopted by
20 the FCC and antenna height standards adopted by the Federal Aviation Administration.

21 ~~[(2) The telecommunications provider shall obtain and maintain the most~~
22 ~~current information from the FCC regarding allowable radio frequency emissions and all~~
23 ~~other applicable regulations and standards, and, at the following indicated times, shall file~~
24 ~~a report with the land use director indicating whether the provider is in compliance with~~
25 ~~such standards, advising the land use director of any regulatory changes that require~~

1 modifications to the telecommunications facilities and advising the land use director of
2 the measures taken by the provider to comply with such regulatory changes as follows:

3 (a) ~~Prior to the commencement of the installation of the~~
4 ~~telecommunications facility;~~

5 (b) ~~Within ten (10) days after initial activation of the~~
6 ~~telecommunications facility (the initial compliance report);~~

7 (c) ~~Every year, on the anniversary of the submittal of the initial~~
8 ~~compliance report, and~~

9 (d) ~~Upon any proposed increase of at least ten percent (10%) in the~~
10 ~~effective radiated power or any proposed change to frequency use, and~~

11 (e) ~~Within ten (10) days after the activation of the proposed increase~~
12 ~~in effective radiated power or change in frequency use of the telecommunications~~
13 ~~facility.~~

14 (3) ~~Both the initial and updated certifications shall be subject to review and~~
15 ~~approval by the city, and shall be public records.~~

16 (4) ~~At the land use directors' sole discretion, a qualified independent radio~~
17 ~~frequency engineer, selected by and under contract to the city, may be retained to review~~
18 ~~said certifications for compliance with FCC regulations and for actual compliance with~~
19 ~~the FCC regulations at the telecommunications facility.~~

20 (5) ~~All costs associated with the city's review of these certifications shall be~~
21 ~~the responsibility of the provider, which shall promptly reimburse the city for the cost of~~
22 ~~review.]~~

23 [P.] K. *Enforcement.* The land use director has the authority to interpret this
24 subsection in accordance with the purpose of this section and shall administer and enforce the
25 provisions of this subsection.


1 Section 2. Subsection 27-2.20 SFCC 1987 (being Ord. #2010-14 § 15, as amended) is
2 amended to read:

3 27-2.20 Compliance with Other Codes.

4 Telecommunications networks or facilities granted approval under this section shall be
5 constructed, installed, operated and maintained in accordance with all applicable federal, state
6 and local codes, rules and regulations.

7 Section 3. [REPEAL] Subsection 27-2.21 SFCC 1987 (being Ord. #2010-14
8 § 18, as amended) is repealed.

9
10 APPROVED AS TO FORM:

11 
12 _____
13 KELLEY A. BRENNAN, CITY ATTORNEY

FIR No. 2969

City of Santa Fe Fiscal Impact Report (FIR)

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

Section A. General Information

(Check) Bill: X Resolution: _____

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

Short Title(s): AN ORDINANCE RELATING TO THE TELECOMMUNICATIONS IN THE PUBLIC RIGHTS-OF-WAY ORDINANCE; AMENDING SUBSECTION 27-2.19 SFCC 1987 TO STREAMLINE THE LAND USE REVIEW PROCESS FOR TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY; AMENDING SUBSECTION 27-2.20 TO INCLUDE FACILITIES; AND REPEALING SUBSECTION 27-21 RELATING TO THE TELECOMMUNICATIONS ADVISORY COMMITTEE.

Sponsor(s): Councilor Harris

Reviewing Department(s): City Attorney's Office

Persons Completing FIR: Kelley A. Brennan Date: 7/11/17 Phone: 955-6961

Reviewed by City Attorney:

Kelley A. Brennan
(Signature)

Date:

7/14/17

Reviewed by Finance Director:

[Signature]
(Signature)

Date:

7-18-17

Section B. Summary

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

The proposed ordinance relates to the telecommunications in the public rights-of-way ordinance; amending Subsection 27-2.19 SFCC 1987 to streamline the land use review process for telecommunications facilities in the public rights of way; amending Subsection 27-2.20 to include facilities; and repealing Subsection 27-21 relating to the Telecommunications Advisory Committee.

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 _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
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:

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

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

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

3. Expenditure/Revenue Narrative:

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

Staff anticipates that to the extent that the proposed amendments facilitate access to the public rights-of-way (PROW), revenues realized from franchise fees under the ordinance may accrue earlier than they would otherwise. It is also possible that more providers will seek franchise agreements if the bill is approved, although probably unlikely. While the bill will result in lower application fees for land use review (the franchise fee is not affected by the bill), the City has not to date realized application fee revenues under the existing language. In addition, the reduced revenues should be mitigated by the reduced staff time and process required, e.g., most facilities are likely to be permitted as of right, or with administrative review, rather than going through the planning commission and historic districts review board process. In addition, the proposed bill is likely to reduce litigation risk. However, these factors are unpredictable.

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.

The proposed bill amends City code to conform it more closely to federal law requirements and more effectively address the profile of providers seeking access to the PROW, e.g., they are generally not seeking to construct "networks", but instead are seeking specific locations to address customer needs; in addition, the proposed bill streamlines the process and furthers the goals of Resolution 2017-48, which calls for "expediting Chapter 27 code revisions regarding the approval of new franchises" and "facilitat[ing] antenna installations...in the [PROW] to provide low visual impact and cost-effective options for expanding broadband coverage to businesses, residents and neighborhoods."

2. Consequences of Not Enacting This Bill/Resolution:

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

Access to the PROW would remain unnecessarily complicated; litigation risk would not be addressed; and City goals to expand broadband would not be furthered.

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.

N/A

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 proposed bill, if approved, by facilitating access to the PROW will further the City's goals set out in Resolution 2017-48 and described in paragraph 1 above.

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



1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2017-48

3 INTRODUCED BY:

4
5 Councilor Joseph M. Maestas
6
7
8
9

10 A RESOLUTION

11 CALLING FOR THE EXPEDITED IMPLEMENTATION OF ALL PENDING
12 BROADBAND POLICY RECOMMENDATIONS BY THE ECONOMIC
13 DEVELOPMENT DIVISION.
14

15 WHEREAS, the governing body received a memo dated July 8, 2016 from the
16 Economic Development Division regarding broadband policy recommendations; and

17 WHEREAS, these recommendations were made after the completion of the CIP High
18 Speed Internet Project that established a high-speed internet connection in Santa Fe's core
19 business areas; the downtown area; and

20 WHEREAS, this project created the assets necessary to create a competitive local
21 marketplace for wholesale internet and data transport services throughout the city of Santa Fe;
22 and

23 WHEREAS, four specific policy recommendations were made as part of this memo that
24 would continue the expansion of broadband services to downtown and rural areas of the city of
25 Santa Fe alike:

1 1. Expedite Chapter 27 code revisions regarding the approval of new
2 telecommunication franchises;

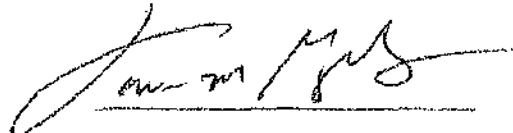
3 2. Facilitate antenna installations on city-owned structures and in public rights-of-
4 way to provide low visual impact and cost-effective options for expanding broadband coverage to
5 businesses, residents and neighborhoods;

6 3. Procure city telecommunications services competitively to drive down costs and
7 expand fiber-based broadband services to neighborhoods along the distribution pathway; and

8 4. Redirect the proposed Santa Fe University of Art and Design high-speed
9 broadband network extension to City Hall to put the downtown area on more even footing with
10 other areas of the city that are more amenable to proprietary network build-outs due to less
11 encumbered rights-of-way, abundant greenfield opportunities and easier access. This project
12 would extend the fiber optic cable to all lease parcels in the Railyard and upgrade transport
13 capacity to Albuquerque from 2 gigabits per second (gbps) to 10 gbps.

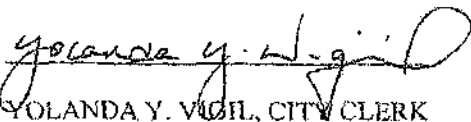
14 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
15 **CITY OF SANTA FE** that the implementation of remaining policy recommendations proposed
16 by the Office of Economic Development be expedited.

17 PASSED, APPROVED AND ADOPTED this 28th day of June, 2017.

18
19 


20 JAVIER M. GONZALES, MAYOR

21 ATTEST:

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23 
24 YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:

A handwritten signature in cursive script, reading "Kelley A. Brennan", written over a horizontal line.

KELLEY A. BRENNAN, CITY ATTORNEY

City of Santa Fe, New Mexico

memo

DATE: July 8, 2016

TO: Mayor Gonzales and City Councilors

FROM: Sean Moody, Special Projects Administrator
Economic Development Division

VIA: Kate Noble, Acting Director
Housing and Community Development Department

CC: Brian Snyder, City Manager
Kelley Brennan, City Attorney
Oscar Rodriguez, Finance Director
Renée Martinez, ITT Department Director
Matt O'Reilly, Asset Development Director

ITEM & ISSUE

Broadband policy recommendations.

BACKGROUND & SUMMARY

City Council allocated \$1,000,000 of the 2012 CIP Bond Issue to develop and implement the CIP High Speed Internet Project. The project was completed in December, 2015 as the first concrete step toward improving Internet conditions throughout the city. It includes:

- Two miles of underground fiber optic cable;
- Electronic equipment, cabinets and interconnections within the State-owned data center at 715 Alva Vista Street;
- Fiber entrance into the Century Link central telephone exchange at 121 East Alameda Street;
- 2 gigabits per second of data transport capacity to the backbone of the World Wide Web at a co-location facility at 505 Marquette Street in Albuquerque.

These assets comprise the infrastructure necessary to create a competitive local marketplace for wholesale Internet and data transport services. The project is administered by *Santa Fe Fiber*, a company established for the purpose by Cyber Mesa Computer Systems Inc. under the terms of the latter's telecommunications services agreement with the City. The agreement expires in 2020, at which time the City may exercise an option to transfer the corporate entity, fixed assets and business interests of Santa Fe Fiber to the same or another telecommunications provider of the City's choosing. The project accrues neither revenue nor expenses to the City beyond the initial costs of construction.

City Council subsequently allocated an additional \$400,000 to extend the network to the Santa Fe University of Art and Design ("SFUAD"). Planning is complete but engineering and construction have not begun.

As a result of the success of the project in attracting new telecommunications providers to Santa Fe, the Economic Development Division now recommends follow-up efforts including:

A. Expedite Chapter 27 code revisions and new franchises. A primary goal of the CIP Broadband Project is to increase the number of firms providing high speed broadband in Santa Fe. Since the project began, five firms have applied for franchises necessary to install utilities in the public rights of way. Additionally, three of the City's existing franchises must be renewed and/or updated. All are awaiting Chapter 27 revisions before they are presented to the Governing Body for consideration. Increased franchise revenues will offset the City's one-time costs for staffing and professional services.

B. Facilitate antenna installations on City-owned structures and in the public rights-of-way. Micro-cellular and fixed wireless internet technologies offer low visual impact, cost-effective options for expanding broadband coverage to businesses, residents and neighborhoods. The City can lease its rooftops and under-utilized antenna masts to commercial providers, thereby accelerating broadband expansion to underserved areas. Lease revenues would exceed the City's one-time costs for staff time and professional services.

C. Procure telecommunications services competitively. In large part due to advanced capabilities enabled by its existing wireline infrastructure, Century Link currently provides approximately \$300,000 per year of voice, ethernet and internet services to the City. By opening procurement to competition, the City can effectively trigger a competing infrastructure build-out necessary to satisfy the terms of service. Fiber-based broadband would then become accessible to neighborhoods along the distribution pathways. Lower pricing which typically accompanies competitive procurement will reduce the City's current telecommunications expenditures.

D. Redirect the proposed SFUAD network extension. At the time a network extension was originally conceived, Santa Fe University had no ready access to the very high speed broadband it needed to support film & television production and academic activities. Conditions have since changed. Century Link, Comcast and Plateau have each delivered fiber to the premise, and are now well positioned to extend broadband access to the surrounding area including the Saint Michael's Drive corridor. During the same period, latent conditions have emerged as critical to the continued viability of the downtown as a center for Santa Fe's financial, professional and governmental sectors. This is a consequence of the relative difficulty of upgrading infrastructure in the downtown core, in contrast with new greenfield developments such as Las Soleras and Santa Fe Commercial Center, which integrate the latest technology at the planning phase. Extending the network to City Hall instead of SFUAD will put the downtown area on even footing with other areas of the city which are more amenable to proprietary network build-outs due to less-encumbered rights-of-way, abundant greenfield opportunities and easier access.

As part of the substitute project, staff further recommends:

- Extend fiber optic cable to all lease parcels in the Downtown Railyard @ \$17,000
- Upgrade transport capacity to Albuquerque from 2 gigabits per second (gbps) to 10 gbps @ \$33,000

Altogether, the substitute project proposed above is estimated to cost under \$400,000.

The substitute project would pay for itself in cost savings. The City currently expends about \$100,000 per year to connect City Hall to the Railyard Administrative Offices and a back-up server located in Albuquerque. The proposed substitute project can eliminate those costs, effectively repaying the \$400,000 CIP investment over four years.

RECOMMENDATION

A. resolution directing staff to:

- Expedite Chapter 27 code revisions and processing of new franchise applications;
- Facilitate commercial antenna installations on City-owned structures and in the public rights-of-way;
- Procure telecommunications services competitively in alignment with the City's economic development objectives;
- In lieu of extending the broadband network to SFUAD, extend it instead to City Hall and the Railyard parcels, and upgrade backhaul capacity to Albuquerque from 2 to 10 gbps.

CIP High Speed Internet Project

July 8, 2016

Capital Budget

Phase I Actual & Phase II Estimated

Description	Phase I Actual	Phase II Estimated
WIP Construction	\$843,297	\$300,000
• Fiber Optic Cable - Downtown		\$250,000
• Fiber Optic Cable - Railyard		\$17,000
• Upgrade Backhaul Capacity to 10 Gbps		\$33,000
Project Administration Salary	\$145,381	\$100,000
Engineering/Consulting	\$10,050	
Scheduling Software	\$630	
Advertising for RFQ	\$642	
Project Totals	\$1,000,000	\$400,000



City of Santa Fe, New Mexico

memo

DATE: July 7, 2017

TO: Public Utilities Committee
Finance Committee
Yolanda Vigil, City Clerk

FROM: Gilda Montaña, Keep Santa Fe Beautiful Coordinator 

VIA: Shirlene Sitton, Environmental Services Division Director 
Shaannon Jones, Interim Public Utilities/Water Division Director 

ISSUE: Grant Agreement/New Mexico Clean & Beautiful Grant
Funding, FY 2017/2018

SUMMARY:

Attached is the Grant Agreement with the New Mexico State Tourism Department, for the New Mexico Clean & Beautiful Grant Funding for FY 2017/2018. We are requesting the grant agreement for Keep Santa Fe Beautiful go to the above Committees for approval of award.

The total amount of the grant award is \$60,500. Keep Santa Fe Beautiful will be able to continue many of its programs and projects with this grant funding. The business unit for our grant fund is #22813.

Once the Grant agreement is signed by City Council I will need the 2 original Grant agreements returned to New Mexico Clean & Beautiful. Thank you.

If you have any questions please feel free to contact me at ext. 2215.

RECOMMENDED ACTION:

Approval.

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2017-__

3 INTRODUCED BY:

4
5 Councilor Ronald Trujillo

6
7
8
9
10 A RESOLUTION

11 SUPPORTING THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF
12 1985 WHICH PROVIDES PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE
13 PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATION
14 PROGRAMS.

15
16 WHEREAS, the city of Santa Fe recognizes the existence of a litter problem within the
17 boundaries of Santa Fe; and

18 WHEREAS, the New Mexico Litter Control & Beautification Act of 1985 (the "ACT")
19 provides, through the State Tourism Department, Litter Control and Beautification Section, for the
20 allocation of public funds in the form of grants for the purpose of enhancing local litter control and
21 beautification programs; and

22 WHEREAS, the city of Santa Fe has reviewed and considered the regulations, the agreement
23 covering administration and use of said funds.

24 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
25 CITY OF SANTA FE that the city of Santa Fe:

1 1. Endorses and supports such a program and delegates the administration of such program
2 to Keep Santa Fe Beautiful, as indicated in Exhibit "A" attached hereto and incorporated
3 herein by reference.

4 2. Authorizes Keep Santa Fe Beautiful to plan, budget and apply for a grant under the ACT
5 which if approved, will be used to fund said programs.

6 3. Requests the State Tourism Department, Litter Control Beautification Section to consider
7 and approve said application and program. Said program is in accordance with the Act and
8 related regulations governing the use and expenditure of said funds.

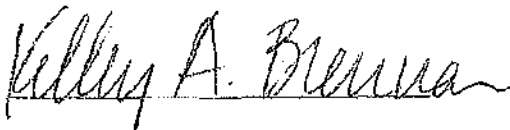
9 PASSED, APPROVED and ADOPTED this _____ day of _____, 2017.

10
11
12 ATTEST:

JAVIER M. GONZALES, MAYOR

13
14
15 _____
YOLANDA Y. VIGIL, CITY CLERK

16 APPROVED AS TO FORM:

17
18 

19 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 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 SUPPORTING THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF 1985 WHICH PROVIDES PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATION PROGRAMS.

Sponsor(s): Councilor Ronald Trujillo

Reviewing Department(s): Public Utilities, City Attorney, Finance Departments

Persons Completing FIR: Gilda Montafio Date: 7-6-17 Phone: Ext. 2215

Reviewed by City Attorney: Kellin A. Brennan Date: 7/10/17

(Signature)

Reviewed by Finance Director: [Signature] Date: 7-10-17

(Signature)

Section B. Summary

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

The purpose of the resolution is to authorize Keep Santa Fe Beautiful to plan, budget and apply for a grant pursuant to the New Mexico Litter Control and Beautification Act of 1985 which provides public funds in the form of grants for the purpose of enhancing local litter control and beautification programs.

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 17/18)
- 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 17/18	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected BU 22813

Personnel*	\$28,750	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$31,750	_____	_____	\$ _____	_____	_____	_____
Total:	\$60,500	_____	_____	\$ _____	_____	_____	_____

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

2. Revenue Sources:

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

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

Grant	\$60,500	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ 60,500	_____	\$ _____	_____	_____

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.)

This grant is a recurring application that the City has applied for and been granted every year since 1985. The grant monies are allocated for Keep Santa Fe Beautiful's many programs that promote litter prevention, beautification, recycling and other solid waste management. Also the monies are used to hire youth to work under the Keep Santa Fe Beautiful. They help with litter, weeds and illegal dumping clean ups and beautification projects.

Funds are budgeted and 100% reimbursable as the funds are expended. The grant allows Keep America Beautiful Certified affiliates the opportunity to apply for monies to promote their programs.

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.

It would be very difficult for Keep Santa Fe Beautiful/City of Santa Fe to continue with these very important programs that Keep Santa Fe Clean & Beautiful.

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.

Keep Santa Fe Beautiful brings in \$16.98 worth of volunteer hours and in kind donations for every dollar that the city spends on Keeping Santa Fe Clean & Beautiful. We consider this to be a PLUS for the City of Santa Fe.

**LITTER CONTROL & BEAUTIFICATION
GRANT AGREEMENT**

THIS AGREEMENT, entered into between the State of New Mexico, New Mexico Tourism Department, "Department" and Keep Santa Fe Beautiful "Public Entity". Department and Public Entity each a "Party" and collectively "Parties".

RECITALS

The purpose of the "New Mexico Litter Control and Beautification Act," NMSA 1978, § 67-16-1 et. seq., "Act," is to control litter by authorizing the Department to eliminate litter from New Mexico to the maximum practical extent through a State-coordinated plan of education, control, prevention, and elimination;

The Act, NMSA 1978, § 67-16-12, provides that the Department may allocate up to fifty percent (50%) of the funds generated annually by the Act to local governments to establish and sustain local Keep America Beautiful system programs;

The Act provides that the Department may allocate up to sixty percent (60%) of fees generated annually to local governments to establish a youth employment program to aid in litter control and beautification projects;

The Public Entity is a local government as defined under the Act;

Exhibit 1, Grant Award Distribution is incorporated by reference; and

The Parties hereto intend to fulfill the requirements of the Act through this Agreement.

THEREFORE, pursuant to the Act, the Parties agree as follows:

SECTION ONE- The Department

A. The Department shall:

1. Allocate funds generated by the Act and pay to the Public Entity an amount not to exceed \$60,500.00 ("Funds") to establish or sustain a local Keep America Beautiful system program; and/or to fund a youth employment program to aid in litter control and beautification projects as stipulated in Exhibit 1.

2. Reimburse Funds on a quarterly basis, quarters are designated as: July through September; October through December; January through March; and April through June.

3. Not disburse any Funds until the Public Entity submits proper written documentation of its expenditures.



4. Allow the Public Entity to request reallocation of Funds between the program resources allocation to the youth employment allocation, based on the Public Entity's need to support local youth interests. Provided the request is in writing, submitted before request for reimbursement and includes specific reference to line items from which Funds will be debited, information about how those Funds will be spent, where the Funds will be credited and any other information requested by the Department.

5. Amend the Public Entity's budget if the Department approves a written request to amend.

SECTION TWO- The Public Entity

A. The Public Entity shall:

1. Perform and complete the Litter Control, Graffiti Eradication, Beautification, Recycling, and related community programs, projects and events as in furtherance of the statewide Keep America Beautiful system programs, pursuant to the Act, and as set forth in Exhibit 1.

2. Spend the Funds allocated as required by, and according to, the provisions of the Act, the applicable rules and regulations of the Department, and this Agreement. The Public Entity shall only expend Funds allocated under this Agreement on equipment, projects, promotional programs, services, education and other matters, only if they are related to litter prevention, elimination, control programs, beautification, and recycling.

3. Complete online reimbursement requests on or before the tenth (10th) calendar day after the end of each quarter, EXCEPT FOR THE FOURTH QUARTER. Public Entity must submit its final requests for reimbursement for the fourth quarter submitted no later than June tenth (10th), except for requests on reimbursement for youth employment, which Public Entity may submit by July third (3rd).

4. Include the following in its requests for reimbursement to the Department:
- a. A detailed accounting of expenditures of all Funds allocated and paid by line item;
 - b. Copies of the detailed Public Entity purchase documents, receipts and proof of payment for equipment, materials, or supplies purchased, (including model and serial numbers, if any);
 - c. Copies of the payroll and Youth Employment Verification forms for youth employees;
 - d. A Final Performance and Accounting Report as defined below, must accompany all fourth quarter requests; and
 - e. Any other information required by the Department.

5. Make reallocation requests in writing to the Department pursuant to Section 1 (A)(5), prior to submitting the request for reimbursement.

6. Keep accounting records for the Litter Control, Graffiti, Beautification, Recycling, and related community programs and submit an accounting and performance report to the Department with its final request for reimbursement.

7. Include the following in its Final Performance and Accounting Report:
- a. An accounting of expenditures of all Funds by line item;
 - b. A certification that Public Entity used purchased equipment only for the purpose of fulfilling this Agreement and for no other purpose;
 - c. A detailed summary of accomplishments towards the objectives and goals of the program;
 - d. Any other information necessary to explain the program accomplishments; and
 - e. Any other information required by the Department.

8. Use the equipment purchased in whole or in part with the Funds only for the anti-litter and beautification purposes as required by the Act.

9. Not assign or transfer any interest in this Agreement including any claims or money due or that may become due under this Agreement.

10. Not subcontract any portion of the services to be performed, or programs to be fulfilled and accomplished, or consultants to be hired, under this Agreement without prior written approval of the Department.

11. Maintain detailed records documenting the date, time, and nature of services rendered and the progress of programs undertaken. The records shall be subject to inspection by the Department, the Department of Finance and Administration, and the New Mexico State Auditor. The Department shall have the right to audit billings both before and after payment; payment under this Agreement shall not foreclose the right of the Department to recover excessive payment.

12. Not currently have and not acquire any interest, direct or indirect, that would cause a conflict of interest in any manner or degree in relation to the performance or services required under this Agreement.

13. Release the Department, its officers, and employees, and the State of New Mexico as provided for by law from all liabilities, claims and obligations whatsoever arising from or under this Agreement.

14. Not purport to bind the Department or the State of New Mexico to any obligation not assumed herein, unless Public Entity has written authority to do so, and then only within the strict limits of that authority.

15. Incorporate branded materials, including but not limited to, logos and templates provided by the Department into any advertisements, press releases, flyers, signage, as well as any permanent projects, events, or displays, allowing New Mexicans to easily identify

equipment, projects, promotional programs, services, and education related to litter prevention, elimination, control programs, beautification, and recycling. Failure to do so will result in the forfeiture of grant funding appropriated for marketing.

B. A Public Entity's illegal or unauthorized expenditures under this Agreement shall constitute a debt to the State of New Mexico, owed by Public Entity. In the case of such debt, the Parties agree that the Department may elect to withhold or recover Funds from the Public Entity, its successors, or assignees or recover through appropriate legal action.

SECTION THREE- General Obligations

A. The Parties shall adhere to the requirements set forth in Department's Litter Control and Beautification Grant Requirements Rule for grant approval, allocation, and reporting.

B. Direct costs of travel or per diem incurred by the Public Entity shall be the sole responsibility of the Public Entity. A Public Entity may propose and request direct and separate travel reimbursement, in advance, for costs associated with conferences, trainings, workshops or other meetings that directly benefit attendees in relationship to the programs they implement and oversee with Funds received under this Agreement. Reimbursement requests for direct costs of travel or per diem for one attendee per conference, etc. *must be* accompanied by a written report including the following items: (1) an evaluation of each session attended, (2) one key learning from each and, (3) at least three (3) ideas for how to incorporate those concepts into future initiatives. Receipts submitted without the proper documentation demonstrating conference attendance will not be reimbursed. Actual receipts must accompany reimbursement requests for per diem expenses. Per diem balances will not be reimbursed.

C. Equipment purchased with Funds that has a service life longer than this Agreement shall be used for agreed upon purposes for the length of that equipment's service life. Before the Department reimburses the Public Entity's expenses for such equipment purchased for more than one thousand dollars (\$1,000.00), the Parties shall agree and specify the equipment's expected service life based on the kind of equipment, amount of anticipated use, service that will be performed, and the equipment's normal service life.

1. If upon termination or expiration of this Agreement the Public Entity has any property acquired pursuant to this Agreement, then Public Entity shall only dispose of it as directed by Department.

D. The Public Entity's failure to submit reimbursement requests by the protocol delineated on or before the dates outlined in SECTION TWO for the first three quarters will result in a penalty assessed on the invoice equal to ten percent (10%) of the total invoice submitted for that quarter. PUBLIC ENTITIES' REQUESTS RECEIVED AFTER THE FOURTH QUARTER DEADLINES OUTLINED IN SECTION TWO WILL NOT BE PAID.

E. The Public Entity and its agents and employees are independent contractors fulfilling their obligations to Department under this Agreement and are not employees of the

State of New Mexico. Public Entity and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of State vehicles, or any other benefits afforded to the employees of the State of New Mexico as a result of this Agreement.

F. Any unexpended or unencumbered balance upon termination of this Agreement allocated by the Department will revert back to the Department.

SECTION FOUR- Amendment

A. This Agreement shall not be altered, changed or amended except by a written instrument, executed by both Parties.

B. All properly submitted and approved reallocations for Funds do not require a formal amendment to this Agreement, provided the Department does not increase Public Entity's allocation.

SECTION FIVE- Appropriation

A. The Department reserves the right to terminate this Agreement if Funds appropriated by the Legislature are insufficient to fulfill its obligations under this Agreement.

B. The Department's decision as to whether Funds under the Act are sufficient for fulfillment of this Agreement shall be final.

SECTION SIX – Term and Termination

A. This Agreement shall not take effect until executed by the Parties hereto. This Agreement shall terminate on June 30, 2018, unless terminated pursuant to the following paragraphs of this Section.

B. The Department may terminate this Agreement if Public Entity fails to commence program activities by the end of the second quarter of the fiscal year or has a plan to complete program activities by the last day of the tenth (10th) month of the fiscal year, if Public Entity fails to communicate its intentions or does not comply with this Agreement as determined by the Department.

C. Either Party may terminate this Agreement with thirty (30) days written notice to the other Party. By such termination, neither Party may nullify obligations already incurred for performance or failure to perform for the programs rendered prior to the date of termination of the Agreement. However, neither Party shall have any obligation to perform services or make payment for services or specified programs rendered after such date of termination.

SECTION SEVEN – Integration

This Agreement incorporates all the agreements, covenants, and understandings between the Parties hereto concerning the subject matter hereof. No prior agreements or understanding,

verbal or otherwise, of the Parties or their agents shall become valid or enforceable unless embodied in this Agreement.

SECTION EIGHT -- Controlling Law

The laws of the State of New Mexico shall govern this Agreement. The Parties agree that the District Courts of the State of New Mexico have jurisdiction over any lawsuits brought by either Party to enforce its rights hereunder. Venue shall be in Santa Fe County, New Mexico.

SECTION NINE -- Intent Of Agreement

This Agreement is not intended by any of the provisions or any part of the Agreement to create in the public, or any member thereof, a third party beneficiary; nor is it intended to authorize anyone not a party to this Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury, damage(s) to property(ies), and/or any other claims(s) whatsoever pursuant to the provisions of this Agreement.

SECTION TEN -- New Mexico Tort Claims Act

By entering into this Agreement, neither Party shall be responsible for liability incurred as a result of the other Party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, §§ 41-4-1 to -14. This Section is intended only to define the liabilities between the Parties hereto and it is not intended to modify, in any way, the Parties' liabilities as governed by common law or the New Mexico Tort Claims Act. Public Entity and its "public employees," as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defenses, and/or do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies and/or waives any provisions of the New Mexico Tort Claims Act.

SECTION ELEVEN -- Equal Opportunity Compliance

Public Entity shall abide by all Federal and State laws, rules, and regulations pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, Public Entity shall assure that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied the benefits, or be otherwise subjected to discrimination under, any program or activity performed under this Agreement. If Public Entity is found to have failed to comply with these requirements during the term of this Agreement, Public Entity shall take appropriate steps to correct these deficiencies.

SECTION TWELVE -- Civil Rights Laws And Regulation Compliance

Public Entity shall comply with all Federal, State, and local laws and ordinances applicable to the work called for herein. Public Entity further agrees to operate under and be controlled by Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination

Employment Act, the Americans with Disabilities Act of 1990, and the New Mexico Human Rights Act.

[The remainder of this page is intentionally left blank.]

The Parties have executed this Agreement as of the date of execution by the Department.

New Mexico Tourism Department

By: _____
Rebecca Latham,
Cabinet Secretary

Date: _____

Public Entity

By: See attached signature page Date: _____

Title: _____

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

CITY OF SANTA FE:

JAVIER M. GONZALES, MAYOR

DATE: _____

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

MDM 7/10

KELLEY A. BRENNAN, CITY ATTORNEY

APPROVED:

ADAM K. JOHNSON, FINANCE DIRECTOR

Business Unit/Line Item:



KEEP NEW MEXICO *True*

Dear New Mexico Clean & Beautiful Grant Recipient:

Please find enclosed the fully executed Litter Control and Beautification Grant Agreement for fiscal year 2017-2018 (FY18). Please read the agreement in its entirety as we have made some changes since last year. As always, the agreement covers eligible expenditures made throughout the fiscal year. **PLEASE PRINT, SIGN, AND SEND TWO (2) COPIES OF THE GRANT AGREEMENT TO OUR DEPARTMENT** (MAILING ADDRESS AT THE BOTTOM OF THE PAGE). Once received, we will return a signed copy from our department.

Reimbursements will once again be due quarterly and expenses for ALL items other than subcontracted or intern related employment must be incurred by May 31, 2018. ONLY employment expenses may be incurred from Jun 1 to 30, 2018. Requests must be submitted online at nmtourism.gosmart.org.

Mark your calendars with these important deadlines as set forth in the attached agreement:

- **October 10, 2017** – First Quarter (Q1) Reimbursement Requests due on or before this date. Expenses must have been incurred between July 1, 2017 and September 30, 2017.
- **January 10, 2018** – Second Quarter (Q2) Reimbursement Requests due on or before this date. Expenses must have been incurred between October 1, 2017 and December 31, 2017.
- **April 10, 2018** – Third Quarter (Q3) Reimbursement Requests due on or before this date. Expenses must have been incurred between January 1, 2018 and March 31, 2018. If you do not foresee expending all grant funds prior to May 31, 2017, inform me along with this Reimbursement Request.
- **May 31, 2018** – Last day to incur expenses for all items other than Youth Employment (Internships/Subcontracts).
- **June 10, 2018** – Fourth Quarter (Q4) Reimbursement Requests due on or before this date. If this is also your final request, submit with your End of Year (EOY) Performance and Accounting Report (PAR) to ensure timely receipt of payment.
- **July 3, 2018** – Final request for reimbursement should ONLY be for Youth Employment (Internships/Subcontracts). All other expenditures should have been submitted on or before June 10th. Submit this final request with your PAR. Final reimbursement requests will not be paid prior to receipt of the final performance report.

Note: Quarterly and Final Budget Amendment Requests (BARs) must be submitted by these deadlines:

- **September 26, 2017** – Q1 BARs due on or before this date.
- **December 27, 2017** – Q2 BARs due on or before this date.
- **March 27, 2018** – Q3 BARs due on or before this date.
- **May 25, 2018** – Q4 BARs due on or before this date.

Please contact me with any questions or concerns. I look forward to working with you and thank you for all you do to Keep New Mexico True.

Sincerely,

Victoria Romejko
Keep New Mexico True Program Coordinator
New Mexico Clean & Beautiful Grant Administrator

New Mexico Tourism Department
491 Old Santa Fe Trail | Santa Fe, NM 87501
505-827-6346 | 505-680-4734 | victoria.romejko@state.nm.us
newmexico.org | nmtourism.org



KEEP NEW MEXICO *True*

Exhibit 1

Use this form to revise the Scope of Work set forth in your application to your new budget.

Program 1

Entry way signs for the City of Santa Fe

\$25,000.00

Program 2

Cleanup and Litter Free Events

\$4050.00

Program 3

--

Program 4

--

Youth Employment: INTERNSHIP(S)

Hire youths interns

\$28,750.00



KEEP NEW MEXICO *True*

Exhibit 1

Youth Employment: SUBCONTRACT(S)

--

KAB (Affiliates Only)

KAB Annual Fees & Travel	\$2,700.00
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City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Resolution No. 2017-____
Renewable Energy – City Facilities

SPONSOR(S): Mayor Gonzales

SUMMARY: The proposed resolution directs the City Manager to develop a feasibility study to transition the city to 100% renewable energy by 2025. It also urges state leaders to achieve 100% renewable energy for state facilities.

PREPARED BY: Jesse Guillen, Legislative Liaison

FISCAL IMPACT: No

DATE: July 6, 2017

ATTACHMENTS: Resolution
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2017-__

3 INTRODUCED BY:

4
5 Mayor Javier M. Gonzales
6
7
8
9

10 A RESOLUTION

11 DIRECTING THE CITY MANAGER TO DEVELOP A FEASIBILITY STUDY
12 FOCUSED ON ACHIEVING THE GOAL OF USING 100 PERCENT RENEWABLE
13 ENERGY BY 2025 FOR CITY FACILITIES AND REPORT BACK IN 90 DAYS; AND
14 URGING STATE ELECTED LEADERS TO ACHIEVE 100 PERCENT RENEWABLE
15 ENERGY FOR STATE FACILITIES.
16

17 WHEREAS, the majority of energy that is used at City of Santa Fe facilities is generated
18 by fossil fuels that pollutes the land, air and water, and alters the climate; and

19 WHEREAS, through the adoption of Resolution 2014-85, the Governing Body declared
20 its intention of having 50% percent of its energy come from renewable sources by 2025 and
21 becoming carbon neutral by the year 2040; and

22 WHEREAS, the Governing Body, through the adoption of Resolution 2015-30, directed
23 the Sustainable Santa Fe Commission and city staff to draft a comprehensive 25-year
24 sustainability plan to annually reduce Santa Fe's carbon emissions and energy consumption
25 through a variety of strategies in order to achieve the City's goal of becoming carbon neutral; and

1 **WHEREAS**, the City of Santa Fe has already taken action to reduce its carbon emissions
2 by making energy efficient retrofits at municipal buildings and installing approximately 5
3 megawatts of solar power on city facilities which provides approximately 23 percent of the total
4 amount of electricity consumed by city facilities; and

5 **WHEREAS**, the City of Santa Fe has historically been a leader in the fight against global
6 warming and has a responsibility to continue to set a positive example for other cities, states and
7 countries to follow; and

8 **WHEREAS**, the City of Santa Fe may be able to power its facilities with 100 percent
9 renewable sources by harnessing taking advantage of innovations in energy efficiency and
10 renewable energy technologies, energy storage, and other clean energy related technologies and
11 programs; and

12 **WHEREAS**, such a transition to utilizing 100 percent renewable energy will promote
13 employment opportunities and economic growth in our community, facilitate local control and
14 ownership of the city's energy options, and bring tangible benefits of using renewable energy to
15 the community as a whole.

16 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
17 **CITY OF SANTA FE** that the City Manager is directed to research, develop and draft a
18 feasibility study related to city facilities transitioning to 100 percent renewable energy by 2025;
19 collaborate with key community stakeholders on the study's research; and report back its findings
20 in 90 days.

21 **BE IT FURTHER RESOLVED** that the Governing Body also urges leaders in the
22 Legislature and statewide elected and appointed officials to do everything in their power to bring
23 New Mexico closer to using 100 percent renewable energy, including the reintroduction of Senate
24 Bill 227 requiring the state to develop energy efficiency rules and request proposals to
25 incorporate more renewable energy into state-owned buildings, to further ensure that the benefits

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of renewable energy are realized by all of New Mexico's residents.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

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 the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: _____ Resolution: X

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

Short Title(s): A RESOLUTION DIRECTING THE CITY MANAGER TO DEVELOP A FEASIBILITY STUDY FOCUSED ON ACHIEVING THE GOAL OF USING 100 PERCENT RENEWABLE ENERGY BY 2025 FOR CITY FACILITIES AND REPORT BACK IN 90 DAYS; AND URGING STATE ELECTED LEADERS TO ACHIEVE 100 PERCENT RENEWABLE ENERGY FOR STATE FACILITIES.

Sponsor(s): Mayor Gonzales

Reviewing Department(s): Public Utilities

Persons Completing FIR: John Alejandro Date: 7/6/17 Phone: 955-6236

Reviewed by City Attorney: Kelly A. Brennan Date: 7/10/17
(Signature)

Reviewed by Finance Director: [Signature] Date: 7.10.17
(Signature)

Section B. Summary

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

This resolution directs the city manager, and thus staff, to develop a feasibility study to move all city facilities to using 100 percent renewable energy by 2025. This resolution is supplemental to Resolution 2014-85 that declared the intention of the city of Santa Fe to have 50% of its energy from renewable sources by 2025, and becoming carbon neutral by 2040. It is also related to Resolution 2015-30 that directed the Sustainable Santa Fe Commission to draft a 25-year comprehensive sustainability plan to reduce carbon emissions and energy consumption.

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 _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non- recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non- recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
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:

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

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

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

3. Expenditure/Revenue Narrative:

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

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. This resolution is supplemental to past resolutions related to sustainability.

2. Consequences of Not Enacting This Bill/Resolution:

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

Staff will not undertake the feasibility study, and therefore the City would not have an assessment as to whether or not city facilities would be able to achieve the use of 100% renewable energy.

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.

This feasibility study would be another step in understanding what is involved with transitioning city facilities to using renewable energy. Such a transition would improve the quality of life in the city but reducing carbon emissions, and possibly reduce the cost of operations of city facilities.

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

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2017-__
Telecom Land Use Review Changes

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2017-__:

1. On page 2, line 18 *delete* "without limitation" and *insert* "including but not limited to" in lieu thereof
2. On page 3, line 5 after "design" *insert* "and of the proposed location"
3. On page 3, line 6 after "the work" *insert* "and the city approves the proposed location of the facilities"
4. On page 4, line 19 after "commission" *insert* "after early neighborhood notification and in accordance with standards planning commission procedures"
5. On page 5, line 24 at the end of the sentence *insert* ", or in locations where the city determines that new street lights are needed and approves their installation for collocation"
6. On page 7, line 7 after "permitted in" *insert* "the public rights of way in"
7. On page 7, line 13 after "shall be" *insert* "located"
8. On page 7, line 18 *delete* "painted to match" and *insert* "with a matching finish" in lieu thereof
9. On page 7, line 21 after "natural" *insert* "or built"
10. On page 7, line 21 after "environment" *insert* ", including, without limitation, landscaping in the public rights of way"
11. On page 9, line 13 after "gap in" *insert* "the applicant's"
12. On page 10, line 19 insert the following new sentence at the end of the line "The public may submit written comments to the land use department for its consideration for a period of ten (10) calendar days after the website posting on all applications that do not require planning commission approval."

Respectfully submitted,

Mike Harris, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

Date: July 24, 2017; Revised July 31, 2017

Staff responses to comments received regarding the proposed amendments to SFCC 27-2.19, streamlining the land use review process for telecommunications facilities in the Public Rights-of-Way (PROW). For additional information, please see the Memorandum to the Governing Body from the City Attorney dated July 17, 2017 for the July 24, 2017 Meeting of the Public Works Committee included in the packet for that meeting.

	Public Comment	Staff Response
1.	Will "[e]liminate review by the H-Board or Historic Preservation [Division] (HPD)."	<p>The bill addresses only Section 2.19 of Chapter 27, which regulates land use review in the PROW only. The PROW does <u>not</u> include other City property like parks. Currently, the ordinance requires all applications for facilities in the PROW to be approved by the Planning Commission after approval by the Governing Body of a franchise, as well as by the Historic Districts Review Board (HDRB) if the facilities are located in the historic districts. The bill provides for three levels of land use approval as follows: (1) no application required – the bill identifies this "pre-approved" category at Section 27-2.19 C. (pp. 2-3); (2) administrative approval required – the bill lists identifies this category at Section 27-2.19 D (pp. 3-4); and (3) Planning Commission review – the bill identifies this category at Section 27-2.19 E. (p. 4). The bill provides for the pre-approval by the HDRB of designs for use in the PROW and for applications requiring administrative or Planning Commission review/approval, land use review includes HPD.</p> <p>[REV 7/31/17] The sponsors are proposing an amendment to Section 27-2.19 C (1)(a) to clarify that locations for pre-approved designs must also be approved by the Land Use Department (LUD) before commencement of construction</p> <p>See # 1 above.</p>
2.	Will "eliminate review by the Planning Commission."	<p>[REV 7/31/17] The sponsors are proposing an amendment to Section 27-2.19 E. to clarify that early neighborhood notification</p>

		(ENN) is required prior to Planning Commission review and that standard Planning Commission procedures (including notice) will apply.
3.	Will "eliminate all public hearings."	Public hearings will be required to obtain a franchise, and for Planning Commission review. See # 2 above. [REV 7/31/17] In addition, the sponsors are proposing an amendment to Section 27-2.19 G. (10) providing for a 10-day period for submittal of written comments to the LUD after applications are posted on the City's website.
4.	Will "[e]liminate all requirements for proof of compliance with the FCC's radio frequency exposure standards."	Franchisees are required to comply with all federal, state and local laws and to protect and safeguard the health and safety of the public by observing all rules relating to the facilities under local, state and federal law. (Section 27-2.8 A. and I.) In addition, the bill retains the requirement that "[a]t all times, a telecommunications provider shall ensure that its telecommunications facilities comply with the most current regulatory and operational standards including but not limited to radio frequency emissions standards adopted by the FCC..." (Section 27-2.19 J., p.14) The bill deletes record-keeping and review requirements that the City is not equipped to enforce and that are properly the province of the FCC.
5.	Will "[e]liminate the prohibition on guyed and lattice towers in historic and residential districts."	Based upon the design standards intended to minimize visual impact, these kinds of towers would not be permitted in the PROW; in addition, it's unlikely that there is sufficient space in the PROW to accommodate them.
6.	Will "[e]liminate the requirements to obtain building permits from the City."	The City does not issue building permits for construction on City-owned land like the PROW; building permits must be obtained from the NM Construction Industries Division. The language in the current ordinance requiring City building permits is erroneous and has thus been deleted.
7.	Will "[e]liminate the requirements to obtain electrical permits from the City."	See # 6 above. The same principle applies to electrical permits.
8.	Will "[e]liminate the requirement of 'clear and compelling' evidence of a gap in coverage."	The evidentiary standard applied to all applications and established by case law requires a decision to be supported by substantial evidence in the record. "Substantial evidence" means such relevant

		evidence as a reasonable mind might accept as adequate to support a conclusion. There is no basis for establishing a higher standard for telecommunications facilities, which might be viewed as effectively prohibitive.
9.	Will "[e]liminate the requirement for 'clear and compelling' evidence to obtain a variance."	See # 8 above for the basis for deleting the higher evidentiary standard for a waiver (there is no variance provision.)
10.	Will "[e]liminate the Telecommunications Advisory Committee."	While the City may choose to create a telecommunications committee to advise on policy and planning, the franchise ordinance is not an appropriate place to do so, as it regulates only the PROW; it appears, based on Resolution 2017-48, that the role is being filled by economic development.
11.	"...the bill appears to retain Planning Commission oversight and public hearings before a franchise can be awarded, but ...all applications will now be exempt from those requirements."	The Governing Body must approve a franchise in the form of an ordinance after a public hearing, before a franchisee can locate facilities in the PROW. This requirement is found at SFCC Section 27-2.4 C. See also SFCC Section 27-2.4 D. This requirement is unchanged. The current ordinance requires all applications for telecommunications facilities in the PROW to be reviewed by the Planning Commission. The bill provides for three levels of land use review/approval as noted in # 1 above. The third level requires Planning Commission review and approval, with notice and a public hearing in accordance with standard procedures for applications reviewed by the Planning Commission. [REV 7/31/17] See also # 2 above for a description of a clarifying amendment proposed by the sponsors.
12.	"Santa Fe is doing exactly the opposite of what hundreds of other cities are doing all over the country."	The proposed changes are intended to remove barriers to entry to the PROW in accordance with federal law and with City Resolution 2017-48. Although a number of individuals state that other cities are moving in the opposite direction, their statements instead indicate the contrary, pointing to legal challenges to support their claims, e.g., "...in California, S.B. 649, which passed the Senate and is pending in the Assembly, would make 'small wireless facilities' a permitted use in all public rights-of-way and would exempt them from municipal zoning regulations. The League of California Cities, the AARP, and 170 individual cities are opposing this bill and will

		likely go to court immediately if it passes." The same claim is made regarding S.B. 331, which was recently declared invalid by the court. The Ohio bill was declared invalid because it stripped municipalities of their right to regulate telecommunications facilities in their PROW, including micro-wireless facilities. More importantly, the law violated the Ohio Constitution and constituted "logrolling", or the bundling of multiple topics in one bill (the law originally addressed dog sales and cockfighting). Similarly, challenges to the California bill, if passed, are likely to be based on the usurpation by the State of municipal rights to regulate their PROW. The proposed bill is not analogous because the City is regulating its own PROW, rather than the State.
13.	"Permits new cell towers up to 100 feet tall" based upon "the height of any structure, street light or telephone pole within 150 feet."	The 150-foot radius standard applies only to structures in the PROW. While 100-foot cell towers are permitted on private property in commercial districts under Chapter 14, they are not located in the PROW and thus would not be included in the 150-foot radius.
14.	Section 2.19 G. (7) (pp. 8-11) "...is a ruse..." because "...it only applies to facilities 'requiring land use review under this section,' and virtually all facilities will be exempt from even having to file an application."	See # 1 above. The three levels take into account the visual impact of the facilities. Thus, no application is required for designs pre-approved by the Planning Commission or, in the historic districts, the HDRB, or for the removal of facilities, or for undergrounded facilities, etc. Administrative review is required for new facilities that don't fall under that standard and for modifications to facilities that don't "substantially change" the existing facility, as defined by federal law, e.g., are not more than 10% or 10 feet higher than the existing facility, etc. Everything else must be reviewed and approved by the Planning Commission, including all requests for waivers from the requirements of the ordinance.
15.	Deletes all requirements for public notice.	The bill provides for posting of applications on the City's website, and for following standard procedures, including notice requirements, for applications reviewed and heard by the Planning Commission. It deletes special requirements for telecommunications facilities applications. [REV 7/31/17] See also # 2 above for a description of a clarifying amendment proposed by the sponsors.

16.	Does not protect landscaping improvements in the PROW.	[REV 7/31/17] The sponsors have proposed an amendment to Section 27-2.19 G. (4) (c) to clarify that consideration must be given in siting telecommunications facilities to minimizing disruption to landscaping in the PROW.
17.	"...The concern is that Santa Fe will be saturated with Wi-Fi- and mini-cell tower emitters. This causes electromagnetic smog, since they operate at microwave frequencies, to which biological matter is extraordinarily sensitive at sub-thermal levels. The real problem is that, while scientifically evident, it cannot be acknowledged since industry and the military require unlimited usage. Therefore, it can only be limited on other, weaker, grounds. If you don't educate yourself about microwave danger you won't have any reason to oppose the proposal to keep proliferating, and that is my concern."	Federal law explicitly prohibits regulation by the City of the placement, construction and modification of personal wireless facilities on the basis of the environmental effects (including health effects) of radio frequency emissions to the extent that the facilities comply with FCC regulations.



Presentation on the
Santa Fe Municipal
Watershed Program
&
Greater Santa Fe
Fireshed Coalition

Alan G. Hook, Program Manager
City of Santa Fe Water Division
Porfirio Chavarria, WUI Specialist
City of Santa Fe Fire Department
August 2, 2017

EXHIBIT

B

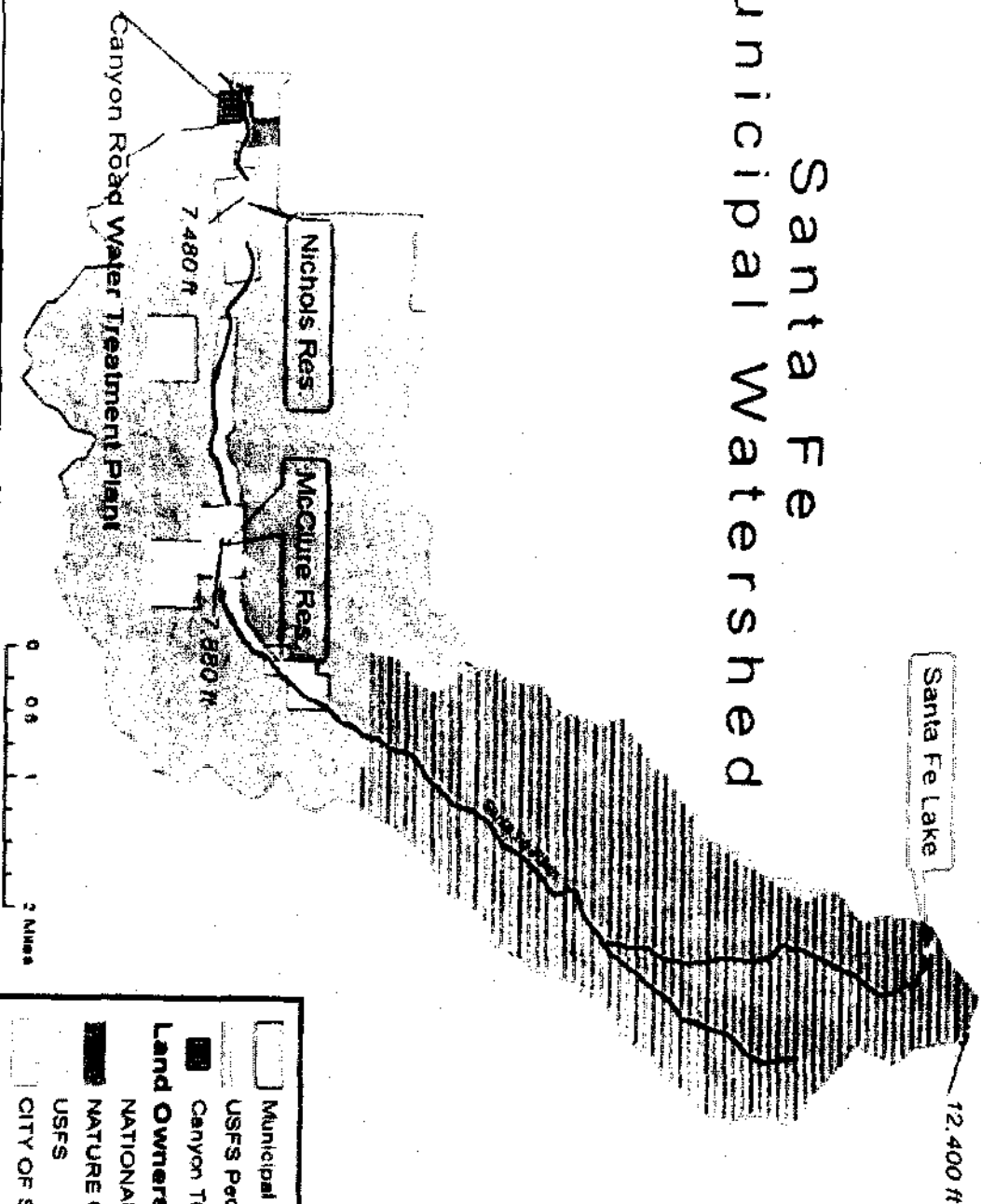
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Santa Fe Municipal Watershed



Santa Fe Municipal Watershed



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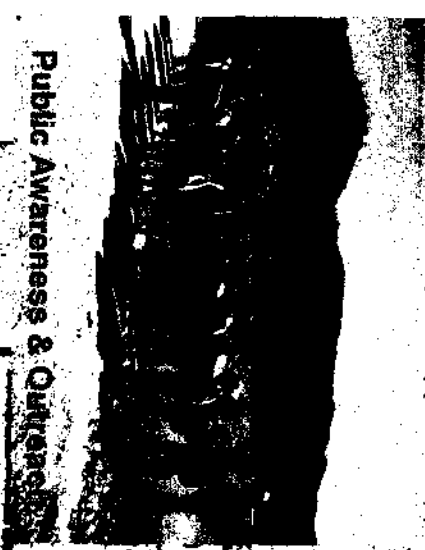
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Watershed

Project Partners



Santa Fe Municipal Watershed Program



Public Awareness & Outreach

Acres/Spring 2012

2435 Acres/Fall 2016

844 Acres/Fall 2015

1072 Acres/Fall 2010

491 Acres/Fall 2011

Payment for Ecosystem Services



Water Management



Vegetation Management & Fire Use

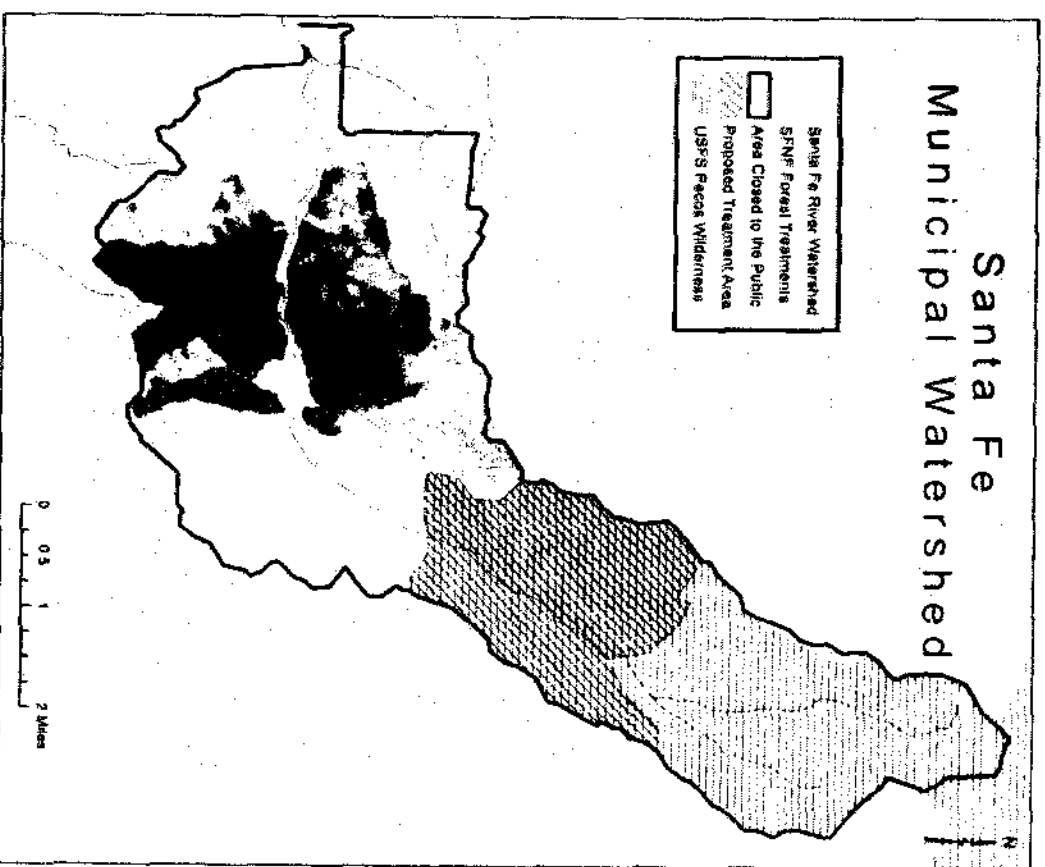
Santa Fe Municipal Watershed Program Non-Wilderness Areas



US FOREST SERVICE \$	
Cost-Share Agreement Total	-240,000
844 Acre RX burn	
Personnel Base Salary for	20,632
Implementation/Monitoring	
(Project Completed 10/01/15)	
120 Acres (RX burn?, thinning?)	
Personnel Base Salary or OT??	89,280
(Project Completed 10/15/15)	
223 Acres RX burn	
Personnel	24,181
Equipment	13,263
(Project Completed 3/25/16)	37,444
Remaining Balance 5/2/2016	-92,644
Travel	501
(Invoice 3001948103, 3/31/2016)	
Remaining Balance	-92,143
340 Acre RX burn	
Personnel Base Salary for	
Implementation/Monitoring	13,820
Personnel OT	10,000
Off-District Personnel	3,750
Supplies: Fuel, PSD balls, etc	3,750
Helicopter Cost	10,516
(Project Completed 4/14/17)	41,836
Remaining Balance	-50,307
Equipment	
UTV Purchase	2,119
(Purchase Completed __/__/2017)	
Remaining Balance	-48,188

CITY OF SANTA FE \$	
Cost-Share Agreement Total	-240,000
844 Acre RX burn	
Helicopter Cost	11,454
Personnel Overtime for	21,231
Planning/Implementation	
(Project Completed 10/01/15)	32,685
Remaining Balance 5/2/16	-207,315
2,435 Acre RX Burn	
Personnel (Base Salary?) for	11,454
Planning & Prep	
Helicopter Costs	28,405
Personnel (Implementation)	40,083
Personnel (Monitoring)	26,363
Supplies (fuel)	1,200
(Project Completed 10/16/16)	107,505
Remaining Balance	-99,810
Remaining Balance	-99,810
Equipment	
UTV Purchase	10,525
(Purchase Completed /_/2017)	
Remaining Balance	-89,285

Santa Fe Municipal Watershed Program Next Steps – Pecos Wilderness Area



Santa Fe Municipal Watershed 'Water Source Protection Fund'



Santa Fe Municipal Watershed Source Water Infrastructure

The estimated cost to dredge, haul and dispose of 2,000 acre-feet of sediment and ash from the City's reservoirs would likely be between \$80 million up to \$240 million.

Both municipal reservoirs are classified as High Hazard Potential, Earthen Embankment Dams and are not rated for flood protection or prevention.



Santa Fe Municipal Watershed Program

Next Steps – Source Water Planning

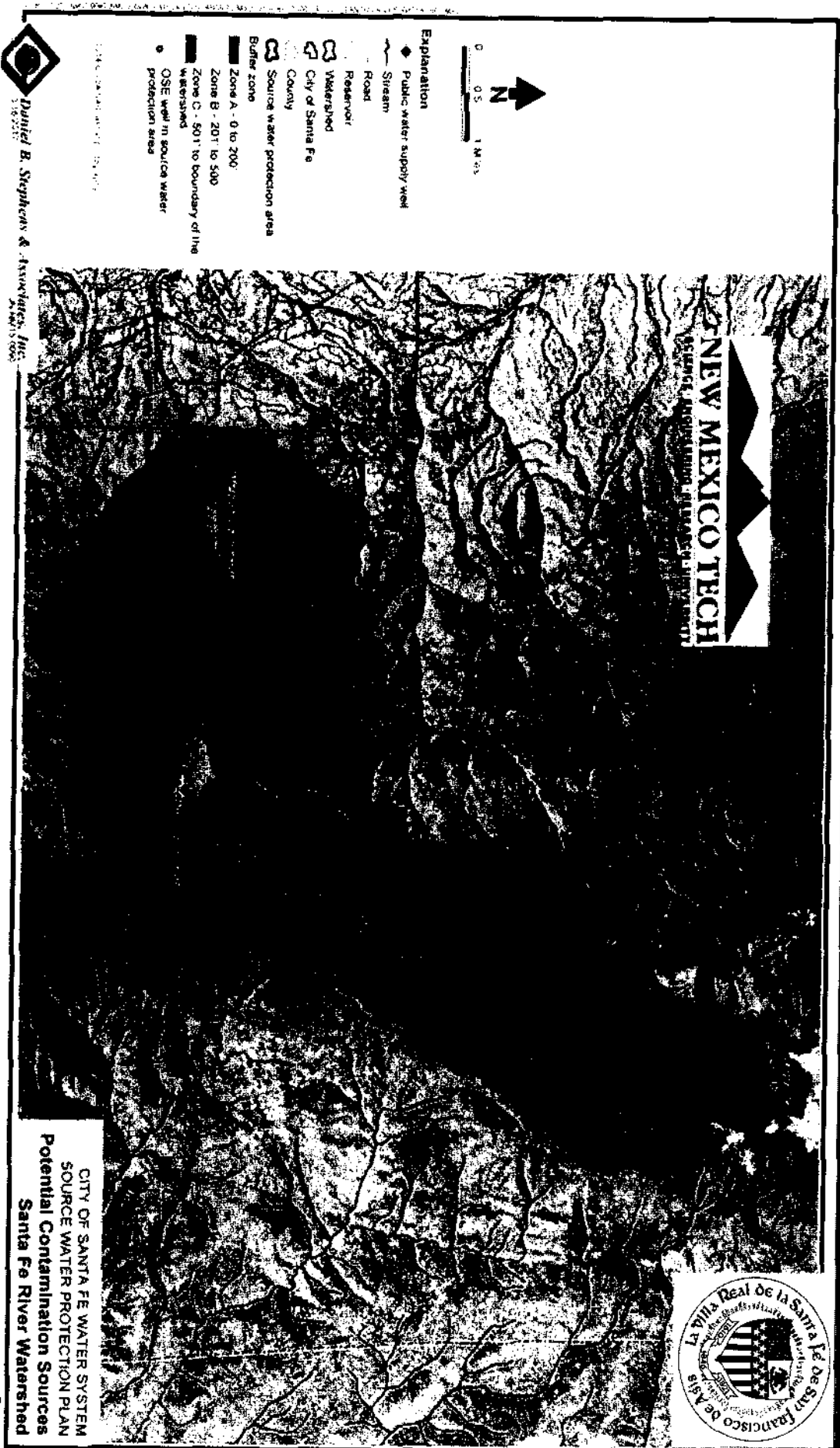


Figure 7

Santa Fe Municipal Watershed Program Education & Outreach

The Santa Fe Watershed Association's *My Water My Watershed* educational field trips have served over 4,350 4th and 5th grade elementary students.

This program is aligned with NM science standards and the Next Generation Science Standards.



The SFWA in coordination with the Water Conservation Office will be providing educational field trips this coming fall.

In addition, SFWA, City staff, & the USFS have provided numerous municipal watershed tours and outreach materials, including the City's website video, *Protecting Santa Fe's Water Source*.

Santa Fe Municipal Watershed Program Financial Management

The estimated investment is \$5.1 million over 20 years from 2010 to 2029.

These Payment for Ecosystem Services are financed by the City of Santa Fe Water Division as a Capital Improvements Program project.

In parallel, Congress has allocated over \$7 million to the non-wilderness area of the watershed.

Since 2009, the City of Santa Fe has received over a \$1 million from the NM Water Trust Board for watershed restoration.



**Payments for
Ecosystem
Services**

City of Santa Fe's Larger Role in Watershed Protection

Executive Committee member
and member of the Technical
Advisory Committee to The
Nature Conservancy's Rio
Grande Water Fund.

Partners in the GSFFC
include federal, state, tribal
and local governmental
agencies, non-governmental
& community-based
organizations, fire fighters,
universities, and soil & water
conservation districts.



City of Santa Fe's Role in the Greater Santa Fe Fireshed Coalition

**Porfirio Chavarria, WUI
Specialist, City of Santa Fe
Fire Department**

Resolution 2016-12, stated that the City shall establish the GSFF as high priority area in need of fire risk reduction techniques; Furthermore, be included in the 25 year sustainability plan; and Find funding to pursue the goals of the Greater Santa Fe Fireshed Plan

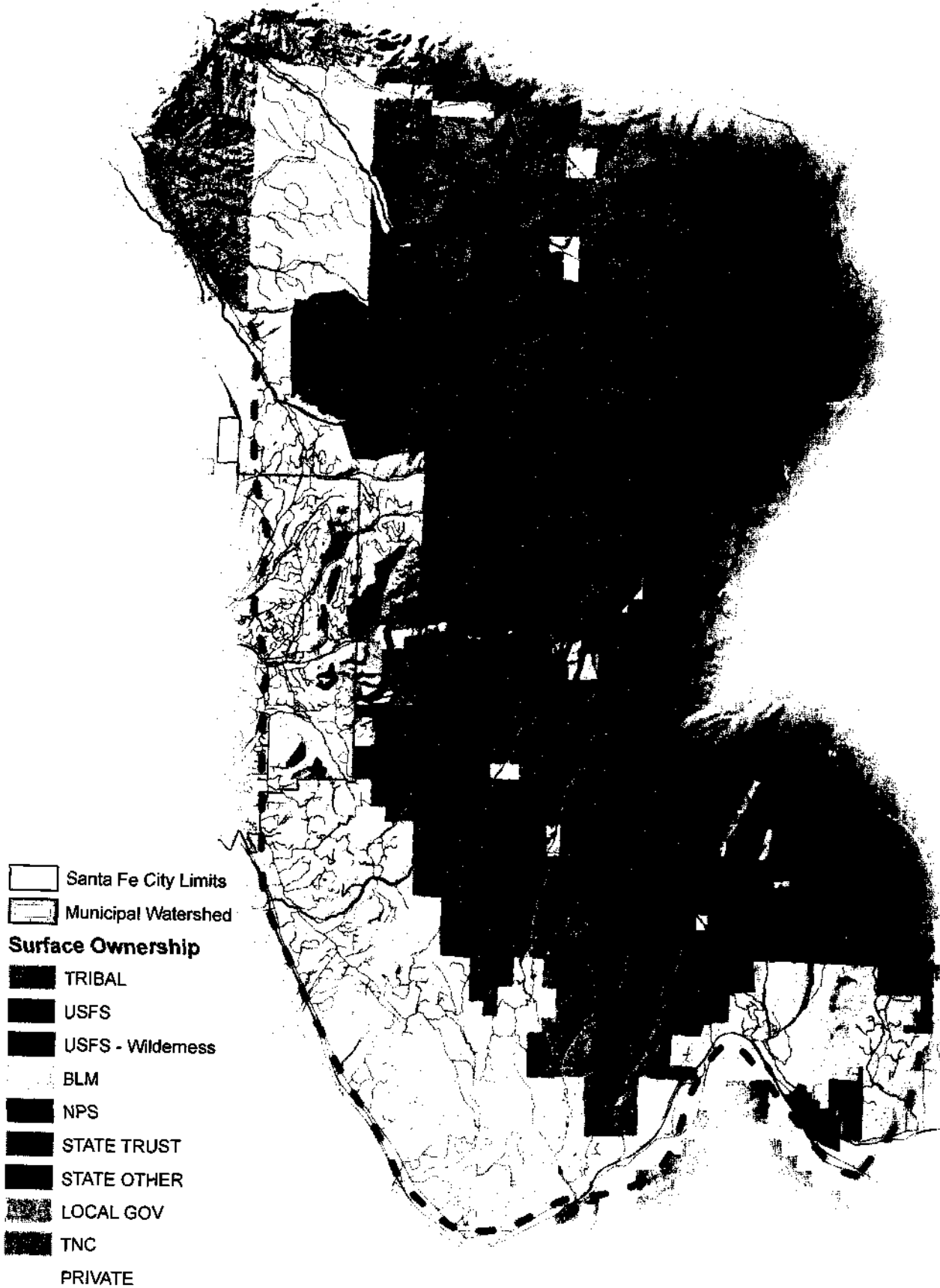
Land Ownership

Greater Santa Fe
Fireshed Coalition



Land Ownership

Greater Santa Fe
Fireshed Coalition



Thank you

