



# Agenda

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**PUBLIC WORKS/CIP & LAND USE  
COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
MONDAY, APRIL 25, 2011  
5:15 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM APRIL 11, 2011 PUBLIC WORKS COMMITTEE MEETING

**INFORMATIONAL AGENDA**

6. UPDATE TO THE STOP PROGRAM AND THE VEHICLE FORFEITURE PROGRAM (CAPTAIN ANTHONY ROBBIN)
7. INFORMATION ON THE SANTA FE TRAILS BUS SHELTERS PROJECT (JON BULTHUIS AND DEBRA GARCIA Y GRIEGO)
8. INFORMATION ON THE ZIA STATION (KEITH WILSON)

**CONSENT AGENDA**

9. CIP PROJECT #462A – HERB MARTINEZ PARK TENNIS COURTS RESURFACING
  - REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH RENNER SPORTS SURFACES IN THE AMOUNT OF \$28,016.24 (FRANK ARCHULETA)

**Committee Review:**

Finance Committee (Scheduled)  
Council (Scheduled)

05/02/11  
05/11/11

10. FACILITY BUDGET ADJUSTMENT REQUESTS

- REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST TO TRANSFER FUNDS FROM OPERATION AND MAINTENANCE PHASE 2 INTO FACILITY MAINTENANCE REPAIR IN THE AMOUNT OF \$132,337
- REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST TO TRANSFER FUNDS FROM OPERATION AND MAINTENANCE PHASE 2 INTO CITY HALL RENOVATIONS IN THE AMOUNT OF \$30,000 (CHIP LILIENTHAL)

**Committee Review:**

Finance Committee (Scheduled)  
Council (Scheduled)

05/02/11  
05/11/11

11. REQUEST FOR APPROVAL TO RENAME THE SOLID WASTE DIVISION TO THE ENVIRONMENTAL SERVICES DIVISION AS OF THE BEGINNING OF FY 2011/12 **(REGINA WHEELER)**

**Committee Review:**

Finance Committee (Approved)	04/18/11
Council (Scheduled)	04/27/11

12. REQUEST FOR FINAL APPROVAL OF SALE OF REAL ESTATE CONTAINING 189 SQUARE FEET ADJOINING THE NORTHERLY BOUNDARY OF 1164 CAMINO SAN ACACIO BY ROBERT MARTINEZ AND BETTY MARTINEZ **(EDWARD VIGIL)**

**Committee Review:**

Finance Committee (Scheduled)	05/02/11
Council (Scheduled)	05/11/11

13. SANTA FE MUNICIPAL AIRPORT

- REQUEST FOR APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF SANTA FE AND WHISKEY GOLF INVESTMENTS, L.P. FOR CONSTRUCTION OF AIRCRAFT HANGARS FOR ITS OWN PRIVATE USE AND OTHER RELATED PURPOSES
- REQUEST FOR APPROVAL OF AN ORDINANCE APPROVING A LEASE BETWEEN THE CITY OF SANTA FE AND WHISKEY GOLF INVESTMENTS, L.P. FOR APPROXIMATELY 0.465 ACRES OF CITY OWNED LAND LOCATED AT THE SANTA FE MUNICIPAL AIRPORT FOR CONSTRUCTION OF AIRCRAFT HANGARS FOR ITS OWN PRIVATE USE AND OTHER RELATED PURPOSES **(COUNCILOR WURZBURGER) (JIM MONTMAN)**

**Committee Review:**

Finance Committee (Scheduled)	05/02/11
Council (Request to publish)	05/11/11
Council (Public hearing)	06/08/11

14. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW ARTICLE 10-11 SFCC 1987 TO ESTABLISH BEEKEEPING REGULATIONS **(COUNCILOR DOMINGUEZ) (MELISSA BYERS)**

**Committee Review:**

Public Works (Postponed)	04/11/11
Finance Committee (Scheduled)	05/02/11
Council (Request to publish)	05/11/11
Council (Public hearing)	06/08/11

15. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE *CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE* RELATED TO BICYCLES **(COUNCILOR BUSHEE) (BOB SIQUEIROS)**

**Committee Review:**

Public Safety (Scheduled)	04/19/11
Finance Committee (Scheduled)	05/02/11
Council (Request to publish)	05/11/11
Council (Public hearing)	06/08/11

16. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING CHAPTER 7 SFCC 1987 REGARDING BUILDING AND RELATED CODES; ADOPTING THE 2009 INTERNATIONAL BUILDING CODE, THE 2009 INTERNATIONAL RESIDENTIAL BUILDING CODE, THE 2009 INTERNATIONAL EXISTING BUILDING CODE, THE 2009 UNIFORM MECHANICAL CODE, THE 2009 UNIFORM PLUMBING CODE, THE 2011 NATIONAL ELECTRIC CODE AND OTHER RELATED CODES AS AMENDED BY THE STATE OF NEW MEXICO AND THE CITY OF SANTA FE **(MAYOR COSS) (MATTHEW O'REILLY)**

**Committee Review:**

Finance Committee (Scheduled)	05/02/11
Public Utilities (Informational)	05/04/11
Council (Request to publish)	05/11/11
Council (Public hearing)	06/08/11

17. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 12-2 SFCC 1987; ADOPTING THE 2009 INTERNATIONAL FIRE CODE AS AMENDED BY THE GOVERNING BODY **(MAYOR COSS) (CHIEF BARBARA SALAS)**

**Committee Review:**

Finance Committee (Scheduled)	05/02/11
Council (Request to publish)	05/11/11
Council (Public hearing)	06/08/11

18. REQUEST FOR APPROVAL TO ENTER INTO LEASE AGREEMENT WITH RAILYARD COMPANY, LLC, FOR OFFICE SPACE AT 500 MARKET STREET, SUITE 200 CONSISTING OF APPROXIMATELY 21,464 SQUARE FEET **(ROBERT ROMERO AND GENO ZAMORA)**

**Committee Review:**

Finance Committee (Approved)	04/18/11
Council (Scheduled)	04/27/11

19. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO WORK WITH RODEO DE SANTA FE IN ORDER TO LOCATE FUNDING SOURCES FOR THE PURPOSE OF EXPLORING AND DEVELOPING AN INDOOR ARENA DEVELOPMENT COMPLEX AT THE RODEO GROUNDS **(MAYOR COSS, COUNCILORS TRUJILLO, ORTIZ AND DOMINGUEZ) (FABIAN TRUJILLO)**

**Committee Review:**

Business & Quality of Life (Cancelled)	04/12/11
Finance Committee (Scheduled)	05/02/11
Business & Quality of Life (Scheduled)	05/10/11
Council (Scheduled)	05/11/11

20. MATTERS FROM STAFF

21. MATTERS FROM THE COMMITTEE

22. NEXT MEETING: **MONDAY, MAY 9, 2011**

23. 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

**SUMMARY OF ACTION  
CITY OF SANTA FE  
PUBLIC WORKS/CIP & LAND USE COMMITTEE  
Monday, April 25, 2011**

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
CALL TO ORDER	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING	Listed	2-3
APPROVAL OF MINUTES OF THE APRIL 11, 2011, PUBLIC WORKS COMMITTEE MEETING	Approved	3-4
<b><u>INFORMATIONAL AGENDA</u></b>		
UPDATE TO THE STOP PROGRAM AND THE VEHICLE FORFEITURE PROGRAM	Information/discussion/direction	4-12
INFORMATION ON THE SANTA FE TRAILS BUS SHELTER PROJECT	Information/discussion	12-14
<b><u>CONSENT AGENDA DISCUSSION</u></b>		
<b>FACILITY BUDGET ADJUSTMENT REQUESTS:</b>		
REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST TO TRANSFER FUNDS FROM OPERATION AND MAINTENANCE PHASE 2 INTO FACILITY MAINTENANCE REPAIR IN THE AMOUNT OF \$132,337	Approved w/direction to staff	15
REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST TO TRANSFER FUNDS FROM OPERATION AND MAINTENANCE PHASE 2 INTO CITY HALL RENOVATIONS IN THE AMOUNT OF \$30,000	Approved w/direction to staff	15
<b><u>INFORMATIONAL AGENDA</u></b>		
INFORMATION ON THE ZIA STATION	Information/discussion	15-18
<b><u>CONSENT AGENDA DISCUSSION</u></b>		

<b><i>ITEM</i></b>	<b><i>ACTION</i></b>	<b><i>PAGE</i></b>
REQUEST FOR APPROVAL TO ENTER INTO LEASE AGREEMENT WITH RAILYARD COMPANY, LLC., FOR OFFICE SPACE AT 500 MARKET STREET, SUITE 200, CONSISTING OF APPROXIMATELY 21,464 SQUARE FEET	Motion failed To Council w/o recommendation	18-21
MATTERS FROM STAFF	None	21
MATTERS FROM THE COMMITTEE	Information/discussion/direction	21
NEXT MEETING: MONDAY, MAY 9, 2011		21
ADJOURN		21-22

**MINUTES OF THE  
CITY OF SANTA FE  
PUBLIC WORKS/CIP & LAND USE COMMITTEE  
Monday, April 25, 2011**

**1. CALL TO ORDER**

A meeting of the Public Works/CIP & Land Use Committee was called to order by Councilor Carmichael Dominguez, Chair, at approximately 5:15 p.m., on Monday, April 25, 2011, in the Council Chambers, City Hall, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Councilor Carmichael Dominguez, Chair  
Councilor Christopher Calvert  
Councilor Miguel Chavez  
Councilor Ronald S. Trujillo

**MEMBERS EXCUSED:**

Councilor Rosemary Romero

**OTHERS ATTENDING:**

Isaac J. Pino, Public Works Director  
Bobbi Mossman, Public Works Department  
Melessia Helberg, Stenographer

There was a quorum of the membership for conducting official business.

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

**3. APPROVAL OF AGENDA**

Mr. Pino said an updated set of materials have been handed out for Items #8 and #18.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Calvert, to approve the agenda as presented.

**DISCUSSION:** Responding to Councilor Chavez, Mr. Pino said Item #8 is an information presentation.

**VOTE:** The motion was approved unanimously on a voice vote.

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

Chair Dominguez said he is withdrawing Item #14 from the consent agenda.

**MOTION:** Councilor Calvert moved, seconded by Councilor Trujillo, to approve the following Consent Agenda, as amended.

**VOTE:** The motion was approved unanimously on a voice vote.

#### **CONSENT AGENDA**

**9. CIP PROJECT #462A – HERB MARTINEZ PARK TENNIS COURTS RESURFACING.**

**A. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH RENNER SPORTS SURFACES IN THE AMOUNT OF \$28,016.24 (FRANK ARCHULETA)**

**Committee Review:** Finance Committee (Scheduled) 05/02/11; and Council (Scheduled) 05/11/11.

**10. *[Removed for discussion by Councilor Calvert]***

**11. REQUEST FOR APPROVAL TO RENAME THE SOLID WASTE DIVISION TO THE ENVIRONMENTAL SERVICES DIVISION AS OF THE BEGINNING OF FY 2011/12. (REGINA WHEELER) Committee Review:** Finance Committee (Approved) 04/18/11; and Council (Scheduled) 04/27/11.

**12. REQUEST FOR FINAL APPROVAL OF SALE OF REAL ESTATE CONTAINING 189 SQUARE FEET ADJOINING THE NORTHERLY BOUNDARY OF 1164 CAMINO SAN ACACIO BY ROBERT MARTINEZ AND BETTY MARTINEZ. (EDWARD VIGIL) Committee Review:** Finance Committee (Scheduled) 05/02/11; and Council (Scheduled) 05/11/11.

**13. SANTA FE MUNICIPAL AIRPORT:**

**A. REQUEST FOR APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF SANTA FE AND WHISKEY GOLF INVESTMENTS, L.P., FOR CONSTRUCTION OF AIRCRAFT HANGARS FOR ITS OWN PRIVATE USE AND OTHER RELATED PURPOSES.**

**B. REQUEST FOR APPROVAL OF AN ORDINANCE APPROVING A LEASE BETWEEN THE CITY OF SANTA FE AND WHISKEY GOLF INVESTMENTS, L.P., FOR APPROX. 0.465 ACES OF CITY OWNED LAND LOCATED AT THE SANTA FE MUNICIPAL AIRPORT FOR CONSTRUCTION OF AIRCRAFT HANGARS FOR ITS OWN PRIVATE USE AND OTHER RELATED PURPOSES (COUNCILOR WURZBURGER). (JIM MONTMAN) Committee Review:** Finance Committee (Scheduled) 05/02/11; Council (Scheduled) 05/11/11; and Council (Public Hearing) 06/08/11.

**14. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW ARTICLE 10-11 SFCC 1987,**

TO ESTABLISH BEEKEEPING REGULATIONS. (COUNCILOR DOMINGUEZ) Committee Review: Public Works (Postponed) 04/11/11; Finance Committee (Scheduled) 05/02/11; Council (Scheduled) 05/11/11; and Council (Public Hearing) 06/08/11.

*[This item was withdrawn from the Agenda by the sponsor]*

15. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE RELATED TO BICYCLES (COUNCILOR BUSHEE). (BOB SIQUEIROS) Committee Review: Public Safety (Scheduled) 04/19/11; Finance Committee (Scheduled) 05/02/11; Council (Scheduled) 05/11/11; and Council (Public Hearing) 06/08/11.

16. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING CHAPTER 7 SFCC 1987, REGARDING BUILDING AND RELATED CODES; ADOPTING THE 2009 INTERNATIONAL BUILDING CODE, THE 2009 INTERNATIONAL RESIDENTIAL BUILDING CODE, THE 2009 INTERNATIONAL EXISTING BUILDING CODE, THE 2009 UNIFORM MECHANICAL CODE, THE 2009 UNIFORM PLUMBING CODE, THE 2011 NATIONAL ELECTRIC CODE AND OTHER RELATED CODES AS AMENDED BY THE STATE OF NEW MEXICO AND THE CITY OF SANTA FE (MAYOR COSS). (MATTHEW O'REILLY) Committee Review: Finance Committee (Scheduled) 05/02/11; Public Utilities (Informational) 04/04/11; Council (Scheduled) 05/11/11; and Council (Public Hearing) 06/08/11.

17. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 12-2 SFCC 1987, ADOPTING THE 2009 INTERNATIONAL FIRE CODE AS AMENDED BY THE GOVERNING BODY (MAYOR COSS). (CHIEF BARBARA SALAS) Committee Review: Finance Committee (Scheduled) 05/02/11; Council (Scheduled) 05/11/11; and Council (Public Hearing) 06/08/11.

18. *[Removed for discussion by Councilor Chavez]*

19. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO WORK WITH RODEO DE SANTA FE IN ORDER TO LOCATE FUNDING SOURCES FOR THE PURPOSE OF EXPLORING AND DEVELOPING AN INDOOR ARENA DEVELOPMENT COMPLEX AT THE RODEO GROUNDS (MAYOR COSS, COUNCILORS TRUJILLO, ORTIZ AND DOMINGUEZ). (FABIAN TRUJILLO) Committee Review: Business & Quality of Life (Canceled) 04/12/11; Finance Committee (Scheduled) 05/02/11; Business & Quality of Life (Scheduled) 05/10/11; and Council (Scheduled) 05/11/11.

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END OF CONSENT AGENDA

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5. APPROVAL OF MINUTES OF THE APRIL 11, 2011, PUBLIC WORKS COMMITTEE MEETING.

**MOTION:** Councilor Calvert, seconded by Councilor Trujillo, to approve the minutes of the meeting of April 11, 2011, as presented.



**VOTE:** The motion was approved unanimously on a voice vote.

## **INFORMATIONAL AGENDA**

### **6. UPDATE TO THE STOP PROGRAM AND THE VEHICLE FORFEITURE PROGRAM. (CAPTAIN ANTHONY ROBBIN)**

A copy of an Ordinance containing suggested amendments to Article 24-9 SFCC 1987, regarding the City's Vehicle Forfeiture Ordinance, is incorporated herewith to these minutes as Exhibit "1."

#### **Vehicle Forfeiture Program**

Captain Robbin reviewed the proposed changes to the Ordinance, which are suggested to improve the program. Please see Exhibit "1" for specifics of this presentation.

Captain Robbin noted since September 2009, they have processed 811 calls related to the Vehicle Forfeiture Program, and have processed 811 vehicles, commenting not all will be going to vehicle seizure and they have 30-40 vehicles to auction on July 15, 2011, and anticipate revenues of \$50,000 to \$60,000 for the program. Another 30-40 vehicles are in abandoned status by owners for which we have Court authorization to auction, noting these contain both abandoned and seized vehicles.

*The Committee asked questions, made suggestions and commented as follows:*

- Councilor Trujillo asked what would prevent, for example, a spouse or son from buying the vehicle at auction and turning it back to the husband or father.

Captain Robbins said that could happen.

- Councilor Trujillo asked what would happen if the person had another DWI in that car following that.

Adrian Terry, Assistant City Attorney, said it would be forfeited again, but the principle is if someone loses a car under these circumstances, we don't want to give it back.

- Councilor Chavez said this must be on the record, and asked when the vehicle is forfeited again if it will be a part of the record.

Captain Robbin said it will be on the record, but each time it will go a different route. He said he has a vehicle which has been forfeited twice and one which has been used three times in a DWI. He said the new language provides that the third time it comes into the system, after being used for DWI, it can be forfeited at that time.

- Councilor Chavez said the changes are underlined in the Ordinance and asked if the Ordinance will have to be introduced and go through the Committee process for changes.

Captain Robbin said this presentation is for informational purposes, and these are some of the changes the Department is considering, but it still will have to go through the process.

- Councilor Chavez sees this presentation as being different from an update or a report on the program.
- Chair Dominguez said we can talk about substantive changes when it comes through the process. He said we shouldn't be looking at the ordinance until it's been introduced.

Captain Robbin said he understands Alfred Walker met with Councilor Bushee who will be sponsoring it very soon, and it will be going through the committee process.

Captain Robbin said he talked with Robert Romero about getting more publicity on the program. He said *The New Mexican* has talked about getting a fire truck and taking a panoramic shot of all the vehicles, and writing an article about how "this could happen to you with your car," as well as putting something on the government channel in terms of an ad to get publicity.

- Councilor Dominguez asked if he has a handout on the numbers he talked about tonight.

Captain Robbin said he has nothing in writing and these are just general numbers.

- Chair Dominguez would like Captain Robbin to prepare a memorandum with those numbers so we can "keep track of that and follow your discussion as well."

Captain Robbin said he will do so.

- Councilor Trujillo said the proposed changes in fees were heard at Public Safety, and then went to the Council, so they will be making some changes to that.
- Councilor Chavez would like to include the provision for the standard one-year review of the ordinance once it is introduced.
- Chair Dominguez said he assumes Captain Robbin is the employee in charge of managing the program, and Captain Robbin said yes.
- Chair Dominguez asked if there is a job description setting his duties and responsibilities for the program.

Captain Robbin said as the Administrative Captain, he is responsible for the DWI Forfeiture and Stop Programs, and he believes those duties would fall under those for the Administrative Captain. He said he worked on the initial ordinance and worked to get the program going.

- Chair Dominguez asked if we have administrative guidelines for these programs.

Mr. Robbin said currently they are in the process of creating an SOP for both programs, which outlines the duties assigned to the Administrative Captain.

- Chair Dominguez asked if there is a documented set of administrative guidelines for this program.

Captain Robbin said he said he hasn't seen any administrative guidelines, although he thinks they are working on those.

- Chair Dominguez asked how long it will take to get those.

Captain Robbin said he will start working on this right away with Deputy Chief Alessio.

Deputy Chief Alessio said they do not have administrative guidelines for this program, but they are actively working on it, and have been meeting with Captain Robbin and Amanda Katz, and she met last week with the City Attorney's Office. She said they will want those to address the suggested changes reviewed by Captain Robbin, and will determine numbers and data bases so they are in compliance.

- Chair Dominguez asked the general timeline to get the administrative guidelines done.

Deputy Chief Alessio said there is no timeline, noting that is a first critical step. She said it is necessary to establish benchmarks to keep the Department in line with the program.

- Councilor Trujillo said he would like to put this issue and the administrative guidelines on the agenda for the next Public Safety Committee meeting, and continue that on the agenda every month until we get those guidelines.

- Chair Dominguez said he understands there was a \$50,000 DOT grant, and asked the status of grant funds.

Mr. Terry said the funds were used to obtain a contract lawyer to help us to push these cases through the judicial process. He said the problem is that officers issue a citation, impound the car, and hold an administrative hearing to determine probable cause for the seizure within the 10-day period and that happens very quickly. The challenge is that once these cases are filed as District Court actions with the petition for forfeiture, it becomes very difficult when there is a roadblock event where we would seize 15 cars. There are then a number of probable cause hearings, a filing in District Court, serving the parties and such which results in a trial. This is where the backlog is happening on his desk, because he couldn't do all that work, plus manage the other work he has. He said they hired an attorney, David Thompson, formerly on the bench in this Judicial District, and Mr. Thompson has been able to complete 4 or 5 trials in past 6-7 weeks, and get the titles to these cars.

- Chair Dominguez asked how much money have been netted to the City from these trials, in terms of revenue from sales of forfeited vehicles.

Mr. Terry said he doesn't know.

- Chair Dominguez said all he wants to know is that the money was there, how it was spent and the result of spending this money.

Mr. Terry said the money was there, it was spent well and in a way that helps the City get title to these vehicles which helps us avoid liability by being to slow on our end. He said it is important to recognize, as a City, that DWI enforcement and administration of the forfeiture program isn't entirely an economic consideration, asking "ultimately what's a life worth, or what is an arm or a leg worth." He said there have been a lot of major accidents in the City lately which have been horribly destructive to families.

- Chair Dominguez asked how we will measure the success of the program in the overall picture, and asked if the Police Department knows how we will do that in the overall scheme of things in terms of DWI and such. He said it sounds as if those mechanisms aren't in place.

Deputy Chief Alessio said they don't have those mechanisms in place, noting she is trying to educate herself on this issue over the past two weeks. She said she believes we can do this, but we need to establish smaller benchmarks first, in terms of the number of forfeitures, cars going back on the street, repeat DWI offenders, and how the Courts and the Department deal with those, and seeing those numbers decrease over time. She said she is sure there is a method as to how to quantify fatalities that didn't happen.

- Chair Dominguez said when we look at the numbers for 2009-2011, it sounds as if we haven't done enough to start collecting this data, quantifying the data and measuring the success of the program. He said the intent of the Governing Body in approving programs such as this one, is to address the various problems which exist in the community, and this legislation wasn't passed just to be passed.

Councilor Dominguez said having the data is very important in the future, in terms of how we refine a program to make it better. He would like the Police Department to start quantifying and collecting data and presenting it to the Governing Body to digest, and hopefully reap the benefits that were to come out of this, saying this can be done at the Public Safety Committee.

- Councilor Trujillo said Captain Robbin said some of the officers were missing the court dates, and we are going to extend that date to 15 days. He asked if the officers are making the court dates which Mr. Thompson is prosecuting.

Mr. Terry said it is two separate tracks. He said the probable cause hearing at the City is time sensitive and set by the Court's docket, and we are getting the officers to Court. He said with regard to the City's probable cause hearings, it is challenging when the time pressure is so tight.

- Councilor Trujillo said he wants to sit with Mr. Terry and determine how to get police officers to the

hearings. He said we need to be sure they are there for the trial and the hearing, noting he understands the pressures in the Department.

Deputy Chief Alessio said she agrees and she assures this Committee that getting the officers to the hearings is paramount in the effectiveness of this and any program in order to reach a successful resolution. She will bring this to the Chief's attention.

Deputy Chief Alessio said they need to refine the process of quantifying the data which measures the success or failure of this and other programs. She said they are working on all of this, and she will brief Chief Rael immediately on doing this.

- Councilor Calvert said he appreciates that Mr. Terry said this is not an economic proposition, and he understands that. However, he would like to see post-implementation, some sort of FIR on the revenues and expenditures for the program. He said going into this, we were told it would pay for itself. However, we always can't get a grant to hire an attorney to prosecute these cases, and we can't count on funds for this purpose. He said we need to have that information during the upcoming budget talks to see what we need to budget for this program, or not budget.
- Councilor Chavez asked, since we don't have the data in the short term, how we can use the DWI Forfeiture Program in its current form to remind people of the consequences.
- Chair Dominguez said if we if don't continue to refine the process, eventually it breaks, and the program could become "null and void," and just another program. He said we need to be able to have data which demonstrates the success of the program.
- Chair Dominguez asked if we have data for 2009-2011.

Captain Robbin said yes. He said he can put it in memo form and provide it to this Committee and the Council.

- Chair Dominguez said the Public Safety Committee definitely needs to see this data on a regular basis. He said he would defer discussion on this to the Public Safety Committee, and ask Councilor Trujillo to let him know when it goes to that Committee.
- Councilor Trujillo would like to put this item on the next Public Safety Committee meeting, and once we have that data, we can bring it back to this committee.

Captain Robbin said, with regard to the reason police officers sometimes don't show up for court, this hearing has to be scheduled within 10 days. He said the officer could have just started a 15-day vacation, and couldn't attend at the scheduled time. He said the 15 day scheduling change would allow us to get the officer to Municipal Court. He said they also could be on another assignment, or something else could have happened. He said if the officer misses the initial hearing, the case doesn't move on.

- Councilor Chavez asked if there is a way to reschedule a hearing.

Mr. Terry said, "The answer is yes and no." He said we can ask and if the Judge is willing we can reschedule. He said there is a difference between a seizure at the time of arrest and the forfeiture. He said, "I could actually forfeit a car that I never seized. Let's say you're driving drunk, your car is subject for forfeiture, we could let you pick it up tomorrow from the side of the roadway where you left it and I could file my action in District Court a month later, and I can still forfeit your car. So, we don't lose our rights, it just becomes the threshold limit of how long you can hold somebody's stuff before you have a hearing to make sure you're holding it for the right reason.

### **STOP Program**

- Chair Dominguez asked Captain Robbin if he has the figures for the STOP program, and Captain Robbin said he doesn't have them with him.
- Chair Dominguez said it was explicitly indicated that the STOP program was not to generate revenue but to increase public safety, so we need benchmarks to measure that.

Captain Robbin said the City has two vans which are placed Monday-Friday, and they cover 4 locations per day, including School Zones. He said placing the two vans doesn't mean we double the violations, and it actually increases about "half more," so if we have 100 violations with the two vans out, it will increase to 150. He said they have increased the locations where they are placing the speed vans, noting they get lots of request for school vans which they do consider. He said school zones are always targeted, and at other locations on request, although some can't be done because the road is too narrow to park the van, noting they ask the patrol officers to cover that area. He said since the program started, approximately 12,000 citations were issued, noting they issue about 600 citations per month.

Captain Robbin said recent statistics from RedFlex indicate there currently is an approximate 60% collection rate, which means about 40% aren't paid. He said the program allows for a collection program and the Department is looking at that. He said there is a 5% citation contest rate, and they have been holding hearings once a month, but they may increase to two hearings per month, now that there are two contract attorneys that do the hearings. He said all speed fines are now \$100.

Captain Robbin said last year we netted approximately \$250,000 from the STOP program, after paying the State and paying expenses. He said this year, with the additional van, it is anticipated that we will net \$350,000 after paying the State and expenses, clarifying this is just an estimate. He said there are no red light cameras, although the alternative intersections have been discussed. He said the DOT is looking at its decision about State roads. He said Redflex is looking at that, noting that is up to the Governor and the Highway Commission.

Captain Robbin said they received a memorandum from Redflex today saying they still have an interest in the program, they stand by us 100%, and they wanted him to tell this to the Committee. He said they are publicizing all of the speed vans on a daily and weekly basis.

- Chair Dominguez asked what the safety measurement was that Redflex sells to potential buyers, and if they anticipated that speed vans alone will make our streets safer. He asked how the Police Department is going to measure the success of this program.

Captain Robbin said when the program came out, it was supposed to be an overall Red Light Camera and speed van program, although we removed one segment and we now only have the speed vans.

- Councilor Dominguez asked Captain Robbin if he is saying our streets won't be safe unless both components of the program are in place.

Captain Robbin said no, the speed vans are making our streets safer, especially since we publish it every day and put it in the speed zones. He said they always target elementary schools, but you can't quantify the safety it's providing to children in the school zones.

- Chair Dominguez said it was quantified by the vendors in the presentation given to the City by Redflex. He said this is the reason some of us supported the program, noting the Resolution says we want safe streets, and Redflex indicates it will make "your streets safer by whatever percentage it is." He asked again, how the Police Department will measure the success of the program.

Deputy Chief Alessio said the way she perceives the program, after reading the literature and speaking with Redflex, is that the differential equation changes over time with the function with the number of citations issued. She said because this is a public safety behavior mechanism, we should see a decrease in the number of speeding violations over time which theoretically proves the effectiveness of the program – this is how she understands the program.

- Chair Dominguez asked when/if the Police Department will be ready to start quantifying and measuring the data.

Deputy Chief Alessio said she believes the Department absolutely should be doing this, in order to acknowledge the success of this or any other program put in place to change the behavior to make the streets safer – we have to be able to quantify that to prove its effectiveness over time.

- Chair Dominguez wants to be sure that the Public Safety Committee gets this information because we need to establish benchmarks so we can prove to the Community that this program isn't about making money, it is about making our streets safer.

- Councilor Trujillo said we've been able to do only one component of the program, the speed vans. We had hoped to do the red light cameras, but we were unable to do that, noting that is where we

had data. He wants to see the data because speeding was part of the component, and to stop people from running red lights. He we do not put the speed vans to watch people running a red light, it isn't set up to do that. He said in his district, the speeds vans are working and people are slowing down. He said he has heard people say we're picking on one district, but that isn't true, because every single district has gotten the speed vans. He said the Department tries to respond to requests for a speed van. Chair Trujillo believes we can get the data we need – how many tickets issues, number of citations and such in each district. He said the speed vans send the message that it's not okay to speed on these streets.

Captain Robbin said Santa Fe is the only municipality in the Redflex program that publishes the locations of its speed vans in the newspaper. He said we do an extra step and put out warning signs at the speed van locations.

- Councilor Trujillo said when we started this program, people said this was going to be a speed trap, but it isn't, and the Department has done its due diligence to publish locations of the vans and in putting warning signs at the site of the vans. He said this isn't a surprise to people, because they can check the newspaper for location of the vans.

Captain Robbin said anything we can do to make school zones safer should be done.

- Councilor Trujillo would like to make an appointment with Governor Martinez and hear her stance on the issue of the red light cameras.

Deputy Chief Alessio said she will bring this to the attention of the Chief immediately, and they will work on this.

- Councilor Calvert said the intent has always been to focus on public safety, but if we are going to do this program, we should try to collect revenue on as many violations as possible. He said it doesn't appear that he is including the appeals in the 40%. He asked the major reasons people don't pay.

Captain Robbin said many people know it is an administrative citation, and just ignore it. He said people who are getting the second notice are saying that they never got the original citation.

- Councilor Calvert asked what the "hammer" is for that response.

Captain Robbin said the ordinance allows for collections. He said there also is a provision in the ordinance which provides if a vehicle with multiple violations is stopped by the Police, the vehicle can be held until the owner satisfies the citations. He commented we would need a much larger impoundment lot if we impounded all vehicles of people who haven't paid. He said Albuquerque is in the process of collections, noting the letters are sent out by Redflex. He said it isn't sent by certified mail. He noted if we start collections "that's another branch we need to go to."

- Councilor Calvert said we have to do something, because more and more people will start to ignore



the citations, and although he doesn't know the answer, we do need to look at this and come up with a cost effective process to ensure payment of citations to the maximum extent possible.

- Chair Dominguez said he will defer to Councilor Trujillo and the Public Safety Committee to decide when they are ready to bring this issue back to this Committee.

Chair Dominguez thanked Deputy Chief Alessio and the Department for their work, and said he looks forward to a progress report.

## **7. INFORMATION ON THE SANTA FE TRAILS BUS SHELTERS PROJECT (JON BULTHUIS AND DEBRA GARCIA Y GRIEGO)**

Mr. Bulthuis said they have gone to the H-Board, the Mayor's Committee on Disabilities, Arts in Public Places, as well as through the committee process and to the Council. He said an artist has been selected through the Art in Public Places program, and that contract is working its way through the committee process which will be followed by an RFQ or RFP, some sort of open competition. He said prototyping will be a part of that to learn things before the final design for fabricating multiple units.

Councilor Chavez sees the project as two components. One is the fabrication of the main body of the shelter itself, whatever that is. That structure will be designed to accept tin panels which will be installed later. He said the second is the actual tin work itself before installation.

Mr. Bulthuis said an artist has been commissioned to do the art work.

Councilor Chavez asked the number of different designs for the shelters.

Mr. Bulthuis said it is estimated to be between 30 and 50, which will depend on the cost from the RFQ/RFP process.

Councilor Chavez said there will be 30 to 50 bus stops, and asked if it will be the same design, and the number of bus stops.

Mr. Bulthuis said it varies, depending on the size of the structure. There are 3 different structures for prototype. He said once that is done and we get a feel for how that works, we then will do the final design based on ridership.

Councilor Chavez said then there are 3 different designs, and asked the number of prototypes which will be done.

Mr. Bulthuis said they are talking about doing one of each of the basic structures for prototype.

Councilor Chavez asked if there will be tin work on each of the prototypes, and Mr. Bulthuis said this is correct.

Councilor Chavez said his concern is the local preference, the multiplier effect, and wants to keep as much money in the local economy as possible. He said he is equally concerned about where the design itself is done.

Mr. Bulthuis said the first two steps have been done. A Santa Fe based architectural firm has been chosen to do the design, and a New Mexico based artist has been chosen to do the art for the project.

Councilor Chavez said there are 30 bus stops, and asked if "we would cast the net a little broader into the cottage industry, if you will, if you had, let's say, instead of one artist stamping, I don't know how many panels there'll be, but... let's say there are two panels for each of the bus stops, that's 30 panels, could we have 3 artists stamping instead of one."

Mr. Bulthuis said this can be referred to the Arts Division. He said Transit basically "passed that ball" to the Arts Division in terms of art in public places.

Councilor Chavez said he understands, but "I'm just throwing this out there as a concept. Cast the net a little broader. Talk to whomever you need to, to see what we can do to make that happen."

Ms. Garcia y Griego said, "When we discussed the project with transit, the notion was to have this produced in a way that was cost effective so that all of the shelters could be produced within the construction budget that John has. We're paying the artist a very small fee to do the design work. I think it's important to understand that the current approach is not really a punch tin panel in the traditional sense. It draws from that tradition, it draws from that notion."

Councilor Chavez said, "Then it's tin-like."

Mr. Bulthuis said, "It gives the appearance of."

Councilor Chavez said then it is a facsimile.

Ms. Garcia y Griego said, "It is a variation of a tin panel. It is not traditional tin work."

Councilor Chavez said, "Then we're moving away from the notion that we support the local economy in a true, authentic sense, so that when a visitor comes in to see this tin-like panel, it's going to be different than what you would see, let's see, in a shop downtown, or someone's studio, or something like that."

Ms. Garcia y Griego said, "Yes, Councilor Chavez. This is a very different type of application and so both the economic and the technical requirements that we have discussed internally, as a team, require a different approach."

Councilor Chavez said, "I can kind of relate to that, but I think it's a little unfortunate that we have to fall in that rigid sort of right, because I think in our economic times and in this reality that we're facing, I would venture to say that there would be artists, tin-workers, that would do something real for the same price."

I'm sure you're using 20 gauge metal for the facsimile. I don't know; it just doesn't seem to be quite right. This is part of why I wanted this presentation, because it sounds like we're going along a road of everything is okay, and to a point it is, but we just sort of deviate and it's not okay. It isn't right. I think I've asked my questions.

"I think if we're looking for economic benefit in the long term, I think that we would be better off, especially in our bus stops, and especially where they're going to be providing the service to our visitors, we should use that opportunity to do more what's authentic and what's more real and represents the 400 years of history which we talk about and which we don't always follow through with. This reminds me of the museum foundation doing licensing agreements with out-of-state furniture manufacturers to produce Santa Fe style furniture that's already being produced here in the State. It's reverse economic development."

Councilor Calvert asked, in light of a lot of the economic discussions, especially regarding the budget, if this project funded is funded with Federal stimulus money.

Mr. Bulthuis said it is funded through an ARRA [American Recovery and Reinvestment Act] grant received by the City.

Councilor Calvert asked if a match is required.

Mr. Bulthuis said no. However, accepting these funds requires the City to open the process to competitors outside the City who want to bid, so the City's local preference is prohibited by ARRA.

Councilor Calvert said he wants to be clear that these are federal funds, in the event there is criticism that we are using City funds to build bus shelters in these difficult economic times.

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**MOTION:** Councilor Calvert moved, seconded by Councilor Trujillo, to reconsider the previous vote to approve the Agenda, to hear Item 10 at this time, and to approve the agenda as amended.

**VOTE:** The motion was approved unanimously on a voice vote.

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## **CONSENT AGENDA DISCUSSION**

### **10. FACILITY BUDGET ADJUSTMENT REQUESTS:**

- A. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST TO TRANSFER FUNDS FROM OPERATION AND MAINTENANCE PHASE 2 INTO FACILITY MAINTENANCE REPAIR IN THE AMOUNT OF \$132,337.**

**B. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST TO TRANSFER FUNDS FROM OPERATION AND MAINTENANCE PHASE 2 INTO CITY HALL RENOVATIONS IN THE AMOUNT OF \$30,000. (CHIP LILIENTHAL)**

**Committee Review: Finance Committee (Scheduled) 05/02/11; and Council (Scheduled) 05/11/11.**

Councilor Calvert said it appears there is an immediate need for the \$30,000, which he understands. He asked if the remainder of the funds is needed for this budget year, and if so, for what, and if there something anticipated. He doesn't want to take money from this fund for which we have a goal to use it for a certain purpose, if we don't have specific things in mind for which we need it. He is okay with the \$30,000, but he wants to hear a plan to spend the balance.

Mr. Lilienthal said the City is changing its heating and cooling system from a heating system to a cooling system which is a big unknown, and is unsure what is going happen in the next 3-4 weeks for all the facilities, especially with those aging as quickly as they are. He said there are roofing projects that need to be done, that we're "unsure we're going to be able to meet another winter without taking care of the roof. City Hall is one of them, Fire Station No. 4 is another immediate, and possibly Fort Marcy."

Councilor Calvert wants an itemized list of expenditures to be included with this request as it moves forward, so we have the opportunity to set our priorities. He reiterated he understands the immediate need for the \$30,000.

**MOTION:** Councilor Calvert moved, seconded by Councilor Trujillo, to approve this request, with direction to staff to include a complete itemization of the items to be done with the price tag attached, as this moves forward.

**VOTE:** The motion was approved unanimously on a voice vote.

Mr. Lilienthal said he will do so, noting this item will be presented next week to the Finance Committee.

**INFORMATIONAL AGENDA**

**8. INFORMATION ON THE ZIA STATION. (KEITH WILSON)**

A Memorandum dated April 21, 2011, to the Public Works/CIP & Land Use Committee, from Keith Wilson, MPO Senior Planner, regarding the Zia Station is incorporated herewith to these minutes as Exhibit "2."

A packet of emails and letters received by Keith Wilson regarding the Rail Runner Zia Station is incorporated herewith to these minutes as Exhibit "3."

A color drawing of the Zia Rail Runner Station, and surrounding area, is incorporated herewith to these minutes as Exhibit "4"

A copy of a power point presentation made to the Public Input Meeting on March 14, 2011, to discuss the opening of Zia Station to Rail Runner Service is incorporated herewith to these minutes as Exhibit "5."

A copy of the minutes of the meeting of March 14, 2011, *City of Santa Fe Santa Fe MPO – Public Input Meeting to discuss the opening of Zia Station to Rail Runner Service*, is incorporated herewith to these minutes as Exhibit "6."

Keith Wilson presented information from his Memorandum of April 21, 2011, to the Public Works/CIP & Land Use Committee. Please see Exhibit "2" for specifics of this presentation. Mr. Wilson noted it would cost \$60,000 to \$100,000 to implement the improvements necessary to open Zia Station, noting there were two estimates – one with City crews doing the work and another using contract people to do the work.

Councilor Calvert said he understands that the DOT was going to go ahead and put in the station, but it was going to depend on the developer to pay for those improvements as a cost of the development. He said now, we're talking about the City using its funds to open a State station. He said if this is the will of the Governing Body that is okay.

Councilor Calvert asked if we have discussed some sort of an agreement to reimburse the City for those improvements when the developer was ready to move forward with its project, or another cooperative agreement. He said people want this open now, but the developer isn't ready to move forward, so the City is being asked to be responsible for some of the work the developer was going to do.

Councilor Calvert said he would like to pursue discussions with the developer to help fund the initial improvements since the developer isn't ready to move forward with the development project.

Mr. Wilson said that is the kind of direction they are seeking.

Councilor Chavez said he thought this is what the development fees are about. He said if the development costs could be shifted to the development fees that are one vehicle that can be used. He asked if there are other possible funding sources which could be identified, commenting he believes at least a portion of the project could be funded with impact fees.

Mr. Wilson said there is no federal funding available and the State said since they built the platforms, they have no money to contribute, so "we were trying to identify potential funding sources within the City."

Councilor Chavez said it goes back to a combination of impact fees and whatever we can work out with the developer, noting the City has discretion as to where those Impact Fees could be used.

Councilor Chavez asked about the funding/development stage of the proposed crossing at Zia.

Mr. Wilson said they identified a potential improvement to the crossing at Zia, essentially the Rail Trail, which would involve "right now, when you get the walk signal, people making a right turn have a green ball which puts them in direct conflict with pedestrians and this may have also been implemented. He knew

they tested it and it was going to be implemented, but essentially the guy crossing, instead of a green ball during the walk signal, the right turns would get a red arrow which means they couldn't take a right turn while the walk signal is on.

They would make up the time at the green arrow when the right turners from Zia were going, and then they could make a right turn. But then, the concerns about St. Francis Drive itself is that it is a very long crossing and could be intimidating with 6 lanes of traffic, and people expressed concern that the walk signal is not long enough.

One thing he had heard is that when the gates go down for the trains coming and the walk signal is in process, it can stop the walk signal and switch to a different signal, so that is one of the things on his list to talk to John Romero, the Traffic Engineer, just to confirm that those crossings meet all the requirements for walking speed and such."

Councilor Trujillo said he also has a concern with the traffic signals, because if the station is opened, it will cause traffic backup on both sides of Zia. He asked if the DOT will do anything to extend the timing of the lights prior to opening. He said he has spoken with some people at DOT that said they want to work on St. Francis Drive, and asked if anything was proposed, and if DOT is going to come to the table and fix these lights prior to opening the Zia Station, if it opens.

Mr. Wilson said they did a quick study of analysis of the intersections, and the current train schedules for coming through here are not at peak periods, and the stop at Zia Station would require that the gates come down as it enters the station going into town, and would rise while the train waits at the station, and then go back down. He said concerns were raised that the train would be stopped across Zia which is not the case. He asked if he is speaking of long-term fixes or if he is speaking about short term fixes to the signal timing.

Councilor Trujillo said he is speaking of fixing the signal timing throughout the entire corridor, noting when the Rail Runner stops it affects Siringo Road and other streets all the way down St. Francis.

Mr. Wilson said it will have no major impact, the only additional impact of the train stopping is when it is coming into town the gate will go down one extra time for 60 seconds.

Councilor Trujillo asked what Mr. Brown's timeline was and if he was looking at building something.

Mr. Wilson said to his knowledge he hasn't submitted anything to the City.

Councilor Calvert said it seems as if there is a basic conflict in the way the station was originally designed, and he has heard suggestions about adding to the parking with the original design, but it seems there will be a problem – the conflict between two goals.

Mr. Wilson said if there is no on-site parking, people probably will park in the neighborhood. He said it is a no-win situation, and someone is not going to be happy. He said this station could be one of the biggest stations in Santa Fe, but it is hard to tell.

Councilor Calvert said he doesn't like to suggest more bureaucracy, but we could issue residential parking permits to the residents to prevent parking in neighborhoods.

Mr. Wilson said that would depend on how you define neighborhood. He said, to him, the neighborhood expands to the east side of St. Francis, and he can see people from neighborhoods adjacent to the station driving to that facility.

Councilor Calvert said it is important to assess a reasonable area of neighborhood, and we could take direction from the Railyard and the areas set aside there for residential parking permits to get an idea what works. There will always be the question of how big to define it, but there are already examples around the City you could study to get a ballpark figure.

Mr. Wilson said they did discuss parking permits, and the neighbors said they wanted parking control, but they didn't want to have to get permits.

Councilor Calvert said everybody won't be happy, but you can provide this as an option, and it is their choice as to whether or not to take it.

[Somebody talking here from the audience, but it was inaudible.]

## **CONSENT AGENDA DISCUSSION**

- 18. REQUEST FOR APPROVAL TO ENTER INTO LEASE AGREEMENT WITH RAILYARD COMPANY, LLC., FOR OFFICE SPACE AT 500 MARKET STREET, SUITE 200, CONSISTING OF APPROXIMATELY 21,464 SQUARE FEET. (ROBERT ROMERO AND GENO ZAMORA).  
Committee Review: Finance Committee (Approved) 04/18 /11; and Council (Scheduled) 04/27/11.**

A copy of an "Action Sheet Public Works/CIP & Land Use Committee Meeting of 04/25/11, Item from Finance Committee Meeting of 04/18/11, is incorporated herewith to these minutes as Exhibit "7."

Councilor Chavez asked if we are going to stay where we currently are located until this happens.

Mr. Romero said the lease at the Federal Building is through 2012, and that lease can be terminated with 4 months notice, so if we don't get this financing, we would stay at the Federal Building.

Councilor Chavez asked about rented space and within that the usable space.

Mr. Romero said the usable space measures the offices and subtracts the hallways, restrooms and walls. He said the leasable is the entire space.

Councilor Chavez said we won't be doing janitorial for the hallways and restrooms. He said we will

realize a savings of only \$6,738 annually, and Mr. Romero said this is correct.

Councilor Chavez said his concern is the timing of this in light of the economy, and it doesn't appear that we will be saving a lot of money. He asked who will be in that space.

Mr. Romero said no final decision has been made.

Councilor Chavez said this is not in the master plan or facilities master plan, which also is of concern to him. He would propose a 10 year term instead of 15 years, with the understanding that we focus back on our facilities plan and what we need to do with the existing facilities and property that the City owns. He said he can't support this right now.

Councilor Trujillo asked how many divisions we would be moving to the space.

Mr. Romero said he hasn't spent the time to design the space, but he will do that if this lease is approved. He said we can design the space and use as much of the leasable/usable space as we want, but it will take significant time to do this. He said once the lease is approved, he can come back to the Committee with a plan to use the space.

Councilor Trujillo asked how many people are working in the lease at the Federal Building, and asked if that number will fit in the new space.

Mr. Romero said it is 50-60 people, and we can fit that number and more if we design the space more effectively.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Calvert, for purposes of discussion.

**DISCUSSION:** Councilor Calvert asked if we will be using our own personnel to move, and if our costs to move will be negligible.

Mr. Romero said most of the cost is the \$1.4 million for tenant improvements, and we will do the moving with our own staff, and that won't exceed the costs of existing staff that come to work every day.

Councilor Calvert said the costs of vacating the current space and moving to the new space will be paid by the City, and asked if we have the trucks to do that.

Mr. Romero said yes, noting we move back and forth all the time.

Councilor Calvert asked who will be designing the space and who will pay for that.

Mr. Romero said there is an in-house team, and we also could look at hiring an architect or a consultant, but that will be figured out later, noting Mr. Pino has been thinking about that.

Mr. Pino said the City Manager asked him to look at how this could be done internally, and he has been



considering that. He said he visited the space today, and he believes the staff has the necessary experience and talent to develop a plan which will work with the space.

Councilor Calvert said some of the things we have requested are a sub-lease which is included, with conditions. He said we also asked for a constant rent, but we have a set rent for 5 years of the 15 year lease, and at the end of 5 years the rent will be increased by 10%, and he asked if that is firm – is it mandatory or is it negotiable.

Mr. Romero said it will be automatic, and his understanding was that it will be imposed.

Councilor Calvert would like that to be verified. Mr. Romero said this is his understanding.

Councilor Calvert said asked what would happen to the savings during the first 5 years with the increase.

Mr. Romero said the lease is \$400,000, so an increase of 10% would be \$40,000.

Councilor Calvert said that will “eat up all of the savings quickly.” He said this will save us money only during the first 5 years.

Councilor Chavez said the reason we are moving is to save money. The reason we want to get out of paying rent is for the cost savings. He said we need to question those terms and the term of the agreement to which we are agreeing.

Councilor Calvert asked if this is a “take it or leave it,” or if there is still room for negotiation. He said our ultimate plan was Siler Road, and the reason he is questioning Item #10 which is raiding that “piggy bank” to pay for things right now. He said if this is what we’re going to do; it needs to make sense for a little longer, because we eventually will be moving to Siler Road. He wants the ability to sub-lease, but the 10% increase also will apply to that. He still needs to see some negotiation on that.

**FRIENDLY AMENDMENT:** Chair Dominguez asked Councilor Calvert if he would like to give direction to staff in that regard on the motion. Mr. Romero said this goes to Council on Wednesday. Councilor Calvert would like to give that direction to staff. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

Councilor Chavez clarified that the direction to staff is to revisit the 10% increase after 5 years, and to reduce the term of the agreement to 10 years.

Councilor Calvert said if we are moving elsewhere in the meantime, it has to make economic sense to move.

Councilor Chavez agreed and questioned whether there really is a need to move, and asked, “What’s driving this bus.”

**VOTE:** The motion, as amended, failed to pass on a voice vote, with Councilor Trujillo voting in favor of

the motion, and Councilor Chavez and Councilor Calvert voting against.

Councilor Calvert said he wants the requested information by the time this moves forward to the City Council.

Chair Dominguez said then this item moves forward to the Council with a failing recommendation from Public Works.

## **20. MATTERS FROM STAFF**

There were no matters from staff.

## **21. MATTERS FROM THE COMMITTEE**

Councilor Chavez said Ms. Mossman was working on information regarding a purchase from out-of-state mills, and asked for that at the next meeting.

Chair Dominguez said he would like to have that information as part of the Parks Bond discussion. He asked Councilor Chavez if this is okay, and Councilor Chavez said yes.

Councilor Trujillo said he was at Ragle Park recently, and where the contractor made all the cuts for the lines, it is not a good surface for kids. He doesn't know what can be done in this short time frame, and suggested the City might get some good dirt and put it on the grass to level the playing surface. He said he has been getting complaint calls from a lot of the coaches and parents. He said this has become a problem in the outfield.

Chair Dominguez said in the future, he would like staff to provide information in writing for the Informational Agenda items, and not something saying "This was intentionally left blank." He said if they need more time to provide the information, he would like staff to work with the presenters. He said he wants something in writing to be able to follow the conversations when we have discussions, such as the ones with the Police Department. He will be happy to assist in facilitating this.

[Councilor Calvert's question here was inaudible because he was away from the microphone.]

## **22. NEXT MEETING: MONDAY, MAY 9, 2011.**

## **23. ADJOURN**

There being no further business to come before the Committee, and having completed its agenda, the meeting was adjourned at approximately 7:15 p.m.

Approved by:

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Carmichael A. Dominguez, Chair

Submitted by:

  

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Carl Boaz, Stenographer