



# Agenda

**PUBLIC WORKS/CIP & LAND USE  
COMMITTEE MEETING  
CITY HALL COUNCIL CHAMBERS  
MONDAY, AUGUST 27, 2018  
5:00 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM JULY 23, 2018, AND AUGUST 6, 2018, PUBLIC WORKS COMMITTEE MEETING

**INFORMATIONAL AGENDA**

6. UPDATE TO WEEDS AND MEDIANS ISSUES (JOHN MUNOZ)
7. STATUS REPORT OF PARKS MASTER PLAN (JOHN MUNOZ)

**CONSENT AGENDA**

8. CERRILLOS ROAD RECONSTRUCTION
  - REQUEST FOR APPROVAL OF CHANGE ORDER #12 WITH AUI FOR INCORPORATING OPEN GRADED FRICTION COURSE (OGFC) PRICE REDUCTION IN THE AMOUNT OF \$54,546.73 EXCLUSIVE OF GROSS RECEIPTS TAX (DAVID QUINTANA)

**COMMITTEE REVIEW**

Finance Committee (Scheduled)

09/17/18

Council (Scheduled)

09/26/18

9. REQUEST FOR APPROVAL OF MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT WITH NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF THE AGUA FRIA & SOUTH MEADOWS INTERSECTION IN THE AMOUNT OF \$587,667
  - REQUEST FOR APPROVAL OF A BUDGET AMENDMENT RESOLUTION (DAVID QUINTANA)

**COMMITTEE REVIEW**

Finance Committee (Scheduled)

09/17/18

Council (Scheduled)

09/26/18

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 8/22/18

TIME: 11:00 AM

10. CIP#519 – FORT MARCY RECREATION COMPLEX

- REQUEST FOR APPROVAL OF AN AGREEMENT WITH FACILITYBUILDING, INC IN THE AMOUNT OF \$206,691.10 INCLUSIVE OF NEW MEXICO GROSS RECEIPTS TAX FOR THE RENOVATION OF THE WOMEN'S LOCKER ROOM **(SAM BURNETT)**

**COMMITTEE REVIEW**

Finance Committee (Scheduled)

09/17/18

Council (Scheduled)

09/26/18

11. REQUEST FOR APPROVAL OF STATE ISSUED SEVERANCE TAX BOND AGREEMENT' AMENDMENT #1 THAT SERVES TO STREAMLINE THE REPORTING AND PAYMENT PROCESS FOR FIVE (5) LEGISLATIVE APPROPRIATED GRANT AGREEMENTS: 15-0857, 15-0860, 16-A4088, 16-A2510, AND 17-B4106 **(DAVID CHAPMAN)**

**COMMITTEE REVIEW**

Finance Committee (Scheduled)

09/17/18

Council (Scheduled)

09/26/18

12. REQUEST FOR APPROVAL TO AWARD RFP #18/55/P TO MOLZEN-CORBIN AND ASSOCIATES FOR ON-CALL ARCHITECTURE/ENGINEERING SERVICES IN THE AMOUNT OF \$250,000 PER YEAR FOR THE NEXT FOUR (4) YEARS FOR THE SANTA FE REGIONAL AIRPORT **(MARK BACA)**

**COMMITTEE REVIEW**

Finance Committee (Scheduled)

08/20/18

Council (Scheduled)

08/29/18

13. REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF "EL GRITO", AN ANNUAL CELEBRATION OF MEXICAN INDEPENDENCE DAY ON SEPTEMBER 15, 2018; AND WAIVING ALL ASSOCIATED FEES **(COUNCILORS VILLARREAL, IVES, AND VIGIL COPPLER) (JESSE GUILLEN)**

**COMMITTEE REVIEW**

Finance Committee (Scheduled)

08/20/18

Public Safety Committee (Scheduled)

08/21/18

Parks and Recreation Advisory Board (Scheduled)

08/21/18

Council (Scheduled)

08/29/18

14. MATTERS FROM STAFF

15. MATTERS FROM THE COMMITTEE

16. MATTERS FROM THE CHAIR

17. NEXT MEETING: **MONDAY, SEPTEMBER 10, 2018**

18. ADJOURN

**SUMMARY INDEX FOR  
PUBLIC WORKS/CIP & LAND USE COMMITTEE  
August 27, 2018**

<b>ITEM</b>	<b>ACTION</b>	<b>PAGE</b>
1. Call to Order 1	Convened at 5:00 p.m.	
2. Roll Call	Quorum Present	1
3. Approval of Agenda	Approved as amended	1-2
4. Approval of Consent Agenda	Approved as amended	2
5. Approval of Minutes - a. July 23, 2018 b. August 6, 2018	Postponed to Sept 10 Approved as presented	2 2
<b>INFORMATIONAL AGENDA</b>		
6. Update to Weeds and Medians Issues	Presented by John Muñoz	3-6
7. Status of Parks Master Plan	Reported by John Muñoz	6
<b>CONSENT AGENDA LISTING</b>	Listed	6-7
<b>CONSENT AGENDA DISCUSSION</b>		
8. Cerrillos Road Change Order	Approved	7-8
10. Fort Marcy Women's Locker Room	Approved	8-10
11. Severance Tax Bond Amendment	Approved	10-13
13. El Grito Waiver	Forwarded to Council	13-16
14. MATTERS FROM STAFF	Comment	16
15. MATTERS FROM THE COMMITTEE	None	16
16. MATTERS FROM THE CHAIR	None	16
17. NEXT MEETING:	Monday, September 10, 2018	16
18. ADJOURNMENT	Adjourned at 6:45	17

**MINUTES OF THE**  
**CITY OF SANTA FÉ**  
**PUBLIC WORKS/CIP & LAND USE COMMITTEE**  
**Monday, August 27, 2018**

**1. CALL TO ORDER**

A regular meeting of the Public Works/CIP & Land Use Committee was called to order on the above date by Councilor Peter Ives, Chair at approximately 5:00 p.m. in the City Council Chambers, 200 Lincoln Avenue, Santa Fé, New Mexico.

**2. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Councilor Peter N. Ives, Chair  
Councilor Roman "Tiger" Abeyta  
Councilor JoAnne Vigil Coppler  
Councilor Mike Harris  
Councilor Renee D. Villarreal

**MEMBERS EXCUSED:**

**STAFF PRESENT:**

Regina Wheeler, Public Works Director

**OTHERS PRESENT:**

Carl Boaz, Stenographer

**NOTE:** All items in the Committee packet for all agenda items were incorporated herewith by reference. The original Committee packet is on file in the Public Works Department.

**3. APPROVAL OF AGENDA**

**MOTION:** Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the agenda as presented.

**VOTE:** The motion passed by unanimous (5-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris, Ives, and Villarreal voting in favor and none voting against.

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

Councilor Abeyta said he would recuse himself if item #11 was pulled for discussion because of his association with the Boys and Girls Club, which has a small appropriation in this case.

Councilor Villarreal pulled item #10 for discussion.

Councilor Harris pulled items #8 and #11 for clarification, and #13 for discussion.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the Consent Agenda as amended with discussion on items 8, 10, 11, and 13 excluded.

**VOTE:** The motion passed by unanimous (5-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris, Ives, and Villarreal voting in the affirmative and none voting against.

#### **5. APPROVAL OF MINUTES FROM JULY 23, 2018 AND AUGUST 6, 2018 PUBLIC WORKS COMMITTEE MEETINGS**

**MOTION:** Councilor Villarreal moved, seconded by Councilor Harris, to postpone the minutes of July 23, 2018 to the September 10 meeting for further changes.

**VOTE:** The motion passed by unanimous (5-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris, Ives, and Villarreal voting in the affirmative and none voting against.

**MOTION:** Councilor Abeyta moved, seconded by Councilor Vigil Coppler, to approve the minutes of August 6, 2018 as presented.

**VOTE:** The motion passed by unanimous (5-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris, Ives, and Villarreal voting in the affirmative and none voting against.

#### **INFORMATIONAL AGENDA**

#### **6. UPDATE TO WEEDS AND MEDIANS ISSUES (JOHN MUÑOZ)**

Mr. John Muñoz introduced himself and thanked the Committee for making him feel so welcome. The major flood happened a few days after his arrival. He was grateful for

the meet and greet with city employees and watching them in action. He did ride alongs, met residents and went out in the field. He was also spending time to dig trenches or having a good time at sports fields.

Regarding weeds and medians, Mr. Muñoz called on Richard Thompson and Gary Varela to give the update.

Mr. Thompson reported the medians are still there and the weeds are still there. "We still have manpower allocated last year and already gone into this year's budget to pay 15 salaries of employees. We are down to 8 employees now and stopped recruitment for not getting any new recruits. The last two lists were blank. We are on schedule in the second round for the entire City."

Mr. Varela said he is in charge of the group of workers. They started with the schedule in March until the end of June and the second part began in July. He read through the priorities. On July 30, they worked at Airport Road for a week and covered all the tributaries along Airport Road. During the first week of August, they covered Rufina Street. Most was roadside and open space and completed on August 10. That included Zepol Road and Calle Atajo.

On August 13, they started on Rodeo Road from 4 am to 6 am and then whatever they could do by hand and completed it on August 17 and Governor Miles Road that same week. On August 20, they worked on Cerrillos Road with delays due to weather and are about three days behind now. They are still on Cerrillos Road with only as little mechanical is possible so doing most of it by hand.

They are hoping to finish by the end of this week and then go to Old Pecos Trail and then to St. Francis. Because of Zozobra downtown, they have switched around the sequence.

Vegetation management includes weeds and Elm tree removal, as well as litter pickup. Then they will go to Old Pecos Trail, Botulph, and St. Michael's. They have projected to finish by September 3. The Staff has been working on weekends too with open spaces. Although it keeps raining, they are making progress.

Councilor Harris said last year was horrible and it is better this year. From Carlos Rey to the east at the railroad is track is weedy. He asked if the crew would go back around after September 3.

Mr. Varela said they will. There are areas that did not get mowed. On Zia, they will return to medians with hand work.

Councilor Harris said the rights-of-way are in good shape but medians on Rodeo Road need more attention.

Mr. Varela said they would continue rotation until the end of the growing season.

Councilor Harris noted there was a deductive change order for \$12,000 for filter fabric on Cerrillos Road. He still believed there was a place for filter fabric. Mr. Carter thought it was not a good idea but the way the weeds have grown, we need to get fabric down there.

Mr. Thompson said they observed that in decades of park maintenance is that staff build schedules and then are called off of them and then struggled to get back. Mr. Varela had asked him to reserve Friday for catch-up. So we use that day for picking up. He agreed about the fabric. He wished Victor Lucero was still here. He taught us so much about controlling weeds without herbicides. Some native plants can grow in rock, so filter fabric is to prevent those perennial weeds. Siberian Elm goes right through filter fabric and annual weeds sprout on top of the fabric. We want to try some in consultation with Dave Quintana and John Romero. They have used wood chip on top. It is the greatest suppressor of weeds. Wood bark mulch suppresses weeds and retains moisture. This year we have much greater control. We don't use chemicals and are achieving our objectives there.

Chair Ives said he drives Old Pecos Trail, Cerrillos Road and St. Francis Street and noted significant growth on Old Pecos Trail. Many medians there were adopted there. What are the responsibilities when someone adopts a median?

Mr. Thompson said Shirlene Sitton has selected a replacement for Gilda Montañño, who managed Santa Fe Beautiful for years and retired this year. Ms. Sitton is very interested in a horticultural approach and Ms. McComber, (Chair of the Board) for tighter maintenance requirements and definitive maintenance periods so there is not any nebulous understanding of the commitment. Lots of dead Cottonwoods there will be removed and will look closely at tree replacement with trees other than riparian Cottonwoods.

Mr. Varela added that when Staff notice that people are not complying with the adoption requirements. We allow them a little time and if not covered, we step in.

Chair Ives thought it best to notify them now, so they can step in. He also wondered about growth on sidewalks and whether Parks or Streets do most of that.

Mr. Thompson explained where owners have responsibility and offered to provide a map on that.

Chair Ives was interested in such a map. Delineating that responsibility would be very helpful.

Councilor Harris felt Airport Road is one of the best arterials for medians. They may be easier to maintain. It always looks good. But Siringo Road with the "park" has challenges.

Mr. Varela said that was made into a park with benches and slides, but it is right in the middle of the arroyo. We maintain the sides but, the Staff clears the channel in early spring and now we are getting rid of some vegetation by the culvert. It is an ongoing job.

Mr. Thompson added that the recent storm moved benches and trash cans. It is prime for wetland designation and he would entertain that.

Mr. Muñoz thanked the Committee for their time. The crews are out and working hard on certain sections of the City. The opportunity to educate owners as well to work on weeds is important and he would work with Ms. Wheeler on it.

## **7. STATUS REPORT OF PARKS MASTER PLAN (JOHN MUÑOZ)**

Mr. Thompson said they had a good draft document last winter and got concerns from the Municipal Tree Board and Sustainable Santa Fe, so he went back and made some of the recommended changes. At a meeting on September 4, they will get a caption to the Public Works Department and the actual document in the packet for the September 10 meeting. The Master Plan will have two public meetings. He asked if this Committee has seen the draft Master Plan.

Chair Ives said no and would love to see it.

Mr. Thompson agreed to get it to the Committee.

## **CONSENT AGENDA LISTING**

### **9. REQUEST FOR APPROVAL OF MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT WITH NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF THE AUGA FRIA & SOUTH MEADOWS INTERSECTION IN THE AMOUNT OF \$487,667**

- **REQUEST FOR APPROVAL OF A BUDGET AMENDMENT RESOLUTION (DAVID QUINTANA)**

#### **COMMITTEE REVIEW**

Finance Committee (Scheduled)  
Council (Scheduled)

09/17/18  
09/26/18



**12. REQUEST FOR APPROVAL TO AWARD RFP #18/55/P TO MOLZEN-CORBIN AND ASSOCIATES FOR ON-CALL ARCHITECTURE/ENGINEERING SERVICES IN THE AMOUNT OF \$250,000 PER YEAR FOR THE NEXT FOUR (4) YEARS FOR THE SANTA FE REGIONAL AIRPORT (MARK BACA)**

**COMMITTEE REVIEW**

Finance Committee (Scheduled)	08/20/18
Council (Scheduled)	08/29/18

**CONSENT AGENDA DISCUSSION**

**8. CERRILLOS ROAD RECONSTRUCTION**

- **REQUEST FOR APPROVAL OF CHANGE ORDER #12 WITH ALI FOR INCORPORATING OPEN GRADED FRICTION COURSE (OGFC) PRICE REDUCTION IN THE AMOUNT OF \$54,546.73 EXCLUSIVE OF GROSS RECEIPTS TAX (DAVID QUINTANA)**

**COMMITTEE REVIEW**

Finance Committee (Scheduled)	09/17/18
Council (Scheduled)	09/26/18

Councilor Harris asked in the change order what OGFC is.

Mr. Quintana said it is the last coat on the pavement.

Councilor Harris observed that the City didn't use all of the budget.

Mr. Quintana explained that DOT called for a deduction when certain tests were not met.

Councilor Harris guessed it didn't quite meet standards but maybe about 85% or so.

Mr. Quintana said the specs allow us to deduct some costs, based on testing rather than disrupt traffic again.

Councilor Harris asked how Staff re-evaluates major projects for an urban state highway.

Mr. Quintana said the contractor did a good job on the projects in maintaining traffic and their workmanship is quality work. The way we evaluate is through inspection and testing requirements from DOT. They were contracted 20 years ago on Airport Road

and their work is quality.

Councilor Harris said he drove through it daily. The medians needed more work with Parks and Rec. The change orders were also a measure of success. He pointed out that \$130,000 change order on a \$9.5 million contract under difficult conditions with water lines added, seemed to him to be quite reasonable.

Mr. Quintana thanked him and agreed.

Chair Ives asked if the implications of testing and failures were for upkeep and maintenance or replacement down the road.

Mr. Quintana thought It would be hard to quantify it, but the specs would give leeway. The material will hold up for a long time. The friction course is there to help with drainage. It could have been deleted but is a better product overall. He didn't see anything substantial that would affect long-term durability.

**MOTION:** Councilor Harris moved, seconded by Councilor Vigil Coppler, to approve Change Order #12.

**VOTE:** The motion passed by unanimous (5-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris, Ives, and Villarreal voting in the affirmative and none voting against.

#### **10.CIP#519 – FORT MARCY RECREATION COMPLEX**

- **REQUEST FOR APPROVAL OF AN AGREEMENT WITH FACILITYBUILD, INC. IN THE AMOUNT OF \$206,691.10 INCLUSIVE OF NEW MEXICO GROSS RECEIPTS TAX FOR THE RENOVATION OF THE WOMEN'S LOCKER ROOM (SAM BURNETT)**

#### **COMMITTEE REVIEW**

Finance Committee (Scheduled)

09/17/18

Council (Scheduled)

09/26/18

Councilor Villarreal wanted to make sure the last work done in locker room was the floor that they were not working with the same contractor this time.

Mr. Burnett agreed, it is a different contractor. That previous project work was finished before he started with the City. It may have been Donner Plumbing. This one would be with FacilityBuild, who did a nice job on the family locker room. The end result will be a night and day improvement.

Councilor Villarreal said the other group didn't do what they were asked to do, and she wasn't sure about the warranty.

Mr. Burnett said they revisited that project to just do the floor. But once we investigated the best solution, they realized the extent of that work started connecting with everything else and realized it needs total remodel.

Councilor Villarreal agreed it needed a remodel and was worried that we have a contract process to get it done properly with a good warranty.

Mr. Burnette said there are two components. One is that all of their work comes with a standard one-year warranty and also an 11-month walk-through with the contractor to identify any issues that surfaced, and the contractor would come back and correct them.

Councilor Villarreal asked Mr. Burnett if he was the project manager for it.

Mr. Burnett agreed. And he would be there monitoring and the architect will also be involved in monitoring all the work to make sure it complies with the design and work to address the floors. In the previous work, no specs were required. This time, with the architect, we investigated the existing conditions and went a step above and beyond what was done before.

Councilor Villarreal said contract management is the key, and she hoped it would go better this time.

Councilor Harris asked why that contract was written so open-ended at 6/30/2020. The schedule doesn't reflect such an open-ended time.

Mr. Burnett explained that the main motivation was in the hopes we would receive funding for the men's locker room and be able to do a change order for it. It was also to take into account the time to be signed, the 12-month warranty and not having to extend the contract in the future.

Councilor Harris said he knew the company very well. They did work at the airport for scanning by TSA. It created problems with TSA. So we need to be careful with open-ended arrangements. He asked when they are to start and when to finish.

Mr. Burnett said he had included a tentative schedule. Once it is signed, they gave us a number of weeks (12) to mobilize and the time to complete the work and also included a penalty for going beyond the allotted time for the project. The schedule was in Exhibit D in the contract packet with a preliminary schedule.

Councilor Harris said there was no schedule in the packet.

Mr. Burnett -said he would make sure the Committee has the schedule when the contract is signed.

Chair Ives said he has asked why we let contracts stay open even with a schedule. He has never understood why we keep a contract open during the warranty period. It may be a policy matter and could result in work delays by the expectations driven by that.

Councilor Harris agreed. It should be discussed, and it also concerns Legal too. He didn't think it is necessary to keep it open during the warranty period. He asked if they would hold their price until June 30, 2020.

Mr. Burnett said he could adjust the end date if the Committee felt we should do so.

Chair Ives thought the end date should appear in our master projects list. He didn't see the need to keep it open. We need to tighten up our procedures to accomplish it. He would love to see that change and happy to have a broader discussion on the policy. We could schedule it as a discussion matter but also could adjust this one.

Councilor Harris agreed. We should start thinking differently about it. We need to make sure they have time and resources to get the work done. But in this case and cycling through, he thought it- should at least be changed to June 30, 2019 and if resources become available, the City could take advantage of it for the men's locker room.

Ms. Wheeler said at this point, since there has been review by Finance and Legal already, we might let this one go through, but have an action item for work schedule for holding them to a time line and maybe control this one that way. She thought State law required a 2-year warranty. She agreed to research it and bring back a report.

Councilor Harris said he wanted to see three proposals under CES. He pointed out that Davenport is local.

**MOTION:** Councilor Harris moved, seconded by Councilor Villarreal, to approve the agreement.

**VOTE:** The motion passed by unanimous (5-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris, Ives, and Villarreal voting in the affirmative and none voting against.

## **11.REQUEST FOR APPROVAL OF STATE ISSUED SEVERANCE TAX BOND AGREEMENT AMENDMENT #1 THAT SERVES TO STREAMLINE THE REPORTING AND PAYMENT PROCESS FOR FIVE (5) LEGISLATIVE**

**APPROPRIATED GRANT AGREEMENTS: 15-0857, 15-0860, 16-A4088, 16-A2510, AND 17-B4106 (DAVID CHAPMAN)**

**COMMITTEE REVIEW**

Finance Committee (Scheduled)	09/17/18
Council (Scheduled)	09/26/18

Councilor Abeyta recused himself and left the meeting room.

Councilor Harris didn't know what this was about. He asked if it is just cleaning up paperwork and whether the funds have been received.

Mr. David Chapman explained that there are certain deadlines. It is a matter of cleaning up DFA paperwork. There are reporting duplications that this would eliminate. Every month, the City is charged with two management reports within the DFA software. One is written and the other electronic and two questionnaires and this eliminates the written by changing the nomenclature that by executing the electronic report, we get to sign off on the second part.

Councilor Harris agreed it should make it easier administratively. He asked for the status on the monies. He asked if they have been received but not expended. The airport is a good example of that with \$855,000.

Mr. Chapman said on the airport project, we have expended some funds through Severance Tax Bonds that were accumulated by what is taken out of the ground. That funding is obligated by the State and paid back on a reimbursement schedule. We pay the vendor and submit for reimbursement.

Councilor Harris asked if the City has received the reimbursement.

Mr. Chapman said everything was submitted and they are still waiting on some reimbursement.

Councilor Harris asked how much is left.

Mr. Chapman said \$483,000 is remaining. It is 4-year grant so 2023 is the reversion date.

Councilor Harris pointed out that it says June 30, 2020.

Mr. Chapman apologized and agreed it is June 30, 2020.

Chair Ives clarified that 3 of the 5 projects were June 30, 2019 and two were June 30, 2020.

Councilor Harris said it would be useful, as part of the package, to approve the new process with DFA. He would like to know the balances and what needs to be reimbursed, and know it in time for going to Finance, and what the balance is for any remaining projects. There is another for \$880,000 for park improvements and building improvements.

Mr. Chapman said on the paper he was looking at, the \$88,000 appropriation on the Airport was \$855,000 and with a reversion date of June 30, 2020 and about \$563,000 is the balance on these five items. They have already gone through approval by the Governing Body. He could provide the balances and would go through the Governing Body in a few weeks for additional appropriations.

Ms. Wheeler asked Mr. Chapman if they don't go to Finance first with these modifications to the contractual language being approved here.

Mr. Chapman explained what he meant is that these would go through Finance, but the money amount has already been executed.

Ms. Wheeler said she could bring a status of the grant and a balance.

Councilor Harris said it is just getting worse instead of better and recommended that Ms. Wheeler sort this out. He works closely with Mr. Baca at the Airport but didn't know of a \$563,000 balance nor a \$563,000 contract.

Ms. Wheeler said she would bring the information to Finance and Council

Councilor Vigil Coppler acknowledged- this is bureaucratic paperwork that has to be done, but what we are worried about is that someone is responsible for this and reversion is coming soon. It is an original sin to give money back, so- we need to spend every single penny and be assured that someone is paying attention. It raises an alarm that needs someone watching it.

Chair Ives noted that Mr. Chapman was here on an amendment to make it easier to administer and that is a good thing. We have a project manager overseeing the contract and assume they are moving things forward. And the City needs to make sure the money is spent before the clawback date. And we need to see that in the master sheet. It would be helpful to see where these funds are being spent and who the project managers are and assurance it will be spent before that date, so we don't have to send money back.

Mr. Chapman agreed. The final reversion date must have it spent and the City seeking reimbursement.

Chair Ives recalled the City faced a circumstance in a federal grant of \$1.5 million because a person in Finance had left employment without sending that request in. It was an extended period of time. That would be significant. So if we could get an updated report at next meeting, it would be great.

Ms. Wheeler asked, instead of amending this and taking it to Finance, we are saying we would bring a separate item back to this Committee for status on the grants.

Chair Ives said no. We are just asking for more information, but we are not amending the amendment at all. He proposed to move this forward with approval to Finance.

Councilor Harris agreed.

**MOTION:** Councilor Harris moved, seconded by Councilor Vigil Coppler, to approve this request and asked for a discussion at Finance and the Governing Body for proper grant administration.

**VOTE:** The motion passed by unanimous (4-0) voice vote with Councilors Vigil Coppler, Harris, Ives, and Villarreal voting in the affirmative and none voting against. Councilor Abeyta did not vote, having recused himself.

Councilor Abeyta returned to the bench after vote.

**13. REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF “EL GRITO”,  
AN ANNUAL CELEBRATION OF MEXICAN INDEPENDENCE DAY ON  
SEPTEMBER 15, 2018, AND WAIVING ALL ASSOCIATED FEES (COUNCILORS  
VILLARREAL, IVES, AND VIGIL COPPLER) (JESSE GUILLEN)**

**COMMITTEE REVIEW**

Finance Committee (Scheduled)	08/20/18
Public Safety Committee (Scheduled)	08/21/18
Parks and Recreation Advisory Board (Scheduled)	08/21/18
Council (Scheduled)	08/29/18

Councilor Harris said the waiver was denied unanimously at Finance Committee. All members at Finance spoke about it and it was 5-0 to deny. But he thought it would be forwarded to the Governing Body. He spoke with Councilor Villarreal and the discussion was about a concern to get a handle on all the events. He felt they were able to pay the fees. It is great to honor the Mexican element, but he thought they are able to pay the fee for using the Convention Center. The three sponsors are here at the Public Works Committee, so he thought it would probably move on to the Governing Body.

Councilor Vigil Coppler commented that it is a great way to unload on the Mexicans - put the gate down now. She understood the issues. At City Council, we have heard recently that we would hammer down on how many events would have waived fees, but I haven't seen anything yet. Until then, what is good for the goose is good for the gander. It needs to happen right now. Many have gone through the gate. We need a rule and need for each of us to know the rule. She hated to see it happen right now. When everyone knows what is being done and deal with the issue in a professional matter. WE don't have the resolution yet. So she is still going to support this and carry on.

Councilor Abeyta said, as Chair of Finance, that she agreed with Councilor Harris on what he reported. We need to stop granting waivers. It will take a lot more research. He did some research and found we have 4 waivers left. The Mayor has a waiver, Councilor Lindell, Councilor Harris, and Councilor Villarreal. He named the waivers that were given so far this year.

El Grito has had a waiver for the last four years. What he'd like to see is a discussion during budget hearings which would be the more appropriate time to get a good read on what this costs us throughout the year. The costs from 2017 could be retrieved. \$151,000 were waived in 2016 and so far, we have waived \$89,000 this year, so far. This is a lot of taxpayer money we are asking for. And we should think about anti-donation issues. He had a problem with saying yes to one group and no to another.

He said he might vote for this, but it would be the last time. It isn't right to say yes to one and no to another. We also approve tourism money to cover some events. Is \$151,000 enough to cover them? We have a lot more work to do and he didn't like the piecemeal approach.

Councilor Villarreal thought it was just three years it had been waived and the Mayor carried it in those years as a government to government event and she was asked to carry it this year. Mayor Webber didn't know about it. She agreed with the confusion in waivers but saw this one as different. We are working with the Mexican Consulate and that is like Eight Northern vs. a private entity.

Ms. Barbara López was asked to speak to it.

Ms. López said it came about because the Tourism Department was paying for the event. It was a city-sponsored event last year with the Mexican Consulate. We submitted a FIR to Mr. Guillen. So it is not a waiver but a city-sponsored event. Ryan Dodge attended it as City Staff. City Staff created the event and are there from beginning to end.

What is different with El Grito now is that the Mexican Consulate is there as a sponsor, instead of City Staff. She shows up to make sure the permit requirements are



followed. So it is not now city-sponsored, and no City Staff would be present because it is a liability.

Councilor Villarreal asked for more clarification.

Ms. López said our department was told that the Mexican Consulate would be required to provide the insurance as sponsor.

Councilor Villarreal said that is good to know.

Ms. López said the Mexican Consulate asked for the waiver. They were there from beginning to end. There is no one there to ensure the liability was followed.

Councilor Villarreal felt this is one event the City should sponsor to continue the tradition. We have not come to a clear understanding of the waiver, so why should we pick on this one? We don't have clear direction. She had asked Mr. Guillen to look into how Albuquerque handles this issue.

Ms. López thought it should go through a process to determine what is city-sponsored. The same was true with Bike to Work Week.

Councilor Villarreal noted- the Water Conference was also one. The Water Department had to fund some of it. She was still willing to support this as one we should support.

Councilor Abeyta, on the government to government point, did ask if the Mexican Consulate was considered government but that was done by a MOA.

Ms. López said that was correct. They are usually responsible for liability except for SFPS with recreational facilities. The City has a MOA with the schools for use of recreational facilities and there is no fee.

Councilor Abeyta thought that would be a more appropriate process through MOA.

Chair Ives fully supported it as a different category - peer-to-peer government. And there are many ties with Mexico for this community. Whether MOA or other structure, we should look at it. He understood the fiscal impact. Most of them do wonderful work in our community.

Councilor Harris said the City of Santa Fe does good work here, as well. But we don't have the resources and we cannot afford to give it away. It might be unfortunate that this is the one. He assumed the Public Works Committee would move it forward to Council where it could be decided.

Councilor Villarreal asked Mr. Guillen to respond.

Mr. Guillen said he had not gotten the response from Albuquerque but knew they don't waive police and fire costs for any event. We are working on a revision of the procedures governing waivers.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to move this matter forward to Council for discussion there.

Councilor Vigil Coppler said it appear that pages 11 and 12 are errant pages and to be omitted.

Councilor Villarreal agreed and noted one error in the resolution. It says September 15, 2017 but the actual Independence Day is September 16. That is in the first whereas paragraph.

Councilor Abeyta said he was going to vote no as Chair of Finance, but also wanted to make sure we clean this up for next year.

**VOTE:** The motion resulted in a tie (2-2) voice vote with Councilors Vigil Coppler, and Villarreal voting in the affirmative and Councilors Abeyta and Harris voting against. Chair Ives voted in favor and it passed by majority (3-2) voice vote.

#### **14.MATTERS FROM STAFF**

Ms. Wheeler said she would follow up and report back.

#### **15.MATTERS FROM THE COMMITTEE**

There were no matters from the Committee.

#### **16.MATTERS FROM THE CHAIR**

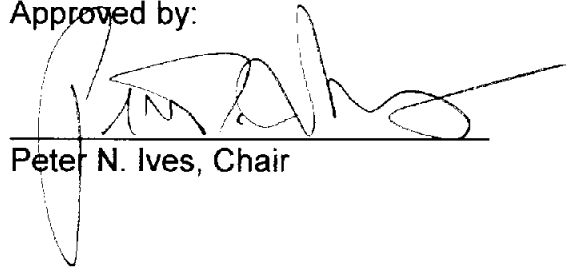
There were no matters from the Chair.

#### **17.NEXT MEETING: MONDAY, SEPTEMBER 10, 2018**

## 18.ADJOURN


The meeting was adjourned at 6:45 p.m.

Approved by:

A handwritten signature in black ink, appearing to read "Peter N. Ives", written over a horizontal line.

Peter N. Ives, Chair

Submitted by:

A handwritten signature in black ink, appearing to read "Carl G. Boaz", written over a horizontal line.  
Carl G. Boaz for Carl G. Boaz, Inc.