

**City of Santa Fe, NM**  
**Regular Committee**  
**Monday, July 16, 2018**  
**5:00 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**

Regular Finance Committee Meeting - July 2, 2018

**6. DISCUSSION**

A) ECONOMIC DEVELOPMENT EXPENSES TO TIERRA CONTENTA FUND. INFORMATION ONLY.  
(BRADLEY FLUETSCH)

6A

2000-16 ED Fund Ordinance.pdf

2018-4 - ED Code.pdf

B) CIP: SOURCES AND USES. INFORMATIONAL ONLY. (BRADLEY FLUETSCH)

6B

C) DISCUSSION AND DIRECTION OF NEW POSITIONS RELATED TO CONSTITUENT SERVICES, COUNCIL LIAISON, AND DIRECTOR OF NEIGHBORHOOD ENGAGEMENT AS APPROVED IN THE FY18-19 OPERATING BUDGET. (COUNCILOR ABEYTA)

**7. CONSENT AGENDA**

A) REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$150,000 FOR MANAGEMENT OF THE SANTA FE RAILYARD PARK PROGRAMS; SANTA FE RAILYARD PARK CONSERVANCY. (ROBERT SIQUEIROS)

7A

B) REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$75,000 TO FUND THE RAILYARD EVENTS MARKETING, PLAZA STAGE, SOUND AND LIGHTING EQUIPMENT AND DIGITAL MOVIE PROJECTION RENTAL; SANTA FE RAILYARD COMMUNITY CORPORATION (ROBERT SIQUEIROS)

7B

C) REQUEST FOR APPROVAL OF AN AGREEMENT FOR THE CONSTRUCTION OF A PEDESTRIAN RAILROAD TRACK CROSSING AT ALCALDESA ST. WITHIN THE NORTH RAILYARD DISTRICT; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (ROBERT SIQUEIROS)

7C

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 7/13/2018

TIME: 10:21 PM

D) REQUEST FOR APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT PSA, IN THE TOTAL AMOUNT OF \$134,777 FOR THE REPROGRAMMING OF 17-18 CDBG FUNDS FOR THE HOUSING TRUST, SOLERAS STATION AFFORDABLE HOUSING DEVELOPMENT PROJECT. (JACQUELINE BEAM)

7D

E) REQUEST FOR APPROVAL AMENDMENT NO. 7 IN THE AMOUNT OF \$9,582.13 TO THE ORIGINAL PSA ITEM # 10-1034 WITH X-CELL TOWERS FOR THE LEASE OF THE ELECTRONIC SITE AT TESUQUE PEAK FOR FY 2018/2019 FOR THE TOTAL AMOUNT OF \$122,287.81 INCLUSIVE OF NMGR. (ALEX GAMINO)

7E

F) REQUEST FOR APPROVAL OF AN AGREEMENT WITH BRADBURY STAMM CONSTRUCTION, INC. FOR THE WASTEWATER TREATMENT PLANT ANAEROBIC DIGESTERS PROJECT - CIP #950 FOR THE AMOUNT OF \$13,869,156.25 INCLUSIVE OF NMGR. (ALAN MACGREGOR)

1. REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST FOR THE TOTAL AMOUNT OF \$15,548,416.19.

7F

G) REQUEST FOR APPROVAL OF A FOUR (4) YEAR PROFESSIONAL SERVICES AGREEMENT WITH MOBILE CLEAN CAR WASH FOR THE AMOUNT OF \$615,231.00. (LAWRENCE GARCIA)

7G

H) REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF THE APPLICATION FOR AGUA FRIA/SOUTH MEADOWS INTERSECTION IMPROVEMENTS FUNDED THROUGH A MUNICIPAL ARTERIAL PROGRAM (MAP) COOPERATIVE GRANT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (COUNCILORS ABEYTA, RIVERA AND VILLARREAL) (DAVID QUINTANA)

7H

I) A RESOLUTION URGING THE NEW MEXICO STATE LEGISLATURE TO SUPPORT AND ENACT "MEDICAL AID IN DYING (MAID)," ALSO KNOWN AS THE END OF LIFE OPTIONS ACT. (COUNCILORS ROMERO-WIRTH, LINDELL AND VIGIL COPPLER) (JESSE GUILLEN)

Committee Review:

City Council 7/25/18

Fiscal Impact: None

7I

J) A RESOLUTION ACKNOWLEDGING THE CITY'S PUBLIC OUTREACH AND MARKET RESEARCH EFFORTS TO DATE THAT CONSTITUTE THE "CONCEPT PHASE" OF THE REDEVELOPMENT PROCESS OF THE CITY-OWNED PROPERTY AT THE FORMER CAMPUS OF THE COLLEGE OF SANTA FE AND THE SANTA FE UNIVERSITY OF ART AND DESIGN, NOW REFERRED TO AS THE CITY'S MIDTOWN PROPERTY; ADOPTING PLANNING GUIDELINES FOR FUTURE USES OF THE MIDTOWN PROPERTY DEVELOPED THROUGH THE CONCEPT PHASE; AND AUTHORIZING COMMENCEMENT OF THE "PLANNING STAGE" OF THE REDEVELOPMENT PROCESS OF THE MIDTOWN PROPERTY. (MAYOR WEBBER, COUNCILORS LINDELL, HARRIS AND VIGIL COPPLER) (MATT O'REILLY)

Committee Review:

Public Works Committee 7/23/18

City Council 7/25/18

Fiscal Impact: None

7J

K) AN ORDINANCE AMENDING SECTION 9-3 SFCC 1987, THE PUBLIC CAMPAIGN FINANCE CODE, TO INCLUDE A DEFINITION FOR QUALIFIED SMALL CONTRIBUTION; ESTABLISHING A NEW SECTION REGARDING QUALIFIED SMALL CONTRIBUTIONS; ESTABLISHING A NEW SECTION MANDATING MATCHING PAYMENTS BY THE CITY; AND ESTABLISHING A NEW SECTION REGARDING REPORTING OF QUALIFIED SMALL CONTRIBUTIONS AND MATCHING PAYMENTS. (COUNCILORS ROMERO-WIRTH, IVES AND VILLARREAL) (ZACH SHANDLER)

Committee Review:

City Council (request to publish)	7/25/18
City Council (public hearing)	8/29/18

Fiscal Impact: TBD

7K

L) AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-5.5(C)(3) TO ADD APPLICABILITY TO SINGLE-FAMILY DWELLINGS AND DETACHED MULTIPLE-FAMILY DWELLINGS; AMENDING SUBSECTION 14-5.5(C)(5) TO PROVIDE A SETBACK FROM THE AIRPORT ROAD RIGHT-OF-WAY AND SCREEN WALL REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS UNITS AND DETACHED MULTIPLE-FAMILY DWELLINGS; AMENDING SUBSECTION 14-5.5(C)(7) TO ADD LANDSCAPING REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS AND DETACHED MULTIPLE-FAMILY DWELLINGS ADJACENT TO THE AIRPORT ROAD RIGHT-OF-WAY; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE. (COUNCILORS ABEYTA, RIVERA AND LINDELL) (GREG SMITH)

Committee Review:

Planning Commission	7/19/18
Public Works Committee	7/23/18
City Council (request to publish)	7/25/18
Finance Committee	8/20/18
City Council (public hearing)	8/29/18

Fiscal Impact: None

7L

M) A RESOLUTION ACCEPTING THE DONATION OF PRIVATE FUNDS FOR THE CONSTRUCTION OF A DOG PARK AT FORT MARCY PARK AND INITIATING THE PROCESS TO NAME THE FACILITY THE "MAX & FRIENDS DOG PARK". (COUNCILORS LINDELL, IVES, VILLARREAL, ABEYTA) (SAM BURNETT)

Committee Review:

Parks and Recreation Committee	7/17/18
Public Works Committee	7/23/18
City Council	7/25/18

Fiscal Impact: \$10,000

7M

N) A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF THE FOURTH QUARTER (YEAR-END) BUDGET ADJUSTMENTS FOR FISCAL YEAR 2017/2018, AND ACCOMPANYING QUARTERLY REPORT AND ASSOCIATED FORMS/SCHEDULES REQUIRED FOR SUBMITTAL TO THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION (DFA/LGD) FOR THE FOURTH QUARTER OF FISCAL YEAR 2017/2018. (ANDREW HOPKINS).

7N

O) AN ORDINANCE AMENDING CHAPTER 4 SFCC 1987 TO DESIGNATE A HEARING OFFICER TO CONDUCT PUBLIC HEARINGS RELATED TO LIQUOR LICENSE APPLICATIONS AND WAIVERS OF DISTANCE REQUIREMENTS FROM CHURCHES OR SCHOOLS, WHEN APPLICABLE, FOR LIQUOR LICENSE APPLICATIONS, SPECIAL DISPENSER PERMITS AND PUBLIC CELEBRATION PERMITS. (MAYOR WEBBER AND COUNCILOR LINDELL) (ZACHARY SHANDLER) (YOLANDA VIGIL)

70

**8. MATTERS FROM STAFF**

**9. MATTERS FROM THE COMMITTEE**

**10. ADJOURN**

SUMMARY OF ACTION  
FINANCE COMMITTEE  
CITY HALL, COUNCIL CHAMBERS  
MONDAY, JULY 16, 2018, 5:00 PM

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
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APPROVAL OF MINUTES	APPROVED	2
<u>DISCUSSION</u>		
ECONOMIC DEVELOPMENT EXPENSES TO TIERRA CONTENTA FUND. INFORMATION ONLY	INFORMATION/DISCUSSION	2-
CIP: SOURCES AND USES: INFORMATIONAL ONLY	INFORMATION/DISCUSSION	6-9
DISCUSSION AND DIRECTION OF NEW POSITIONS RELATED TO CONSTITUENT SERVICES, COUNCIL LIAISON AND ENGAGEMENT AS APPROVED IN THE FY 18-19 OPERATING BUDGET	INFORMATION/DISCUSSION	9-10
<u>CONSENT AGENDA</u>		
REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$150,000 FOR MANAGEMENT OF THE SANTA FE RAILYARD PARK PROGRAMS; SANTA FE RAILYARD PARK CONSERVANCY	APPROVED ON CONSENT	10
REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF	APPROVED ON CONSENT	10

**\$75,000 TO FUND THE RAILYARD EVENTS  
MARKETING PLAZA STAGE; SOUND AND  
LIGHTING EQUIPMENT AND DIGITAL MOVIE  
PROJECTION RENTAL; SANTA FE RAILYARD  
COMMUNITY CORPORATION.**

<b>REQUEST FOR APPROVAL OF AN AGREEMENT FOR THE CONSTRUCTION OF A PEDESTRIAN RAILROAD TRACK CROSSING AT ALCALDESA ST. WITHIN THE NORTH RAILYARD DISTRICT; NEW MEXICO DEPARTMENT OF TRANSPORTATION.</b>	<b>APPROVED ON CONSENT</b>	<b>10</b>
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<b>REQUEST FOR APPROVAL OF COMMUNITY BLOCK GRANT PSA, IN THE TOTAL AMOUNT OF \$134,777 FOR THE REPROGRAMMING OF 17-18 CDBG FUNDS FOR THE HOUSING TRUST, SOLERAS STATION AFFORDABLE HOUSING DEVELOPMENT PROJECT.</b>	<b>APPROVED ON CONSENT</b>	<b>10</b>
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<b>REQUEST FOR THE APPROVAL OF AN AGREEMENT WITH BRADBURY STAMM CONSTRUCTION, INC. FOR THE WASTEWATER TREATMENT PLANT ANAEROBIC DIGESTERS PROJECT - CIP #950 FOR THE AMOUNT OF \$13,869,156.25 INCLUSIVE OF NMGR.</b>	<b>APPROVED</b>	<b>10-11</b>
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<b>REQUEST FOR APPROVAL OF A FOUR (4) YEAR PROFESSIONAL SERVICES AGREEMENT WITH MOBILE CLEAN CAR WASH FOR THE AMOUNT OF \$615,231.00.</b>	<b>APPROVED</b>	<b>11-14</b>
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<b>REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF THE APPLICATION FOR AGUA FRIA/SOUTH MEADOWS INTERSECTION IMPROVEMENTS FUNDED THROUGH A MUNICIPAL ARTERIAL PROGRAM (MAP) COOPERATIVE GRANT WITH THE NEW MEXICO DEPARTMENT OF</b>	<b>APPROVED ON CONSENT</b>	<b>14</b>
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## **TRANSPORTATION.**

<b>A RESOLUTION URGING THE NEW MEXICO STATE LEGISLATURE TO SUPPORT AND ENACT "MEDICAL AID IN DYING (MAID)," ALSO KNOWN AS THE END OF LIFE OPTIONS ACT.</b>	<b>POSTPONED</b>	<b>14-16</b>
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<b>A RESOLUTION ACKNOWLEDGING THE CITY'S PUBLIC OUTREACH AND MARKET RESEARCH EFFORTS TO DATE THAT CONSTITUTE THE "CONCEPT PHASE" OF THE REDEVELOPMENT PROCESS OF THE CITY-OWNED PROPERTY AT THE FORMER CAMPUS OF THE COLLEGE OF SANTA FE AND THE SANTA FE UNIVERSITY OF ART AND DESIGN, NOW REFERRED TO AS THE CITY'S MIDTOWN PROPERTY; ADOPTING PLANNING GUIDELINES FOR FUTURE USES OF THE MIDTOWN PROPERTY DEVELOPMENT THROUGH THE CONCEPT PHASE; AND AUTHORIZING COMMENCEMENT OF THE "PLANNING STAGE" OF THE REDEVELOPMENT PROCESS OF THE MIDTOWN PROPERTY.</b>	<b>APPROVED</b>	<b>16</b>
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<b>AN ORDINANCE AMENDING SECTION 9-3 SFCC 1987, THE PUBLIC CAMPAIGN FINANCE CODE, TO INCLUDE A DEFINITION FOR QUALIFIED SMALL CONTRIBUTION; ESTABLISHING A NEW SECTION REGARDING QUALIFIED SMALL CONTRIBUTIONS; ESTABLISHING A NEW SECTION MANDATING MATCHING PAYMENTS BY THE CITY; AND ESTABLISHING A NEW SECTION REGARDING REPORTING OF QUALIFIED SMALL CONTRIBUTIONS AND MATCHING PAYMENTS.</b>	<b>POSTPONED</b>	<b>16-22</b>
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<b>AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-5.5(C)(3) TO ADD APPLICABILITY TO SINGLE-FAMILY DWELLINGS AND DETACHED MULTIPLE-FAMILY DWELLINGS; AMENDING SUBSECTION 14-5.5(C)(3) TO PROVIDE A SETBACK FROM THE AIRPORT ROAD RIGHT OF WAY AND SCREEN WALL REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS UNITS AND DETACHED MULTIPLE-FAMILY DWELLINGS; AMENDING</b>	<b>POSTPONED</b>	<b>22</b>
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**SUBSECTION 14-5.5(C)(7) O ADD LANDSCAPING REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS AND DETACHED MULTIPLE-FAMILY DWELLINGS ADJACENT TO THE AIRPORT ROAD RIGHT OF WAY; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.**

<b>A RESOLUTION ACCEPTING THE DONATION OF PRIVATE FUNDS FOR THE CONSTRUCTION OF A DOG PARK AT FORT MARCH PARK AND INITIATING THE PROCESS TO NAME THE FACILITY THE "MAX &amp; FRIENDS DOG PARK."</b>	<b>APPROVED ON CONSENT</b>	<b>22</b>
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<b>A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF THE FOURTH QUARTER (YEAR-END) BUDGET ADJUSTMENTS FOR FISCAL YEAR 2017/2018, AND ACCOMPANYING QUARTERLY REPORT AND ASSOCIATED FORMS/SCHEDULES REQUIRED FOR SUBMITTAL TO THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION (DFA/LGD) FOR THE FOURTH QUARTER OF FISCAL YEAR 2017/2018.</b>	<b>APPROVED ON CONSENT</b>	<b>22</b>
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<b>AN ORDINANCE AMENDING CHAPTER 4 SFCC 1987 TO DESIGNATE A HEARING OFFICER TO CONDUCT PUBLIC HEARINGS RELATED TO LIQUOR LICENSE APPLICATIONS AND WAIVERS OF DISTANCE REQUIREMENTS FROM CHURCHES OR SCHOOLS, WHEN APPLICABLE, FOR LIQUOR LICENSE APPLICATIONS; SPECIAL DISPENSER PERMITS AND PUBLIC CELEBRATION PERMITS.</b>	<b>APPROVED ON CONSENT</b>	<b>22</b>
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<b>MATTERS FROM STAFF</b>	<b>INFORMATION/DISCUSSION</b>	<b>22-23</b>
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<b>MATTERS FROM THE COMMITTEE</b>	<b>INFORMATION/DISCUSSION</b>	<b>23</b>
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<b>ADJOURN</b>	<b>ADJOURNED</b>	<b>23</b>
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**FINANCE COMMITTEE  
CITY HALL, COUNCIL CHAMBERS  
MONDAY, JULY 16, 2018, 5:00 PM**

**1. CALL TO ORDER**

The meeting of the Finance Committee was called to order by Councilor Roman Abeyta, Chair, at 5:05 pm on Wednesday, July 16, 2018, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT**

Councilor Roman Abeyta, Chair  
Councilor Christopher Rivera  
Councilor Signe Lindell  
Councilor Michael Harris  
Councilor Carol Romero Wirth

**MEMBERS ABSENT**

**OTHERS PRESENT**

Councilor JoAnne Vigil Coppler  
Mary McCoy, Finance Director  
Bradley Fluetsch, Finance Department  
Becky Casper, Finance Department  
Matt O'Rielly, Asset Manager  
Elizabeth Martin, Stenographer

**3. APPROVAL OF AGENDA**

Mr. Fluetsch said he would like to remove item L.

Chair Abeyta asked move it off consent or remove it altogether.

Mr. Fluetsch said he would like to postpone it to the August 20<sup>th</sup> Finance Committee meeting.

Mr. Fluetsch said there is an item that we would like to add from Public Works. It is the 2020-2024 Infrastructure Capital Improvements Plan. This is the ICIP Plan. It needs to be heard this evening so it can get to Public Works and approved in time for the Legislature to take it up.

Ms. Casper said this was a request from Public Works to debut it here this evening to begin

conversations at this Committee so they can begin developing their top tier for Public Works and then here it here again for final action on July 30<sup>th</sup>.

Chair Abeyta said he does not like that. It was not on our agenda ahead of time. He is not inclined to add this to the agenda. What does the Committee want to do

Councilor Harris said he agrees. Let Public Works do their work and we will hear it on the 30<sup>th</sup>.

Councilor Lindell said she knows this happened for some reason, but it is almost impossible to have things come to us at 5:00 pm and expect us to look at them and discuss them when we have not had a chance to look at what they are.

Chair Abeyta said this would set a precedent. He is not going to allow that.

**MOTION** A motion was made by Councilor Harris, seconded by Councilor Rivera, to approve the agenda as amended.

**VOTE** The motion passed unanimously by voice vote.

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

Councilor Romero Wirth said she would like to pull item K for discussion.

Councilor Harris said he would like to pull items F, K, I and J for discussion.

Councilor Lindell said she would like to pull item G for discussion.

**MOTION** A motion was made by Councilor Lindell, seconded by Councilor Harris, to approve the consent agenda as amended.

**VOTE** The motion passed unanimously by voice vote.

#### **5. APPROVAL OF MINUTES JULY 2, 2018**

**MOTION** A motion was made by Councilor Rivera, seconded by Councilor Lindell to approve the minutes as presented.

**VOTE** The motion passed unanimously by voice vote.

#### **6. DISCUSSION**

##### **A. ECONOMIC DEVELOPMENT EXPENSES TO TIERRA CONTENTA FUND. INFORMATION ONLY. Bradley Fluetsch, Matt Brown**

Mr. Fluetsch said some meetings ago there was a BAR moving money from the Tierra Contenta funds to Economic Development to cover 3 specific expenditures. There were some questions from this Committee. We have reconciled the Tierra Contenta fund and have determined what is remaining for Economic Development and Affordable Housing. Economic Development has sufficient funds for the BAR to be okay. The second question was are these expenditures appropriate for the Tierra Contenta fund. By Ordinance it says it has to be for capital outlay. The City Attorney, in conjunction with himself, looked at the 3 items. The Bloomberg Challenge, the design and survey for the Midtown Campus and a LEDA expenditure for Descartes Labs. We determined they meet the criteria and are okay. We would rather not do the BAR and move the money. We would like to track the Tierra Contenta expenditures within the fund. Our solution is doing a journal entry moving the expenses from the Economic Development fund to the Tierra Contenta fund. Then no BAR is needed and there are sufficient funds for that.

Chair Abeyta asked the Bloomberg Challenge qualifies as a capital project.

Mr. Fluetsch said they used the funds to develop an app for phones. It is common for software apps to be capitalized.

Chair Abeyta said to him when he reads the Ordinance he thinks that means brick and mortar. He was not here when the Ordinance was adopted. That is his concern.

Councilor Harris said the total is \$136,000. Bloomberg was the smallest amount of the 3.

Mr. Fluetsch said it was \$36,000. He agrees it is a grey area.

Councilor Harris said he accepts the determination from the City Attorney. He won't challenge it. Why is a BAR not necessary. He has a hard time following the reconciliation and allocation. You said in the Economic Development Fund you have \$1,080,000. There is a receivable. What is the nature of the receivable.

Mr. Fluetsch said it is 2 loans to the NW quadrant for NW construction. One for \$300,000 and one for \$313,400 loan for a total of \$613,200.

Councilor Harris asked for what.

Mr. Fluetsch said he did not look into that. That is the way it is on the books.

Councilor Harris asked how far back does that go.

Mr. Fluetsch said he would have to look into that.

Councilor Harris said put that on your list to find out that information. We talk a lot about the NW quadrant these days and the \$2 million allocated out of the Parks and Trails Bond. He really wants to know what that is about.

Councilor Harris said so there is \$566,372 in cash in the Economic Development fund that comes from the Tierra Contenta fund or that is the allocation from within the Tierra Contenta Fund.

Mr. Fluetsch said that is the allocation within the fund.

Councilor Harris asked how are you proposing this. Explain the transaction to him.

Mr. Fluetsch said in the Economic Development fund a BAR moves money from the Tierra Contenta fund to Economic Development. We lose the knowledge of what those transfers were for. Finance would like the expense recorded in that fund so we can see what the money is spent for.

Councilor Harris asked is this in the nature of a reimbursement to Economic Development.

Mr. Fluetsch said no, we will move the expense from Economic Development to the Tierra Contenta fund. The expense line item will not change, just which fund it is expressed to.

Councilor Harris said so the fund is different from the allocation.

Councilor Rivera asked where does all the money come from for this fund.

Mr. Fluetsch said operating expense is expense from Economic Development that is approved to be paid out of the Tierra Contenta fund.

Councilor Rivera said that was a BAR.

Mr. Fluetsch said yes.

Councilor Rivera asked why was it not set up as journal entry.

Mr. Fluetsch said he doesn't know why they did it that way. Maybe the Department at that time did not have a desire to track the fund. It was a management decision at that time.

Councilor Rivera asked you think a journal entry is a better way to track it.

Mr. Fluetsch said yes.

Councilor Rivera said with regard to the Chair's question and capital projects, he understands, but doesn't it also deal with a certain amount to be considered a capital project.

Mr. Fluetsch said not in dollar terms. There is a new State Audit rule that says we don't carry assets under \$500,000. It was based on useful life.

Councilor Rivera asked is that what determined it as a capital project.

Mr. Fluetsch said that is one way of doing it.

Councilor Rivera asked do these expenses qualify for capital.

Mr. Fluetsch said the Ordinance refers to it as capital expenditures and related expenses. The survey is something that can be capital, part of the design process. We are a public entity and have to engage the public.

Councilor Rivera asked what about Bloomberg.

Mr. Fluetsch said you can capitalize expenditures such as software development.

Councilor Rivera asked did we develop software.

Mr. Fluetsch said the app is software.

Councilor Rivera asked what does it do.

Mr. Brown said it is to provide books to low income children and families.

Councilor Rivera said he is still upset that the funding from the Tierra Contenta fund was not communicated at the onset that for these 3 projects that this was where the funding would come from. He is still irked about that. He wishes he had known about that at the beginning. He would have put up more of a fight against that.

Mr. Brown said he appreciates hearing that. His team and staff, every time we do a project we will make sure funds are identified at the time the project is issued. He had some frustration with that as well. We are changing that and it won't happen again.

Councilor Romero Wirth said she would like some background on what the Tierra Contenta fund is.

Mr. Fluetsch said back in 1994 there was a piece of property the City owned in Tierra Contenta. We donated it to a developer. As that developer sells property the money comes back to the City. Matt O'Rielly can speak to this.

Mr. O'Rielly said thanks Brad.

Mr. O'Rielly said Brad is getting here. Up until 2013 every time an acre of land was sold in Tierra Contenta a little over \$10,000 was turned over to the City. The balance is now \$2 million. The term was extended. Now when Tierra Contenta sells an acre the developer pays back to the City \$13,000.

Councilor Romero Wirth said thanks.

Councilor Harris said he is looking at the reconciliation. The adjusted revenue basically nets out to

\$1, 076,000. It looks like the \$576,000 was taken out twice.

Mr. O'Rielly said the \$1,076,000 is the first 5 items. Those items total to the \$1,076,000. We have not determined if they are Economic Development or other.

Councilor Harris asked will you look into the receivables. If he was a betting man it looks like this is related to the development of the Master Plan which goes back a ways.

Chair Abeyta said thank you Mr. Fluetsch for the presentation.

**B. CIP: SOURCES AND USES: INFORMATIONAL ONLY. Bradley Fluetsch**

Mr. Fluetsch said at the last Finance meeting Councilor Harris asked for some information on this. He contacted a number of Departments that do a lot of CIP. He broke it down into 2 groups in his memo in the packet. He reviewed the memo. He suggested the possibility of issuing a bond for the digester. He has been speaking with our Municipal Advisor and he said they could issue a stand alone bond. Wastewater can issue it themselves. We need to get wastewater rated to do that.

Mr. Fluetsch said the sources are listed in the memo.

Chair Abeyta said on the City CIP if we issue GRT bonds of \$20 million to \$25 million we add \$1.5 million to that so that would leave between \$2 million and \$7 million available for other projects on the list.

Mr. Fluetsch said the \$1.5 million will be funded out of the fund balance.

Chair Abeyta asked so if we decided to do \$20 million to \$25 million that leaves us what for the projects you listed.

Mr. Fluetsch said \$ 2.3 million for the next 2 years.

Councilor Harris said the question is can we sell bonds if we award that contract and they proceed. Retroactively.

Mr. Fluetsch said he recommend that we adopt a reimbursement Resolution first.

Councilor Harris said it seems like bond agencies don't like retroactive reimbursements.

Mr. Fluetsch said we have to have a reimbursement resolution first.

Councilor Harris asked it does not effect ratings.

Mr. Fluetsch said no.

Mr. Fluetsch said the Environmental Services wants to build a \$4 million maintenance facility.

Their system revenues are not strong enough to issue a stand alone bond. It would need a GRT sub-lien.

Chair Abeyta asked how would that effect the \$20 million.

Mr. Fluetsch said it would come out of GRT debt capacity and have no bearing on the \$20 million bond issue.

Councilor Harris said he is interested in getting out ahead of this one. Isn't there a GRT increment for capital outlay.

Mr. Fluetsch said if it is the infrastructure one it is 1/16th and generates \$2 million roughly.

Councilor Harris said so \$2 million for capital outlay infrastructure. Is that the money we typically see budgeted in the operating budget.

Mr. Fluetsch said yes.

Councilor Harris asked is that the only increment.

Mr. Fluetsch said he will have to go back and refer to the sheet he distributed at the last meeting.

Councilor Harris said look at any increments associated with GRT for capital projects and what they generate annually and look at how it is allocated.

Mr. Fluetsch said he will do that.

Chair Abeyta said as next steps do we need more information regarding the GRT bond or do we continue to look at projects primarily through the Public Works Committee. Is the Mayor going to come forward with a proposal or does the Committee think we need more information before we get to that point. Are we ready for the Mayor and staff to bring back a proposal regarding the amount we bond.

Mr. Fluetsch said at this point in time what Finance is waiting for is for Public Works to come up with a definitive list of projects for the bond and the amounts.

Chair Abeyta said we don't want them to come up with a list greater than \$25 million.

Mr. Fluetsch said the Mayor is actually very involved in developing the lenses and prioritizations of those projects.

Councilor Lindell said we need to see that list before it moves forward.

Chair Abeyta asked are we satisfied we have enough information to proceed.

Councilor Romero Wirth said we were talking about a \$20 million bond. How did we jump another

\$5 million.

Mr. Fluetsch said the unknown nature of the projects that will come through. We have the ability to bond up to \$25 million. We would not violate any of the bond tests with \$25 million.

Councilor Romero Wirth asked do we think we need to see the projects. Maybe Public Works could see them first then they come here before the full Council.

Chair Abeyta asked do we want them to get through the process at Public Works then come to us.

Councilor Romero Wirth asked how was it done in the past.

Mr. Fluetsch said the list of projects is developed at Public Works. Finance gives them the idea of the target range of capital we can raise for them.

Chair Abeyta said which is \$25 million as we said today.

Mr. Fluetsch said it would come back to Finance to approve. Staff would put together a bond package with projects. That is the first step toward moving the bond Ordinance. It is the bond ordinance that the Finance Committee would approve.

Chair Abeyta said if you don't sit on Public Works and want to have a say you need to go to the Public Works Committee meeting.

Councilor Lindell asked when will it be at Public Works.

Mr. Fluetsch said he will get back with her.

Councilor Lindell said make sure all the Councilors know that information.

Councilor Romero Wirth said she is not sure having non Committee members having input into the Committee process is the right way to do it. Maybe they need to be sifted through the Committee process.

Chair Abeyta said we will proceed with Public Works coming up with projects and then have them come back here for the financial piece. Let them know this Committee is comfortable with \$20 million.

Councilor Harris said he has talked to Brad. That is the prudent number. If we really look at this it could be \$21 million or so.

Chair Abeyta said you are correct. It could be over on a project

Councilor Harris said we have an ICIP that totals \$250 million.

Chair Abeyta said thank you Mr. Fluetsch.

Mr. Fluetsch said on the wastewater digester project, if he heard correctly, Councilor Harris said he would like us to pursue that. Is that the wish of the Committee.

Chair Abeyta said he agrees with the wishes of the Committee.

Councilor Romero Wirth said we need more information.

Chair Abeyta said start putting that together and present it to us.

Councilor Harris said lay it out for us.

**C. DISCUSSION AND DIRECTION OF NEW POSITIONS RELATED TO CONSTITUENT SERVICES, COUNCIL LIAISON AND DIRECTOR OF NEIGHBORHOOD ENGAGEMENT AS APPROVED IN THE FY 18-19 OPERATING BUDGET.**  
**Councilor Abeyta**

Chair Abeyta said he and Councilor Romero Wirth met with Human Resources to develop job descriptions for the positions. A handout was provided by Chair Abeyta and he reviewed it. The hand out is incorporated into these minutes as Exhibit "1."

Chair Abeyta said this plan stays within the budget we approved.

Chair Abeyta said we also met with Constituent Services and Legal. We would like to move forward and fill the positions so we can review them at mid point. The plan is to reach out to other Councilors, get feedback and put this on the City Council agenda and proceed to fill the positions in August or September so we can review them at mid year.

Councilor Harris said thank you Chair Abeyta and Councilor Romero Wirth for continuing to work on this. He is satisfied with this. It seems to be consistent with what he had in mind.

Chair Abeyta said thank you Councilor Romero Wirth.

Councilor Romero Wirth said right back at you for shepherding this through the process. She would like to make one more pitch to giving notice that we may want Council Assistants to do some initial bill drafting even if the final job lies somewhere else. She still sees these people as helping us do policy development and researching the kinds of policies we could consider in order to solve some of the problems we have and what other cities do. How to tweak policies to fit our community. They are not making policy. It could fall under research. We want someone above secretarial level.

Chair Abeyta said we will still be talking about the recruitment process and skidded needs. We can come up with some language that addresses what you said.

Councilor Harris said he doesn't disagree, but it is really a function of time. Each of those people

have 4 councilors. We need to be realistic about what these people can do. Lets get started and see how it plays out. It is about talent and time.

Councilor Vigil Coppler said thanks to everyone who has developed these. She thinks these positions will help us a great deal. She thinks we ought to slip into the potential qualifications something related to journalism. These people will be writing a great deal. It says they will write presentations in an interesting manner. A real clear cut way to get that is a journalism background. Just a comment.

## **7. CONSENT AGENDA**

### **A. REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$150,000 FOR MANAGEMENT OF THE SANTA FE RAILYARD PARK PROGRAMS; SANTA FE RAILYARD PARK CONSERVANCY**

Approved on consent.

### **B. REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$75,000 TO FUND THE RAILYARD EVENTS MARKETING PLAZA STAGE; SOUND AND LIGHTING EQUIPMENT AND DIGITAL MOVIE PROJECTION RENTAL; SANTA FE RAILYARD COMMUNITY CORPORATION.**

Approved on consent.

### **C. REQUEST FOR APPROVAL OF AN AGREEMENT FOR THE CONSTRUCTION OF A PEDESTRIAN RAILROAD TRACK CROSSING AT ALCALDESA ST. WITHIN THE NORTH RAILYARD DISTRICT; NEW MEXICO DEPARTMENT OF TRANSPORTATION.**

Approved on consent.

### **D. REQUEST FOR APPROVAL OF COMMUNITY BLOCK GRANT PSA, IN THE TOTAL AMOUNT OF \$134,777 FOR THE REPROGRAMMING OF 17-18 CDBG FUNDS FOR THE HOUSING TRUST, SOLERAS STATION AFFORDABLE HOUSING DEVELOPMENT PROJECT.**

Approved on consent.

### **E. REQUEST FOR APPROVAL OF AMENDMENT NO. 7 IN THE AMOUNT OF \$9,582.13 TO THE ORIGINAL PSA ITEM #10-1034 WITH X-CELL TOWERS FOR THE LEASE OF THE ELECTRONIC SITE AT TESUQUE PEAK FOR FY 2018-2019 FOR THE TOTAL AMOUNT OF \$122,287.81 EXCLUSIVE OF NMGR.**

Approved on consent.

### **F. REQUEST FOR THE APPROVAL OF AN AGREEMENT WITH BRADBURY STAMM**

**CONSTRUCTION, INC. FOR THE WASTEWATER TREATMENT PLANT ANAEROBIC DIGESTERS PROJECT - CIP #950 FOR THE AMOUNT OF \$13,869,156.25 INCLUSIVE OF NMGR.**

**1. REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST FOR THE TOTAL AMOUNT OF \$15,548,416.19. Shannon Jones, Allen MacGregor**

Councilor Harris said the main question he had has been asked and answered. We know we are going to get an analysis. Mr. Jones did you put this together or Allen MacGregor. It is a very clear statement. He appreciates the calculations.

Councilor Harris said he wants to make sure Shannon speaks about the self sustaining nature of the facility after this is complete and combined with the solar array. He would like to know your expectations dollar wise.

Mr. Jones introduced Mr. MacGregor who is the engineer on the project.

Mr. MacGregor said what this will get us is we are at 37% of the power demand at the plant by the PV fields. With this system we will be up to 94%. Very slowly we are beginning to be able to be sustainable power wise. Also we are making improvements to the facility. On the other side of things, the heating side, the system is designed to use all the bio gas we produce. There will be no more flaming except for start ups or malfunctions. Compliance and sustainability. We will save \$61,000 a year in natural gas costs by recovering the heat off the gasoline engines.

Councilor Harris said it is a win win. As a reminder this was done as an amendment to the design contract. Congratulations for making a recommendation initially advocating for it. This will prove to be a benefit for the facility.

Mr. MacGregor said he came along late in the game. Shannon and Kathleen put this together.

**MOTION** A motion was made by Councilor Harris, seconded by Councilor Lindell, to approve this request.

**VOTE** The motion passed unanimously by voice vote.

**G. REQUEST FOR APPROVAL OF A FOUR (4) YEAR PROFESSIONAL SERVICES AGREEMENT WITH MOBILE CLEAN CAR WASH FOR THE AMOUNT OF \$615,231.00. Lawrence Martinez**

Councilor Lindell asked did we have any consideration of having 2 full time people to do this.

Mr. Martinez said we did not look at the numbers to hire 2 staff members. We piloted this company. The trucks really looked nice. That is an option.

Councilor Lindell said for this amount of money on an annual basis we could pay \$20 an hour and a

benefit package and we could have 2 full time people doing this and still have \$50,000 a year for needed equipment. She does not know this business, but suspects people in this business do not get paid \$20 an hour. It may be a consideration.

Mr. Martinez said Mr. Fluetsch spoke to our maintenance facility. At that point we are looking at a drive through car wash to use on a daily basis. We believe it will be about 2 years before that comes to fruition.

Councilor Lindell asked do we know how long this company has been in business.

Mr. Martinez said this individual has been in business in Santa Fe for 2 years. He came from California where he was in business for many years. For personnel reasons he relocated and reopened his business here.

Councilor Lindell asked was there a request for a waiver of insurance.

Mr. Martinez said yes a waiver for professional insurance. Professional insurance is pretty much an error of omission. It is more used for legal entities like hospitals. He does not carry that type of insurance for his type of business.

Councilor Lindell said she hopes we keep this in mind if we get that facility built. She is 1,000 percent in support of the consideration of this type of work being brought in house. Hiring people and giving them a good benefits package is the direction she would like to see us go.

Councilor Rivera said we spent too much time on this at PUC. Can you explain for this Committee how this will be beneficial to the life of the vehicles.

Ms. Sitton said to put this in context of the 52 vehicles this contract covers that investment is \$14 million. This is a protection of our investment. Keeping vehicles clean provides for the health, welfare and safety of our workers and helps us to discover preventive maintenance that needs to be done. As for the pricing, when the RFP was responded to this was in line or less than other contracts. That includes supplies as well.

Councilor Rivera asked why would the tax payer want to spend over \$600,000 a year to wash a vehicle that will get just as dirty the next day.

Ms. Sitton said getting the deep cleaning and getting the residue off makes it easier for the drivers to wash the surface material off. Now that the regular monthly deep cleaning of the vehicles is being done they are staying clean. They are hand washed by the drivers once a week. That is \$180 for the large vehicles for detailing. That looks like a large number, but it is in line for detailing. This is to protect our investment. Our drivers, first and foremost, deserve a safe and clean place to work. They are in the vehicle 7 hours a day. If we did not keep them clean that stuff builds up and the vehicles don't smell good and are unattractive and not a good place for our drivers to work. It makes it easier to notice preventative maintenance issues.

Mr. Martinez said they are actually waxing and buffing the trucks. That makes it easier for the drivers to wash off the truck. Material does not stick to the trucks as much.

Councilor Rivera said he appreciates the fact that you want to take care of the vehicles and employees. Can we justify spending taxpayer money for this. He appreciates what you are doing. Who did you do the test project with.

Mr. Martinez said we started out with this company. We asked 3 local vendors to give us a bid. All 3 came to our office and reviewed the trucks first then we asked for pricing. One came back and said they did not want to do it. One said we had to deliver the trucks to him on a small road that would have been difficult for the drivers to navigate. This guy came to our site. We did a \$10,000 purchase order. He came in and cleaned the trucks. Then we did an RFQ and invited 6 vendors to give a price. A lot of them wanted to do it during the week. We could not accommodate that. The trucks are out.

Councilor Rivera asked how long do they spend on one vehicle.

Mr. Martinez said with 3 people, 2 hours for one truck.

Councilor Rivera asked so 2 or 3 vehicles a day.

Mr. Martinez said 3 to 4 a day. The decision was made to do on Saturdays rather than during the week.

Councilor Harris said he thought he heard Councilor Rivera say this amount is for one year. It is actually for 4 years. He thinks this is a good thing and he supports having a more permanent facility. This helps to bridge that gap. To him these are some new trucks and they look good. It is a point of pride. They should continue to look good as they go down our streets. All of our constituents see them at one time or another. He is in favor of this. Your memo is very clearly stated. He appreciates that.

Councilor Vigil Coppler said when we discussed this at Public Utilities we learned a new term, dumpster juice. When you picture these vehicles day in and day out picking up dumpster you can see the need for this. It is some coin we are looking at. On the other hand it is a point of pride. These vehicles serve as our employee's offices. Her concern is, and she believes, we need to be cleaning these vehicles and making them suitable for our employees. That is toxic stuff they are picking up. She can't believe OSHA does not have some guidelines on this. It is a health issue for our employees. No amount of money is worth not cleaning these trucks for those reasons. She did vote at Public Works to approve this and will vote the same way at Council. She fully supports this.

Councilor Rivera asked if any detail work is done for other City vehicles.

Mr. Martinez said he does not know for a fact how they clean the Fire Trucks. The Fire Trucks and Police Cars do not pick up anything like the trash trucks do. He believes they hand wash those trucks. The Firemen stay at the facility and have time to do that washing. Our drivers work longer hours and are always out. We want them to grease the trucks.

Councilor Rivera said the Fire trucks are exposed to just as many chemicals. Definitely some. In the back of ambulances there are a lot of bio hazards. He was just curious.

Mr. Martinez said he does not have the exact answer on that.

Councilor Romero Wirth said she thinks the Police Department has a contract with a local car wash. Maybe our Finance department can tell us what happens with other City vehicles.

Mr. Fluetsch said we will look into who services the Police, Fire and other City vehicles. He will get back to the Committee.

**MOTION** A motion was made by Councilor Harris, seconded by Councilor Lindell, to approve the request.

**VOTE** The motion passed by a vote of 4 yes and 1 abstention. The abstention was Councilor Rivera.

**H. REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF THE APPLICATION FOR AGUA FRIA/SOUTH MEADOWS INTERSECTION IMPROVEMENTS FUNDED THROUGH A MUNICIPAL ARTERIAL PROGRAM (MAP) COOPERATIVE GRANT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION.**

Approved on consent.

**I. A RESOLUTION URGING THE NEW MEXICO STATE LEGISLATURE TO SUPPORT AND ENACT "MEDICAL AID IN DYING (MAID)," ALSO KNOWN AS THE END OF LIFE OPTIONS ACT. Jesse Guillen**

Councilor Harris said this is a substantive agenda tonight. This tops the list. This is something philosophically he can accept, but before he can support this he needs to see the Act. To support an Act of this substance without having read it is something he cannot do. There is a whole series of statements made including a public opinion poll. He can accept that. He would like to see the written statements from the New Mexico Public Health Association, The New Mexico Association of Social Workers and the New Mexico Psychology Association. We can hardly have a conversation that is more important than this one. He needs more information. It is that simple.

Councilor Rivera said he agrees with Councilor Harris. It would be nice to see the actual bill that will be proposed along with this Resolution. It is an important issue and conversation to have. Did you Councilor Romero Wirth plan to have a public hearing on this to see what the people we represent say and to see their feelings. It would be nice to hear from them.

Councilor Romero Wirth said we could have a public hearing at the Council meeting if it passes the Finance Committee.

Mr. Guillen said that was the idea.

Councilor Romero Wirth said her understanding was that was how it generally works. Do we do it at both places, Finance and Council.

Councilor Rivera said that is up to the Chair. If the Mayor is willing to have a Public Hearing at the Council meeting that is fair. He would also like to see the bill. He can't support this until he sees the bill. This is a tough one for him. He lost his father to terminal illness. He has had the question of should people have this option going through his head for awhile. This is a tough conversation. It needs to involve more than the 9 of us.

Councilor Romero With said she agrees. Jesse can you correct the error in the packet. It is correct on line, but in our packers it is incorrectly stated.

Mr. Guillen said the Legislative Summary in the packet is worded incorrectly. He handed out the revised Legislative Summary saying "The proposed resolution urges the New Mexico Legislature to enact a Medical Aid in Dying Act that provides options for terminally ill patients." This Legislative Summary is herewith attached to these minutes and Exhibit "1".

Councilor Romero With said in the Summary in our packet it says in part "terminally ill or those who cannot decide for themselves," "decide for themselves" has been taken out. That is not part of the Act. That is not part of the legislation. You have to be able to decide for yourself. That is an important part of the Act. You have to have capacity.

Chair Abeyta asked is this item time sensitive or can the information be brought back before the Council.

Councilor Romero Wirth said sure.

Chair Abeyta said he would entertain that more information be brought to us before it goes to Council.

Councilor Romero With said we can do a presentation right now.

Councilor Harris said the presentation is one thing, but he needs to be informed. He needs to read the Act and the 3 statements.

**MOTION** A motion was made by Councilor Harris, seconded by Councilor Rivera, to postpone this item to the next Finance Committee meeting.

Chair Abeyta said we will not have a public hearing at the Finance Committee.

Councilor Lindell asked is that enough time for Councilor Romero Wirth to get the required information.

Councilor Romero Wirth we have all of that information. The bill will be introduced at the State Legislature. The statements from supporting groups are there. We can have this for the next meeting.

**VOTE** The motion passed by a vote of 3 yes and 2 no. The no votes were Councilors Lindell and Romero Wirth.

- J. A RESOLUTION ACKNOWLEDGING THE CITY'S PUBLIC OUTREACH AND MARKET RESEARCH EFFORTS TO DATE THAT CONSTITUTE THE "CONCEPT PHASE" OF THE REDEVELOPMENT PROCESS OF THE CITY-OWNED PROPERTY AT THE FORMER CAMPUS OF THE COLLEGE OF SANTA FE AND THE SANTA FE UNIVERSITY OF ART AND DESIGN, NOW REFERRED TO AS THE CITY'S MIDTOWN PROPERTY; ADOPTING PLANNING GUIDELINES FOR FUTURE USES OF THE MIDTOWN PROPERTY DEVELOPMENT THROUGH THE CONCEPT PHASE; AND AUTHORIZING COMMENCEMENT OF THE "PLANNING STAGE" OF THE REDEVELOPMENT PROCESS OF THE MIDTOWN PROPERTY. Matt O'Rielly**

Councilor Harris said he knows others wanted to pull this as well. He wanted to make sure people had an opportunity to ask questions. He will defer to other Committee members.

Chair Abeyta said he wants to make sure we continue the public engagement process as we move forward and that we respond to groups who still have concerns. He would like to continue to get as much public input as we can as we move forward.

Councilor Harris said he wants to acknowledge the work of Matt O'Rielly and Mr. Brown and his group did on the phase we just wrapped up resulting in the planning guidelines. Mr. Brown and his group lead Phase 1 to get us to this point. Mr. O'Rielly is working with the physical plant. The final report demonstrates the numbers and the demographics of who participated. It was a good effort. Last Saturday we had an event that was a lot of fun. A lot of public outreach is being accomplished. Councilor Vigil Coppler and he were there with the Mayor, Mr. O'Rielly, Mr. Brown and the City Manager. A neighborhood group attended as well. What we really are going to try to do and what we have to do it keep people interested and the campus alive. It is important for the work Mr. O'Rielly has to do in negotiating leases and working with interested people. Saturday was part of that. We are moving into other planning exercises. We are in good shape. He is pleased to cosponsor this Resolution. Thank you gentlemen

**MOTION** A motion was made by Councilor Harris, seconded by Councilor Lindell, to approve the Resolution.

**VOTE** The motion passed unanimously by voice vote.

- K. AN ORDINANCE AMENDING SECTION 9-3 SFCC 1987, THE PUBLIC CAMPAIGN FINANCE CODE, TO INCLUDE A DEFINITION FOR QUALIFIED SMALL CONTRIBUTION; ESTABLISHING A NEW SECTION REGARDING QUALIFIED SMALL CONTRIBUTIONS; ESTABLISHING A NEW SECTION MANDATING MATCHING PAYMENTS BY THE CITY; AND ESTABLISHING A NEW SECTION REGARDING**

**REPORTING OF QUALIFIED SMALL CONTRIBUTIONS AND MATCHING PAYMENTS.**  
**Zach Shandler, Yolanda Vigil**

Councilor Romero Wirth said this bill is coming to you after being passed by the ECRB in September, 2016. She is bringing this forward to strengthen our public financing system. Zach Shandler is here to give you a run down as to how it works and to answer any questions you may have. In the audience she has Jim Harrington, an expert and member of Common Cause, and Professor Ruth Covnaut, a member of the ECRB and the subcommittee who helped draft this bill due to recent Supreme Court cases.

Mr. Shandler said currently publically financed candidates have to raise \$5.00 through qualified individual contributions and \$100 for seed money. If you have sufficient numbers of qualified contributions you get the distribution of money from the City Clerk. This allows a 3<sup>rd</sup> way to raise money. Once you get your distribution you can ask to get additional small qualified contributions of up to \$100 per person. You can make a report of your qualified contributions to the City Clerk and get a 2 to 1 match on 3 designated dates prior to the election. His memo and Executive Summary are in your packets. He reviewed the Summary.

Chair Abeyta said if he is running for City Council and doing public financing he does the \$5 contributions and seed money then has another opportunity to get \$100 contributions so he could potentially have \$45,000 for his campaign.

Mr. Shandler said yes, and use the qualified small contributions as well so it could exceed that amount.

Chair Abeyta asked so it could be \$60,000.

Councilor Romero Wirth said the \$100 qualifying small contributions are up to \$100 per individual person. There is no cap on how much can be raised in that way. There is a cap on how much of that money can be matched by the City. \$45,000. The Supreme Court will not allow us to put a cap on the money you raise by the \$100 per person contributions.

Chair Abeyta said let's say there are 2 opponents and one is privately funded and one is publically funded. His concern is he could be running against someone where he only has \$15,000 and they have \$45,000 even if we were both doing public financing. He does not feel that is fair.

Councilor Romero Wirth said there is nothing to stop you from raising private money in the manner described and getting it matched by the City.

Chair Abeyta said yes you could, but he does not see that in a Council race. That is his concern. It is clear that if you are running against someone privately financed in a Mayoral race it levels the field. He just does not see it for a Council race.

Mr. Shandler said in the material they talk about independent groups and factoring that in. The Supreme Court does not allow stoppage of third party group fund raising.

Councilor Romero Wirth said in the 2014 Mayoral race all the candidates were publically financed. One had PACs that did negative ads. The others had no ability to match that money. In 2018 we had 5 candidates. 3 chose to be privately financed. It might be because you don't know if you will have the outside money coming in so you may not want to be a publically financed candidate. It seems like a lot of money for City Council race. The need to have matching funds is if we don't take up the space with a strong publically financed program we will allow the private PACs to take our elections away subject to private interests.

Councilor Lindell said the one publically financed Mayoral candidate in 2018 turned back \$7,000 of the public money. It was not necessarily that the candidate did not feel that he did not have enough money. She sees a lot of problems with this and is not sure what this proposal answers in relationship to the problem. She doesn't know if the problem really exist in Santa Fe. The problems she does think exist are in the code and are not addressed in this and that bothers her. We don't have any conversations about it. The other thing is she spends a lot of time analyzing every election we have had since we have had public financing. The \$5 contributions are said to see if a candidate has enough support to contend. She is not seeing where the data supports that. What she found in analyzing the elections since 2010 is that incumbents win. Only one time has an incumbent been beat and that was by 2 votes. The other thing is that in all those elections in the 4 since public financing started, 16 times Council seats were up for election. 5 times the incumbent returned unopposed. So 30% of the time there is not an opponent. The candidate who lost by 2 votes came back in next election cycle to run again, publically financed, with an opponent who was privately financed and won. In the privately financed campaign they raised \$7,000, so it is not about money. Candidates are concerned about their race. She is not sure the goal of this is to level the playing field or remove undue influence, which she doesn't think we can do because we can't keep PACs out. If that is the goal we need to limit the size of the donations the people privately financed can take. She has been privately financed in both her races. She takes money from family and friends. She does not seek or take contributions from businesses. Her choice is not to take the City money because she does not need to and does not want to spend the City money. When people or groups want to make donations she says no. That is up to the candidate. It is up to the voter if they want to vote for the candidate who takes money from groups or one who does not. She is not sure bringing more money into races is the way to go. She is sure she will have other comments. Those are her initial comments. Until Citizens United is overturned a PAC can show up at any time and no one can stop them. She spends a fair amount of time analyzing the races. She is not clear about the problem we are solving with this Ordinance change. If we had 2 candidates in every race and 2 candidates that ran for Mayor that would max out this kind of financing. It would be \$960,000 the City would get a bill for for one election cycle. For her, that is too much money. She doesn't know the benefit the citizens are getting back from that.

Chair Abeyta said as this moves forward we would like some of those scenarios fleshed out. \$960,000 is a lot of money.

Mr. Shandler said there are some guardrails. If the fund is exhausted the monies for matching are equally lowered in the matching process. The code say that when you get to a Council election cycle there has to be \$300,000 in the fund. The amount is \$600,000 for the Mayor's cycle. Every fiscal year \$150,000 from the General Fund is distributed into this election fund. There are some guardrails. This is explained in the Executive Summary in your packets.

Councilor Romero Wirth said those sections of the bill are not in the bill in front of you because they are not being amended. We can only spend what is in the fund. If outside spending is more than what is in the fund we use the fund proportionally among the candidates. It protects the City.

Mr. Shandler said there is a limit on supplemental distributions by caps.

Councilor Romero Wirth said it is a fair point, but we do want to have a robust publically financed system so we can encourage people to use public financing to discourage outside money.

Councilor Harris asked the City Clerk to come up.

Councilor Harris said just like we asked for with the Tierra Contenta Fund, he would like to see the history of the Public Financing Fund and what are the draw downs. Then we need to look at the scenarios everyone has in their mind. Can you tell him how much is in the fund right now.

Ms. Vigil said right now there is approximately \$495,000 in the fund. We still have to add \$150,000 for this budget cycle. We will have \$645,000 at end of this year.

Councilor Harris said the next election cycle is non Mayoral. Who knows what the draw down will be. He would like to see a scenario played out for that one. Maybe we can talk this through with the Finance Department and the Director. He thinks it would be a good thing to think it through. He would like to see the history and where we stand and think about what is ahead. He can't imagine we would deplete the funding in a Mayoral election, but it is possible. One of the problems would be although we have another year the City would have to come up to \$450,000 to met the minimum balance for a Mayoral election. This is the Finance Committee. We are talking about public monies in a campaign. We do have a program and our fiscal impact report says TBD. We need to have a good sense of what this does to City monies. Again it is possible that the City Clerk's office would need additional personnel. That is not identified. The bigger question is that this Ordinance speaks to allowing the City to do elections. Does the County do public financing.

Ms. Vigil said no, that would remain here. It would be a hybrid.

Councilor Harris said we struggle sometimes working with the County. We need to take a look at this.

Councilor Harris asked do you have a feel if you would need additional staff. He would like to ask staff and the City Clerk to think this through a bit. Also in this proposed Ordinance does a qualified small donation need to come from a qualified elector.

Ms. Vigil said no, it can come from anyone. It is similar to seed money.

Councilor Harris said the \$5 contributions have to come from qualified electors, but these can come from anywhere.

Councilor Harris said it would be interesting for the ECRB to offer an opinion after they have the

numbers as to the activity in the fund. The 2018 elections are in the rear view mirror. He is not saying this is not a worthwhile discussion, but he has questions mostly of a financial nature.

Councilor Rivera said when we went through the last election we had to use some of the money for Rank Choice Voting to hire additional personnel to prepare in a short amount of time. He thought we depleted that fund.

Ms. Vigil said \$300,000 was taken from the fund. We did put back \$91,000 into the fund that we did not use.

Councilor Rivera said if we had not had to do Rank Choice Voting we would have more in the fund.

Councilor Rivera asked the City has not put in the \$150,000 for this fiscal year.

Ms. Vigil said in talking with Mr. Fluetsch the drop ins are placed in monthly. Brad was going to have a discussion with staff to see if they could do the \$150,000 at one time.

Councilor Romero Wirth asked the \$645,000 includes the \$150,000 in this fiscal year.

Ms. Vigil said correct.

Councilor Rivera said he is okay with this idea. Most importantly it should be for strictly the Mayoral races. He sees PACs really getting involved in those. He has not seen PAC money getting too involved in Council races. He is not sure allowing this extra funding and monies will keep it that way. It may encourage more PACs to get involved. It is appropriate for the Mayoral race to level the playing field rather than Council races. He could support this if it was strictly for Mayoral races.

Councilor Romero Wirth said there was a PAC that got involved in her race. She would argue that having the ability to have the public finance system in this manner may be a deterrent to this kind of activity. In addition, we were having the community being supportive of public financing and frowning on outside money. That may help us to keep our elections local.

Councilor Rivera said this started out for public financing for everyone to have a level playing field. This puts more money into elections.

Councilor Romero Wirth said it is a bit because of the Supreme Court rulings that do not allow us to do some things that would help this. It is not perfect. Across the country we are seeing aggressive outside spending at all levels of government and spending. Just because it is not happening here doesn't mean we don't want it.

Councilor Vigil Coppler said she is listening to this and the more she hears the more she thinks it sounds like this is trying to level a table by cutting off the legs. We can't get to that level. She believes PACs get more involved when there is an issue. Issues get PACs involved in City Council races. In her opinion, it is better to have an option like this. As a candidate you don't have to go to the extra money. It is not easy to raise even the \$5. She thinks it does help to even the playing field if a PAC gets involved and it

is good to have an option. You don't have to use it or raise it if you think you are running a good race. Overall the option of this outweighs not having it. It is a good option if you have smaller amounts of money than your opponent. It is a good overall option.

Councilor Lindell said she is hearing 2 different things. One thing about evening the playing field and another that she heard Mr. Harrington say who wrote this legislation. He was the main drafter of the legislation. She read where he said vehemently that this was not to level the playing field, but to limit the undue influence of money. It is like trying to put your thumb on a watermelon seed. You just can't quite get there. This legislation is being brought back from 2015 and the report from the ECRB is from 2016.

Mr. Shandler said it was late 2015 and early 2016 when this was put together.

Councilor Lindell said she would like it go to back to ECRB and have an actual analysis of the elections where there were publically financed candidates and see how they stood up against privately financed candidates. That analysis would be worthwhile and would let her know if we really need that or not.

**MOTION** A motion was made by Councilor Lindell, seconded by Councilor Harris, to send the proposed Ordinance change back to have an analysis of our elections to be done since 2016.

Councilor Romero Wirth said she would see that as a not friendly motion. We can provide all the things that has been asked for tonight. We can provide the financial analysis that Councilor Harris asked about. It is not necessary to take it back to the ECRB.

Chair Abeyta asked you don't mind it coming back here.

Councilor Romero Wirth said she does not think it needs to go back to EDRC.

Councilor Rivera asked would it be possible in the analysis to show that in the last Mayoral election if that one publically funded candidate fell into these rules how much money they would have had and if it would have made a difference and if it would have been enough to go up against some of the other candidates.

Ms. Vigil said because we would not be able to calculate what that person would be able to gather in small qualified contributions she does not think we could provide an answer.

Councilor Rivera asked would that have been enough to outspend the person who won.

Ms. Vigil said she does not know what would have been collected with the \$00 contributions, but it would not be more than the winner collected.

Councilor Rivera said as long as PACs are involved and willing to spend the money you are never going to have enough to outspend the PACs. He is in favor of sending this back to ECRB.

**VOTE**

The motion passed by a voice vote of 4 yes and 1 no with the no vote being from Councilor Romero Wirth.

- L. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-5.5(C)(3) TO ADD APPLICABILITY TO SINGLE-FAMILY DWELLINGS AND DETACHED MULTIPLE-FAMILY DWELLINGS; AMENDING SUBSECTION 14-5.5(C)(3) TO PROVIDE A SETBACK FROM THE AIRPORT ROAD RIGHT OF WAY AND SCREEN WALL REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS UNITS AND DETACHED MULTIPLE-FAMILY DWELLINGS; AMENDING SUBSECTION 14-5.5(C)(7) TO ADD LANDSCAPING REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS AND DETACHED MULTIPLE-FAMILY DWELLINGS ADJACENT TO THE AIRPORT ROAD RIGHT OF WAY; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.**

Postponed

- M. A RESOLUTION ACCEPTING THE DONATION OF PRIVATE FUNDS FOR THE CONSTRUCTION OF A DOG PARK AT FORT MARCY PARK AND INITIATING THE PROCESS TO NAME THE FACILITY THE "MAX & FRIENDS DOG PARK."**

Approved on consent.

- N. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF THE FOURTH QUARTER (YEAR-END) BUDGET ADJUSTMENTS FOR FISCAL YEAR 2017/2018, AND ACCOMPANYING QUARTERLY REPORT AND ASSOCIATED FORMS/SCHEDULES REQUIRED FOR SUBMITTAL TO THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION (DFA/LGD) FOR THE FOURTH QUARTER OF FISCAL YAR 2017/2018.**

Approved on consent.

- O. AN ORDINANCE AMENDING CHAPTER 4 SFCC 1987 TO DESIGNATE A HEARING OFFICER TO CONDUCT PUBLIC HEARINGS RELATED TO LIQUOR LICENSE APPLICATIONS AND WAIVERS OF DISTANCE REQUIREMENTS FROM CHURCHES OR SCHOOLS, WHEN APPLICABLE, FOR LIQUOR LICENSE APPLICATIONS; SPECIAL DISPENSER PERMITS AND PUBLIC CELEBRATION PERMITS.**

Approved on consent.

**8. MATTERS FROM STAFF**

Ms. McCoy said this is her first day. She is looking forward to working with all of you. If we just look

at what we discussed today we are looking at a very robust discussion you had tonight and that is why she is dedicated and passionate for this job. These things impact your constituents and community. She is originally from New Mexico. She previously lived in Santa Fe. She worked for the City of Austin for the last 4 years. She looks forward to having the opportunity to evolve as a City as we go forward and improve the services to the citizens.. She will be meeting with each of you. She is looking forward to it. Please feel free to reach out to her.

Chair Abeyta said thank you.

## **9. MATTERS FROM THE COMMITTEE**

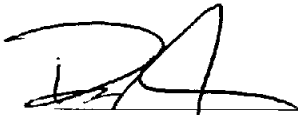
Chair Abeyta said welcome to the City and the Finance Committee. He would like her to report to the Committee in 60 days as to what you have learned since you have been here and the initiatives you will undertake. Also he would like her to reach out to individual Committee members and ask them the things that are important to them and the Committee. He has shared with her our notes from the budget hearings. She saw how we educated ourselves on GRT recently. If there are areas that need attention such as under staffing in purchasing, this Committee would like to hear from her so we can pass them through Council. We are here to help you as much as you are here to help us.

Councilor Harris said he echos the welcoming words of our Chairman. This a great agenda for you to sit in on. He is looking forward to working with you. Wait a week or two before you contact him so you can get settled into the job.

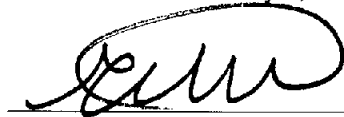
Councilor Rivera said welcome.

## **10. ADJOURN**

There being no further business before the Committee the meeting adjourned at 7:31 pm.



Councilor Roman Abeyta, Chair



Elizabeth Martin, Stenographer