

CITY CLERK'S OFFICE

City of Santa Fe, NM DATE 2/2/18 TIME 1:39 PM
Regular Committee PREPARED BY Carolynn Roibal
Monday, February 05, 2018 REVIEWED BY [Signature]
05:00 PM – Finance Committee
Council Chambers

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. APPROVAL OF CONSENT AGENDA

5. APPROVAL OF MINUTES

6. CONSENT AGENDA

a) Request for Approval of RFP #18/08/P - Lease Operating Agreement for Food and Beverage Service Facility at Marty Sanchez Links de Santa Fe; El Sabor. (Jennifer Romero)

Item 6a.pdf

b) Request for the Approval of Amendment No. 4 to Professional Services Agreement in the Amount of \$175,292.95 Increasing the Total Compensation for this Agreement to \$1,159,204.23 Plus Gross Receipts Tax and Extending the Term of the Agreement through June 30, 2018 for Security Services at the Santa Fe Municipal Parking Facilities, Libraries, Community Convention Center, City Hall, Municipal Court, Santa Fe Trails, Santa Fe Regional Airport, and Genoveva Chavez Community Center; G4S Secure Solutions (USA) Inc. (David Silver)

Item 6b.pdf

c) Request for the Approval of 2017 State Homeland Security Grant Program (SHSGP) Sub-Grant Agreement in the Total Amount of \$176,675.00; State of New Mexico Department of Homeland Security & Emergency Management. (David Silver)

1) Budget Amendment Resolution

Item 6c.pdf

d) Request for Approval of Professional Services Agreement in the Total Amount of \$10,000 for City Historian Services; Andrew Lovato. (Debra Garcia Griego)

Item 6d.pdf

e) Request for the Approval of Procurement using NM State Price Agreement #70-000-16-00014AJ in the Total Amount of \$109,729.25 for Portable Radios for the Fire Department; Motorola Solutions Inc. (AC J Snyder)

Item 6e.pdf

f) Request for Approval of Energy, Minerals, Natural Resources Department Grant Award and In-Kind Contribution in the Total Amount of \$101,825.47 for Hiring Five Full-Time Temporary Employees to Perform Green Waste Pick-Up, Door to Door Wildfire Public Education and to Serve as a Wildland Firefighting Force; Youth Conservation Corps Commission. (Greg Gallegos).

1) Request for Approval of Budget Amendment Resolution

Item 6f.pdf

g) Request for Approval of the Amended and Restated Deed of Conservation Easement for the Santa Fe Railyard Development between the City of Santa Fe ("Grantor") and the Santa Fe Conservation Trust ("Grantee"). (Robert Siqueros)

Item 6g.pdf

h) Request for Approval of New Lease Agreement for Airspace Rights for Outdoor Seating and Food Service over a Portion of the Lincoln Ave. Right of Way Containing Approximately 540 Square Feet Adjoining the Easterly Boundary of 101 W. San Francisco St. by Ortega Plaza Building LLC. (Matthew O'Reilly).

Item 6h.pdf

i) Request for Approval to use Cooperative Educational Services Procurement for a Professional Services Agreement in the Amount of \$42,854.32 Excluding NMGR for Construction Observation on CIP#454A Rail Trail Extension Project from Alta Vista to Pen Road; Souder Miller & Associates. (Leroy Pacheco)

Item 6i.pdf

j) Request for a Resolution to Amend the Contracts of the City Manager and the City Attorney to Provide for a Thirty-Day Holdover Period at the Conclusion of Their Terms Consistent with the Term Provision of the City Clerk, to Provide for a Smooth and Stable Transition Following the March 6, 2018 Municipal Election; AND Approving Thirty-Day Extensions to the Contracts of the City Manager, City Attorney and City Clerk. (Councilor Rivera, Ives and Dominguez) (Kelley Brennan)

Item 6j.pdf

k) Request for Approval of a Resolution Supporting Continuing Efforts to Invest in and Promote Santa Fe's Walkability and to Achieve the Highest Designation as a Walk Friendly Community. (Mayor Gonzales, Councilor Maestas, Councilor Ives, Councilor Trujillo) (Mark Tibbets)

Committee Review:

Bicycle Trails Advisory Committee 02/21/18

City Council 02/28/18

Fiscal Impact: None

Item 6k.1.pdf

7. DISCUSSION

8. MATTERS FROM STAFF

9. MATTERS FROM THE COMMITTEE

10. EXECUTIVE SESSION

11. ADJOURN

Finance Committee Meeting – Index – February 5, 2018

Cover Page		Page 0
Call to Order	Chair Dominguez called the Finance Committee meeting to order at 5:00 pm in the City Council Chambers. A quorum was present at the time of roll call.	Page 1
Approval of Agenda	Mr. Johnson asked that Item 6-d be postponed to February 19, 2018 Finance Committee meeting. <i>Councilor Ives moved to approve the Agenda as amended, second by Councilor Lindell, motion carried by unanimous voice vote.</i>	Page 1
Approval of Consent Agenda	<i>No Changes from Staff</i> Councilor Ives: Pull – a, b, h Councilor Villarreal: Pull – b, c, e (for clarification) and Co-Sponsor j Councilor Lindell: Pull – j, k Councilor Harris: Pull – c, g, i and Co-Sponsor j <i>Councilor Ives moved to approve the consent agenda as amended, second by Councilor Lindell, motion carried by unanimous voice vote.</i>	Page 1-2
Approval of Minutes December 4, 2017	Deferred action to February 19, 2018 Finance Committee meeting.	Page 2
Consent Agenda: a) Request for approval of RFP #18/08/P – Lease	<i>Councilor Harris moved to approve RFP #18/08/P - Lease Operating Agreement for Food and</i>	Page 2 - 19

<p>Operating Agreement for Food and Beverage Service Facility at Marty Sanchez Links de Santa Fe; El Sabor.</p> <p>b) Request for the Approval of Amendment No. 4 to Professional Services Agreement in the Amount of \$175,292.95 Increasing the Total Compensation for this Agreement to \$1,159,204.23 Plus Gross Receipts Tax and Extending the Term of the Agreement through June 30, 2018 for Security Services at the Santa Fe Municipal Parking Facilities, Libraries, Community Convention Center, City Hall, Municipal Court, Santa Fe Trails, Santa Fe Regional Airport, and Genoveva Chavez Community Center; G4S Secure Solutions (USA) Inc.</p> <p>c) Request for the Approval of 2017 State Homeland Security Grant Program (SHSGP) Sub-Grant Agreement in the Total Amount of \$176,675.00; State of New Mexico Department of Homeland Security & Emergency Management.</p> <p>d) Postponed to February 19, 2018 Meeting.</p> <p>e) Request for the Approval of Procurement using NM State Price Agreement #70-000-16-00014A] in the Total Amount of \$109,729.25 for Portable Radios for the Fire Department; Motorola Solutions Inc.</p> <p>g) Request for Approval of</p>	<p><i>Beverage Service Facility at Marty Sanchez Links de Santa Fe; El Sabor, second by Councilor Villarreal for purpose of discussion.</i></p> <p><i>Vote: Councilor Ives, No, Councilor Lindell, No Councilor Harris, Yes, Councilor Villarreal, Yes, Chair Dominguez, Yes 3-2 – Motion Passes</i></p> <p><i>Councilor Harris moved to approve request for the Approval of Amendment No. 4 to Professional Services Agreement in the Amount of \$175,292.95 increasing the total compensation for this agreement to \$1,159,204.23 plus gross receipts tax and extending the term of the agreement through June 30, 2018 for Security Services at the Santa Fe Municipal Parking Facilities, Libraries, Community Convention Center, City Hall, Municipal Court, Santa Fe Trails, Santa Fe Regional Airport, and Genoveva Chavez Community Center; G4S Secure Solutions (USA) Inc., second by Councilor Lindell.</i></p> <p><i>Roll Call Vote: 3 – 2, motion carries in the affirmative.</i></p> <p><i>Councilor Ives – Abstained Councilor Harris – Yes Councilor Lindell – Yes Councilor Villarreal – No Chair Dominguez – Yes</i></p> <p><i>Councilor Harris moved to</i></p>	
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<p>the Amended and Restated Deed of Conservation Easement for the Santa Fe Railyard Development between the City of Santa Fe ("Grantor") and the Santa Fe Conservation Trust ("Grantee").</p> <p>h) Request for Approval of new Lease Agreement for Airspace Rights for outdoor seating and food service over a portion of the Lincoln Ave. Right of Way containing approximately 540 square feet adjoining the easterly boundary of 101 W. San Francisco St. by Ortega Plaza Building LLC.</p> <p>i) Request for approval to use Cooperative Educational Services Procurement for a Professional Services Agreement in the amount of \$42,854.32 excluding NMGR for construction observation on CIP#454A Rail Trail Extension Project from Alta Vista to Pen Road; Souder Miller & Associates.</p> <p>j) Request for a Resolution to amend the Contracts of the City Manager and the City Attorney to provide for a thirty-day holdover period at the conclusion of their terms consistent with the term provision of the City Clerk, to provide for a smooth and stable transition following the March 6, 2018 municipal election; and approving thirty-day extensions to the contracts of the City Manager, City Attorney and City Clerk.</p>	<p><i>approve the request for the 2017 State Homeland Security Grant Program (SHSGP) Sub-Grant agreement in the total amount of \$176,675.00; State of New Mexico Department of Homeland Security & Emergency Management , second by Councilor Lindell, motion carried by unanimous voice vote.</i></p> <p><i>Councilor Villarreal move to approve the request for the procurement using NM State Price Agreement #70-000-16-00014AJ in the total amount of \$109,729.25 for Portable Radios for the Fire Department; Motorola Solutions Inc., second by Councilor Harris, motion carried by unanimous voice vote.</i></p> <p><i>Councilor Harris moved to approve the request for approval of the Amended and Restated Deed of Conservation Easement for the Santa Fe Railyard Development between the City of Santa Fe ("Grantor") and the Santa Fe Conservation Trust ("Grantee"), second by Councilor Villarreal, motion carried by unanimous voice vote.</i></p> <p><i>Councilor Ives moved to</i></p>	
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<p>k) Request for approval of a Resolution supporting continuing efforts to invest in and promote Santa Fe's Walkability and to achieve the highest designation as a Walk Friendly Community.</p>	<p><i>approve the request for approval of new Lease Agreement for Airspace Rights for outdoor seating and food service over a portion of the Lincoln Ave. Right of Way containing approximately 540 square feet adjoining the easterly boundary of 101 W. San Francisco St. by Ortega Plaza Building LLC., second by Councilor Harris, motion carried by unanimous voice vote.</i></p> <p><i>Councilor Harris moved to approve request for use of Cooperative Educational Services Procurement for a Professional Services Agreement in the amount of \$42,854.32 excluding NMGR for construction observation on CIP#454A Rail Trail Extension Project from Alta Vista to Pen Road; Souder Miller & Associates with the direction for staff to provide the information Mr. Pacheco presented at today's meeting along with the Engineer of Record at the meeting of the Governing Body, second by Councilor Ives, motion carried by unanimous voice vote.</i></p> <p><i>Councilor Lindell moved to approve the request for a Resolution to amend the contracts of the City Manager and the City Attorney to provide for a</i></p>	
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	<p><i>thirty-day holdover period at the conclusion of their terms consistent with the term provision of the City Clerk, to provide for a smooth and stable transition following the March 6, 2018 Municipal Election; and approving thirty-day extensions to the contracts of the City Manager, City Attorney and City Clerk, second by Councilor Harris, motion carried by unanimous voice vote.</i></p> <p><i>Councilor Ives moved to approve Resolution Supporting Continuing Efforts to Invest in and Promote Santa Fe's Walkability and to Achieve the Highest Designation as a Walk Friendly Community with the following addition, between the Amendment proposed by Councilor Villarreal and proposed wording by Councilor Ives; Now Therefore Be it Resolved, by the Governing Body of the City of Santa Fe that it supports these continuing efforts to invest in, subject to appropriation, and to promote Santa Fe's Walkability and to achieve the highest designation as a Walk Friendly Community, second by Councilor Harris, motion carried by unanimous voice vote.</i></p>	
Matters from Staff	None	Page 19

Finance Committee Meeting – Index – February 5, 2018

Matters from the Committee	Informational	Page 19-20
Executive Session	None	Page 21
Adjourn	There being no further business to come before the Finance Committee the Chair called for adjournment at 7:00 pm	Page 21
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**City of Santa Fe, NM
Regular Committee
Monday, February 05, 2018
5:00 pm – 7:00 pm Finance Committee
Council Chambers**

MINUTES

1. CALL TO ORDER

Councilor Dominguez, Chair for the Finance Committee called the meeting to order at 5:00 pm. Roll Call reflects a quorum.

2. ROLL CALL

**Councilor Carmichael Dominguez
Councilor Signe Lindell
Councilor Michael Harris
Councilor Peter Ives
Councilor Rene Villarreal**

Others Present:

**Adam Johnson, Finance Director
Finance Department
Jesse Guillen, Legislative Liaison
Jennifer Romero, Marty Sanchez Links de Santa Fe
David Silver, Staff
Chief Snyder, Santa Fe Fire Department
Robert Siqueros, Staff
Matthew O'Riley, Staff
Leroy Pacheco, Staff
Mark Tibbets, Staff
Fran Lucero, Stenographer**

3. APPROVAL OF AGENDA

Mr. Johnson asked that Item 6-d be postponed to February 19, 2018 Finance Committee meeting.

Councilor Ives moved to approve the Agenda as amended, second by Councilor Lindell, motion carried by unanimous voice vote.

4. APPROVAL OF CONSENT AGENDA

**Councilor Ives: Pull – a, b, h
Councilor Villarreal: Pull – b, c, e (for clarification) and Co-Sponsor j
Councilor Lindell: Pull – j, k
Councilor Harris: Pull – c, g, i and Co-Sponsor j**

Councilor Ives moved to approve the consent agenda as amended, second by Councilor Lindell, motion carried by unanimous voice vote.

5. APPROVAL OF MINUTES

Minutes will be provided at February 19, 2018 meeting packet.

6. CONSENT AGENDA

a) Request for Approval of RFP #18/08/P - Lease Operating Agreement for Food and Beverage Service Facility at Marty Sanchez Links de Santa Fe; El Sabor. (Jennifer Romero)

Councilor Ives: The memo in the packet was the memo from October 31, 2017, which is what included today; can you summarize all the steps that have taken place since October 31, 2017 to now?

Ms. Romero informed the Finance Committee members that Mr. Johnson, Finance Director would provide the update.

Director Johnson: I am in a position to speak to those steps, which are very much procurement related. Following the meeting where this memo was presented, we looked at the detail behind the proposals. Finance and Purchasing staff made the first determination was that the section in the Procurement Manual that calls for the presentation of the total scores had not been properly presented to the Governing Body and this committee on the date of October 31st. We responded to that letter stating that we would re-RFP for the entire contract. After that response we received protests to that decision that called for clarification on the procedures that were not followed by the Finance Committee. Staff took the lead to look at the scores that were presented and did two things. First, recalibrate them to make sure that the local preference was included in the totals and in that recalibration the result of the scores was not different than what had been presented in the sense of there being a responded with a higher score thus the recommendation for the award. Secondly what we did because of the conversation that took place during the evening of October 31st, we also dropped the lowest scores from both proposals and recalibrated and the total score did not change in that instance either. While the scores were not presented in total originally, they were not material to the result of the recommendation presented that evening and Procurement and myself as Finance Director advised to proceed with the award as presented as the scores did in fact show the true winner. In addition to all of the evaluators had signed the Conflict of Interest Disclosure from all other observations engages the City broadened the procurement process and the results should be presented as they are.

Councilor Ives: The total score had not been properly presented? What specifically hadn't been properly presented?

Mr. Johnson: On Page 5 in the packet does not show that the local preference had been applied to both local respondents.

Councilor Ives made reference to the sheet "evaluation scores" and he did not see anything in there as to Mr. Johnson's reference.

Mr. Johnson: The last row on the bottom shows the local preference. I think that the information lacked in the left column because at the end of the process it had no bearing on which score was higher or lower. This is a result of who had been recommended for the award.

Councilor Ives: So there is no entry here, are you saying there should be?

Mr. Johnson: According to the Procurement Manual the totals are suppose to be presented to the committee and they had not and that led to the confusion in the conversation. That was the original justification, if you will, to hit pause and looking at re-doing the RFP. Following that determination was called out by an additional protest so what we did was re-calculate the scores to see had they indeed been presented with both the local preference and any changes to throwing out the lower scores resulting in the changes.

Councilor Ives: I am still curious, what I printed from the packet, it still does not contain a local preference score under Northern Ventures LLC. I understand you are saying it should have?

Mr. Johnson: Originally, it is not that it should have, it has no material impact on the outcome and it is not listed.

Councilor Ives: We don't indicate preference to indicate final scores to make a determination that it won't matter?

Mr. Johnson: I would suggest that in the future we would apply it both sides of the road, the report has not been updated since its original presentation.

Councilor Ives: I am a little confused because you say one of the first issues you dealt with was determination that the scores were not properly presented and yet that same score is presented here. How is this one any more properly presented when it's presented in the same way it was when it was snot properly presented.

Mr. Johnson: I think that is a fair observation of what is before you now. The result is still the same that the determination doesn't materially affect the outcome and so it would be Best Practice to assure they are both there. We did not make changes to this document.

Councilor Ives: You also indicated that you dropped down lowest scores and presumably you also had 5 Reviewers for a reason when this was first done, is that a fair statement?

Mr. Johnson: That is accurate.

Councilor Ives: Some of the questions raised about at least one of the lowest scores in my mind is reflected on the same sheet that we have been looking at the evaluation scores and it was so outside the variance of every other score on this sheet which was suggested that it was something in connection to this particular score so I am wondering how dropping out a low score on either side had any relevance in trying to figure out whether or not the low score on one was in fact caused by some problem in the process. It seems to be a cure that is directed towards something that might not have been caught in the first instance.

Mr. Johnson: A standard response from that conversation from that evening with concerns to that variance in order to clarify and not only my calculation in dropping the low score, the lowest score from both sides, I replaced with the average of the remaining scores in order to see if it would add any change to the results. By doing that calculation it shows that on average the one

that was recommended still has the highest score through the process. I understand trying to follow that pathway as a possible solution. I am wondering did you ever consider reissuing this RFP?

Mr. Johnson: Tow things, first, we did consider reissuing the RFP however we did receive an additional protest that essentially required a response and as a result of the following process that I just described it appears that MRC followed proper procurement and the results are the recommendation that stands before you. One of the challenges the way this process has gone is that the RFP responses were both made available post the evening of that conversation. Therefore, if we just RFP again, we have a scenario in where everyone would know the proprietary information contained in these two responses.

Councilor Ives: I take it that you said there were a second protest, was that a protest to the reissuance of the RFP?

Mr. Johnson: It protested the determination regarding the procedures that I said were not followed by the Finance Committee is what it was protesting specifically. In going through and recalculating and recalibrating since there was no material result, I could not stand by the justification that it required going out for an additional RFP since the application of the local preference had no bearing on the outcome.

Councilor Ives: I must admit I am not totally clean on how these were related in a time sequence. I am surprised that we did not get all of this material in our packet as part of an opportunity to see what happened here. We have the information in our packet of the material that was available October 31, 2017 which contains the same information, you have chosen a means to drop out the lowest scores, I am not clear that is a solution to any of the problems that existed. As I recall there may have been some question, some of what reflected on the 190 score and was there any potential bias? I know you said folks filled out a form where there were no conflicts. Did you do any type of inquiry as to whether or not there were any conflicts talking to people or was it just accepting what folks said on the face of it and I don't know what either protest was as it is not in here. I am struggling to understand what protests were made and did we cure any of those, we don't have those materials available or I could potentially answer the questions in my own mind. I will take the position that I took last time, I will vote no or abstain until I see all of the material to see what was happening here it does sound very confusing.

Chair Dominguez: Why don't we put all of the information together by the time it goes to City Council?

Mr. Johnson: I can put the information together as requested. The requests are addressed to the purchasing officer; I can make them available to the committee.

Chair Dominguez: Let me ask, was the procurement process was followed?

Mr. Johnson: That is correct.

Chair Dominguez: It is interesting the amount of time we are taking on this particular issue because we don't spend investigatory time and energy on lots of other contracts where we can connect dots all over the place if we really waned to. I want to know if the procurement process was followed, that is ultimately what it comes down to. Was the process fair, were all the disclosures met; ultimately did we give everyone a fair shake at this?

Mr. Johnson: I think that is definitely the objective in reviewing the process of all the weaknesses and it is my assessment in working with the Purchasing Officer that procurement was followed and we did follow all steps. Do we take added steps to investigate conflicts of interest; we don't have the resources to do that. We have to trust that when they sign they attest to the truth when providing these documents to the City for the procurement process. We rely on those things to make sure the process is fair and also leadership; Jennifer is doing a great job.

Chair Dominguez: I am sorry Ms. Romero that you are in this position. Can you tell me whether or not you are comfortable with the proper disclosures, whether or not you asked about conflicts of interest, whether or not in your professional opinion in running the Golf Course everyday, if this is legitimate and up and up?

Jennifer Romero: I do agree that we followed the procurement process. Prior to selecting the committee, I did ask if there was a problem in being a part of this evaluation committee to bring it to my attention before anyone committed to this process. Everyone that was selected to be on the committee did agree to that and it was a group decision.

Chair Dominguez: To be fair, you didn't start investigating whether or not the folks on the committee questioned their disclosure?

Jennifer Romero: No, I did not.

Chair Dominguez: It introduces another level of bureaucracy that we would have to impose if we go that route.

Mr. Johnson: We don't have a process beyond what we currently do that would add and additional level of vetting of the Evaluation Committee and I agree with that our processes require resources. I don't know that it would be necessary. We could look at other municipalities and see if they go further than the type of disclosure require and how they handle similar situations.

Chair Dominguez: This is part of the growing pains that this governing body and the city has to endure and go through.

Councilor Lindell: I hear what you are saying and we probably don't go through every contract like this. Let me ask a couple of questions; did we notify both applicants that we were going to re-do the RFP?

Mr. Johnson: In response to the first protest, both applicants received a letter that the recommendation was to re-RFP. We received within adequate time frame as provided by the procurement manual the additional protest.

Councilor Lindell: So we told them we were going to have another re-RFP and then we get another protest, then we tell them we are not going to have another RFP. Right?

Mr. Johnson: That is correct. The second protest causes myself and the purchasing officer to follow through with an additional analysis, which resulted in a different outcome from the first one, which is correct.

Councilor Lindell: One other piece of information not in the packet is; I have been told that, and I will ask Jen this; was the application that was put in by El Sabor, was that identical to the original when it was put in by the Links 4-years ago?

Jennifer Romero: On Friday it was brought to my attention by a current vendor that their proposal submitted 4-years ago was very identical to the submitted proposal of the selected vendor.

Councilor Lindell: I can understand why someone would not feel very good about that. I don't know how we move forward; I just can't ignore it. I can't support this right now and I wish that the process that we would do were to put it out for re-RFP. I am sorry you have to deal with this. Jen, you have done a good job with this, you are put in a very difficult position.

Councilor Villarreal: Can this committee request that we re-do the RFP process? It is hard to make a decision when we don't understand the process and we don't have the information.

Mr. Johnson: With all due respect, those processes are addressed to myself and the Procurement Staff and the City Manager. I didn't think it was appropriate to include all of that information and correspondence in this packet. With that said, I will always be transparent and bring it forward. We are not proposing to use that information as part of the decision making process. We go back to the procurement process that was followed and this is the recommendation. If the vote is to deny the recommendation than it puts us in a situation that we would have to go through the process again.

Councilor Villarreal: With the information that Councilor Lindell just brought up, how do we deal with that and work through that new information?

Chair Dominguez: We could ask for the vendor that is being recommended to provide us with all of the details. That becomes public record and then the existing vendor has access to that information and can protest on something that is suppose to be internal. The existing vendor who didn't get the renewal wants that information so they can respond and make their proposal and bid better. There is a whole reason why we have a procurement process and reason why these things are done the way they are done. You can't give the competitor some of the information that is being proposed in the process.

Mr. Johnson: The new information in regards to the similarities of the two proposals, while troublesome, I don't find any guidance that would require or prevent that from having been used on all accounts, the information from the prior was either public or some sort of individual who knew how the process was used with the new Evaluators to respond on the RFP. I don't have any information that would prevent that from happening or is technically wrong or in fact in any way against any of our regulations so how you deal with it as troublesome might not even be part of the evaluation.

Councilor Ives: I want to talk about the protests, what was the first protest based on?

Mr. Johnson: The first protest was based upon essentially that there appears to be a bias in the scores, and that the experience of the customers and those that support the current outfit don't align with the appeared bias. They provided letters of support from associations, individuals who support the restaurant, comment cards about good experiences. All that maybe true, is not part of the evaluation process and was certainly not built in to the procurement process. The merits of the

protest itself were not the reason to put the recommendation that I made at the time was technically the result of the total scores.

Councilor Ives: The first protest you say is based upon bias and who supposedly would have that bias?

Mr. Johnson: The alleged bias is that the evaluation committee was biased.

Councilor Ives: So you have someone who is saying that they have concerns about the Evaluation Committee and their potential bias, and the only thing on the record is the committee's self determined statement of no conflict in connection of consideration of these issues.

Mr. Johnson: The no conflict is a standard document that we use in our process, it is not just a statement made by the reviewers.

Councilor Ives: I understand that it is a standard document and a statement made by the reviewers, which is essentially saying they have not bias. Is that correct?

Mr. Johnson: They have no interest in either one of the respondents and therefore no bias based upon some type of real or perceived conflict of interest.

Councilor Ives: I am surprised that you get a protest and you react to that protest by saying we are going to reissue an RFP where bias is alleged but the only evidence we collect on that issue is the statements of the reviewers so it sounds like if you have someone who is challenging those statements on the reviewers. That was the basis of the protest and it sounds like it led you initially to conclude that there is a reason to re-issue the RFP.

Mr. Johnson: Not upon that standard. The reason to reissue the RFP was whether or not the committee followed procedure. The alleged bias, the argument was that the bias could not possibly exist and here is all of the reasons and why it is not aligned with all of our supporters. We don't have any information to suggest there is any bias on behalf of the Evaluation Committee.

Councilor Ives – How does one bias in your estimation?

Mr. Johnson: As I said we didn't award or agree to the protest on its merit.

Councilor Ives: You issued the RFP on a totally different basis. What would show bias in your estimation?

Mr. Johnson: We concluded for justification that alleged bias is not something that we determine is true or false, we don't have any information to suggest that there is any bias on behalf of the Evaluation Committee.

Councilor Ives: You have nothing to indicate if it is true or false.

Mr. Johnson: Determination by which we would even be considering that there is alleged bias, we have a process that we went through and it required a disclosure. The fact that they submitted statements from folks that support them does not lend to the conclusion that there is bias on behalf of the committee.

Councilor Ives: What would show bias in your estimation?

Mr. Johnson: The point is I am using a process to show that we have removed ourselves from that possibility to the extent that we can and the disclosures that were required, that bias is subjective. It is alleged bias.

Councilor Ives: You did say that you determined to re-issue the RFP because you determined the total score had not been properly presented, is that correct?

Mr. Johnson: That is what I said.

Councilor Ives: Yet we have the same chart from October 31, 2017 in our packet.

Mr. Johnson: If I finish the columns with the score the material effect would be nil.

Chair Dominguez: Jen or Mr. Johnson; speak to the question by Councilor Lindell's concern. Is it relatively common to take bits and pieces from previous proposals?

Mr. Johnson: Not in my experience with RFP's. That said I don't have any information to suggest that it didn't happen in the past.

Jennifer Romero: From what was brought to my attention on Friday, the submittal that was provided by the current vendor, they did receive help and it is possible that the help they received 4-years ago is the same individual who helped the current vendor that was selected.

Chair Dominguez: Do you find wrong in that.

Ms. Romero: To my knowledge I am not aware.

Councilor Harris: I am going to support the analysis from the Finance Director and moved to approve.

Councilor Harris moved to approve RFP #18/08/P - Lease Operating Agreement for Food and Beverage Service Facility at Marty Sanchez Links de Santa Fe; El Sabor, second by Councilor Villarreal for purpose of discussion.

***Vote: Councilor Ives, No, Councilor Lindell, No
Councilor Harris, Yes, Councilor Villarreal, Yes, Chair Dominguez, Yes
3-2 – Motion Passes***

Councilor Villarreal: If there is any new information it will be brought up at the City Council meeting. I can only go by this information and the verbal information brought up by the Finance Department.

Chair Dominguez: We need as much information on what the process was and how fair it was but also the merits of the proposal itself. The bottom line is we want a vendor that will serve the taxpayers.

Councilor Villarreal: We need to go based on the process led by staff, not by the public voice who are personally connected to either vendor, we need more information, summarize the process we went through.

Mr. Johnson: With all the processes that have taken place and the information that has been submitted, everything that is subject to the Open Meetings Act will be provided in the council packet and verify that we don't run in to any issues in submitting the protest letters and responses to them.

- b) Request for the Approval of Amendment No. 4 to Professional Services Agreement in the Amount of \$175,292.95 Increasing the Total Compensation for this Agreement to \$1,159,204.23 Plus Gross Receipts Tax and Extending the Term of the Agreement through June 30, 2018 for Security Services at the Santa Fe Municipal Parking Facilities, Libraries, Community Convention Center, City Hall, Municipal Court, Santa Fe Trails, Santa Fe Regional Airport, and Genoveva Chavez Community Center; G4S Secure Solutions (USA) Inc. (David Silver)**

Councilor Ives: As we have asked in the past, there has always been lengthy discussion. What I have asked for in numerous occasions and I believe this is the first time you have been presenting these agreements you may not have been aware of my earlier requests which is security is done in so many different ways with the availability of technology and other means of providing that security. I had asked for some source of assessment in whether or not in letting out our RFPs we were actually doing it in such a fashion as would take advantage of technological advancements and potentially change how we offer those services by virtue of those technology offerings. Let me know if that was part of the assessment here or did we just do an RFP.

Mr. Silver: We are basing this off of a previous RFP that was done with G4S back in 2016. As you mentioned, I was not a part of that committee at that time nor have managed the contract until very recently. G4S in their current state does utilize technology; they utilize cell phones to check in every morning and every evening as to their location in to their shift times and they do have various post locations throughout the city with ability to check in at specific locations within building or outside buildings to mark that they are moving about. Some of the locations throughout the city do have surveillance and the officers are privy to that and other locations do not necessarily have that technology. At this point in time the Vendor is not incorporating new technology it is currently as they exist.

Councilor Ives: I wish rather than doing the same old thing that we were actually looking at how we could change the game, if at all, and I don't know that answer to that, that is my frustration on this particular agreement. I will abstain from this one in hopes that someone would look at those types of issues in terms of how we ask people to provide security for the City. I appreciate your clarity on the contracting process.

Councilor Villarreal: G4S – We asked staff to re-bid this, and we would look at it this year and a re-bid. Actually to look for local contractors and companies, mostly because we would like to see what is out there. G4S has a bad track record for violating human rights, and they have had unscrupulous financial practices in other states. I will not dissect our procurement process or pound on the doors to see if this was re-bid, unless it did happen, or if you can tell me if there was a better or more equitable process.

Mr. Silver: I inherited this contract late in the calendar year last year and it was quickly approaching its expiration date of February. It was our decision to extend the contract to the end of the FY. My plan is to do a new RFP to look at other available contractors.

Councilor Villarreal: Q: This will go until June 30th and at that time we will do a new RFP? I would like to see an expanded view of possibilities in the city. I will not support this extension at this time.

Councilor Harris: I am glad you are going to do an RFP. What was the level of service/performance; is that generic language or are there issues with their performance.

Mr. Silver: Since I took over the contract we have not had any formal reviews of G4S. They have a relatively new supervisor here in Santa Fe and Jimmy Ramos is the New Mexico area Manager. I have not had any formal discussions with him. Any concerns that we have brought up to them have been addressed very quickly. The new supervisor for this project has been very responsive to issues we have had.

Councilor Villarreal: By putting out an RFP in the next few months, does that give companies enough time?

Mr. Silver: From the information I have gathered, yes it does provide enough time. The new contract would start July 1, 2018.

Chair Dominguez: In the past, whenever we give these security contracts, there is a local company Chavez Security that will probably submit a bid or answer to the RFP. Will he have the ability to apply assuming he has the requirements?

Mr. Silver: If he meets the requirements for the RFP, I would think he could apply. I would defer that question to Purchasing.

Chair Dominguez: I am making an assumption that he would apply. Given that, are we going to do an extensive disclosure, conflict of interest for the RFP?

Mr. Johnson: I would follow the same process that the city has followed in the past.

Chair Dominguez: I would expect for staff to go through an extensive investigation, as is being asked by others for this contract as we do with others. That is the direction I am giving.

Mr. Johnson: If that is the direction you are giving us we will follow it.

Chair Dominguez: So that I understand the item and issue, this is the 4th Amendment and remind me what the 3rd Amendment was.

Mr. Silver: The 3rd Amendment which was also adopted before I took over this contract, that the Genoveva Chavez Center entered in to an agreement with G4S services which incorporated Genoveva Chavez center in to this contract.

Chair Dominguez: So it was just for that center? Mr. Silver responded yes, it was a separate contract.

Chair Dominguez: It was for \$37,000 I believe that is why it did not come to us. I thought we were supposed to look at the entire contract if that \$37,000 took us above a certain threshold; we had to look at the entire contract.

Mr. Johnson: Understanding the process is accurate. Are you suggesting that the amendment did not go through Finance Committee? If the original contract was amended to add the \$37,000 because it was in fact already a half-million contract it also should have gone through Council.

Mr. Silver: Amendment 3 was signed in June of 2017 by the City Manager and it did not go through City Council.

Chair Dominguez: Those are the things that we need to assure staff follows up on. This is a huge contract and a huge company. It is a company that others have expressed some concerns over their practices. I am surprised that we are not taking the same kind of caution or providing criticism as we have others. I can't believe we haven't asked the same questions on these contracts.

Mr. Johnson: I have applied consistent applications since I have been more involved with Procurement in the last few months. Everything over \$50,000 will make its way to City Council.

Chair Dominguez: It is not a criticism of staff.

Councilor Harris moved to approve request for the Approval of Amendment No. 4 to Professional Services Agreement in the Amount of \$175,292.95 increasing the total compensation for this agreement to \$1,159,204.23 plus gross receipts tax and extending the term of the agreement through June 30, 2018 for Security Services at the Santa Fe Municipal Parking Facilities, Libraries, Community Convention Center, City Hall, Municipal Court, Santa Fe Trails, Santa Fe Regional Airport, and Genoveva Chavez Community Center; G4S Secure Solutions (USA) Inc., second by Councilor Lindell.

Roll Call Vote: 3 – 2, motion carries in the affirmative.

Councilor Ives – Abstained

Councilor Harris – Yes

Councilor Lindell – Yes

Councilor Villarreal – No

Chair Dominguez - Yes

- c) Request for the Approval of 2017 State Homeland Security Grant Program (SHSGP) Sub-Grant Agreement in the Total Amount of \$176,675.00; State of New Mexico Department of Homeland Security & Emergency Management. (David Silver)**

Councilor Villarreal: Clarification on some terms, thank you for breaking it down in to 3 different projects. Project 2 summary talks about RAE, is that a brand name? How do they work?

Chief Snyder: SFFD: RAE is a brand. Area RAE is a manufacturer of technology that monitors atmosphere conditions, so it is a brand name.

Councilor Villarreal: How does the Area RAE monitors work?

Chief Snyder: It is an atmosphere-monitoring device that looks like 4 small suitcases. We have used them at Zozobra and other events. We can place them out in an area or event and they talk to each other, they send a signal back to a local laptop operated by a fire fighter or personnel. They can look for gases and radiological materials in the air. It is a device for the HASMAT team to use.

Councilor Villarreal: The trainings in general, does any of this funding center on conflict resolution or training to deescalate situations. Is there any other middle ground that you want to use for this training?

Lt. (SFFD) - The Crisis Negotiation teams go to Hostage 1, 2, 3 and contrary to what it looks like it is for de-escalation. The method we use is communication and we try to de-escalate. Often times the if the person we are negotiating with is cooperating we have a successful resolution. Unfortunately these trying times are not hitting only Santa Fe but nationwide. All these classes here are for resolution of high liability, low frequency incidents so a lot of these team members who are assigned in these specialty teams do so in a collateral basis. They do that in addition to their primary duties in the department. These trainings are geared towards that, all of our Crisis Negotiators go through Hostage 1,2,3 and they have been successful with the ones we have been able to utilize and get cooperation from the person we are negotiating with. Different techniques, hostage being held against its will. Taking in to effect the mental illness through this training, we have to manage

Councilor Villarreal: Looking at different scenarios, say it is someone with Mental Illness are they considered a hostage?

Lt. - There are different techniques for different types of situations. If someone is mentally ill and they are barricaded somewhere, it doesn't put them as a hostage, there is a different technique. If there are being held against their will or there is a risk for their lives, a different technique is utilized. Our biggest technique is communication and the classes encourage active listening skills, bringing them down, de-escalation. As long as they are cooperating and we can get a successful resolution we work through it. This training does also focus on mental illness situations and it teaches us. We have to manage what the person is doing at the time; we can't force anyone to walking out with their hands up. Often times we will exhaust all means and other times we don't exhaust the techniques that we have from training. All our tactical personnel also get that training.

Councilor Harris: Project 2 and 3 are clear to me, as they are more equipment. I am surprised on Project 2, there is a note that the 4 monitor's that the department has seized functioning and that leads to the question, how long have the monitors been inoperable. In project 1 it wasn't clear to me if we are getting training. I know there is a local match required but I also saw that the city/department is paying for the salaries for those getting the training. The cover memo says training and then off of the sub-recipient grant agreement it says SFPD equipment upgrade, so it is unclear to me where the \$72,000 is going towards.

Mr. Silver: Area RAE monitors in Project 2 did cease functioning about a year ago. It was not expected, 2 of them ceased functioning and the other two shortly thereafter were close to end of life. At that time we asked for off-cycle funding from the Department of Homeland Security to replace those as they are considered essential equipment and we were denied funding at that time by Homeland Security. As for your question on #1- the discrepancy on the title has actually been fixed once since Public Safety. When we applied for this grant we had 5 total projects, the state took the over-arching title for the Police Department project, which included SFPD team equipment, and training and they has also, requested a drone. All the other things except for the training were not approved but they did not change the title. I was able to get them to remove the word drone, we were not purchasing a drone, it was just training but we did not get to the point where they removed the words equipment and replace it with training, we are not getting a drone.

Councilor Harris: Is the \$72,000 to reimburse the city for SFPD time.

Mr. Silver: It is primarily for the cost to reimburse for travel associated with the conference not for salaries.

Councilor Harris moved to approve the request for the 2017 State Homeland Security Grant Program (SHSGP) Sub-Grant agreement in the total amount of \$176,675.00; State of New Mexico Department of Homeland Security & Emergency Management , second by Councilor Lindell, motion carried by unanimous voice vote.

- d) **Request for Approval of Professional Services Agreement in the Total Amount of \$10,000 for City Historian Services; Andrew Lovato. Postponed to February 19, 2018 Meeting**
- e) **Request for the Approval of Procurement using NM State Price Agreement #70-000-16-00014AJ in the Total Amount of \$109,729.25 for Portable Radios for the Fire Department; Motorola Solutions Inc.**

Councilor Villarreal: You indicated that the radios would replace the older units; can the old units be used?

Chief Snyder: We will use the older units for non-emergency use in the department and we will use in areas that don't require a high MG frequency radio.

Councilor Villarreal: This is to be in compliance with the city's P25 project?

Chief Snyder: The Federal Government is trying to get the P25 Project recipients to the highest level of performance and compatibility. The city has been working to get to this level to comply with the federal government. We should have had them decades ago; they have dual band capability so we can talk to the County without having 2 radios. The P25 has a programming capability our current ones do not and also other capabilities.

Chair Dominguez: Statewide price agreement, I can imagine it isn't the easiest route.

Chief Snyder: They may be other ways but with Motorola and with Procurement we are getting it below that state price agreement numbers and getting the best price for this purchase. We satisfied the procurement process and we got the radios that we needed.

Chair Dominguez: Is there anything that says we have to use the statewide price agreement? Is it up to staff to assure that we are getting the best price?

Mr. Johnson: That is correct. The manual provides for the use of cooperative agreements such as the statewide price agreement.

Councilor Villarreal move to approve the request for the procurement using NM State Price Agreement #70-000-16-00014AJ in the total amount of \$109,729.25 for Portable Radios for the Fire Department; Motorola Solutions Inc., second by Councilor Harris, motion carried by unanimous voice vote.

- g) **Request for Approval of the Amended and Restated Deed of Conservation Easement for the Santa Fe Railyard Development between the City of Santa Fe ("Grantor") and the Santa Fe Conservation Trust ("Grantee"). (Robert Siqueros)**

Councilor Harris: This is amended and restated deed, we don't have any red lines in our packet, what is changing?

Robert Siqueros: Conservation Easement was originally approved in 2004, the Railyard was opened in 2008, we omitted a lot of what was no longer applicable as a lot has changed since it was originally adopted in 2004. I do have a red line if needed. Biggest change was changing the word *permit* to *allowed*. If someone is reading it, they think they have to get an actual permit but it is allowed to do that without a permit. A lot of the things that were not clear on how the conservation easement was to be implemented are now more clear.

Councilor Harris: I would like to see the red line when it goes to City Council. Addendum H: Cienega is misspelled.

Robert Siqueros: That correction will be made and a red line will be provided.

Councilor Harris moved to approve the request for approval of the Amended and Restated Deed of Conservation Easement for the Santa Fe Railyard Development between the City of Santa Fe ("Grantor") and the Santa Fe Conservation Trust ("Grantee"), second by Councilor Villarreal, motion carried by unanimous voice vote.

- h) Request for Approval of new Lease Agreement for Airspace Rights for outdoor seating and food service over a portion of the Lincoln Ave. Right of Way containing approximately 540 square feet adjoining the easterly boundary of 101 W. San Francisco St. by Ortega Plaza Building LLC. (Matthew O'Reilly).**

Councilor Ives: Unclear on how the appraisal related to the lease charges. Total area involved is 540 sq. ft., we are charging \$3780 per year, it talked about \$170 per sq. ft., we seem to have resolved on a lease payment of 1/3 of the fee determination, how did we get to the 3780 given the appraisal and the square footage?

Mr. O'Reilly: The lease rate is \$5778 on page 1 of the memo. The applicant hired an MAI certified appraiser who appraised the property, which is immediately adjacent to our property. That appraisal came back at \$107 per sq. ft. We typically use lease yield of 10%, which is high in the market. Lease yield at 10% gives you a lease rate of \$10.70 a square foot x 540 sq. ft. to come up with the annual lease rate for the first year of \$5778. Each year it will go up by 2.5% as part of the standard escalation.

Councilor Ives moved to approve the request for approval of new Lease Agreement for Airspace Rights for outdoor seating and food service over a portion of the Lincoln Ave. Right of Way containing approximately 540 square feet adjoining the easterly boundary of 101 W. San Francisco St. by Ortega Plaza Building LLC., second by Councilor Harris, motion carried by unanimous voice vote.

- i) **Request for approval to use Cooperative Educational Services Procurement for a Professional Services Agreement in the amount of \$42,854.32 excluding NMGRT for construction observation on CIP#454A Rail Trail Extension Project from Alta Vista to Pen Road; Souder Miller & Associates. (Leroy Pacheco)**

Councilor Harris: I had occasion to speak with Mr. Pacheco earlier today and got main questions answered and I feel it is appropriate to allow him to speak to them at this meeting. This is for construction observation services for SMA and under that contract is the design and landscape architects. In the original contract there is a different firm, HDR. What was the original contract Mr. Pacheco?

Leroy Pacheco: The broad picture of total cost. The total value of contract if approved tonight is \$948,000, 22% of that is design which is about \$210,000 with HDR incorporated, 4% is HDR construction/engineering phase work - \$39,267 which is contracted, GM Emulsion is 69% of the value which is \$652,000, Souder Miller Inspection services is \$46,000. Construction observation is about 5% of the total value, construction is about 69% of that value and design is 22% of the total project cost.

Councilor Harris: You said construction/engineering to HDR; we are also paying them for construction engineering? Mr. Pacheco responded, yes. And we are paying SMA for construction inspection? Mr. Pacheco responded, yes Sir. Councilor Harris said it seems that there is some overlap there described in the scope of work one to the other. I know what SMA has but what is HDR going to do?

Leroy Pacheco: HDR's contract for construction/engineering, they are the engineer of record, we pay less than that but it includes the engineer of records participation during the construction process should there be field issues of things that need revision or change order revision and final delivery of the stamped as built record to the city. This is not a typical; the Engineer of Records from stem to stern in Public Works projects, that process is typically contracted because they return back to the city the as built record. Should there be a change order, if we would change it independently we would undo their liability.

Councilor Harris: Why aren't you using HDR for construction inspection? I agree that as built and some field work sorting things out is appropriate but I also note that SMA is not doing any geotechnical work, any compaction or concrete cylinders or any of that; that is also a separate contract. Is that under HDR?

Leroy Pacheco: Testing is part of GM Emulsions contract, it is an allowance that is performed and typically dictated by the specs; the specs will dictate the frequency of what we inspect and we pay for it as an actual cost and it is an allowance within that contract. All parties review it; in other words the Engineer will review and insure that we meet the criteria in inspection.

Councilor Harris: SMA does that as well but I will also note under special inspections, which mostly have to do with steel, and things like that, it is very clear that they don't want the contractor to handle those inspections to fall under that contract. I don't know the process but sometime soon I would really like to step back and look at how we are organizing these projects. I would appreciate a memo to be attached when it goes to the Governing Body on information that Leroy discussed. We should have the engineer of record who is there do their inspections as well. Does the Engineer of Record HDR is the landscape architect under the original contract are they under HDR?

Mr. Pacheco: HDR's design office was the landscape architect that was contracted for design. They are a sub-contractor for inspection.

Councilor Harris: They were under HDR for design, now even though HDR is there and the Engineer of Record, they are now under Souder Miller.

Mr. Pacheco: Correct, for inspection.

Councilor Harris: What bothers me is not only what you have described, maybe this is the way we have been doing it for a while, it is inefficient from a cost basis. It also allows for throwing up your hands and saying, "it really isn't my responsibility." We have a somewhat tangled construction relationship. I appreciate your explanation of the information you have given us. It clearly has led to some thinking on my part, please put a memo together when it goes to the governing body I think it will be important, probably through John Romero as our Interim Public Works Director I should initiate a conversation. Do we have a standard protocol? Is this the same protocol, and I don't think it is, when I think of DeFouri Bridge as an example. It seems like we are not consistent when we approach this and we end up with inefficiencies and it increases our exposure when we tangle these contracts.

Mr. Pacheco: If I may for the record, historically or originally the city did inspection and we had employees in-house who performed inspections, many of them came from NMDOT so we had in-house inspectors. Through attrition we lost permanent staff; we went through a period where we used temporary employees so we were meeting these needs with city contracted temporary employees. When that practice ended for these middle size projects, we needed to find another vehicle for this inspection process. There may have been some that city staff had done themselves but when you look at the man hours needed and the documentation required so we could turn back a product that was recorded for the public's interest this is the current practice to use the local contractors to perform inspection at a lower rate than an Engineer would.

Councilor Harris: I am glad that you brought that up and you made that point when we spoke earlier. Make note of this in your memo and I still think it is a worthy discussion as we move forward through our CIP, we need to be consistent and perhaps we will get to a point where this is the model approach.

Councilor Harris moved to approve request for use of Cooperative Educational Services Procurement for a Professional Services Agreement in the amount of \$42,854.32 excluding NMGR for construction observation on CIP#454A Rail Trail Extension Project from Alta Vista to Pen Road; Souder Miller & Associates with the direction for staff to provide the information Mr. Pacheco presented at today's meeting along with the Engineer of Record at the meeting of the Governing Body, second by Councilor Ives, motion carried by unanimous voice vote.

- j) **Request for a Resolution to amend the Contracts of the City Manager and the City Attorney to provide for a thirty-day holdover period at the conclusion of their terms consistent with the term provision of the City Clerk, to provide for a smooth and stable transition following the March 6, 2018 municipal election; and approving thirty-day extensions to the contracts of the City Manager, City Attorney and City Clerk. (Councilor Rivera, Ives and Dominguez) (Kelley Brennan)**

Councilor Lindell, this seems like it is a one-time resolution as it has specific dates. This would be for this election and this election only.

Jesse Guillen: That is correct, it is my understanding that the City Clerk's contract has the 30-day provision in it to provide continuity after an election. This Resolution would amend both the City Manager and City Attorney's contract; City Clerk's has a 30-day transition period.

Councilor Lindell: It is my understanding that the City Attorney is retiring and that this probably would not affect her, is that true?

Jesse Guillen: If this were approved it is my understanding that the City Attorney would stay for those 30-days, not beyond that.

Councilor Lindell reiterated that we need to be clear that this is a one-time action that it is not in to perpetuity.

Councilor Lindell moved to approve the request for a Resolution to amend the contracts of the City Manager and the City Attorney to provide for a thirty-day holdover period at the conclusion of their terms consistent with the term provision of the City Clerk, to provide for a smooth and stable transition following the March 6, 2018 Municipal Election; and approving thirty-day extensions to the contracts of the City Manager, City Attorney and City Clerk, second by Councilor Harris, motion carried by unanimous voice vote.

Councilor Harris: As I read it closer and hearing Mr. Guillen's expression of the City Clerks status, the 2nd whereas clarifies. Approving 30-day extensions for the three positions and the City Clerk is subject to a dual term at the discretion of the Governing Body.

Chair Dominguez and Councilor Ives: Sponsors to this Resolution.

Chair Dominguez: I think that candidates should be in tune with what is going on at city hall that there should be less confusion in a transition, on the other hand we don't have a formal transition process. We won't resolve it this time, but we can start a process for the future. Part of my support is the intent.

Councilor Ives: I concur with these remarks to insure continuity of the city operation during this transition; which is the first time that we will have this transitional process.

- k) Request for approval of a Resolution supporting continuing efforts to invest in and promote Santa Fe's Walkability and to achieve the highest designation as a Walk Friendly Community. (Mayor Gonzales, Councilor Maestas, Councilor Ives, Councilor Trujillo) (Mark Tibbets)**

Councilor Lindell: I see under the Whereas discussion to create a full-time position but I see an FIR that has a zero cost, how do we do that?

Mr. Tibbets: At the Public Works Committee this was modified to clarify that how this works is that a Walk Friendly Community is based on what your current existing conditions are designated. In the next section of our Pedestrian Master Plan and the city did this with the Bike Friendly Community with the same organization, it took about 10-years to get to a gold status. This initial one, we are hopeful that we will get some recognition because we have a very good infrastructure as we talk about bike and walk infrastructure. In order to move up these are suggested issues. We have a BTAC committee not really focused on pedestrian issues. In the future coming before the Council and the various committees is to have additional funding, which

would be related to an FIR. This was to set the stage for recognizing what Walk Friendly Community would be and this is why there was no funding requested at this time. The issues are outlined based on other communities and the application that we didn't have in place, this would help raise our status.

Councilor Lindell: Who gives this designation to us?

Mr. Tibbets: The University of North Carolina, nationally recognized for Bicycle Walk Friendly – I think there are 50 cities none in NM, Seattle has the highest level you can get and NY City has the next highest level.

Councilor Lindell: Do we have to pay them to come and qualify us?

Mr. Tibbets: No. We submitted the application, which was due December 15th, it was submitted in time at no cost. We should have results sometime in April 2018.

Councilor Lindell: Why don't we wait until then to move this forward? We have master plans for pedestrians, we have Ordinances and commitments to trails in the city and we have master planned in to the future. I am not comfortable to more full-time positions when we are talking in to the future. I can't support this; we have so much in place. It doesn't make any sense to me to make a commitment, committing future councils to money that we don't know if they have. I love the idea but I don't like writing commitments to the future when it is not necessary.

Mr. Tibbets: We are making a commitment to say that this is Walk Friendly Community, it would set the basis that the city is in support of having a walkable and bicycle community.

Chair Dominguez: When I look at the FIR it says that no specific funding is requested for this FY, does that mean you are looking at the next FY? The Bill itself is relatively vague, it just says you are going to continue these efforts, etc., one of these programs I think is important. Is it possible that we could say that we support this Bill subject to future appropriations and maybe it comes from the Feds or some of the programs that are out there?

Mr. Tibbets: Yes. The way it is stated is just saying that these higher levels of discussion would be aided by taking the following actions to show a commitment to do this. All it is saying in this resolution at this point is that we support the effort to make Santa Fe a more Walk Friendly Community. It is really waiting for results back and if there is a concern on the commitment when it comes back to ask for whatever FY it is, I don't know, It wouldn't be necessarily committing any future council. I would have to go through the whole process or some person would need to come through, at least it would set the basis that the City is in support of having a more walkable/bikeable community. It goes along with the direction they are going in.

Chair Dominguez: In some ways it shows the direction to be consistent with the support we gave to the Art and Creativity Center. It is not as extensive as that but this type of commitment of these statements of supporting efforts could help us get funding from the Feds or some other organizations.

Mr. Tibbets: Yes. Basically it is a nationally recognized designation just like the Bike Friendly. Right now the City has spent a lot of time and energy in promoting bicycling in the city. Basically the MPO feels that a similar commitment to a pedestrian or Walk Friendly Community is not as forward as pronounced as any sense of tangible evidence that we really promote. Even though Santa Fe is recognized, especially in the downtown area, we don't have as much

connectivity and other elements of Walk Friendly and that is based on our ADA transition plan, based on the Bus Stop Assessment. We have seen individual efforts as you say, but there is nothing that pulls all those elements together in a concerted effort for those intentions without putting a financial commitment for this FY or for when that time comes to support that Resolution. We aren't looking at a financial commitment.

Chair Dominguez: That is something that helps me. I think that the spirit of this raised the concern, there is no real fiscal impact as of yet so I am happy to support as long as it is contingent on appropriations in the future. Making the statement is one thing but dedicating finances to it complicates it as Councilor Lindell has said. I believe as long as we are clear that we are endorsing the idea that we endorse the efforts to support the Walkable Community for Santa Fe.

Councilor Villarreal: We talked about this in Public Works as far as the financial impact and in an effort to tweak the language my Amendment is in front of you and maybe someone can propose verbiage for the Be It Resolved section.

Councilor Ives moved to approve Resolution Supporting Continuing Efforts to Invest in and Promote Santa Fe's Walkability and to Achieve the Highest Designation as a Walk Friendly Community with the following addition, between the Amendment proposed by Councilor Villarreal and proposed wording by Councilor Ives; Now Therefore Be it Resolved, by the Governing Body of the City of Santa Fe that it supports these continuing efforts to invest in, subject to appropriation, and to promote Santa Fe's Walkability and to achieve the highest designation as a Walk Friendly Community, second by Councilor Harris, motion carried by unanimous voice vote.

7. DISCUSSION

8. MATTERS FROM STAFF

None

9. MATTERS FROM THE COMMITTEE

Councilor Villarreal asked Mr. Johnson: The question related to the Railyard, did the information that Mr. Siqueros provide help at all? Mr. Johnson stated that he would review that information.

Chair Dominguez: Direction to Mr. Johnson – if you could talk about the next meeting and study session that we will have with candidates.

Mr. Johnson: We have been discussing the opportunity to invite Candidates the last Finance Committee of this month. Mr. Johnson and his team are working on a structure for that presentation. They are working putting together a document that is in the same form as the Quarterly Financial reports with additional information that will touch on a few additional topics. I don't have an avenue in which to invite them and was hoping the Chair or committee could help extend that invitation.

Chair Dominguez: For the record, in some ways it is late as I am sure candidates will be well in to the campaign and finishing up the whole process. It is almost something we should have done earlier in the campaign cycle. We have never done this before.

Councilor Lindell: What is the purpose of the invitation?

Chair Dominguez: The purpose of the invitation is to give the candidates a preview of what they should expect because the budget process has already started. The idea is to give them a landscape of what the financial situation is and to give them an idea of what to expect right after they get elected and get sworn in, in terms of the budget process and what some of the challenges might be. It is a way to introduce the discussion and have some information for the transition process from this committee.

Councilor Villarreal: Have we talked about clarification of what's been completed in terms of clean up in the Finance Department? There is an assumption that we haven't done anything since the contractor report, even prior to that and there has been a lot completed since then.

Mr. Johnson: We are intending to include the response from the City Manager in to that presentation.

Councilor Harris: Would this be just a presentation or would it include a question and answer?

Mr. Johnson: I certainly think that providing an opportunity for questions is a great thing to do for clarification.

Chair will work with staff on the platform of this meeting. It would be beneficial to have them ask questions. All comments would be documented as a formal meeting of the Finance Committee.

Councilor Harris: If I could suggest in 50 words or less that the Finance Director will describe the difference between the global budget of \$372 million vs. our operations budget and General Fund approximate \$93 million. There is confusion on how we make that leap from \$93 million to \$372 million. I have seen it rounded up now to \$400 million in the paper.

Chair Dominguez said that the invitation has not been extended and/or if it should be a part of the Finance Committee meeting.

Chair Dominguez: Discussion off line on whether or not we want to have a meeting on March 5th, night before the elections.

Councilor Harris: We should defer.

Councilor Lindell: Suggested move up the time in the day.

Chair Dominguez will review.

**FINANCE COMMITTEE MEETING
FEBRUARY 5, 2018**

10. EXECUTIVE SESSION

None


11. ADJOURN

There being no further business to come before the Finance Committee, the Chair called for adjournment at 7:00 pm.

SIGNATURE PAGE:



Councilor Carmichael Dominguez



Fran Lucero, Stenographer