



Agenda

**PUBLIC WORKS/CIP & LAND USE
COMMITTEE MEETING
CITY HALL COUNCIL CHAMBERS
TUESDAY, MAY 28, 2019
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 MAY 6, 2019, PUBLIC WORKS COMMITTEE MEETING

CONSENT AGENDA

6. Request for Approval to Extend Professional Services Contract #16-0573, with Anthony Tupler, Attorney at Law, For Parking Citation Administrative Hearing Services for One Additional and Final Year to June 30, 2020 (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, 955-6611)

COMMITTEE REVIEW

Finance Committee (Scheduled)

06/03/19

Council (Scheduled)

06/12/19

7. Request (re-Request) for Approval to Purchase One (1) 2019 Chevrolet Tahoe and One(1) 2019 Chevrolet Silverado 1500 for the City of Santa Fe Fire Department from Melloy Chevrolet in Los Lunas, for Seventy-Seven Thousand Three Hundred and Seventy –Seven Dollars (Jan Snyder, Assistant Fire Chief, jmsnyder@santafenm.gov, 955-3121)

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8. Request for Approval to Purchase Two (2) 2019 Chevrolet Malibu Hybrids and Three (3) 2019 Chevrolet Equinox for the City of Santa Fe Fire Department from Melloy Chevrolet in Los Lunas, for One Hundred and Nineteen Thousand, Three Hundred and Twelve Dollars (\$119,312) (Jan Snyder, Assistant Fire Chief, jmsnyder@santafenm.gov, 955-3121)

COMMITTEE REVIEW

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9. Request for Review and Approval of Community Development Block Grant (CDBG) PSA Amendments (Jacqueline Beam, Office of Affordable Housing, jybeam@santafenm.gov, 955-6574)
- Homewise Amendment #3 Professional Services Agreement - Fiscal Year 2018-19 CDBG Extension of Term and Program Income Revisions
 - Homewise Amendment #1 Professional Services Agreement - Fiscal Year 2018-19 CDBG Extension of Term and CFR Language Revisions
 - Santa Fe Community Housing Trust Amendment #1 Professional Services Agreement – Fiscal Year 2018-19 CDBG Extension of Term and CFR Language Revisions

COMMITTEE REVIEW

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10. Request for Approval of Amendment No. 1 to Professional Services Agreement in and Additional Amount of \$947,455.83 for Professional Engineering and Architectural Services, Increasing the Original Contract Sum to \$1,947,455.83; and Approval of Task Order Numbers 2018-1 through 2018-8; Molzen Corbin & Associates (Mark Baca, Airport Manager, md Baca@santafenm.gov, 955-2901)

COMMITTEE REVIEW

Finance Committee (Scheduled)	06/03/19
Council (Scheduled)	06/12/19

11. Request for Approval of the Annual Report for the Santa Fe River Target Flows: Target Year Activity From April 2018 to April 2019 and Anticipated Activity for the Santa Fe River Target Flow Year of April 2019 – April 2020 (Melissa A. McDonald, River and Watershed Coordinator, mamcdonald@santafenm.gov, 955-6840)

COMMITTEE REVIEW

Public Utilities Committee (Scheduled)	06/05/19
Council (Scheduled)	06/12/19

12. Request for Approval of Amendment No. 4 to Professional Services Contract with KONE, Inc., to Increase Purchase Order #18190968 by \$13,000 in Order to Pay for Invoices Tied to Unforeseen Service Calls Made This Fiscal Year Due to Vandalism (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, 955-6611)

COMMITTEE REVIEW

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13. Request for Approval of Amendment No. 1 to Professional Services Agreement Item #19-0202, for On-Call HVAC and Plumbing Services for Midtown Campus in the Amount of \$55,975.54 Inclusive of NMGR, Which Will Increase the Total Contract from \$65,062.50 to \$121,038.04; B&D Industries, Inc. (Sam Burnett, Public Works Property Maintenance Manager, jsburnett@santafenm.gov, 955-5933)

COMMITTEE REVIEW

Finance Committee (Scheduled)	06/03/19
Council (Scheduled)	06/12/19

14. Request for Approval of Amendment No. 2 to Professional Service Agreement (PSA) in the Total Amount of \$50,000 for Certified Folder Display Service, Inc., (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

COMMITTEE REVIEW

Finance Committee (Scheduled)	06/03/19
Council (Scheduled)	06/12/19

15. Request for Approval of Amendment No. 5 to Professional Services Agreement in the Total Amount of \$24,000 for Fun and Games, Inc., (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

COMMITTEE REVIEW

Finance Committee (Scheduled)	06/03/19
Council (Scheduled)	06/12/19

16. Request for Approval of Amendment No. 1 to Professional Services Agreement in the Total Amount of \$130,000 for Lou Hammond & Associates (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

COMMITTEE REVIEW

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17. Request for Approval of Amendment No.2 to Professional Services Agreement in the Total Amount of \$150,000 for Studio X Inc., (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

COMMITTEE REVIEW

Finance Committee (Scheduled)	06/03/19
Council (Scheduled)	06/12/19

18. Request for Approval of Amendment No. 5 to Professional Services Agreement in the Total Amount of \$67,750.31 for TRANE U.S. Inc., (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

COMMITTEE REVIEW

Finance Committee (Scheduled)	06/03/19
Council (Scheduled)	06/12/19

19. Request for Approval to Award Contract for Parking Access and Revenue Control Systems (PARCS), to Mountain Parking Equipment in an Amount Not To Exceed \$1,500,000 plus Applicable Gross Receipts Taxes, (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, 955-6611)

COMMITTEE REVIEW

Finance Committee (Scheduled)	06/03/19
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20. Request for Approval of Amendment No. 1 for the Term Extension From 06/03/2019 to 06/30/2020 for Developing a Plan in Santa Fe, for the 21st Century Library System, Godfrey's Associates, Inc. (Jeffery Donlan, Interim Library Division Director, jpdonlan@santafenm.gov, 955-6788)

COMMITTEE REVIEW

Finance Committee (Approved)	05/20/19
Council (Scheduled)	06/12/19

21. Request for Approval of a Resolution Endorsing the North Central Regional Transit District's FY2020 Budget Proposal, Approving the City of Santa Fe's FY2020 Regional Transit Plan; Funding the Mountain Trail 255 Route; and Directing Staff to Submit The City's Regional Transit Plan for FY2020 to the North Central Regional Transit District board of Directors for Consideration and Approval (Councilor Romero-Wirth) (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223)

COMMITTEE REVIEW

Transit Advisory Board (Scheduled)	05/28/19
Finance Committee (Scheduled)	06/03/19
Council (Scheduled)	06/12/19

22. Request for Approval of a Resolution Adopting the City of Santa Fe Fiscal Year 2019/2020 Capital Budget (Councilor Ives) (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)

COMMITTEE REVIEW

Finance Committee (Scheduled)	06/03/19
Council (Scheduled)	06/12/19

23. Request for Approval of an Ordinance Amending Section 11-13 to Increase Transparency Regarding Competitive Sealed Proposals and Competitive Sealed Qualifications Based Proposals and to Amend Citations to State Statutes (Councilors Lindell, Villarreal, and Rivera) (Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

COMMITTEE REVIEW

Finance Committee (Not Approved)	05/20/19
Council (Request to Publish Notice) (Scheduled)	05/29/19
Council (Public Hearing) (Scheduled)	06/26/19

24. Request for Approval of an Ordinance Granting to Public Service Company of New Mexico ("PNM"), a New Mexico Corporation, a Franchise to Furnish Electricity Within the City of Santa Fe, Santa Fe County, New Mexico, and Granting to PNM the Right to Use Any Public Highway, Street, Alley, Road, or Other Public Place Within the Present or Future Municipal Limits of the City of Santa Fe (Mayor Webber) (Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

COMMITTEE REVIEW

Council (Request to Publish Notice) (Scheduled)	05/29/19
Finance Committee (Scheduled)	06/03/19
Public Utilities (Scheduled)	06/05/19
Council (Public Hearing) (Scheduled)	06/26/19

25. MATTERS FROM STAFF

26. MATTERS FROM THE COMMITTEE

27. MATTERS FROM THE CHAIR

28. NEXT MEETING: **MONDAY, JUNE 10, 2019**

29. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520
five (5) working days prior to meeting / date

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: May 22, 2019

TIME: 1:08 PM

**SUMMARY INDEX FOR
PUBLIC WORKS/CIP & LAND USE COMMITTEE
May 28, 2019**

ITEM	ACTION	PAGE
1. Call to Order	Convened at 5:00 p.m.	1
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 - May 6, 2019	Approved as amended	2
CONSENT AGENDA LISTING	Listed	2-6
CONSENT AGENDA DISCUSSION	Discussion/Voting	6-26
25. MATTERS FROM STAFF	None	26
26. MATTERS FROM THE COMMITTEE	Information/Discussion	27
27. MATTERS FROM THE CHAIR	Information/Discussion	27
28. NEXT MEETING:	Monday, June 10, 2019	27
29. ADJOURN	Adjourned at 7:35 p.m.	27

MINUTES OF THE
CITY OF SANTA FE
PUBLIC WORKS/CIP & LAND USE COMMITTEE

Monday, May 28, 2019

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 N. Ives, Chair at approximately 5:00 p.m. in City Council Chambers, City Hall, 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 Abeyta
Councilor Michael Harris
Councilor JoAnne Vigil Coppler
Councilor Renee Villarreal

MEMBERS EXCUSED:

STAFF PRESENT:

Regina Wheeler, Public Works Director

OTHERS PRESENT:

Elizabeth Martin for Carl Boaz, Stenographer

NOTE: All items in the Committee packets 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

Ms. Wheeler said she would like to postpone Item 19 to the next meeting where they will include the Ordinance, New Mexico Finance Authority loan and reimbursement Resolution.

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

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Harris, Vigil Coppler and Villarreal voting in favor and none voting against.

4. APPROVAL OF CONSENT AGENDA

Councilor Vigil Coppler requested discussion on items 16, 17, 22, 23 and 24.

Councilor Villarreal requested discussion on item 11.

Councilor Harris requested discussion on items 10, 13, 14 and 21.

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the consent agenda as amended, with items pulled for discussion.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Harris, Vigil Coppler, and Villarreal voting in favor and none voting against.

5. APPROVAL OF MINUTES FROM May 6, 2019 PUBLIC WORKS COMMITTEE MEETING

Councilor Vigil Coppler said on page 9 starting toward bottom of the page, it should say when she and the Mayor attended the event for the first flight of the new service at the Airport, they welcomed the flight crew and passengers. When she said missed the ball it should say the City really missed the ball on that one. Also it should say they were unloading luggage, and no one could see our enthusiasm.

MOTION: Councilor Harris moved, seconded by Councilor Vigil Coppler, to approve the May 6, 2019 minutes as amended.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris and Villarreal voting in favor and none voting against.

CONSENT AGENDA LISTING

6. Request for Approval to Extend Professional Services Contract #16-0573, with Anthony Tupler, Attorney at Law, For Parking Citation Administrative Hearing Services for One Additional and Final Year to June 30, 2020 (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, 955-6611)

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06/12/19

Councilor Harris said he is very familiar with this proposed amendment and task orders. There is a high level of information here. He wants to clarify page 1 of memo. We received \$1.85 million from the Aviation Division.

Ms. Wheeler said yes, that is the last appropriation.

Councilor Harris asked if that is listed here.

Ms. Wheeler said no, it was received after the memo was presented.

Councilor Harris asked is that for the second and third runways.

Ms. Wheeler said it is for phase 2 of Taxiway D.

Councilor Harris said when we look at CIP tonight, he is going to talk a lot about estimating. He doesn't see anything about your estimating. On the terminal how are they handling the estimating.

Ms. Wheeler said they are incorporating it into the design effort. On the terminal they will do a conceptional design to begin with then go on to a detailed design.

Councilor Harris said so we will be looking at alternatives conventional in nature. Will we look at estimates at that point? Are they doing it in-house or going outside?

Ms. Wheeler said it will be in-house for the conceptional phase, but after it is detailed it may go out. She would like to clarify that this will not be a full blown looking at alternatives exercise. We have a good idea of what we need. We will come up with a solid proposal and refine that with feedback.

Councilor Harris said he wants to make sure we get a high level of estimating all the way through. This is under the Molzen Corbin contract.

Ms. Wheeler said correct.

MOTION: Councilor Harris moved, seconded by Councilor Vigil Coppler, to approve the request.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris and Villarreal voting in favor and none voting against.

11. Request for Approval of the Annual Report for the Santa Fe River Target Flows: Target Year Activity From April 2018 to April 2019 and Anticipated Activity for the Santa Fe River Target Flow Year of April 2019 – April 2020 (Melissa A. McDonald, River and Watershed Coordinator, mamcdonald@santafenm.gov, 955-6840)

COMMITTEE REVIEW

Public Utilities Committee (Scheduled)	06/05/19
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Councilor Villarreal said thank you for providing us this very thorough presentation. The amount of precipitation we are getting, how does the spring pulse look different. Do they adjust it based on the amount of flow we are getting?

Ms. McDonald said she wanted to remind you of how the target flow looks for April 15th to April 15th. The chart in the packet is our best guess. We have a hydrograph that is called out by administrative procedures. It is based on that. We have 1,000 acre feet available this year for the river. That is very exciting, and people are super excited about that. We do adjust based on participation. If timed appropriately we confer with the River Commission. This year we are watching particularly closely because we have had to let go of quite a bit of water from the reservoirs. The Fishing Derby is this Saturday. We are building dams tomorrow and Thursday. The fish will be let go on Friday morning.

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the request.

Chair Ives said the reservoirs are full to the point of spillways. How do you count the 1,000 acre feet?

Ms. McDonald said those are counted separately. Alan Hook refined this graph in your packet. She explained the graph. This accounts for the releases. All other flows are documented in a different way.

Councilor Ives asked where we measure the Living River flow from.
Ms. McDonald said the gauge at Nichols.

Councilor Vigil Coppler asked the fish, if you release them on Friday aren't they gone when they want to catch them.

Ms. McDonald said we try to create ponds that will hold the fish. We are doing one bigger dam at the top with a series of smaller pools going down the river. Generally we create two big ponds that hold the fish. The Parks Department ordered 1,000 fish this year, which is 500 more than usual.

Councilor Villarreal asked where this starts and where it ends.

Ms. McDonald said it goes from Old Santa Fe Trail to the Galisteo bridge adjacent to the State Land Office.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris and Villarreal voting in favor and none voting against.

13. Request for Approval of Amendment No. 1 to Professional Services Agreement Item #19-0202, for On-Call HVAC and Plumbing Services for Midtown Campus in the Amount of \$55,975.54 Inclusive of NMGR, Which Will Increase the Total Contract from \$65,062.50 to \$121,038.04; B&D Industries, Inc. (Sam Burnett, Public Works Property Maintenance Manager, jsburnett@santafenm.gov, 955-5933)

COMMITTEE REVIEW

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Councilor Harris said the original contract for this was signed in mid-March and we are not in mid-May. Have we gone through the \$60,000?

Mr. Burnett said no we have not. He is trying to put together on-call contracts for specific services and in those contracts for unforeseen happenings so we can respond quickly.

Councilor Harris said there are four or five additional projects listed. It seems to be very reasonable numbers. Is B&D performing well.

Mr. Burnett said yes. So far costs have been completely reasonable and competitive. He is confident in their ability to do the work and the affordability.

Councilor Harris asked how much we have spent from the \$60,000.

Mr. Burnett said between \$10,000 and \$20,000.

MOTION: Councilor Harris moved, seconded by Councilor Abeyta, to approve the request.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris and Villarreal voting in favor and none voting against

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COMMITTEE REVIEW

Finance Committee (Scheduled)	06/03/19
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Councilor Harris said he thought he heard you say Denver is a targeted market. Why are we not targeting Denver here?

Mr. Randall said you did hear him say that. It is our largest single out of state City. Certified does not have many locations in Denver where they can put the brochures. We are looking for a resource for the Denver market.

Councilor Harris asked you will find a different vendor for Denver.

Mr. Randall said correct.

Councilor Harris said he thinks that is important. There has been a real change of a lot of Colorado people coming here.

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

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris and Villarreal voting in favor and none voting against

16. Request for Approval of Amendment No. 1 to Professional Services Agreement in the Total Amount of \$130,000 for Lou Hammond & Associates (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

COMMITTEE REVIEW

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Council (Scheduled)

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06/12/19

Councilor Vigil Coppler said she is trying to understand what exactly they will be doing in this contract. This company has done work for us in the past. What is this company going to do for \$130,000?

Mr. Randall said we engaged them through a public process. Their costs are pretty comparable to what the other companies we used are. They solicit the earned media side of our marketing component. We have generated between \$30 million and \$35 million a year in earned media over last four years. Earned media is the language assigned to the space they get for editorials in magazines or newspapers compared to space used for advertising. They solicit stories people write about Santa Fe. This past weekend there was a story in the New York Times about the El Rey. Half a column is probably worth a quarter million to El Rey from an earned media perspective. In evaluating the success of earned media we use same criteria every year so we can do comparisons.

Councilor Vigil Coppler said if you add them all up, she wonders why in the memo it says their service fees are annually \$10,000 for out of pocket expenses. It sounds a little chinchy.

Mr. Randall said the \$10,000 a month is in their contract. If they bring press here, they sometimes pay for their expenses to get them here.

Councilor Vigil-Coppler asked are these expenses in the original contract or are they paid annually.

Mr. Randall said they are approved as they are incurred. They also supply some of the press for the two press trips we do a year. They pay some of that through this fund. It is all managed through our Department.

Councilor Vigil Coppler asked are these out of pocket expenses identified and who monitors that.

Mr. Randall said it is monitored by our Director of Marketing. It states in the contract what kinds of services can be paid out of this. The contact Jordan first before bringing anyone in and get approval for the expenses. It is done by a written exchange of emails.

Chair Ives said on page 13 in the packet covers the scope of services that can be covered by those funds and does identify this process.

Mr. Randall said that was correct. Thank you for pointing that out. When our PR Manager does visits, and we want to have Lou Hammond staff attend with her those expenses also come from that \$10,000.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Harris, to approve the request.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris and Villarreal voting in favor and none voting against

17. Request for Approval of Amendment No.2 to Professional Services Agreement in the Total Amount of \$150,000 for Studio X Inc., (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

COMMITTEE REVIEW

Finance Committee (Scheduled)	06/03/19
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Councilor Vigil Coppler said she has the same question here. What do they do for the \$150,000?

Mr. Randall said this is the company who developed our website and now maintains the Tourism website on behalf of the City. An RFP went out last year and they won the contract on a competitive basis.

Councilor Vigil Coppler said she supposes this is more specialized and can't be done internally.

Mr. Randall said it could be but would require staffing at a level equal to or beyond this amount. The current Santa Fe website is on a unique platform called Gossamer Links. Very few people can work with that platform. Studio X is a specialist in Gossamer Links. We looked at options of more standard platforms, but the conversion costs over \$300,000. As technology moves on there may be methods in the future where we can convert to a new site for a more reasonable cost like \$100,000 to \$150,000. It is interesting that when we did the last RFP the next closest bid to this was \$250,000 because everyone had to convert our site to a different one. They did not have the capability to work on Gossamer Links. \$ 75,000 of this comes back from ad sales that they manage on the website, so the actual cost is \$75,000.

Councilor Vigil Coppler said on an earlier item you mentioned an amount of money coming back to the City. Is this a good cost benefit rather than hiring someone in house to do it?

Mr. Randall said he thinks that is a decision we could look at once we get this on a platform where someone else can work with it. At the time we did the RFP it did not seem reasonable to convert at that time. The site we have is working very well and efficiently.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Harris, to approve the request.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris and Villarreal voting in favor and none voting against

21. Request for Approval of a Resolution Endorsing the North Central Regional Transit District's FY2020 Budget Proposal, Approving the City of Santa Fe's FY2020 Regional Transit Plan; Funding the Mountain Trail 255 Route; and Directing Staff to Submit The City's Regional Transit Plan for FY2020 to the North Central Regional Transit District board of Directors for Consideration and Approval (Councilor Romero-Wirth) (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223)

COMMITTEE REVIEW

Transit Advisory Board (Scheduled)	05/28/19
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Council (Scheduled)	06/12/19

Councilor Harris said it shows here that this pays for a portion of Santa Fe Pick Up. Is that correct.

Mr. Wilson said we charge some of the operating costs of that to get reimbursed from NNMRTD.

Councilor Harris said he remembers from the budget hearings that 75% of that is paid for with lodgers' tax. He wonders if this is the time to get it 100% paid for by lodgers' tax. You are picking up 25%.

Mr. Wilson said essentially.

Councilor Harris asked how much you request for reimbursement.

Mr. Wilson said he did not have that on hand but can bring it to the next Committee.

Councilor Harris asked that he bring it for Finance.

Mr. Wilson said by the third quarter we have typically exhausted out reimbursement from NNMRTD.

Councilor Harris said his focus is on lodgers' tax and Santa Fe Pick Up.

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

Councilor Vigil Coppler asked what the Mountain Trail 255 route is.

Councilor Harris said that is an NNMRTD route from South Capital through downtown to the ski area.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris and Villarreal voting in favor and none voting against

22. Request for Approval of a Resolution Adopting the City of Santa Fe Fiscal Year 2019/2020 Capital Budget (Councilor Ives) (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)

COMMITTEE REVIEW

Finance Committee (Scheduled)	06/03/19
Council (Scheduled)	06/12/19

Ms. Wheeler said this is the last piece of the FY 20 budget. Capital expenditure approval. We have a very robust capital budget going into next fiscal year. We are happy to have a number of funding sources that have already provided funding for all the projects you see here. This is distinct from the needs and desires of projects. We will come forward in the next couple of months with that list after working with Councilors and others. All of these activities are currently funded including new ones funded by the State Legislature this session. We will bring additional details of schedules and will come forward to Council as we do GRT bond projects. This is the baseline strategy for each project, and we will add details as we move forward.

Councilor Vigil Coppler said she thought we got more money than that for the Airport.

Ms. Wheeler said it is \$14 million. The Legislature partially funded it this year with the expectations that we would make progress and come back next fiscal year for additional funding. We are fully funded for the parking lot and Taxiway D improvements.

Councilor Vigil Coppler said some of these projects are completed and have extra money left over in some of them.

Ms. Wheeler said that is correct. If a trails project ends up with extra funds they have to be spent on trails.

Councilor Vigil Coppler said there are several districts that are not correct in some of these.

Ms. Wheeler said thank you so much. We will make those corrections.

Councilor Vigil Coppler said she is the Chair of the Bicycle and Trails Advisory Committee. She would appreciate it if it would come to them if there is any extra money in trails.

Ms. Wheeler said we will come to that Committee for recommendations.

Councilor Abeyta said the Southside Library says District 4 and it should be 3. The Teen Center should be District 3 not 4.

Councilor Villarreal said this was very helpful breaking it down this way visually. The only thing she was wondering is if we could add dates to them and she is curious to know when the Plaza restrooms will be done.

Ms. Wheeler said we will bring a full and detailed schedule in July to Council and will include that project as well. It will be FY 21.

Councilor Villarreal said the one project we have been trying to fund and has some priority due to safety issues is the Harrison Road improvements and lighting. We finally got the bulk of the funding we were looking for. It says completion in 2020. She was hoping we could do this and finish it this calendar year.

Mr. Wheeler said she will look into that.

Councilor Abeyta said if any Councilor notes typographical errors in terms of districts submit them via email to the Director of Public Works.

Councilor Harris said he will follow the direction of the Chair on districts.

Councilor Harris said in your memo it says all Departments have capacity or are adding capacity to get these projects done. His observation is, in terms of projects, we very constrained. There are limits to human resources as well as funding. Where are all the project administrators going to come from.

Ms. Wheeler said it does fall across a number of Departments. The Facilities team handles a large volume of work. One project manager has been pulled for Midtown. We just posted the position so we will be back to four project administrators. The

engineering team managers some of the projects with NMDOT. She feels like we have this load covered. We would not be able to take on much more. These are the projects we have in hand. We feel confident with the staffing we have as long as HR supports us in filling the vacancies. If we improved our internal processes, we could do 30% more work with half the people. We are beginning to work better as a team. It will improve.

Councilor Harris said he would love to see a staffing plan in July with your detailed report. That is potentially one of your biggest constraints. He knows Public Works is picking up the cards on projects often time. It is a big question that everyone will need to watch.

Councilor Harris said someone has to own this CIP. You are taking the lead on it and that is appropriate. His view is the City Manager should really own the CIP and have a good understanding of what we are trying to accomplish. He has responsibility for all departments and HR. If you would like he will talk to you about his own experience and how he would like to see things organized in the information you are going to present in July and what type of information should be there. Certainly there is so much going on and money and performance at stake and safety issues we need to develop a more robust level of information which we do not have. The City Manager would be the first to admit this is not his strong suite. He has the capacity to understand it if he is given the right information and he has the responsibility to understand it.

Ms. Wheeler said thank you for volunteering to be part of that. We used the earned value chart at last meeting showing the schedule and experience at a glance. The next report will show how these things are moving along. Public Works has the responsibility of reporting on, tracking and moving along projects. Most originate in Public Works with a few additional in other Departments. We will bring it to the next Public Works meeting and discuss it there and see if that gives what you are seeking and for the public.

Councilor Harris said he wants to make sure we have key information in terms of budget and how that was established by estimating. Fire Station number 2, for instance, has had several estimates along the way. We need to have some level of estimating. That is an art and a science. He would like to see what your approach is going to be in terms of estimating the budget for each project. We need to be more rigorous on estimating.

Ms. Wheeler said it is important to understand that at different phases of a project you have a different level of accuracy for the budget. We are beginning to keep track of that and the estimates in our long range capital plan.

Councilor Harris said at some point it would be good, as a supplementary document, to know how we are going to have the appropriate budgetary discipline.

Councilor Harris said he noticed we did not list the Transit Division CMG project. That is an ongoing project. Also he felt Fire Station number 2 is appropriate at \$ 6.4 million, but we have \$1.5 million for infrastructure for that as well. We need to look at that.

Councilor Harris said he is not clear on the Ameresco projects. He could not figure out how you go to the numbers for each project.

Ms. Wheeler said we manage the project money by building.

Councilor Harris said for GCC Ameresco is not quite \$4 million. GRT is funding Ameresco. How did we get to \$5.272 million?

Ms. Wheeler said we will get you the details on that.

Councilor Harris asked on Kitchen Angels are we the fiscal agent for them.

Ms. Wheeler said yes, that is a Legislative appropriation. They are using it to fix some of the drainage problems and parking lot issues from flood damage.

Councilor Harris asked is that the same as Easter Seals El Mirador.

Ms. Wheeler said that one is an interesting one. In this case, we are taking a look to see if there is a project, we can collectively work on to build greenhouses on City land. The Parks Department could really use greenhouses. We are looking at projects there.

Councilor Harris asked is this a Legislative appropriation.

Ms. Wheeler said that is correct.

Councilor Harris asked what about Solis.

Ms. Wheeler said it is the same kind of thing. We are still working out with them if there is a City owned facility and how it can be managed for their benefit.

Councilor Harris said he would like to meet with you Ms. Wheeler about the information and how it will be organized.

Chair Ives said on the detail sheets for the next meeting he would like to have the source of funding, the estimated amount, the beginning and end dates of the projects and on an ongoing basis the percent of competition. It would be helpful to receive the detail sheets behind each project. If those are created, it would be nice to see them.

Ms. Wheeler said we are creating those for the July presentation. We will be coming forward with the project status in July and will have all those details.

Chair Ives said in your memo there is a reference to ICIP. A couple of years ago we tried to establish a listing between CIP and ICIP. What are we thinking of on that?

Ms. Wheeler said she thinks the ICIP submitted last year was pretty comprehensive. She has heard that in the past the entire five year plan was presented for the ICIP. She is not sure that is of tons of value. She suggests as we move forward with long range capital planning that we put things on the list for funding by the Legislature during the review of the long range plan. We submit that list in September, so it is time to start working on that.

Chair Ives asked if she said 72 projects are listed.

Ms. Wheeler agreed.

Chair Ives asked if there are four project managers at this time.

Ms. Wheeler said in the Facilities team. Engineering has some as well. We will provide the specific project manager for each one.

Chair Ives said he engaged the City Manager on the question of staffing and assured him that the City is confident that all the work in the CIP will get done with existing staff.

Councilor Harris said he should own that. This is a real challenge.

Chair Ives asked are there some issues with HR or hold ups on hiring certain positions.

Ms. Wheeler said one of the things we identified together across all Departments was to get our house in order. The implementation of ERP will help. Updating and modernizing will help as well.

Chair Ives said if HR is causing holdups, this Committee would like to hear that, and he is happy to bring HR in to discuss that to make sure we have capacity to do CIP this year. He does not want a holdup without us knowing and having an opportunity to work on that.

Councilor Vigil Coppler said there is a holdup in HR. It is not only Public Works, but Parks and Recreation as well. We are in a crisis. There is a bottleneck in HR. She does not think ERP implementation is an excuse any longer. Staff is hesitant to cast any aspersions so that is her role. She wants to say it loud and clear. We have a problem and she not going to stop talking about this until it is fixed. They are busy, but not doing the right things.

Chair Ives said we have an aggressive CIP agenda for next year. At some point someone has to be accountable for getting this done. Everyone up here is interested in getting that work done. If there are impediments to accomplishing that we want to hear about it early to discuss and resolve. We do not want to hear about failure on the back side.

Councilor Abeyta said he agrees with what has been said especially Councilor Harris comments. He want to see a City Manager role. He is looking forward to the information to come. We do need, on a regular basis, the full picture and the details. He is more interested in spending his time on those discussions as opposed to contracts and RFPs. He would like to go over these projects in detail and get all of these built.

MOTION: Councilor Harris moved, seconded by Councilor Vigil Coppler, to approve the request.

VOTE: The motion passed by unanimous (4-0) voice vote with Councilors Abeyta, Vigil Coppler, Harris and Villarreal voting in favor and none voting against

23. Request for Approval of an Ordinance Amending Section 11-13 to Increase Transparency Regarding Competitive Sealed Proposals and Competitive Sealed Qualifications Based Proposals and to Amend Citations to State Statutes (Councilors Lindell, Villarreal, and Rivera) (Marcos Martínez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

COMMITTEE REVIEW

Finance Committee (Not Approved)	05/20/19
Council (Request to Publish) (Scheduled)	05/29/19
Council (Public Hearing) (Scheduled)	06/16/19

Councilor Vigil Coppler said when this item was presented at the Finance Committee it says denied. Is that right.

Mr. Martinez said that is correct.

Councilor Vigil Coppler said it seems some have a difference with what this ordinance would provide. It creates potential for unfairness in the bidding process. She thinks it may hurt the bidders as well. If so much is bandied about and their business gets involved and their documents are public, it can create some unfairness by having different bidders' peek in on what others are doing. She doesn't like the opening up of this kind of stuff. She believes this creates more negative than positive effects. She does believe it precludes a good solid confidential negotiation process. She doesn't see how this would help right now. Money is not spent until Council approves. We give up a lot by making everything so open. Especially when everyone knows the game in town of other bidders. She is not sure the transparency this Ordinance says it will create is in

the best interest of the City. She thinks the City would lose more in the implementation of this than we would gain. She doesn't think the public benefits from the City not being able to negotiate and put its best foot forward all of the time. She is not a fan of it overall. She is a big fan of when Council decides everyone knows who applied and who was successful in getting the contract.

Councilor Villarreal said the way she sees this we have been functioning this way for decades. We had bids and got to see how they were rated and asked questions. In following the State Procurement Code we are not allowed to see the details of the selection process. She is confused in people's opinions that this is not a good way to go and we have been doing this for a very long time. Now we have this interesting process where we have to go into executive session to discuss details about bid selection which she sees as excessive and not transparent. She does not see it in the same way as her colleague does. She has never had someone come to her and say they felt unfairly treated because others saw their bid. Is there anything you have heard, or the City Attorney's Office has heard that leads you to think this is not the best way to go and this change does not make sense.

Mr. Martinez said he would say first in the previous incarnation of the City Procurement Manual the disclosure of proposals was prohibited but may not have been followed strictly. The issue came to light under the new City Attorney's watch who has familiarity with the State Procurement Code and began to ask questions about the public presentation of some of the information in the proposal. Prior to the City adoption of an independent procurement manual they had used State procurement language as well. So always it was supposed to be confidential. The City has received requests for the content of proposals prior to them being awarded so it is an ongoing issue.

Chair Ives said when he came on the Council in 2012, he does not recall it being the circumstance that we regularly saw proposals. Over the course of the years there were requests to see how the scoring occurred as part of the application process. He thinks in only a few instances did we see the proposals themselves. Clearly it was in response to questions being asked for a particular project.

Councilor Villarreal said that is helpful. During her short time on Council we have seen the bids so there is inconsistency in the process. From her perspective, we wanted to have more transparency in this process. She wishes the City Attorney's Office could make suggestions, so we feel there is transparency in the process without creating conflict and advantages with entities that apply. They would be able to appeal either way. That is not an issue. They can appeal either way.

Mr. Martinez said he thinks the language in the FIR is an attempt to describe that there would be a possibility for more protests available trying to make allegations against Committee members who were seeing the contents of the proposals. It is not saying that is viable, but there is potential to derail the process if changes are made.

Not so much if it remains confidential. That is a risk the City Attorney's Office wanted to highlight. In the case of MRC there were dueling letters of protest from both sides. We don't want to see a protest process derail what a fair and equitable process should be.

Councilor Villarreal asked if he thought this would do that.

Mr. Martinez said there are fewer opportunities for that if we do not change this Ordinance back to the way it was done. The protestor could not say the Council unduly effected the process. He will discuss with the City Attorney looking into how other cities have tried to bridge the tensions between the public right to know and the City's need to negotiate as good a deal as it deserves and use the public money the best way possible. He did look at Albuquerque and they keep it confidential until the award.

Councilor Villarreal asked if they would go into executive session.

Mr. Martinez said he just read their procurement manual, but that is available for any public entity to use. He could ask them.

Councilor Villarreal said it would be good to know. She does think that step to executive session is excessive and breaks down the transparency pipeline in a public setting. She is supporting this as one solution that could help. If there are other options, she would be glad to hear more.

Councilor Abeyta said this was sent through Finance and everyone now has started thinking about it. The discussion at Finance got him to go back to why the State Procurement Code is set up as it is under the transparency part, but he is concerned that as elected officials we are getting involved in the process earlier than we should. When we are talking about multi-million dollar projects, we have heard of other elected officials who have gone to prison over corruption on big projects. He prefers to be in executive session with our attorney when discussing projects. This could be a misstep. As an elected official he does not want to see bids early or be part of the bid process. It becomes a slippery slope. The Code is there for a reason. We have all heard stories. He understands the need to be transparent, but since we are the ultimate decision makers maybe we don't need to see the bids early.

Councilor Harris said he and Councilor Abeyta were at Finance. He ran into Bill Taylor at the County building. He was involved in State projects previously. Now he is the Chief Procurement Officer for the County and has been for eight to ten years. This is his profession. He mentioned this and asked what he thought. He said in his view the biggest problem with opening it up is if it is a procurement with ranked selections and you are negotiating with the top firm and if it is successful you have an award and move on. However, if it breaks down and you have to go to the number two selection then that puts the local public body at a great disadvantage. They know the ranking and in his mind that is the biggest reason to not do it. He also spoke to Daniel Hernandez who is leading the RFP process for Midtown. They got a huge response of

eighteen firms. If you open it up in these circumstances the national firms are competing for the same work and people may think twice about submitting their information if they know proprietary information is out there. He thinks that would impact a truly competitive response in the marketplace and increase the protest potential. These things happen and they get messy and consume a lot of energy for staff. He has the same stance on this as he did last week.

Chair Ives said when he looks at additions in section B what he does not understand is under the procurement code and re-adopted State procurement code does a Body such as ours, in our evaluation of the award, have to wait due to confidentiality for bidding information. Is that something the Governing Body has a right to see to make informed decisions during the executive session and then vote in the public session.

Mr. Martinez said he believes there is a way to communicate that confidentially and permit a discussion in executive session as Erin and he have said.

Chair Ives asked is there any way that can be made to members of the Governing Body ahead of time to discuss in executive session.

Mr. Martinez said the City Attorney's Office has been exploring ways to provide that type of information to the Governing Body with our IT Department. The preliminary indication is yes in the event this proposal does not succeed.

MOTION: Councilor Harris moved, seconded by Councilor Vigil Coppler, to deny the request.

VOTE: The motion passed by a (3-1) voice vote with Councilors Abeyta, Harris and Vigil Coppler voting in favor and Councilor Villarreal voting against

24. Request for Approval of an Ordinance Granting to Public Service Company of New Mexico ("PNM"), a New Mexico Corporation, a Franchise to Furnish Electricity Within the City of Santa Fe, Santa Fe County, New Mexico, and Granting to PNM the Right to Use Any Public Highway, Street, Alley, Road, or Other Public Place Within the Present or Future Municipal Limits of the City of Santa Fe (Mayor Webber) (Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

COMMITTEE REVIEW

Council (Request to Publish) (Scheduled)	05/29/19
Finance Committee (Scheduled)	06/03/19
Public Utilities (Scheduled)	06/04/19
Council (Public Hearing) (Scheduled)	06/26/19

Councilor Vigil Coppler said the language in the first paragraph on page 2 of the Ordinance includes the right to install an electric plant. When it talks about installing an electric plant and giving PNM carte blanche right to do this, she asked if she was misinterpreting this.

Mr. Martinez said she was not. If the company wanted to build an electric plant, they would still need to comply with all the building codes applicable. What this more currently points to is the possibility of solar generating arrays for PNM. That might be possible. He does not think it is likely they would attempt to build a gasoline or carbon fueled plant in Santa Fe under the current regime of laws under the PRC. This is aimed at the renewal sector. All PNM operations in the City are transmission and utilization. This language also appears in the Rio Rancho agreement that was passed.

Councilor Vigil Coppler said she does not see that kind of language in here on solar.

Mr. Martinez said in the City of Santa Fe it is more typically solar generation.

Councilor Vigil Coppler said she just doesn't trust. Going back to the big electric plant on Richards, that thing is nasty. She can't imagine something like that being built here. This first paragraph does not say it has to go through approvals. It could stand on its own. She is not liking it at all.

Mr. Martinez said the current franchise with PNM had similar language with PNM. Secondly this franchise is for use of the public right of way and there is no real ability to build a facility in the streets or right of ways. He is hopeful that will give you some context.

Councilor Villarreal said just because we always said it and it has not come to fruition it still opens it up. She agrees with her colleague. She is wondering why we don't specify what is possible or not possible. Should we change the language or why shouldn't we change it.

Mr. Martinez said he is happy to explore the opportunity and receptibility of PNM to changing that language if that is the direction of the Committee and Council. He does not have an issue with that whatsoever. He does think that will shift the schedule. They will have to let him know. There is a PNM representative here today.

Councilor Villarreal said she looks at these contracts and agreements and wonders why the language is even there. It is antiquated. We just go with it as we have in the past. Leaving it open to possibilities does not seem right.

Councilor Vigil Coppler said she would like to go back and have the language tightened up and be a little more restrictive. On a public right of way there may not be room enough to build a plant, but then why do we have this in there. It should not be in this at all.

Councilor Abeyta asked how long it would take to make changes dealing with what are we looking at.

Mr. Martinez said we tried to expedite this process because Finance has made some anticipated revenue calculations. It has to go through the chain of review at PNM. That is out of our hands.

Councilor Abeyta said this was part of the conditions of our budget approval. He doesn't know what the impact on budget will be if get delayed for a long period of time.

Mr. Martinez said he will explore if they are willing to make changes without altering the schedule.

Councilor Harris said he is less concerned, but there have been some legitimate points made. Sometimes language does get carried over and is there when it is past its useful life. It is worth having a conversation about. He agrees with Councilor Abeyta that this is one part of our overall budgetary approach. He would like to move it forward while we have the conversations. Ever since he has been on the Council periodically, we have had conversations about streetlights in the city we have worked on a process for getting that done with PNM. Maybe that is working, maybe not. We also had conversations about using LED lamps. Given the public comments during the last Legislative session he would like PNM to help the City of Santa Fe to support our own sustainability goal and change out our lights.

Ms. Wheeler said we own 60% of our lights, PNM 40%. We pay a premium for electricity on lights in order to have PNM maintain the facilities. We are well down the way of the process on implementation lists for our City lights. We have met with PNM a couple of times and know the process for them to change the 40% of the lights they own. That would massively improve our lighting. We will be bringing that project forward in the next couple of months for Council approval.

Councilor Harris said he thought that ratio was reversed. It will make a significant difference. He is not suggesting that needs to be part of the franchise discussion. He is glad to hear we are ahead of that. Thank you.

Chair Ives said in the past we have tried to get usage data from PNM to understand where we are on realizing our goal of carbon neutral in 2040. This seems a perfect opportunity to negotiate some reporting in this regard. He would like to see something in the franchise agreement that gets us the data we need to get to our goals. He requests that it be added to the agreement.

Chair Ives said you may want to fund that by our Sustainable Santa Fe Committee or our Sustainability Plan to see if it lines us. You said the PNM LED proposal will be coming in a few months, but it sounds like we are paying for it.

Ms. Wheeler said there is an initial cost to replacing all the lights with LED fixtures

that includes labor and equipment. It is easy to finance and pay back over seven years with savings on electricity. On our 60% side we have the option of private financing from the vendor or could go out to bond. We probably would bundle them with the PNM part as well. Maybe a green bond for the whole thing. We are also looking at bonding for the entire solar project with the funds given to us by the Legislature. We will have these green bond initiatives to look at up-front costs.

Chair Ives asked is that then not something we would want to reference in the franchise agreement. To convert all streetlights in the City to LEDs.

Mr. Martinez said he is a little hesitant to put something so specific in the franchise agreement. Regina is well on the way on that project. It is something regulated under the PRC rate schedule. He is not sure it is necessary to insert it into the franchise agreement and would not want to delay the agreement with too many new terms but will defer to the will of the Body.

Chair Ives said it would be helpful to have our outage reports or some sort of report from PNM on the cause of outages and what if anything is being done to avoid them in the future. On page 2 of the agreement, second line, he is wondering if there is an opportunity to move new developments to underground facilities as opposed to above ground facilities. A number of other cities have looked at this. Is this the place to do that. He has heard a number of complaints in the past as to the status of PNM infrastructure. There is nothing in here referring to the infrastructure being in good order. Is maintaining some level of infrastructure something that could be included as a requirement in the franchise agreement.

Chair Ives said he is looking at the insurance and it talks about a minimum of \$1 million in property damage and \$1 million in the case of a death. Are you satisfied with that?

Mr. Martinez said that is a difficult question to answer. There could be a debate on an ideal number. This is based off the very recently enacted franchise agreement with Rio Rancho. He does share the feelings expressed by Councilor Villarreal about language. The City wants to be sure indemnification would cover the city for the Tort Claims act. This provision would meet that requirement as currently enacted. More is better probably.

Chair Ives said that might not be a hard thing to add. On that same page the only thing referenced is PNM negligence for indemnification. Is that enough or should we ask for more categories.

Mr. Martinez said that is good.

Councilor Vigil Coppler asked when this is implemented how do we get paid. Is it an annual sum?

Mr. Martinez said currently under current franchises they pay annually. This agreement proposes quarterly payments.

Councilor Vigil Coppler asked in that case on the budget impact we have to wait for the money anyway so in the scheduling of dates it seems there is room for you to come back with some amendments and it should not impact the budget as astronomically as it sounds.

Mr. Martinez said until enacted we would be getting the 2% so it will be a lesser protected amount until it is effective so there is some impact. He would have to talk to Finance about that.

Councilor Vigil Coppler said the General Fund would have funds to cover that.

Councilor Abeyta said his concern is that the new rate doesn't go into effect until later so we would have a shortfall. Would we be able to make it retroactive? The 3% needs to start on July 1st.

Councilor Vigil Coppler said it is on the agenda for tomorrow for a request for public hearing. Can it be amended.

Mr. Martinez said the request for public hearing does not have to be the absolute final. It should be in an ideal world. When a public hearing is needed the final document is available for the public to be apprised. That is the drop dead time for the final document.

Councilor Vigil Coppler asked so there is enough time.

Mr. Martinez said he can take a stab at making amendments, but would PNM have enough time to decide before our deadlines? If we are going to meet the deadline and have the rate effective on time, there is not a lot of wiggle room in the schedule.

Councilor Vigil Coppler said if they would agree to not build an electric plant, she is fine with that.

Councilor Villarreal said she does not understand the quarterly time frame. Does that start in July?

Mr. Martinez said he does not have that in front of him, but the section that covers payments says due quarterly and specifies the month.

Chair Ives said it is on the top of page 3 in the Ordinance. January, April, July and October.

Councilor Vigil Coppler said so we are planning to wait for the money anyway or is this carry over language.

Mr. Martinez said these negotiations may take time or may not. That means we will be paid on those months. They will have been collecting the higher franchise fee during the period before that. They impose it on the rate payers and PNM pays us.

Councilor Vigil Coppler said if they are starting collection on July 1st, we have six months of money due in January. Is that right? Or do they not start collecting until October?

Chair Ives said it says of each year. As soon as it goes into effect July 1st, the first payment is due in October.

Councilor Abeyta said we don't have time. We need them to start charging it July 1st. The October payment will include charges from July 1st. It has to be approved before July 1st.

Chair Ives asked what the amount of money was included in the budget from this agreement.

Councilor Abeyta said he thought it is \$700,000.

Mr. Martinez said the exact amount is \$ 787,000.

Chair Ives said so that is additional revenue of about \$65,000 per month.

Chair Ives said section 4.2 talks about franchise fees in lieu of other taxes. The language is not clear. Does that mean PNM is paying regular GRT tax within the City based on the current rate and we receive our proportioned amount from the State.

Mr. Martinez said he believes so. He can look at it in more detail and let you know if he comes to a difference conclusion.

Chair Ives asked does PNM do any wholesaling.

Mr. Martinez said that he does not know. He would imagine they do. As you may know this sector is highly regulated both at the State and Federal level. He will have to get back to you on that.

Chair Ives said he was just curious.

Councilor Abeyta said a discussion we had at Finance Committee was about if the franchise agreement has to be approved by this Committee or does it move forward anyway, even if we postpone it here. It can still be heard at Council on July 3rd if push

came to shove. He would like to move this forward with these things worked out before the end of the month.

Councilor Villarreal said we keep talking about collecting July 1, but that is not how it happens. If we follow the schedule that takes 30 days to implement.

Mr. Martinez said yes statutory provisions for franchises become effective after the first 30 days. The budget took that into consideration through proration.

Councilor Vigil Coppler asked can we amend this right here

Chair Ives said yes, we have the ability to do that.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Abeyta, to approve the request as amended by striking on line 5 the word plant.

Councilor Villarreal said this is one piece she supports, but there are other points Councilor Ives brought up to consider that we need clarification on. If we vote on this what about the other possibilities.

Chair Ives said this is one step along the process. There is a possibility of adding amendments at other Committees and the Governing Body. This is not the end of the discussion or the end of possible amendments. Much of what we discussed is by way of gathering additional information which could lead to subsequent discussions or to propose other amendments. This effort is to keep this moving forward with the understanding that no one is happy, but we want to keep the momentum going.

Councilor Vigil Coppler asked you are not able to make your amendments tonight.

Chair Ives said he can make them at Utilities or Finance. He is not concerned. He is curious to hear back on some of the issues from the City Attorney.

Councilor Harris said he thinks all the points that have been raised have value. He would rather let the City Attorney's Office, Marcos, take the lead on it. He thinks PNM is a good corporate citizen and is getting better. He doesn't see any reason to work through all the implications. They don't get negotiated or changed overnight. He is concerned about the loss of revenue. He would rather move this forward without recommendation and allow the City Attorney's Office to speak to PNM and have them respond. If it is not timely then make the amendments at the appropriate time. He would like to ask if it would be appropriate to ask Mr. Martinez to recite back to us the various things he has been asked to look into in addition to the language on the plant.

Mr. Martinez said striking the word plant, the question about the relationship to the LED project - which it has none, usage data, as well as electric outages and what

causes then, is it appropriate to discuss underground facilities for new development, infrastructure and language about good working order of the infrastructure, the insurance amount, and in the negligence section should it include wording about wrongful acts. He will add ad valorem taxes and what does the wholesale mean.

Councilor Harris said some of that deals with more substantive issues. It is more than the word plant which is unlikely because it is the public right of way. He is still in favor of allowing Mr. Martinez to work through this as best as he can and keep it moving.

VOTE: The motion passed by a (3-1) voice vote with Councilors Abeyta, Villarreal and Vigil Coppler voting in favor and Councilor Harris voting against

Chair Ives said there will be more to come.

25. MATTERS FROM STAFF

None.

26. MATTERS FROM THE COMMITTEE

Councilor Harris said on the banner project \$10,000 was the estimate and it went to \$20,000. He would like to know how much money the City spent to install the banners.

Councilor Vigil Coppler said she wants to thank the Public Works staff, Ms. Wheeler and John Romero and the four Public Works employees who put them up. It went very well and was well received. She appreciates it.

Ms. Wheeler said thank you.

27. MATTERS FROM THE CHAIR

Chair Ives said the banners look very nice.

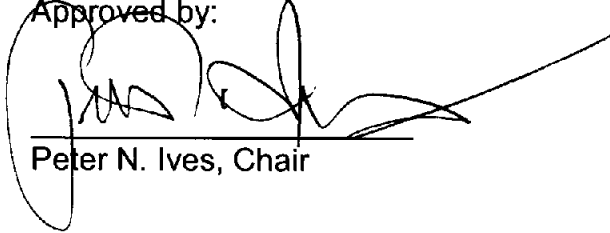
Chair Ives said he would like the discussion on the projects list to be added to the agenda for the next meeting.

28. NEXT MEETING: MONDAY, JUNE 10, 2019

29.ADJOURN

The meeting adjourned at 7:35 pm.

Approved by:



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

Peter N. Ives, Chair

Submitted by:



A handwritten signature in black ink, appearing to read 'Elizabeth Martin', is written over a horizontal line.

Elizabeth Martin for Carl Boaz