



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
OCTOBER 22, 2012 – 5:00 P.M.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. APPROVAL OF CONSENT AGENDA

5. APPROVAL OF MINUTES:

CITY CLERK'S OFFICE

DATE 10-18-12 TIME 8:50 am

SERVED BY Uplande Green

RECEIVED BY [Signature]

Regular Finance Committee Meeting – October 1, 2012

## CONSENT AGENDA

6. Request for Approval of Cooperative Agreement – Roadway Improvements to Calle Atajo from Airport Road to Rufina Street; New Mexico Department of Transportation. (David Catanach)

7. Request for Approval of Procurement under Cooperative Agreement – Two (2) Ambulances for Fire Department; Southwest Ambulance Sales, LLC. (Fire Chief Salas)

8. Request for Approval of Procurement under State Price Agreement – Thirty (30) Police Vehicles and Equipment for Police Department; Don Chalmers Ford and MHQ Industries. (Police Deputy Chief Schaerfl)

9. Request for Approval of Grant Award – FY 2012 Edward Byrne Memorial Justice Assistance Grant Program for Police Department; U.S. Department of Justice. (Police Chief Raymond Rael)

A. Request for Approval of Budget Increase – Grant Fund

10. Request for Approval of Project Agreement – Full-Time City Attorney Litigating Currently Filed DWI Vehicle Forfeiture Cases in District Court; New Mexico Department of Transportation Programs Division, Traffic Safety Division. (Geno Zamora)

11. Request for Approval of Services Agreement – Maintenance and Tech Support for City's Land Mobile Radio System for ITT Division; Motorola Solutions. (Thomas Williams)



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
OCTOBER 22, 2012 – 5:00 P.M.

12. Request for Approval of Enterprise Agreement and Further Negotiation of State Price Agreement – Volume Licensing for City-Wide Windows7 and Office 2010 for ITT Division; Microsoft. (Thomas Williams)
13. Request for Approval of Grant Agreements and Professional Services Agreements – Shelter Plus Care Grants for Housing and Community Development Department. (Nick Schiavo)
  - A. The Life Link/La Luz
  - B. St. Elizabeth's Shelter
14. Request for Approval of Procurement under State Price Agreement and Natural Gas Sales Agreement – Lower Base Cost of Natural Gas for City of Santa Fe; State of New Mexico BP Energy Company. (Nick Schiavo)
15. Request for Approval of a Sustainable Amendment to FY 2011-2012 Fourth Program Year Annual Action Plan for Housing and Community Development Department. (Kim Dicome)
16. Request for Approval of Grant Agreement – Water Conservation Implementation and Installation of Automatic Meter Reading (AMR) Devices to City of Santa Fe Residential Water Utility Customer Meters; U.S. Department of the Interior Bureau of Reclamation. (Laurie Trevizo)
  - A. Request for Approval of Budget Increase – Grant Fund
17. Request for Approval of Grant Award and Procurement under State Price Agreement – Four (4) CNG Honda Civics for use in the Santa Fe Ride Program for Transit Division; New Mexico Energy, Minerals & Natural Resources Department. (David Chapman)
  - A. Request for Approval of Budget Increase – Grant Fund
18. Request for Approval of Grant Award and Procurement under State Price Agreement – Two (2) CNG Front-Loading and Two (2) CNG Automated Side-Loading Collection Vehicles for Solid Waste Division; State of New Mexico Energy, Minerals & Natural Resources Department. (David Chapman)
  - A. Request for Approval of Budget Increase – Grant Fund



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
OCTOBER 22, 2012 – 5:00 P.M.

19. Request for Approval of 2012 State of New Mexico Severance Tax Bond Capital Appropriation Project for City of Santa Fe Main Police Station; State of New Mexico Department of Finance and Administration, Local Government Division. (David Chapman)

A. Request for Approval of Budget Increase – Grant Fund

20. Request for Concept Approval of an Easement to Benefit Santa Fe County for the Purpose of Installing a 12 Inch Water Pipeline to Extend Water Service to the Santa Fe Animal Shelter Facility and other Properties Lying South and East Thereof. The Real Property Lies Within Portions of Government Lot 1 and the NW/4 SE/4 of Section 35 T17N R8E NMPM and Contains 0.93 Acres by Bill Moffett, Project Coordinator. (Edward Vigil)

21. Request for Approval of a Resolution Declaring an Emergency Relating to Community Workforce Agreements ("CWA") Subsection 28.8 of the City of Santa Fe Purchasing Manual; Directing Staff to Contract with the Bureau of Business and Economic Research at The University of New Mexico to Research and Report to the City of Santa Fe on the Economic Impact of Community Workforce Agreements; and Directing Staff to Delay the Implementation of Projects Subject to the CWA Ordinance until a Presentation of the Report is made to the Governing Body. (Councilor Bushee) (Nick Schiavo and Robert Rodarte)

**Committee Review:**

Public Works (scheduled)

10/29/12

City Council (scheduled)

10/30/12

Fiscal Impact – Yes

22. Request for Approval of a Resolution Directing the City Manager to Provide a Plan and Projected Construction Cost for Renovation of the City Council Chambers to Include, at a Minimum, that the Governing Body Seating Area be Reconfigured so that all Members of the Governing Body have Direct Visibility and Interaction with the Public. (Councilors Rivera and Dimas) (Chip Lilienthal)

**Committee Review:**

Public Works (scheduled)

10/29/12

City Council (scheduled)

10/30/12

Fiscal Impact – No



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
OCTOBER 22, 2012 – 5:00 P.M.

23. Request for Approval of a Resolution Authorizing the City of Santa Fe Transit Division to Provide Free Rides on all Bus Routes and Santa Fe Ride Vehicles on General Election Day, November 6, 2012. (Mayor Coss and Councilor Bushee) (Jon Bulthuis)

**Committee Review:**

City Council (scheduled)

10/30/12

Fiscal Impact – Yes

24. Request for Approval of a Resolution Relating to the Water Resources Agreement between the City of Santa Fe and Santa Fe County; Directing Staff to Initiate the Dispute Resolution Provisions of such Agreement to Resolve the Process by which the County may Request Additional Water Meters and what Discretion the City may Exercise when Responding to such Requests. (Councilor Bushee) (Marcos Martinez and Brian Snyder)

**Committee Review:**

Public Utilities (scheduled)

11/07/12

City Council (scheduled)

11/14/12

Fiscal Impact – Yes

**END OF CONSENT AGENDA**

**DISCUSSION**

25. OTHER FINANCIAL INFORMATION:

- A. Update on Gross Receipts Tax Report Received in October 2012 (for August 2012 activity) and Lodgers' Tax Report Received in October 2012 (for September 2012 activity). (Dr. Melville Morgan)

26. MATTERS FROM THE COMMITTEE

27. 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  
FINANCE COMMITTEE MEETING  
Monday, October 22, 2012

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-3
APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MEETING – OCTOBER 1, 2012	Approved	4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF ENTERPRISE AGREEMENT AND FURTHER NEGOTIATION OF STATE PRICE AGREEMENT – VOLUME LICENSING FOR CITY-WIDE WINDOWS-7 AND OFFICE 2010 FOR ITT DIVISION; MICROSOFT	Approved	4
REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND NATURAL GAS SALES AGREEMENT – LOWER BASE COST OF NATURAL GAS FOR CITY OF SANTA FE; STATE OF NEW MEXICO, BP ENERGY COMPANY	Approved	4-5
REQUEST FOR APPROVAL OF GRANT AGREEMENT – WATER CONSERVATION IMPLEMENTATION AND INSTALLATION OF AUTOMATIC METER READING (AMR) DEVICES TO CITY OF SANTA FE RESIDENTIAL WATER UTILITY CUSTOMER METERS; U.S. DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION	Approved	5-6
REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND	Approved	5-6

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
REQUEST FOR APPROVAL OF 2012 STATE OF NEW MEXICO SEVERANCE TAX BOND CAPITAL APPROPRIATION PROJECT FOR CITY OF SANTA FE MAIN POLICE STATION; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION	Approved	6-7
REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND	Approved	6-7
REQUEST FOR CONCEPT APPROVAL OF AN EASEMENT TO BENEFIT SANTA FE COUNTY FOR THE PURPOSE OF INSTALLING A 12 INCH WATER PIPELINE TO EXTEND WATER SERVICE TO THE SANTA FE ANIMAL SHELTER FACILITY AND OTHER PROPERTIES LYING SOUTH AND EAST THEREOF. THE REAL PROPERTY LIES WITHIN PORTIONS OF GOVERNMENT LOT 1 AND THE NW/4, SE/4 OF SECTION 35 T. 17N R8E NMPM AND CONTAINS 0.93 ACRES, BY BILL MOFFETT, PROJECT COORDINATOR	Approved	7-8
A RESOLUTION DECLARING AN EMERGENCY RELATING TO COMMUNITY WORKFORCE AGREEMENTS (“CWA”) SUBSECTION 2.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; DIRECTING STAFF TO CONTRACT WITH THE BUREAU OF BUSINESS AND ECONOMIC RESEARCH AT THE UNIVERSITY OF NEW MEXICO TO RESEARCH AND REPORT TO THE CITY OF SANTA FE ON THE ECONOMIC IMPACT OF COMMUNITY WORKFORCE AGREEMENTS; AND DIRECTING STAFF TO DELAY THE IMPLEMENTATION OF THE CWA ORDINANCE UNTIL A PRESENTATION OF THE REPORT IS MADE TO THE GOVERNING BODY	Motion to approve failed	8-18
REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO PROVIDE A PLAN AND PROJECTED CONSTRUCTION COST FOR RENOVATION OF THE CITY COUNCIL CHAMBERS TO INCLUDE, AT A MINIMUM, THAT THE GOVERNING BODY SEATING AREA BE RECONFIGURED SO THAT ALL MEMBERS OF THE GOVERNING BODY HAVE DIRECT VISIBILITY AND INTERACTION WITH THE PUBLIC	Approved	18

**ITEM**

**ACTION**

**PAGE**

REQUEST FOR APPROVAL OF A RESOLUTION  
RELATING TO THE WATER RESOURCES  
AGREEMENT BETWEEN THE CITY OF SANTA FE  
AND SANTA FE COUNTY; DIRECTING STAFF TO  
INITIATE THE DISPUTE RESOLUTION PROVISIONS  
OF SUCH AGREEMENT TO RESOLVE THE  
PROCESS BY WHICH THE COUNTY MAY REQUEST  
ADDITIONAL WATER METERS AND WHAT  
DISCRETION THE CITY MAY EXERCISE WHEN  
RESPONDING TO SUCH REQUESTS

Resolution withdrawn  
Direction to staff [amended]

18-24

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END OF CONSENT CALENDAR DISCUSSION

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**DISCUSSION**

No items for discussion

24

**OTHER FINANCIAL INFORMATION**

UPDATE ON GROSS RECEIPTS TAX REPORT  
RECEIVED IN OCTOBER 2012 (FOR AUGUST  
2012 ACTIVITY) AND LODGERS' TAX REPORT  
RECEIVED IN OCTOBER 2012 (FOR SEPTEMBER  
2012 ACTIVITY)

Information/discussion

24-25

MATTERS FROM THE COMMITTEE

Information/discussion

25

ADJOURN

25

**MINUTES OF THE  
CITY OF SANTA FE  
FINANCE COMMITTEE**  
Monday October 22, 2012

**1. CALL TO ORDER**

A meeting of the City of Santa Fe Finance Committee was called to order by Acting Chair Patti J. Bushee, at approximately 5:00 p.m., on Monday, October 22, 2012, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Bill Dimas  
Councilor Peter N. Ives

**MEMBERS EXCUSED:**

Carmichael A. Dominguez, Chair

**OTHERS ATTENDING:**

Dr. Melville L. Morgan, Director, Finance Department  
Melessia Helberg, Stenographer.

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

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

**3. APPROVAL OF AGENDA**

Acting Chair Bushee said Chair Dominguez would like Item 8 under the Consent Agenda to be postponed to the next meeting on November 5, 2012.

**MOTION:** Councilor Dimas moved, seconded by Councilor Calvert, to approve the agenda, as amended

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



#### 4. APPROVAL OF CONSENT AGENDA

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

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

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#### CONSENT AGENDA

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6. REQUEST FOR APPROVAL OF COOPERATIVE AGREEMENT – ROADWAY IMPROVEMENTS TO CALLE ATAJO FROM AIRPORT ROAD TO RUFINA STREET; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DAVID CATANACH)
7. REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – TWO (2) AMBULANCES FOR FIRE DEPARTMENT; SOUTHWEST AMBULANCE SALES, LLC. (FIRE CHIEF SALAS)
8. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – THIRTY (30) POLICE VEHICLES AND EQUIPMENT FOR POLICE DEPARTMENT; DON CHALMERS FORD AND MHQ INDUSTRIES. (POLICE DEPUTY CHIEF SCHAEFL)  
THIS ITEM IS POSTPONED TO THE FINANCE COMMITTEE MEETING OF NOVEMBER 5, 2012
9. REQUEST FOR APPROVAL OF GRANT AWARD – FY 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR POLICE DEPARTMENT; U.S. DEPARTMENT OF JUSTICE. (POLICE CHIEF RAYMOND RAE)  
A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
10. REQUEST FOR APPROVAL OF PROJECT AGREEMENT – FULL TIME CITY ATTORNEY LITIGATING CURRENTLY FILED DWI VEHICLE FORFEITURE CASES IN DISTRICT COURT; NEW MEXICO DEPARTMENT OF TRANSPORTATION PROGRAMS DIVISION, TRAFFIC SAFETY DIVISION. (GENO ZAMORA)
11. REQUEST FOR APPROVAL OF SERVICES AGREEMENT – MAINTENANCE AND TECH SUPPORT FOR CITY'S LAND MOBILE RADIO SYSTEM FOR ITT DIVISION; MOTOROLA SOLUTIONS. (THOMAS WILLIAMS)
12. *[Removed for discussion by Councilor Calvert]*

13. REQUEST FOR APPROVAL OF GRANT AGREEMENTS AND PROFESSIONAL SERVICES AGREEMENTS – SHELTER PLUS CARE GRANTS FOR HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT. (NICK SCHIAVO)
  - A. THE LIFE LINK/LA LUZ
  - B. ST. ELIZABETH'S SHELTER
14. *[Removed for discussion by Councilor Ives]*
15. REQUEST FOR APPROVAL OF A SUSTAINABLE AMENDMENT TO FY 2011-2012 FOURTH PROGRAM YEAR ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT. (KIM DICOME)
16. *[Removed for discussion by Councilor Ives]*
17. REQUEST FOR APPROVAL OF GRANT AWARD AND PROCUREMENT UNDER STATE PRICE AGREEMENT – FOUR (4) CNG HONDA CIVICS FOR USE IN THE SANTA FE RIDE PROGRAM FOR TRANSIT DIVISION; NEW MEXICO ENERGY, MINERALS & NATURAL RESOURCES DEPARTMENT. (DAVID CHAPMAN)
  - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
18. REQUEST FOR APPROVAL OF GRANT AWARD AND PROCUREMENT UNDER STATE PRICE AGREEMENT – TWO (2) CNG FRONT-LOADING AND TWO (2) CNG AUTOMATED SIDE-LOADING COLLECTION VEHICLES FOR SOLID WASTE DIVISION; STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT. (DAVID CHAPMAN)
  - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
19. *[Removed for discussion by Councilor Bushee]*
20. *[Removed for discussion by Councilor Bushee]*
21. *[Removed for discussion by Councilor Calvert]*
22. *[Removed for discussion by Councilor Bushee]*
23. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TRANSIT DIVISION TO PROVIDE FREE RIDES ON ALL BUS ROUTES AND SANTA FE RIDE VEHICLES ON ELECTION DAY, NOVEMBER 6, 2012 (MAYOR COSS AND COUNCILOR BUSHEE). (JON BULTHUIS) Committee Review: City Council (scheduled) 10/30/12. Fiscal Impact – Yes
24. *[Removed for discussion by Councilor Calvert]*

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END OF CONSENT AGENDA  
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**5. APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MEETING – OCTOBER 1, 2012.**

**MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, to approve the minutes of the Regular Finance Committee Meeting of October 1, 2012, as presented.

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

**CONSENT CALENDAR DISCUSSION**

**12. REQUEST FOR APPROVAL OF ENTERPRISE AGREEMENT AND FURTHER NEGOTIATION OF STATE PRICE AGREEMENT – VOLUME LICENSING FOR CITY-WIDE WINDOWS-7 AND OFFICE 2010 FOR ITT DIVISION; MICROSOFT. (THOMAS WILLIAMS)**

2. Councilor Calvert said he pulled this item because options as to how to proceed are listed on page

**MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, to approve this request with Option 2 and if Option 2 fails, then we proceed with Option 3.

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

**14. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND NATURAL GAS SALES AGREEMENT – LOWER BASE COST OF NATURAL GAS FOR CITY OF SANTA FE; STATE OF NEW MEXICO, BP ENERGY COMPANY. (NICK SCHIAVO)**

Councilor Ives said he is trying to understand the action which is being requested, noting the Action Requested, "It is requested that this purchase award to BP Energy Company, from State Price Agreement #70-000-00-04056, be reviewed, approved and submitted to the City Council for its consideration." He asked what is meant by "this purchase award."

Mr. Schiavo said there should be a *DRAFT ONLY – NOT FOR EXECUTION* agreement in the packet between BP Energy and the City of Santa Fe which would be valid from November 1, 2012, through June 30, 2014.

Councilor Ives asked about the timing of the agreement.

Mr. Schiavo said this contract was set up through the State Price Agreement and it has been renewed on an annual basis, ending October 31<sup>st</sup> and renewed again on November 1<sup>st</sup>. He said this will be the 3<sup>rd</sup> renewal and he has pushed it out to June 30<sup>th</sup> to make it fit better with the State Price Agreement which ends on June 30, 2015, if all extensions are given. He said we were falling outside of that by having it end on October 31<sup>st</sup>.

Councilor Ives said then this will bring the contract dates into alignment with the City's fiscal year, and Mr. Schiavo said yes.

**MOTION:** Councilor Ives moved, seconded by Councilor Calvert, to approve this request..

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

16. **REQUEST FOR APPROVAL OF GRANT AGREEMENT – WATER CONSERVATION IMPLEMENTATION AND INSTALLATION OF AUTOMATIC METER READING (AMR) DEVICES TO CITY OF SANTA FE RESIDENTIAL WATER UTILITY CUSTOMER METERS; U.S. DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION. (LAURIE TREVIZO)**  
A. **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

Acting Chair Bushee asked, given our past history with our electric automatic reading devices for residential use, if these are devices with which we will want to continue.

Ms. Trevizo said the grant request was to help facilitate the pilot project program for the Badger Orion AMR devices and meters, and it would fund the newer meters.

Acting Chair Bushee asked if we plan to continue with Orion, and if we are comfortable with that, and Ms. Trevizo said she would ask Peter Ortega or Brian Snyder to respond.

Brian Snyder, Utilities Department Director, said the purpose of the pilot is to determine how well the system works, so we are still piloting the program, and we are probably 4-6 months away from determining whether or not we like the product. He said they are pulling profiles and have about 500 in service. The additional \$50,000 will be used in conjunction with the amount of money already spend by the City in stalling these features, to get the in-home monitoring devices which were discussed previously, but were never delivered.

Acting Chair Bushee asked how we choose participants.

Mr. Snyder said 500 devices already are installed at this time, so those people would be selected first. He said we also will be offering the devices to other interested people in the community, such as Water Conservation Committee members, elected officials and such, to test the system. He said one of the people that was called out in the news article on Saturday, already is in the pilot program, and is complaining that we are being too accurate with the bill.

**MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, to approve this request.

**DISCUSSION:** Councilor Ives said he read the news article which talked about some of the ongoing issues that customers have when they have inordinately high water bills, and whether or not this is indicative of a leak. He asked what the City will be doing with these automatically meters to get on top of and resolve leak circumstances before the next billing cycle.

Mr. Snyder said there is a pro-active approach where they run a high-low report. The high portion of the report is to look what is the typical usage for each customer monthly, and anything quite above that is flagged. He said they look at that on a case-by-case basis and analyze the customer's account prior to releasing the bill, so there is something in place for the high end, as well as on the low end. The harder part with the low end is that there are customers who don't live here year-round, and have either minimal or zero consumption. The challenge with the automatic meter reading device on low readings is that it is troublesome to figure that out. They do have a pro-active approach to distinguish and resolve the bill prior to releasing it. If one slips by, the customer calls and we investigate it at that time, and take action.

Councilor Ives said the coverage didn't suggest that much was being done pre-billing, i.e., and it was only after a customer got a huge bill that the process engaged. He said he would like, for potential leaks, to move that time frame up, so that we deal with the issue on a 48 hour basis after we do the high readings. He would encourage even more pro-activity in addressing these issues under the new system to promote water conservation.

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

**19. REQUEST FOR APPROVAL OF 2012 STATE OF NEW MEXICO SEVERANCE TAX BOND CAPITAL APPROPRIATION PROJECT FOR CITY OF SANTA FE MAIN POLICE STATION; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION. (DAVID CHAPMAN)**

**A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND**

Acting Chair Bushee said she pulled this because this was one of the requests which the voters did not approve, and asked how this happened.

Mr. Chapman said that was different appropriation which was turned down, and this is a Severance Tax appropriation.

Acting Chair Bushee said she knows it's a different source of money, but it's the same project.

Mr. Chapman said this is for the renovation and improvement of the Police Department.

Acting Chair Bushee said she has a level of discomfort that the voters turned down the project and it became a priority of ours. She said, "Just to be clear for the record, how the Severance Tax will work and impact our taxpayers in any way – can you just explain the fund so it's on the record."

Mr. Chapman said, "The Severance Tax Bond is an appropriation, the money comes from the land from some sort of resources that the land is generating, and that's where the money comes from. Insofar as it coming from the Severance Tax Bond, there wouldn't be an impact for the taxpayers."

Judy Amer, Assistant City Attorney, said, "The Severance Tax Bond is issued by the State. It is State funding, and the Legislature votes and approves a certain amount of funding for a lot of different

local projects. And apparently, the 2012 Legislature approved Severance Tax Bonds, which are funded by the land grant of the State, so it's not City funding."

Acting Chair Bushee said, "I understood that, I just wanted to be clear, so that we all aren't necessarily.... so this is still considered a priority by our Police Chief, I presume. And this is because it's crowded over there, or..."

Mr. Chapman said, "Well there's a number of items that they've listed as they're going to use this money for, Madam Chair and Councilors. There's an HVAC. They plan to use it for armory, for the records filing system, for concrete pavement at the entrance way, because that entrance way is sinking, resurfacing of the whole parking lot for staff, carpet and meeting OSHA standards from the basement to the second floor."

Acting Chair Bushee asked if the same or similar request was made for a new Fire Station which also wasn't approved. She asked if that was on the list for a legislative appropriation, and Mr. Chapman said no.

**MOTION:** Councilor Calvert moved, seconded by Councilor Ives, to approve this request.

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

Acting Chair Bushee asked if it is necessary to approve the budget increase separately.

Dr. Morgan said you have done that in one motion on a couple of the previous approvals, and it is a part of the item.

**20. REQUEST FOR CONCEPT APPROVAL OF AN EASEMENT TO BENEFIT SANTA FE COUNTY FOR THE PURPOSE OF INSTALLING A 12 INCH WATER PIPELINE TO EXTEND WATER SERVICE TO THE SANTA FE ANIMAL SHELTER FACILITY AND OTHER PROPERTIES LYING SOUTH AND EAST THEREOF. THE REAL PROPERTY LIES WITHIN PORTIONS OF GOVERNMENT LOT 1 AND THE NW/4, SE/4 OF SECTION 35 T. 17N R8E NMPM AND CONTAINS 0.93 ACRES, BY BILL MOFFETT, PROJECT COORDINATOR. (EDWARD VIGIL)**

Acting Chair Bushee said the Animal Shelter is on land which is a sublease of land the City had from the BLM. She said it says, "An easement to benefit Santa Fe County," and asked if the County is the fiscal agent. She said she is trying to understand the jurisdictional issues here.

Mr. Vigil said, "The City has ownership of a portion of the lands that are currently leased to the Animal Shelter, and a portion of those lands are still retained by the federal government through the Bureau of Land Management. City staff is currently working with BLM staff to finalize the patenting of the remaining portion of those lands that the Animal Shelter and Challenge New Mexico currently lease and sub-lease from the City of Santa Fe and from BLM. And in this request, Santa Fe County, through the Animal Shelter is requesting an easement from the City to place a 12 inch water line within said lands,

which will encumber both City and BLM lands, for the purpose of providing water to the Animal Shelter Facility..."

Acting Chair Bushee said, "I'm trying to get at where Santa Fe County comes in on this. I'm intimately familiar with the leasing and sub-leasing. I was the one that actually tried to get the arrangement..."

Mr. Vigil said, "The County comes in, in the fact that they own the regional water system in that area. And to provide water service to the Animal Shelter, we have to get it through them. And in turn, they're requesting this easement not only to provide water to the Animal Shelter, but to extend the service to the lands which lie easterly and southerly."

Acting Chair Bushee said, "That's my next question then, what... are those residential developments, or what are those lands."

Mr. Vigil said, "Right now they're not zoned for anything and I would say that they primarily are large, undeveloped tracts of land. There is some development that lies more easterly.... that lies within the County's jurisdiction, but the land to the south is primarily undeveloped."

Acting Chair Bushee said, "Okay. And they own that regional system and so they will be.... will this go to PUC. Will they be using their own, I presume, either Buckman water or some kind of..."

Mr. Vigil said, "Yes ma'am. There's a portion of the Buckman Diversion, the line runs within Caja del Rio Road and that additional easement that's being requested will come off that line extension."

Acting Chair Bushee said, "And this will go to PUC for their review, or..."

Mr. Vigil said, "I am not absolutely sure about that. I would think so."

**MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, to approve this request.

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

21. **A RESOLUTION DECLARING AN EMERGENCY RELATING TO COMMUNITY WORKFORCE AGREEMENTS ("CWA") SUBSECTION 2.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; DIRECTING STAFF TO CONTRACT WITH THE BUREAU OF BUSINESS AND ECONOMIC RESEARCH AT THE UNIVERSITY OF NEW MEXICO TO RESEARCH AND REPORT TO THE CITY OF SANTA FE ON THE ECONOMIC IMPACT OF COMMUNITY WORKFORCE AGREEMENTS; AND DIRECTING STAFF TO DELAY THE IMPLEMENTATION OF THE CWA ORDINANCE UNTIL A PRESENTATION OF THE REPORT IS MADE TO THE GOVERNING BODY (COUNCILOR BUSHEE). (NICK SCHIAVO AND ROBERT RODARTE)**  
**Committee Review: Public Works (scheduled) 10/29/12; and City Council (scheduled) 10/20/12. Fiscal Impact – Yes**

*A copy of Finance Committee Meeting of October 22, 2012 Bills and Resolutions Scheduled for Introduction by members of the Governing Body, is incorporated herewith to these minutes as Exhibit "1."*

*A copy of A Resolution relating to Community Workforce Agreements ("CWA") Subsection 28.8 of the City of Santa Fe Purchasing Manual; directing staff to delay the implementation of projects subject to the CWA Ordinance until a public hearing is held on legislation to repeal the CWA Ordinance, is incorporated herewith to these minutes as Exhibit "2."*

*A copy of An Ordinance Repealing the Community Workforce Agreements Ordinance, Subsection 28.8 of the City of Santa Fe Purchasing Manual, is incorporated herewith to these minutes as Exhibit "3."*

Acting Chair Bushee said, "Nick Schiavo is here. I also wanted to inform the rest of the Council that there are cosponsors on this legislation, and on your desk there's also another bill. It was the request from the cosponsors that we submit two resolutions, the first which is what I just read, the second is simply a repeal bill, and so both are up for discussion. And the other cosponsors of that bill that need to be listed Melissa, are Councilor Dimas, Councilor Dominguez, Councilor Trujillo and Councilor Rivera. That's it. Go ahead. Who brought this one off."

Councilor Calvert said, "I did. I guess I've got a procedural question. How are we going to work in these ones that you are just now introducing."

Acting Chair Bushee said, "It's not ones, it's a.. additional just repeal."

Calvert Calvert said there is a Resolution and an Ordinance is what he's seeing.

Acting Chair Bushee said, "One, you have to have a hearing. It's an ordinance. If you're going to repeal it, you just have to set it in place."

Councilor Calvert said, "The thing is, if we're just getting these now, they weren't noticed as part of a packet, then how can we discuss them."

Acting Chair Bushee said, "Okay, Mr. City Attorney. This was his idea, so. Had lots of conversation around this making sure they wouldn't have any procedural issues."

Geno Zamora, City Attorney, said, "In discussing the procedure with the Chair, of how to introduce her alternate Resolution – What is permitted under the Governing Body Rules is that a Resolution can be introduced at any Committee. Now for the Councilor to completely understand what that means, that the alternate Resolution for delay for cancellation of the Ordinance can be introduced tonight. You are correct. It is not noticed for discussion tonight. It can be introduced tonight and has been placed on the Public Works schedule for next Monday, as well as the Council agenda for next Tuesday for discussion and review. But as far as the alternate Resolution, no action can be taken this evening."

Mr. Zamora continued, "What is noticed and what action can be taken is on the Resolution



introduced by Councilor Bushee, and I do have a technical question there, but the Resolution introduced by Councilor Bushee regarding delay for purposes of a BBER Report. That is appropriately noticed and proper for discussion. The technical question I have for Madam Chair, is this. Melissa has sent emails requesting confirmation of the cosponsors and has received no responses back. And I think what Melissa's trying to do is just, in proper form, verify those cosponsors, and so she has sent emails and has reached out several times, but has not received confirmation. So she'll continue doing that, but does not have that confirmation. Councilor Dimas is present to discuss whether or not he cosponsors this."

Acting Chair Bushee said, "And I can just tell you, the evening that it was introduced, it wasn't to be me just solely introducing it. I think I had mentioned at the Council level that there were 4 others that had approached me to cosponsor."

Mr. Zamora said, "I do recall that. But prior to that, nor since that, have any of them signed onto this."

Acting Chair Bushee said he can verify individually, but that's who came to her. She said, "The other aspect of that was that some of the cosponsors had actually preferred to not necessarily have a study. But I submitted that option instead, that I would talk to you office about how to move both along, because I didn't know, given all our past issues around fluoride and what have you at the time of the discussion at the Council level, a substitute bill was appropriate, but I wanted it with adequate time, so it was introduced here this evening."

Mr. Zamora said, "And Madam Chair, these bills will be able to both be simultaneous on the agendas of both Public Works and City Council."

Councilor Dimas said, "Madam Chair, just for the record, I am a cosponsor on that."

Mr. Zamora asked if that means both Resolutions, the BBER and the new one, and Councilor Dimas said yes.

Councilor Calvert asked what if both Resolutions were to be passed.

Mr. Zamora said, "Then you would have competing resolutions and inconsistent resolutions in the books. The latter Resolution to pass would dominate. Just from procedural interpretation. It's not in any rule, it's not in any Governing Body. But, based on statutory interpretation, it's typically the latter to pass is the policy."

Councilor Calvert said one of the things that has been mentioned is that the test case for this is the Railyard project. He asked Mr. Rodarte how long it would take from start to finish – actually done.

Mr. Calvert said, "Depending on the engineers, the designers that are putting it together right now, it looks like we'll probably go into late November/early December on the engineer's design. Once we get that in, we'll be able to start putting together part 1 of the bid packet, which basically is the pre-qualification of vendors. That particular segment will be about two weeks. It will be 10 days advertised, so realistically,

if we start mid-December, 10 days advertising. I myself, like to get closing dates after the holidays, because one, it's pretty hard to find the proper people you need to keep things rolling during that time. So realistically, Section 1, the prequalifications will probably be the first or second week of January. Once we have them pre-qualified, we can go 10 days with their bid packet, so now, we're into about mid-January depending on the schedule for the Finance [Committee] and Council meetings during that period, I'm going to say probably the first week of February before the contract gets signed and awarded. So, from there forward I can't answer that part, I really don't know what would happen there in construction phase."

Chair Calvert asked Mr. Schiavo if he has any idea how long this project might take.

Mr. Schiavo said he has heard they are shooting for May or June of 2013 for completion.

Councilor Calvert said, "If we were able to do that, what other projects, either CIP or GO Bond are out there that would be ready to go before that date."

Mr. Rodarte said he doesn't have that answer, and it would be a CIP question. He said, "As far as what I have in front of me now in my office, I don't have anything coming that's set in stone."

Councilor Calvert said Mr. Rodarte briefed the Public Works Committee about things which were "out on the horizon, but you don't see anything in that timeframe."

Mr. Rodarte said, "At this point, no Councilor. A lot of things we have right now are RFP related and are way below the \$500,000 threshold. Going into late December, I don't see anything at this point."

Councilor Calvert said, "Okay, but being completed by June, would there be anything that might start up before that June completion date, I guess is my question. In other words, that might ramp up and get going. What I'm trying to get at is, if we were going to do this as a test case, and we were able to wrap this one up before anything came along and was in progress, even getting the RFP out or something, it might well qualify that way as a good test case. That's what I'm trying to ascertain here."

Mr. Rodarte said, "I don't have anything that I can give you that is really set in stone at this point. I can't see that far out, as far as what's come through my desk at this point. Unless somebody else might be here that might have a little insight on it."

Mr. Rodarte said he was just informed that the SWAN park project would be one that would come into play during this period.

Councilor Calvert asked, "In what respect. Is it anywhere close to being put out to bid."

Mr. Rodarte said, "How about the architectural services, we just closed on that. It's going to be a while."

Councilor Calvert said, "That would be designing."

Mr. Rodarte said, "But you mentioned till June, so the design phase is going on. Negotiations on the contract are over and I think that's coming forward, so I think the design will still be in progress during January/February/March."

Councilor Calvert said, "Perhaps we need either the City Manager or the Public Works Director to weigh-in on some of that time horizon. If we could try and get some sense of what's in that period, so that we could ascertain whether we could isolate this project and have it as a test case and not impact other projects in the process, so we could, by itself, analyze it to see what the results were and see if we wanted to move on with this process, so that's the point of all of that questioning. And I would, I guess, urge staff to see if they can work with other staff members to sort of firm up whether there are or not, other things in that time horizon."

Mr. Rodarte said, "I think if I get with the staff in the next couple days, we can have a better picture for the Public Works meeting coming on the twenty-ninth. We can have a few more ideas there."

Acting Chair Bushee asked, "Anything to do with the Resolution itself. Questions."

Councilor Calvert said, "Well this is about the Resolution. I'm trying to understand if.. I don't know how long the study is going to take, but I prefer, myself, hard data as opposed to theoretical data. And so if we could actually do a project and get the data from that, it might be more beneficial than a theoretical study on the topic."

Acting Chair Bushee asked him what kind of data he is thinking.

Councilor Calvert said, "You do want to see what the results are in terms of the cost and who was employed, and what the benefit was back to the City, those kinds of things that are I think the objective of the CWA in the first place is local benefit, local employment, while managing cost. I think all those things would be information you could get after you actually completed the project."

Acting Chair Bushee said, "Well, that's kinda why, Nick, I was going to ask, is Sean Moody no longer working on this. I understood he issued an economic impact analysis of sorts from your Department."

Mr. Schiavo said, "Yes, Sean has done some work, and I didn't bring that with me this evening. He's been mainly focused on the College of Santa Fe, the financials for that."

Acting Chair Bushee said, "I would just ask that he be present at both Public Works and at the City Council and that we also have that report reissued. I was expecting it in the packet actually."

Mr. Schiavo said he will do so.

Councilor Ives said the FIR on the proposed Ordinance, notes professional services in the amount of \$25,000, and the fund affected is Fund 1001, and asked what fund, and Mr. Schiavo said it is the General Fund.

Councilor Ives asked if these funds were budgeted for this year, or does this represent new monies that we will have to find somewhere.

Dr. Morgan said we would have to find the funds.

Councilor Ives said, "So, similar to a Public Information Officer where there was no allocated funding in the budget for that position, and we would have to find new funding."

Dr. Morgan said, "We will have to find this funding in the General Fund."

Councilor Ives asked if the \$25,000 is a flat fee that BBER charges.

Mr. Schiavo said, "That was an estimate. What I did, is the most recent work that BBER did for us was around the annexation. And so I took a look at what they were charging on an hourly basis and give my best guestimate as to the cost."

Councilor Ives said, "Then, at least as of this moment, we've had no input from them as to any likely cost for the work."

Mr. Schiavo said this is correct.

Councilor Ives asked, "If we went forward with this study, tell me about the time frame for doing it."

Mr. Schiavo said, if the Resolution is approved, he believes he could put together a contract within 30 days for BBER, and as a part of the contract negotiation, I would fine out what timeframe BBER would need to provide an answer.

Councilor Ives asked Mr. Schiavo if he has an estimate of that time frame, and Mr. Schiavo said he would estimate 30-60 days.

Councilor Ives asked Mr. Schiavo if he has any sense of would they be analyzing, give the City has no concrete experience itself.

Mr. Schiavo said, "Councilor, I would imagine they would look to other states or other cities that have done this type of work to try to get a feel for what additional costs the would be, or could be."

Councilor Ives said, "The project we've been focusing on has been the Railyard, bringing it to the point where the City can occupy that space. Is that correct. What amount are we leasing space from the feds for currently."

Dr. Morgan said, "The current lease across the way is about \$400,000, it's a little less."

Councilor Ives asked if that is on an annual basis, and Dr. Morgan said we now pay it monthly.

Councilor Ives asked if that would be about \$35,000 a month, something like that, and Dr. Morgan nodded yes.

Councilor Ives said, "When I see that the Ordinance proposes delaying implementation of any such project, which presumably would include this project, it seems not unreasonable to assume that if we did go ahead with CWA, but postponed implementing that by some period of 60-120 days, call it, to get this report in, to look at it, to discuss it, to bring it back to the Governing Body for final action and presumably implementation, if we were talking a period of delay of say, somewhere between 2-6 months, that's a potential fiscal impact it would seem of \$70,000 to perhaps some \$200,000. Is that a reasonable assessment of this."

Mr. Rodarte said, "That's actually a good point. What I was thinking though, in light of this new Resolution coming through here, was setting up both scenarios, so when the time comes, after the study, which according to Nick, possibly 60 days, 30 to 60 days, whatever. We could be ready to go with both layouts, whether it be with the CWA or without, so that would kind of help slow down... would not have that big of an impact as far as a delay, and cost us more money with additional months of rental. So, I'd have to say that I probably would be ready... the time frame I gave Councilor Calvert. If this study started mid late November, December, we'd be into February with the bid packet, but we'd be ready to go with either scenario. We'd probably lose another month or two, most likely."

Acting Chair Bushee said, "With this Resolution, you would actually take that as a signal to delay a project fitting."

Mr. Rodarte said, "If you are all the way through, and whatever happens with this project...."

Acting Chair Bushee asked, "Where is it written in anywhere that that Railyard project has to be done through a CWA. That's fairly presumptive I think."

Mr. Rodarte said, "Councilor Bushee, the Ordinance...."

Acting Chair Bushee said, "Now we've got added cost to a project that's.... It's not written anywhere that that project had to be done through a CWA. We're discussing much of this Resolution tonight, as I understand it."

Mr. Zamora said, "The Ordinance itself says the Railyard project must go through the CWA. The Ordinance is in place, has been in place, since February of 2012, and the Ordinance says any project over \$500,000 is subject to the CWA, so the Ordinance is in place, but the Railyard project is approximately \$1.4 million. Therefore it is over \$500,000, and of today it is subject to the CWA."

Acting Chair Bushee said, "If this is passed by the Council, it asked to delay... it asks to delay implementation of the CWA. So if you're sitting there ready to bid a project, why would you then wait for a CWA to be in place to bid that project. I guess I'm objecting to this we're adding cost by waiting, and my understanding of what green-lights that into having to be a CWA project if this thing is passed."

Mr. Zamora said, "Madam Chair, a resolution does not over-ride an ordinance. The Ordinance is in place. It is in effect and has been in effect for about 7 months. What the Resolution can do, is to delay the projects that are subject to the Ordinance, but it cannot delay the Ordinance. The June Resolution that was passed delayed the implementation by delaying the projects. No projects over \$500,000 were done between June and October, while implementation guidelines were developed. What this Resolution would do, would take all projects \$500,000 and beyond, and postpone them indefinitely until the BBER Report occurs. A resolution cannot over-ride an ordinance. It can only delay the projects subject to the Ordinance."

Councilor Dimas said, "Let me get something straight here. It seems to me then if the Ordinance is repealed and the Resolution comes forward before the Council and this Ordinance is repealed, then that just sets everything... the CWA doesn't take place at all. It goes away."

Mr. Zamora said, "Madam Chair, Councilor Dimas, the alternate Resolution postpones the implementation of projects under the CWA until such time as an Ordinance can be passed to repeal the CWA Ordinance. So all that a Resolution can do, regardless of form, is delay the projects in these cases, indefinitely, until such time as either a report is completed, or until such time as the Council acts to repeal the Ordinance. But all that can change the Ordinance is another Ordinance, not a Resolution."

Councilor Ives said, "At prior meetings, we had talked about utilizing various potential steps in the CWA process to evaluate its effectiveness against the parameters, on the basis which it was in the first instance, inactive. And those, as I see it, according to the Ordinance that was passed in February by the Council, are:

" making available a ready and adequate supply of highly trained and skilled trade and craft workers, accurately determining project labor cost at the outset of any construction project, establishing working conditions for all construction trades and crafts for the duration of the project, negotiate legally enforceable commitments with all parties to a construction project to ensure labor stability and labor peace over the life of the project, facilitate increases in the number of trained and skilled local construction workers through cooperative procedures and apprenticeship programs, promote the hiring of local subcontractors in the construction of large scale public works projects funded by gross receipts tax and general obligation bonds and to strive to develop a local work force and use at least 50% of local workers in public works projects.'

Does that capture the benefits that were anticipated pretty accurately. I know that's straight out of the Ordinance."

Someone said yes.

Councilor Ives said, "So my question and this is picking up in part on what Councilor Calvert was indicating, that if we went ahead with this project, understanding that this is the one that basically is in the queue, if you will, in terms of timing. And in fact, had we not delayed implementation by virtue of looking at the guidelines, might have already moved forward, putting us in the position of terminating our lease payments of \$35,000 a month to the feds. So we will not have the opportunity, for instance, during the pre-

construction conference to evaluate some of these parameters, and use this project as an opportunity to move fully evaluate all of these to see if the laudable goals that were the basis for passing the Ordinance in the first instance, would in fact come to fruition."

Mr. Rodarte said, "That's our goal. We want to test this. We've got to give the CWA a chance, and this is the best way to do it. This particular project is going to entail so many different variables of different types of contractors. And working together with the members of the CWA program we can, together, tweak it, and find our little faults for the future on it. I, myself, think we can give it a chance and see what it does. This is a perfect project to do it on. And that's the whole goal since this whole thing has come up for the past several months."

Councilor Ives said, "And in the great scheme of things, if we were to bid this in February 2013, and it was completed in May to June 2013, that's a fairly quick turnaround time on large scale public works projects. Would you agree."

Mr. Rodarte said, "In fact, I took a ride out there today. A lot of stuff that's going to happen in there is going to go fast. It's not like we're starting from ground up. It's based on talking to the project manager as well as the architect that we hired, I think it's going to roll pretty quick. There's a lot of things already there that exist, so a couple of months is pretty realistic on that particular... pending no unknowns or unforeseen things. But it's a fairly new building so..."

Councilor Ives said he received a Memo from Ms. Amer in his box, regarding a Cornell University Study, *Community Workforce Provision in Project Labor Agreements*. He asked Ms. Amer to describe what she did in looking at the study and any conclusions she was able to draw on the basis of reading that.

***[STENOGRAPHER'S NOTE: The Memo referred to by Councilor Ives was discussed and portions were quoted, but this document was not entered for the record.]***

Ms. Amer said, "This study was done by the Cornell University Labor School, and they studied 185 project labor agreements, some of them had community workforce provisions and others didn't. Community workforce agreements are a subset of project labor agreements, and they typically contain provisions that aim at helping to employ certain targeted demographic groups, such as minorities, women, local hiring, veterans. And what this study found was that there were significant cost savings in large projects. I do have to say that they studied large city projects with multi-million-dollar projects, not \$500,000 projects. So, I would think that a BBER study would end up studying similar types of projects, because 185 PLA's is a lot. I would guess that they would study everyone out there from 2004 onward. They didn't say that they did, but I would think they did a huge percentage of the PLA/CWA's that were out there."

Councilor Ives said, "Let me just ask. Any sense, from reading that report, of the time frame it took to do that analysis, and how they gathered data for it, the various processes they engaged in."

Ms. Amer said, "It was a 36 page study. They looked at every single facet of the agreements. I would assume it took over a year, if not two."

Councilor Ives said, "You mentioned that most of them that they examined were likely large city PLA's and CWA's. Do you know whether, in fact, they had any smaller city models that were reviewed as part and parcel of that analysis."

Ms. Amer said, "They did not say what other cities... the focused in on 3 particular projects from Cleveland, Washington, DC and New York. For instance, they looked at the Cleveland Hospital in Cleveland and they said they looked at the National Stadium for Washington, DC. They did not state in the study where the other 185 were. I am aware of Canton, Ohio, as being a smaller type of city that does have community workforce agreements. Besides that I am not aware. But I have been in communication with an organization of working families, and they may be able to shed some light on that question."

Councilor Ives said, "And thank you. And maybe if I could go back to Robert for a question or two, unless there is anything else you care to say."

Ms. Amer said, "No."

Councilor Ives said, "I note in the memo that Ms. Amer provided, it notes, 'As this in previous studies found the main challenges to CWA's arise in the implementation of the agreement factors that resulted in successful implementation, included one using apprenticeship programs for recruiting key populations, being flexible in the choice of demographic targets, so that they are tailored to the particular labor market and being flexible in adjusting processes and plans along the way to address unanticipated challenges.' In terms of our own process, and these factors that result in successful implementation, what can you tell us."

Mr. Rodarte said, "Right now Councilor Ives, we have been working on a pre-qualification setup on our new website, and what that's going to entail is registration by all of our local contractors. At the same time, if the CWA continues moving forward, we are laying out an area there that will identify the pre-qualified subs in the area that are under the union status. In order to give all vendors, whether they're local or from out of town that are going to participate in this, who are looking for subs will have a pool to draw from. At the same time, past, several months back, through the Governing Body, we came up with a point system for outside vendors trying to take advantage of using our local sub-contractors. Right now, local preference is 10%. A lot of the projects would be able to go up to 10%, if you're a vendor from far away that's going to use a certain percentage for your subcontractors, or that you have a percentage given to you to use our locals. So, it's all kind of tying together, and meeting with the web provider that's putting it together right now, it's coming together quite well. So as we move along, I'll have, in each Finance and Public Works meeting, an update as to where we're headed and how we're going to register and stuff like this. So it's going to pull together quite nicely. The future looks pretty good as far as that plan for the local subs. It's going to have a pretty good impact."

Councilor Ives asked if there is anything, based on the work he's done, which suggests that the laudable goals which underpin the enactment of this Ordinance, will not be reached or recognized if we were to use this project at the Railyard as a sort of test case for the effective of community workforce agreements in Santa Fe.



Mr. Rodarte said there is language which provides up to 50%. He said this is a very steep goal, and questioned the reason for that provision.

Acting Chair Bushee said, "I want to clarify that that's language I put in there and it just says 'strive,' because the lawyers would not let us require that, so you're clear."

Mr. Rodarte said he hopes it happens, and would like to see it happen. He said, under open competition acts, the primary contractor has the right to pick and choose who they want to be their sub-contractor(s). We were going to give them the extra opportunity to try to draw from our groups and that's his goal.

**MOTION:** Councilor Dimas moved, seconded by Acting Chair Bushee, to approve this request to approve the Resolution which was published on the agenda.

**VOTE:** The motion failed to pass for lack of a majority vote, with Councilor Dimas and Acting Chair Bushee voting in favor of the motion and Councilor Calvert and Councilor Ives voting against.

22. **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO PROVIDE A PLAN AND PROJECTED CONSTRUCTION COST FOR RENOVATION OF THE CITY COUNCIL CHAMBERS TO INCLUDE, AT A MINIMUM, THAT THE GOVERNING BODY SEATING AREA BE RECONFIGURED SO THAT ALL MEMBERS OF THE GOVERNING BODY HAVE DIRECT VISIBILITY AND INTERACTION WITH THE PUBLIC (COUNCILORS RIVERA AND DIMAS). (CHIP LILIENTHAL) Committee Review: Public Works (scheduled) 10/29/12; and City Council (scheduled) 10/30/12. Fiscal Impact – No.**

Acting Chair Bushee said she pulled this item in error, and asked someone to make a motion. She said she meant to remove the one about free bus rides.

**MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, to approve this request.

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

24. **REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO THE WATER RESOURCES AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY; DIRECTING STAFF TO INITIATE THE DISPUTE RESOLUTION PROVISIONS OF SUCH AGREEMENT TO RESOLVE THE PROCESS BY WHICH THE COUNTY MAY REQUEST ADDITIONAL WATER METERS AND WHAT DISCRETION THE CITY MAY EXERCISE WHEN RESPONDING TO SUCH REQUESTS (COUNCILOR BUSHEE). (MARCOS MARTINEZ AND BRIAN SNYDER). Committee Review: Public Works (scheduled) 11/07/12; and City Council (scheduled) 11/14/12. Fiscal Impact – Yes**

Councilor Calvert said currently we have no "ripe dispute" before this Committee in this regard. He asked if it is a good strategy to go to dispute resolution in general without anything specific, or would it be

better if you had to narrow the scope of the dispute on a specific item. Because if went into this in general and lost, then we would be... our pants would be down forever."

Acting Chair Bushee said, "If I could also just interject, this arose out of discussions with Marcos Martinez. There's been a letter, and I'd ask that that be forward to all of the Councilors, I don't know why.... it has been."

Mr. Zamora said it is in the packet.

Acting Chair Bushee said, "It was more or less threatened litigation by the County."

Councilor Calvert said, "I understand it was threatened litigation, but that was if Las Campanas sued the County, then the County would sue us. Again, that's on the Las Campanas/Buckman issue, which I think to the answer to that is moving forward. And I think that Las Campanas is satisfied with the progress on how that's going. Again, that's why I don't think there is necessarily a "ripe dispute" here in front of us, and that's why I asked the question. If we take this on a general basis without a specific dispute in front of us, win or lose on that particular one, we might still have a basis to deny something in the future. But if we go forward with in general and lose, then I think we're basically stuck with that forever under this agreement."

Acting Chair Bushee said, "I just guess I just want to add, all I can tell you, is that was Marcos Martinez's suggested route to get the questions resolved, but Geno can..."

Mr. Zamora said, "This Resolution was brought forward by the sponsors. It was not brought forward by City staff. However, City Attorney's staff did assist in the preparation. So Marcos Martinez did participate in the preparation of this on behalf of the sponsor. Now, that being said, the answer is a little bit 50-50, based on the questions you asked. The first side of the 50-50 is that there really is not a currently ripe dispute. The context of the letter related around the meter for Las Campanas, that issue, over time, has resolved itself. I think the concern of the sponsor is that this issue may come back up again, and that's the other 50% of this. Because the Resolution itself is very limited in scope. If you go to page 3, under the Now Therefore clause, it says, 'Staff is directed to initiate the dispute resolution provisions of the agreement to resolve the process by which the County may request additional water meters, and what discretion the City may exercise when responding to those requests.' So, the purpose of this Resolution is not to solve the Las Campanas water meter issue or future water meter issues. But it's actually really to supplement and not renegotiate the current Water Rights Agreement, by supplementing a process for consideration, which seems to be the potential for problem [solving?] going forward. That's how this Resolution is drafted."

Councilor Calvert said he understands what Mr. Zamora is saying. "But, it's hard to separate the particular application from the process. Because, as I asked Marcos to prepare for that particular Las Campanas case, there were, we thought, good grounds for not accepting that one, but it had to do with that particular one and under the circumstances that surrounded it. That's why I guess I'm... to me it's hard to separate the two. Because in any particular application, if they come to us, like they've done for a meter down on the Las Vegas where they're going to use their water and not impact any of ours, it's sort of

like... I don't think it's a big deal. But, in this particular case, it did impact our resources, and that's why it was a big deal. So I think it really matters, the specific of the water meter and the application, really do matter, because that helps us to understand whether we have reasonable grounds for denying. Otherwise, without that context, I don't know how you come up with reasonable grounds, in general."

Mr. Zamora said, "If I understood your summary correctly, as we analyze this Resolution and the Water Rights Agreement itself, is it that the Water Rights Agreement had been in place for years, had worked for years, but it didn't address the policy decision regarding one particular meter and whether that's something to invoke the dispute resolution clause. That's a decision for the Governing Body as to whether they want to invoke it to address that situation in the future, or whether they wish not to invoke it at this time, but invoke it when there's a ripe procedure. It's a policy decision for the Committee and the Governing Body as a whole."

**MOTION:** Councilor Dimas moved, seconded by Acting Chair Bushee for purposes of discussion, to approve this request.

**DISCUSSION:** Acting Chair Bushee said the discussion she had with Marcos Martinez wasn't just about Las Campanas. She said it was that questions arose in the letter, and there was even a question around whether the County was entitled to effluent. She doesn't know if this is the right way to go. However, there are still unanswered questions. She said it was Mr. Martinez's suggestion there is a built-in process in the agreement, and it is dispute resolution. She said Mr. Martinez felt the language written by previous City Attorneys might not be clear enough, and clarification was needed. She doesn't see this as going to court, but trying to resolve the unanswered questions. If Mr. Zamora has a better way, she is open to suggestions.

Mr. Zamora said, "In being briefed by Marcos, as he described it to me, in assisting with drafting this Resolution, that his work on drafting the Resolution was to narrow down on the process for approval, generally speaking, although the letter itself was centered around the Las Campanas issue and the actions of the Governing Body in the July and August time frame. That letter was directly related to that Las Campanas meter. So, his work around this, in discussions with you on how to prepare this Resolution, was based on clarification of the process. All I stated is that it is up to the Governing Body whether they want to invoke the process."

Acting Chair Bushee said, "You can clarify the questions that remain between the City and the County, with regard to the extension of meters, maybe even effluent, if you don't believe dispute resolution is the better way to go. Do you have a suggestion?"

Mr. Zamora said, "The Water Rights Agreement has functioned well until this one particular meter. In our analyzing the meter and even the Water Rights Agreement and the letter from the County, we felt that the City is protected by the Water Rights Agreement. There is not agreement over what should happen with that one particular meter. Whether the Governing Body chooses to use dispute resolution to solve the issue for that one particular meter, is a policy question for the Governing Body."

Councilor Ives said the proposed Resolution directs resolution of the process by which the County can

request additional water meters and the discretion that can be exercised by the City when responding to such requests. He asked, "What process do you understand currently to be in place and what discretion do you understand the City to have in responding to such a request at this time, given the Agreement as written."

Mr. Zamora deferred to Brian Snyder, the implementer of the Water Rights Agreement. He said, "It is also sort of difficult to represent both the City's rights and implicitly the County's rights on the record if we get challenged on those in the future. So I will defer to the administrative...."

Mr. Snyder said, "My understanding of the Agreement, when the County requests a water master meter, the request is considered by City staff and City and County staff meet to discuss on it, and then the request is brought forward to the City Governing Body for their consideration."

Councilor Ives said he assumes we are talking about Paragraph 11 of the agreement which provides, "Wholesale water delivery shall be delivered to the County independent water system at any one or all three points of delivery currently serving the County independent water system. Additional points of delivery may be requested by the County, with the consent of the City, which consent shall not be unreasonably withheld. Is that correct.

Mr. Snyder said, "Yes. That is what I'm referring to. Yes."

Councilor Ives said he is trying understand why we need to enter into mediation when it sounds like we are looking for further clarification by virtue of conversation with the county on the parameters of reasonableness which are in the context of Paragraph 11.

Mr. Snyder said in past situations, the City and County staff have spoken on this topic and others. However, ultimately he understands it is a policy level decision by the Governing Body. He can't to speak to how it can be changed without enacting dispute resolution from a legal perspective. He said the process he describe is typically what they followed on other meter requests.

Councilor Ives asked if there is anything which prevents the City from proposing an amendment to the Water Use Agreement without the need to invoke dispute resolution.

Mr. Zamora said, "I think you've narrowed down the real question: Is resolving the process a dispute resolution or is it a necessary amendment. And that's another alternative the Governing Body has, if it chooses as a policy decision to negotiate amendments to an agreement. There is a provision that allows for mutually-agreed upon amendments, I believe. It tends to be standard in our agreements."

Acting Chair Bushee said, "Can I clarify that that's what I met with Marcos Martinez to do. And in the discussion, it came up that the City has been threatened with litigation from the County, that, just as you read in page 2, that the County says 'The City has failed to provide the County with the water that was contracted for. Because the City has failed to provide the backup water when the circumstances clearly justified it.' And then you got down to the real sticky wicket of what is 'reasonable and justified' in the Agreement itself. And I said, 'So do we want to make some changes to the Agreement so that we don't

have any of these situations in the future around this, even though the County is pursuing a raw water diversion, that may take a very long time, given all the environmental studies and the like.' And then it was also raised that the County was perhaps pursuing, or thought they were owed effluent. And so I said, 'Well what's the right way to proceed.' And this is where I was directed."

Councilor Bushee continued, "I'm happy to not have this... it never feels to me that you want to use the word dispute resolution, if you feel there's no dispute. But given that they were threatening litigation, it felt like there were unresolved questions. And so again, I don't want to cost money if it isn't needed. But I did not get any kind of, 'Well we should amend it this way.' Because, what I got from Council was that we don't see things the same way. So, again, I'm not an attorney. I'm not trying to cause a dispute if there is none, but it was indicated to me that there were still some really approaches that we basically didn't agree. Again, Mr. City Attorney, you really didn't answer my question the last time. If there's another route your office would direct or Brian's office would direct to try and make sure that we don't run into the same situation or... I understood from conversations with you, that this is considered threatened litigation. Does it go nowhere, that letter that was sent to us from the County, or does that have to be somehow responded to and have we responded to it."

Mr. Zamora said, "Starting with the first question of alternatives, which are the alternatives that have been discussed this evening, invoking the dispute resolution clause to come up with a clarification of the process, or a directive to negotiate with the County to approve, both have their strengths, both have their weaknesses. Starting with the dispute resolution, under this, the County may agree to go to dispute resolution up to and including binding arbitration, and so going through that process, as Councilor Calvert described earlier, there is the possibility that the City may not get the answer that it's looking for. But, they may get the answer that they're looking for, and the County may not get their answer. So that's the balance there. The other option...."

Acting Chair Bushee said, "Just narrow down for me, because you don't have to keep repeating what we're already going to narrow down for me, what answers we are looking for. I understood from staff that we have a very different way of approaching this, and it's very gray in the Agreement. That's all I'm asking is... I went and said, 'Where are we at odds and how do we get that clarified, and what would the City prefer.' And that's where I'm trying to get at from either of you. If it's staff could just sit down with the other staff and say, 'Okay. This is our interpretation. This is our interpretation. And this is where we need to make changes. That's how I approached this initially. And I got directed here, so I don't really hear more about, we could do that, we could do that. I want to know what it is we want to resolve."

Councilor Calvert said, "The one word is 'unreasonably.' That is the key word, and that's the only place that the focus should be on."

Responding to Acting Chair Bushee, Councilor Calvert said, "Well it says, 'which consent shall not be unreasonably withheld.' And I think that's where both sides are pinning their arguments – on that one word and what it means. So, if City and County staff could sit and work out a better definition or a clarification around that one word, then we might be able to move on and avoid this. The crux of it is the one word, and that where maybe the City comes at it from a different place than the County does – it's on that one word."

Acting Chair Bushee said, "And then part two was, are they suing us."

Mr. Zamora said, "Madam Chair, no."

Acting Chair Bushee asked, "So what's that letter threatening."

Mr. Zamora said, "That letter threatened that if they were sued, they would sue us. They are not suing us."

Acting Chair Bushee said, "Okay. So we don't have to worry about that. So again, I'm happy to do this in a different format, but what I don't want to see happen again, come Spring, even if... Spring or Summer... I know the County's pursuing a way to divert raw water. It may take them a very long time. I don't want to see the same circumstances we had the last go-around. I also don't where the whole issue of effluent came in. I didn't see in this, because it's not built into that agreement. But there is some alleging that the County is perhaps deserving of a certain amount of effluent."

Councilor Ives said Paragraph 10 of the Agreement begins to talk to "treated wastewater, effluent return flow, providing the City shall gain all interest right or title to return flow received at the City's Wastewater Treatment Plant. The County shall retain the interest, right or title to water delivered to the County independent water system which is not received at the City's Wastewater Treatment Plant." His understanding is that prior discussions of the Roswell case, were to the effect that once it's treated in our Wastewater Treatment Plan that effluent belongs to the City. He thinks they're talking about water that doesn't come back into the City and may have been taken directly from the River, but not come through the treatment plant and "wouldn't be effluent in the first instant." He thinks the Agreement is strong for the City on the question of effluent.

**WITHDRAWAL OF MOTION:** Councilor Dimas withdrew his motion to approve this request.

**MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, to direct City Staff to sit with the County and see if they can work out some guidelines around the word "unreasonably," the different definitions and perspectives on it, and then report back to this Committee in an expeditious manner, and we can then decide what will be the next course of action.

**DISCUSSION:** Acting Chair Bushee still wants an answer on effluent, the reason Las Campanas got off effluent, the reason we didn't reconsider that again. She thinks the raw water agreement may take some time.

Councilor Ives said it is always logical to look at agreements periodically once they are in effect, to look at our experience and if the agreements are working as intended. In this case, the real issue is whether or not the diversion of water from the Rio Grande through the Rio Grande as potable drinking water should be used for a golf course. He said the County points out that we're doing that in other circumstances in the City, and he doesn't know the validity of that statement. He said we enacted short term solutions to make sure Las Campanas wasn't harmed in the interim as they were putting in other solutions.

Councilor Calvert said it was more the source of the potable water which was the wells and not the Buckman, commenting we wouldn't have had a problem if it was from the BDD.

Acting Chair Bushee asked if this issue can be redirect to the Water Conservation for a full discussion.

Councilor Ives said yes, noting he also would like to look at the issue of return flow obligations for production from our wells and how that figures into the Water Agreement.

Acting Chair Bushee said she is looking for a package of things that can be "sent off together, whether it's just a review of this agreement, issues around effluent, use of potable water on golf courses." She reiterated the reason she pursued this course.

**WITHDRAWAL OF THE RESOLUTION:** Acting Chair Bushee said she is withdrawing this Resolution.

**FRIENDLY AMENDMENT.** Acting Chair Bushee said she is withdrawing the Resolution, but she is looking for it to appear in a new format, some around the specific agreement, some around City-wide policies around golf, and for it to go to Councilor Ives Water Conservation Committee and to the Public Utilities Committee. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

Acting Chair Bushee said there still is a gray area in the Agreement that needs resolution.

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

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**END OF CONSENT CALENDAR DISCUSSION**

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## **DISCUSSION**

There were no items for Discussion.

## **25. OTHER FINANCIAL INFORMATION**

### **A. UPDATE ON GROSS RECEIPTS TAX REPORT RECEIVED IN OCTOBER 2012 (FOR AUGUST 2012 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN OCTOBER 2012 (FOR SEPTEMBER 2012 ACTIVITY). (DR. MELVILLE MORGAN)**

Dr. Morgan reviewed the Reports in the Committee packets, noting that we are about 1.4% above this month over the same month in the previous year, and for the year, we are up about \$51,000 over last year. He said the actuals are 3% higher than the previous year. He said this is right at zero which is good, because we're right on target.

Dr. Morgan said on page 6, one line is just a little above the other. He said, "We're doing well."

Dr. Morgan said Lodger's Tax is up \$20,000 for this month over the same month last year, and cumulatively year to date, we are up \$84,000 over last year. He said there is lots of activity in accounts receivable as well as in the City Attorney's Office, making sure people are up to date and on time in paying the Lodgers' Tax.

Acting Chair Bushee asked if the Lodgers' Tax increase is due to better collections or if it is because lodging is up.

Dr. Morgan said it is a little bit of both.

Councilor Ives asked if this is where we would anticipate seeing the greatest increase – during the Fall.

Dr. Morgan said following the pattern of the first part of the year is generally higher than the last portion. However, in June it pops back up. He said this pattern sticks on these data from 2008 forward. He said you could say the first portion probably is higher than the second. However, once we say that, we will find an anomaly in the data.

## **26. MATTERS FROM THE COMMITTEE**

Councilor Calvert asked when the Committee will get information on how collections are proceeding.

Dr. Morgan they are working on it now, but he is unsure now would be an appropriate time to report that, but he will speak with Ms. Barkley about this.

## **27. ADJOURN**

There was no further business to come before the Committee, and the meeting was adjourned at 6:45 p.m.

**Reviewed by:**

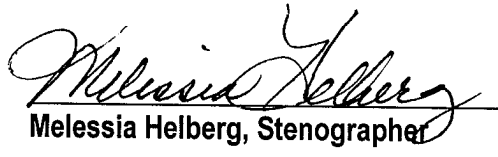
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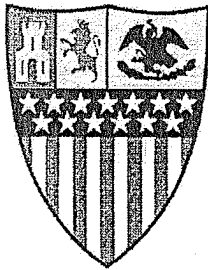
**Carmichael A. Dominguez, Chair**

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**Dr. Melville L. Morgan, Director  
Department of Finance**



  
Melessia Helberg, Stenographer



**FINANCE COMMITTEE MEETING OF  
OCTOBER 22, 2012  
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION  
BY MEMBERS OF THE GOVERNING BODY**

<b>Mayor David Coss</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Patti Bushee</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION RELATING TO COMMUNITY WORKFORCE AGREEMENTS ("CWA") SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; DIRECTING STAFF TO DELAY THE IMPLEMENTATION OF PROJECTS SUBJECT TO THE CWA ORDINANCE UNTIL A PUBLIC HEARING IS HELD ON LEGISLATION TO REPEAL THE CWA ORDINANCE.	Public Works Committee – 10/29/12 Council – 10/30/12
	AN ORDINANCE REPEALING THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE, SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL.	Public Works Committee – 10/29/12 Council (request to publish) – 10/30/12 Council (public hearing) – 11/28/12
<b>Councilor Chris Calvert</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Bill Dimas</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Carmichael Dominguez</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Peter Ives</b>		
<b>Councilor Chris Rivera</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Ron Trujillo</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

<b>Councilor Wurzbarger</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

Introduced legislation will be posted on the City Attorney's website, under legislative services (<http://www.santafenm.gov/index.asp?nid=320>). If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, [mdbyers@santafenm.gov](mailto:mdbyers@santafenm.gov).

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2012-\_\_\_\_**

**INTRODUCED BY:**

Councilor Patti Bushee

**A RESOLUTION**

**RELATING TO COMMUNITY WORKFORCE AGREEMENTS ("CWA")  
SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL;  
DIRECTING STAFF TO DELAY THE IMPLEMENTATION OF PROJECTS SUBJECT  
TO THE CWA ORDINANCE UNTIL A PUBLIC HEARING IS HELD ON  
LEGISLATION TO REPEAL THE CWA ORDINANCE.**

**WHEREAS**, on February 29, 2012, the Governing Body adopted Ordinance No. 2012-12 to establish provisions in the City of Santa Fe Purchasing Manual, Subsection 28.8 that would require community work force agreements for public works construction contracts in excess of \$500,000; and

**WHEREAS**, on June 13, 2012, the Governing Body adopted Resolution No. 2012-61 to delay the implementation of the CWA Ordinance to October 1, 2012 so that the City Purchasing Director could develop specific implementation procedures and guidelines for contractors seeking to bid on covered public works projects for the CWA Ordinance; and

**WHEREAS**, since the adoption of the CWA Ordinance, the economic impact to the City

1 related to CWAs has come into question as to whether the cost to implement the CWA Ordinance  
2 outweighs the cost of not having a CWA; and

3       **WHEREAS**, the Governing Body desires to delay the implementation of projects subject  
4 to the CWA Ordinance until a public hearing is held before the Governing Body on legislation to  
5 repeal the CWA Ordinance.

6       **NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
7 **CITY OF SANTA FE** that staff is directed to delay the implementation of projects subject to the  
8 CWA Ordinance until a public hearing is held to consider legislation to repeal the CWA  
9 Ordinance.

10       PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

11  
12 \_\_\_\_\_  
13 DAVID COSS, MAYOR

14  
15 ATTEST:

16  
17 \_\_\_\_\_  
18 YOLANDA Y. VIGIL, CITY CLERK

19 APPROVED AS TO FORM:

20  
21 \_\_\_\_\_  
22 GENO ZAMORA, CITY ATTORNEY  
23  
24  
25

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-12

INTRODUCED BY:

Councilor Patti Bushee

AN ORDINANCE

REPEALING THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE,  
SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. [REPEAL] Subsection 28.8, COMMUNITY WORKFORCE  
AGREEMENTS, of the City of Santa Fe Purchasing Manual (being Ord. #2012-12) is repealed.

APPROVED AS TO FORM:

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GENO ZAMORA, CITY ATTORNEY

M/Melissa/Bills 2012/Community Workforce Agreements (repeal)