



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 8, 2013 – 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 1-3-13 TIME 1:40 pm

SERVED BY Yolanda Green

RECEIVED BY [Signature]

Regular Finance Committee Meeting – December 3, 2012

INFORMATIONAL ITEM

6. Introduction of Internal Auditor, Liza Kerr. (Dr. Melville Morgan)

CONSENT AGENDA

7. Request for Approval of Amendment No. 5 to Grant Agreement – Juvenile Services through Santa Fe Regional Juvenile Justice Board; State of New Mexico Children, Youth and Families Department. (Richard DeMella)
8. Request for Approval of Sole Source Procurement – Parts, Equipment and Service for Fiscal Year 2012/2013 for Wastewater Management Plant Division; James Cooke and Hobson, Inc. (JCH). (Luis Orozco)
9. Request for Approval of Professional Services Agreement – Santa Fe Watershed Management Project for Water Division; Tierra Right of Way Services, LTD. (Dale Lyons)
10. Request for Approval of Change Order No. 1 to Construction Contract – McClure Reservoir Stream Gage Construction Project; Padilla Industries, Inc. (Dale Lyons)
11. Request for Approval to Fund Ten (10) Positions for Wildland Hand Crew from New Mexico Youth Conservation Corps Grant Reimbursements. (Fire Chief Barbara Salas)
12. Request for Approval of Agreement Between Owner & Landscape Architect – Southwest Activity Node Park – Phase I (SWAN) (RFP #13/06/P); Surroundings Studio, LLC. (Mary MacDonald)



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FINANCE COMMITTEE MEETING
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13. Request for Approval of an Ordinance Relating to Possession of Controlled Substances; Repealing Section 16-15.1 SFCC 1987 and Adopting a New Section 16-15.1 to Prohibit the Unlawful Possession of Marijuana and Synthetic Cannabinoids. (Councilors Trujillo and Rivera) (Judge Yalman)

Committee Review:

Public Safety (approved)	11/20/12
Finance Committee (postponed)	12/03/12
City Council (request to publish)	01/30/13
City Council (public hearing)	02/27/13

Fiscal Impact – No

14. Request for Approval of an Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting an Amended Local Economic Development Project Participation Agreement Between the City of Santa Fe and Rodeo Property, Inc. for an Indoor Multipurpose Facility, a Local Economic Development Project. (Mayor Coss) (Nick Schiavo and Fabian Trujillo)

- A. Request for Approval of Economic Development Amended Project Participation Agreement – Indoor Multipurpose Facility; Rodeo Property, Inc.

Committee Review:

City Council (request to publish – approved)	12/12/12
City Business & Quality of Life (scheduled)	12/08/13
City Council (public hearing – scheduled)	01/09/13

Fiscal Impact – No

15. Request for Approval of a Resolution Relating to the New Mexico Veterans' National Cemetery Fund Established by Section 7-1-6.1 NMSA 1978; Designating Funds Received from the New Mexico Department of Veterans' Services (NMDVS) for Programs for Local Veterans; Directing Staff to Establish a Fund in the Budget for the Monies Received from NMDVS to be Deposited in; Directing Staff to enter into an MOU with NMDVS to Designate a Date Specific on an Annual Basis in which the NMDVS should Transfer Funds Collected to the City; and Directing Staff to Schedule a Summit with the NMDVS and other Veteran Service Entities to Establish a Process in which to use the Funds for Veteran Programs. (Councilors Calvert and Wurzbarger) (Terrie Rodriguez)



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Committee Review:

Public Works (scheduled)

01/07/13

City Council (scheduled)

01/09/13

Fiscal Impact – Yes

16. Request for Approval of a Resolution Confirming the City of Santa Fe's Membership in and Supporting the Efforts of the Western Adaptation Alliance and Directing Staff to Reform The Green Team to seek how to both Reduce Greenhouse Gas Emissions from City Operations and Engage the Public in Addressing how the Effects of Climate Change will Impact Citizens. (Councilors Calvert, Dominguez and Trujillo) (Katherine Mortimer)

Committee Review:

Sustainable Santa Fe (approved)

12/18/12

Public Utilities (scheduled)

01/02/13

City Council (scheduled)

01/30/13

Fiscal Impact – No

17. Request for Approval of a Resolution Declaring that City Staff shall take no Further Action to Connect Montano Street and make it a Continuous Street. (Councilor Patti Bushee) (Melissa Byers)

Committee Review:

Public Works (scheduled)

01/07/13

City Council (scheduled)

01/09/13

Fiscal Impact – No

18. Request for Approval of a Resolution Expressing Condolences to the Victim's Families, Friends and Community in Newtown, Connecticut who Have Forever Been Impacted by the Recent Act of Gun Violence; Inviting the Community of Santa Fe to Join the City of Santa Fe in Lobbying the President of the United States and Congress to Enact Federal Legislation to Ban Assault Weapons and other High-Capacity Magazines and Close the Gun Show Loophole. (Councilors Wurzbarger, Mayor David Coss and Councilor Calvert) (Melissa Byers)

Committee Review:

City Council (scheduled)

01/09/13

Fiscal Impact – No



Agenda

FINANCE COMMITTEE MEETING
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JANUARY 8, 2013 – 5:00 P.M.

19. Request for Approval of Grant Agreement and Award – Purchase of Explosive Ordinance Detection (EOD) Robot for City of Santa Fe Police Department Bomb Squad; New Mexico Department of Homeland Security and Emergency Management (Andrew Phelps)
 - A. Request for Approval of Budget Increase – Grant Fund

END OF CONSENT AGENDA

DISCUSSION

20. Request for Approval of Amendment No. 4 to Professional Services Agreement – Additional Funding for Private Security at Santa Fe Depot and North Railyard Development; Santa Fe Railyard Community Corporation. (Bob Siqueiros)
 - A. Request for Approval of Budget Increase – Santa Fe Railyard Project Fund
21. Request for Approval of Professional Services Agreement – Forensic Audit Services for Parking Division; Moss Adams, LLP. (Liza Kerr)
22. Request for Approval of a Resolution Relating to Community Workforce Agreements (“CWA”), Subsection 28.8 of the City of Santa Fe Purchasing Manual; Directing that the Bidding Process for The Market Station Condominium at the Santa Fe Railyard Project Comply with the CWA Ordinance; and Directing Staff to Collect Data Related to the CWA for The Market Station Project and Present an Assessment to the Governing Body. (Councilors Wurzbarger, Ives and Calvert) (Nick Schiavo and Robert Rodarte) **NOTE: This title may be amended in accordance with the amendment sheet provided in the packet.**

Committee Review:

City Business & Quality of Life (approved)	11/13/12
Public Works (approved)	11/13/12
Finance Committee (cancelled)	11/19/12
Finance Committee (postponed)	12/03/12
City Council (scheduled)	01/30/13

Fiscal Impact – No



Agenda

**FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 8, 2013 – 5:00 P.M.**

23. Request for Approval of an Ordinance Relating to Community Workforce Agreements, Section 28.8 of the City of Santa Fe Purchasing Manual ("Purchasing Manual"); Creating a New Subsection 28.8.5 of the Purchasing Manual to Establish that the Community Workforce Agreements Ordinance shall only Apply to The Market Station Condominium at the Santa Fe Railyard Project, until a Review and Assessment of the Results of the Project is Completed. (Councilors Wurzburger, Ives and Calvert) (Nick Schiavo and Robert Rodarte)

Committee Review:

City Business & Quality of Life (approved)	11/13/12
Public Works (approved)	11/13/12
Finance Committee (cancelled)	11/19/12
Finance Committee (postponed)	12/03/12
City Council (request to publish)	01/30/13
City Council (public hearing)	02/27/13

Fiscal Impact – No

24. Request for Approval of a Resolution Directing Staff to Negotiate and Execute an Amendment to Article 12, of the Master Community Workforce Agreement ("CWA") to Require the Hiring of Eligible Santa Fe County Residents Prior to Hiring Non-Residents. (Councilor Calvert) (Nick Schiavo and Robert Rodarte)

Committee Review:

City Business & Quality of Life (approved)	11/13/12
Public Works (approved)	11/13/12
Finance Committee (cancelled)	11/19/12
Finance Committee (postponed)	12/03/12
City Council (scheduled)	01/30/13

Fiscal Impact – No

25. Request for Approval of an Ordinance Repealing the Community Workforce Agreements Ordinance, Subsection 28.8 of the City of Santa Fe Purchasing Manual. (Councilors Bushee, Dimas and Rivera) (Nick Schiavo and Robert Rodarte)

Committee Review:

City Business & Quality of Life (approved)	11/13/12
Public Works (not approved)	11/13/12
Finance Committee (cancelled)	11/19/12



Agenda

**FINANCE COMMITTEE MEETING
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Finance Committee (postponed)	12/03/12
City Council (request to publish)	01/30/13
City Council (public hearing)	02/27/13

Fiscal Impact –No

26. OTHER FINANCIAL INFORMATION:

- A. Update on Gross Receipts Tax Report received in December 2012 (for October 2012 activity) and Lodgers' Tax Report received in December 2012 (for November 2012 activity)

27. MATTERS FROM THE COMMITTEE

28. 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
Tuesday, January 8, 2013**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-4
APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MEETING – DECEMBER 3, 2012	Approved	4
<u>INFORMATIONAL ITEM</u>		
INTRODUCTION OF INTERNAL AUDITOR, LIZA KERR	Introduction	5
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SANTA FE WATERSHED MANAGEMENT PROJECT FOR WATER DIVISION; TIERRA RIGHT OF WAY SERVICES, LTD.	Approved	5-7
REQUEST FOR APPROVAL OF TO FUND TEN (10) POSITIONS FOR WILDLAND HAND CREW FROM NEW MEXICO YOUTH CONSERVATION CORPS GRANT REIMBURSEMENTS	Approved	7-10
REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER & LANDSCAPE ARCHITECT – SOUTHWEST ACTIVITY NODE PARK – PHASE I (SWAN) (RFP #13/06/P); SURROUNDINGS STUDIO, LLC	Approved	10-11

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO POSSESSION OF CONTROLLED SUBSTANCES; REPEALING SECTION 16-15.1 SFCC 1987, AND ADOPTING A NEW SECTION 16-15.1 TO PROHIBIT THE UNLAWFUL POSSESSION OF MARIJUANA AND SYNTHETIC CANNABINOIDS ***** END OF CONSENT CALENDAR DISCUSSION *****	Postponed to 01/22/13	11-15
<u>DISCUSSION</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – ADDITIONAL FUNDING FOR PRIVATE SECURITY AT SANTA FE DEPOT AND NORTH RAILYARD DEVELOPMENT; SANTA FE RAILYARD COMMUNITY CORPORATION	Approved	15-18
REQUEST FOR APPROVAL OF BUDGET INCREASE – SANTA FE RAILYARD PROJECT FUND	Approved	15-18
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FORENSIC AUDIT SERVICES FOR PARKING DIVISION; MOSS ADAMS, LLP	Approved	18-19
REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO COMMUNITY WORKFORCE AGREEMENTS (“CWA”), SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; DIRECTING THAT THE BIDDING PROCESS FOR THE MARKET STATION CONDOMINIUM AT THE SANTA FE RAILYARD PROJECT COMPLY WITH THE CWA ORDINANCE; AND DIRECTING STAFF TO COLLECT DATA RELATED TO THE CWA FOR THE MARKET STATION PROJECT AND PRESENT AN ASSESSMENT TO THE GOVERNING BODY	Postponed to 01/22/13	19-20

ITEM**ACTION****PAGE**

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO COMMUNITY WORKFORCE AGREEMENTS ("CWA"), SECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL ("PURCHASING MANUAL"); CREATING A NEW SUBSECTION 28.8.5 OF THE PURCHASING MANUAL TO ESTABLISH THAT THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE SHALL ONLY APPLY TO THE MARKET STATION CONDOMINIUM AT THE SANTA FE RAILYARD PROJECT, UNTIL A REVIEW AND ASSESSMENT OF THE RESULTS OF THE PROJECT IS COMPLETED

Postponed to 01/22/13

20

REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO NEGOTIATE AND EXECUTE AN AMENDMENT TO ARTICLE 12, OF THE MASTER COMMUNITY WORKFORCE AGREEMENT ("CWA") TO REQUIRE THE HIRING OF ELIGIBLE SANTA FE COUNTY RESIDENTS PRIOR TO HIRING NON-RESIDENTS

Motion failed for lack of second

20-21

(REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE, SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL

Approved

21-26

OTHER FINANCIAL INFORMATION

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

Information/discussion

26-27

MATTERS FROM THE COMMITTEE

Information/discussion

27-28

ADJOURN

28

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE
Tuesday, January 8, 2013**

1. CALL TO ORDER

A meeting of the City of Santa Fe Finance Committee was called to order by Chair Carmichael A. Dominguez, at approximately 5:00 p.m., on Tuesday, January 8, 2013, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Carmichael A. Dominguez, Chair
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas

MEMBERS EXCUSED:

Councilor Peter N. Ives

OTHER GOVERNING BODY MEMBERS PRESENT:

Mayor Pro-Tem Rebecca Wurzbarger
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo
Mayor David Coss

OTHERS ATTENDING:

Dr. Melville L. Morgan, Director, Finance Department
Yolanda Green, Finance Division
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 to these minutes by reference. The original Committee packet is on file in the Finance Department.

3. APPROVAL OF AGENDA

Dr. Morgan noted the following are on the Councilors' desks: action sheets from the Public Works meeting for Items #15 and #17, amendment sheets for Items #16 and #17, a corrected Memo from Public Works for Item #12, and a corrected Lodgers' Tax Report because it was prepared 2 weeks ago and it has changed. He said we also need to add Councilor Bushee as a cosponsor for Items #13, #14, #15, #16 and #18 as sponsor. He said there is a requested to postpone Items #22 and #23 to the next meeting of the Finance Committee on January 22, 2013, noting they will be at the City Council on January 30, 2013.

MOTION: Councilor Calvert moved, seconded by Councilor Bushee, to approve the agenda, as amended.

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

4. APPROVAL OF CONSENT AGENDA

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

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

CONSENT AGENDA

An Action sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 7, 2013, regarding Item #15, is incorporated herewith to these minutes as Exhibit "1."

A copy of *Proposed Amendments to Resolution No. 2013- ____, Western Adaptation Alliance*, regarding Item #16, is incorporated herewith to these minutes as Exhibit "2."

An Action sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 7, 2013, regarding Item #17, is incorporated herewith to these minutes as Exhibit "3."

A copy of *Proposed Amendments to Resolution No. 2013- ____, Montano Street*, regarding Item #17, is incorporated herewith to these minutes as Exhibit "4."

7. REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO GRANT AGREEMENT – JUVENILE SERVICES THROUGH SANTA FE REGIONAL JUVENILE JUSTICE BOARD; STATE OF NEW MEXICO, CHILDREN, YOUTH AND FAMILIES DEPARTMENT. (RICHARD DeMELLA)

8. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – PARTS, EQUIPMENT AND SERVICE FOR FISCAL YEAR 2012/2013 FOR WASTEWATER MANAGEMENT PLANT DIVISION; JAMES COOKE AND HOBSON, INC. (JCH). (LUIS OROZCO)
9. *[Removed for discussion by Councilor Bushee]*
10. REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT – McCLURE RESERVOIR STREAM GAGE CONSTRUCTION PROJECT; PADILLA INDUSTRIES, INC. (DALE LYONS)
11. *[Removed for discussion by Councilor Bushee]*
12. *[Removed for discussion by Councilor Bushee]*
13. *[Removed for discussion by Councilor Calvert]*
14. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; APPROVING AND ADOPTING AN AMENDED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC., FOR AN INDOOR MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT (MAYOR COSS AND COUNCILOR BUSHEE). (NICK SCHIAVO AND FABIAN TRUJILLO)
 - A. REQUEST FOR APPROVAL OF ECONOMIC DEVELOPMENT AMENDED PROJECT PARTICIPATION AGREEMENT – INDOOR MULTIPURPOSE FACILITY; RODEO PROPERTY, INC.
Committee Review: City Council (request to publish – approved) 12/12/12; City Business & Quality of Life (scheduled) 12/08/13; and City Council (public hearing – scheduled) 01/09/13. Fiscal Impact – No.
15. REQUEST FOR APPROVAL OF APPROVAL OF A RESOLUTION RELATING TO THE NEW MEXICO VETERANS' NATIONAL CEMETERY FUND ESTABLISHED BY SECTION 7-1-6.1 NMSA 1978; DESIGNATING FUNDS RECEIVED FROM THE NEW MEXICO DEPARTMENT OF VETERANS' SERVICES (NMDVS) FOR PROGRAMS FOR LOCAL VETERANS; DIRECTING STAFF TO ESTABLISH A FUND IN THE BUDGET FOR THE MONIES RECEIVED FROM NMDVS TO BE DEPOSITED IN; DIRECTING STAFF TO ENTER INTO AN MOU WITH NMDVS TO DESIGNATE A DATE SPECIFIC ON AN ANNUAL BASIS IN WHICH THE NMDVS SHOULD TRANSFER FUNDS COLLECTED TO THE CITY; AND DIRECTING STAFF TO SCHEDULE A SUMMIT WITH THE NMDVS AND OTHER VETERAN SERVICE ENTITIES TO ESTABLISH A PROCESS IN WHICH TO USE THE FUNDS FOR VETERAN PROGRAMS (COUNCILORS CALVERT AND WURZBURGER AND COUNCILOR BUSHEE). (TERRIE RODRIGUEZ)
Committee Review: Public Works (scheduled) 01/07/13; and City Council (scheduled) 01/09/13. Fiscal Impact – Yes.

16. REQUEST FOR APPROVAL OF A RESOLUTION CONFIRMING THE CITY OF SANTA FE'S MEMBERSHIP IN AND SUPPORTING THE EFFORTS OF THE WESTERN ADAPTATION ALLIANCE AND DIRECTING STAFF TO REFORM THE GREEN TEAM TO SEEK HOW TO BOTH REDUCE GREENHOUSE GAS EMISSIONS FROM CITY OPERATIONS AND ENGAGE THE PUBLIC IN ADDRESSING HOW THE EFFECTS OF CLIMATE CHANGE WILL IMPACT CITIZENS (COUNCILORS CALVERT, DOMINGUEZ AND TRUJILLO AND COUNCILOR BUSHEE). (KATHERINE MORTIMER) Committee Review: Sustainable Santa Fe (approved) 12/18/12; Public Utilities (scheduled) 01/02/13; and City Council (scheduled) 01/30/13. Fiscal Impact – No.
17. REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THAT CITY STAFF SHALL TAKE NO FURTHER ACTION TO CONNECT MONTANO STREET AND MAKE IT A CONTINUOUS STREET (COUNCILOR PATTI BUSHEE). (MELISSA BYERS) Committee Review: Public Works (scheduled) 01/07/13; and City Council (scheduled) 01/09/13. Fiscal Impact – No.
18. REQUEST FOR APPROVAL OF A RESOLUTION EXPRESSING CONDOLENCES TO THE VICTIM'S FAMILIES, FRIENDS AND COMMUNITY IN NEWTOWN, CONNECTICUT WHO HAVE FOREVER BEEN IMPACTED BY HE RECENT ACT OF GUN VIOLENCE; INVITING THE COMMUNITY OF SANTA FE TO JOIN THE CITY OF SANTA FE IN LOBBYING THE PRESIDENT OF THE UNITED STATES AND CONGRESS TO ENACT FEDERAL LEGISLATION TO BAN ASSAULT WEAPONS AND OTHER HIGH-CAPACITY MAGAZINES AND CLOSE THE GUN SHOW LOOPHOLE (COUNCILORS WURZBURGER, MAYOR DAVID COSS AND COUNCILOR CALVERT AND COUNCILOR BUSHEE). (MELISSA BYERS) Committee Review: City Council (scheduled) 01/09/13. Fiscal Impact – No.
19. REQUEST FOR APPROVAL OF GRANT AGREEMENT AND AWARD – PURCHASE OF EXPLOSIVE ORDINANCE DETECTION (EOD) ROBOT FOR CITY OF SANTA FE POLICE DEPARTMENT BOMB SQUAD; NEW MEXICO DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. (ANDREW PHELPS)
 - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

END OF CONSENT AGENDA

5. APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MEETING – DECEMBER 3, 2012.

MOTION: Councilor Dimas moved, seconded by Councilor Bushee, to approve the minutes of the Regular Finance Committee Meeting of November 5, 2012, as presented.

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

INFORMATIONAL ITEM

6. INTRODUCTION OF INTERNAL AUDITOR, LIZA KERR. (DR. MELVILLE MORGAN)

Dr. Morgan introduced Liza Kerr, the new Internal Auditor, and gave a brief history of Ms. Kerr's education and experience, noting she has 18 years of auditing experience, and previously was engaged in the development and promulgation of an Audit Department, much like what we want to do in the City. She has a BA, and she is a CPA and a CISA [Certified Information Systems Auditor], and is a 3rd generation New Mexican.

Councilor Bushee asked Dr. Morgan and Ms. Kerr how this has changed from Internal Auditor position we had in the past – how Ms. Kerr's office will operate, how it is different, how it is independent – and get back to her with this information.

Ms. Kerr said she will do so.

Chair Dominguez welcomed Ms. Kerr.

Ms. Kerr said she is proud to be working for the City, she is taking her position very seriously, and she looks forward to the challenges and opportunities the position presents.

CONSENT CALENDAR DISCUSSION

9. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SANTA FE WATERSHED MANAGEMENT PROJECT FOR WATER DIVISION; TIERRA RIGHT OF WAY SERVICES, LTD. (DALE LYONS).

Councilor Bushee's said, "I actually just now saw #12 and I don't need to take it off, the numbers have transposed."

Councilor Bushee asked, "How we could be extending a contract for a PSA that had ended in 2011, even though it was an oversight and it was directed by the USFS, not us. And then I wanted to know how we were able to do that, and then also, it's no additional money. We're just using the remainder of the \$151,869 that had originally been awarded, is that correct."

Mr. Lyons said that is correct.

Councilor Bushee said, "So, again, how in our procurement process are we able to extend that from now two years ago almost."

Mr. Lyons said, "Obviously we have money left in the budget. The grant money from the Water Trust Board is actually what funds this consultant's work, and as you mentioned, the Forest Service actually directs this consultant, but the contract is with the City, because the City was the grant awardee."

So, contracts can be extended retroactively to cover the data where the contract ended and to the present date, but that's not the way this was done. The approach chosen by the City Attorney's Office, I believe, was to actually set up a new contract to cover the remaining scope of work that the consultant has with the remaining budget."

Councilor Bushee said then the money didn't go away and Mr. Lyons said this is correct.

Councilor Bushee said, "So, this still will meet our NEPA reporting requirements."

Mr. Lyons said, "Yes. And just to give you an update. That environmental assessment is currently being crafted by the consultant under the direction of the Forest Service. The draft is due to the Forest Service by the end of next week. The Forest Service is working with the consultant to backfill data gaps that are still needed to be filled in, and the final EA is probably going to be published by the end of February."

Councilor Bushee said, "But would you say it was the Forest Service that dropped the ball, is that what... I'm.... I didn't understand the explanation that said 'because of public comments this thing got delayed'."

Mr. Lyons said, "It's been a miscommunication between the Forest Service and their direction to the consultant and our own administrative staff and project management."

Councilor Bushee said, "Okay, but this whole comment in the second paragraph about public comments necessitated significant time."

Mr. Lyons said, "Yes. The original proposed action only included one alternative which was the proposed action to conduct prescribed burning within 2,900 acres of the wilderness portion of the Municipal Watershed. The comments received during the first public meeting for this project were mostly focused on smoke. Many people expressed concern about smoke associated with the prescribed burns. So, to address those comments, the Forest Service directed the consultant to begin working on evaluating other alternatives, which included mechanical thinning of the forest in addition to prescribed burns. It definitely changed the scope."

Councilor Bushee said then you took additional public comment.

Mr. Lyons said, no, they stayed within the original timeframe for public comment, but there were a number of public comments related to smoke impacts.

Councilor Bushee said, "Okay, I guess I didn't really buy that one so much, because that's what you hired the folks to do was to assist us through that process which is mostly about taking public comment."

Mr. Lyons said it was the Forest Service that defined the proposed action and it was their responsibility to define the proposed action and any alternatives, not the consultants."

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

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

11. REQUEST FOR APPROVAL OF TO FUND TEN (10) POSITIONS FOR WILDLAND HAND CREW FROM NEW MEXICO YOUTH CONSERVATION CORPS GRANT REIMBURSEMENTS. (FIRE CHIEF BARBARA SALAS)

Councilor Bushee said she is excited we are doing this, but wants to know how we lost the grant funding.

Erik Litzenberg, Assistant Fire Chief, Operations, said, "The reason we lost that funding this year, is the project that we were trying to do, it's a recurring annual grant we have to put in for, never guaranteed, it is a year by year application. This year, we put in for a grant. It was questionable whether it was public or private land. When they reviewed it, they considered it private land, although when we wrote the application, we had considered it public land, so it disqualified us from being able to receive the grant. In the future, we plan to apply for and receive the grant. I think, from all accounts, we've been a model program for this YCC funding, and I think in the future, we intend to get it again and I think we will.

Councilor Bushee said then we applied for the wrong funding source.

Assistant Chief Litzenberg said, "I think it came down to interpretation, Councilor, and I think, unfortunately we interpreted it one way and the reviewers interpreted it another."

Councilor Bushee asked, "Do you get assistance from a grantwriter in any other department, the Economic Development Department, or anybody else, or are you guys responsible for writing your own grants."

Assistant Chief Litzenberg said they write their own grants.

Councilor Bushee said, "Maybe we should just make sure, Dr. Morgan, and I'm just not singling out the Fire Department, but that we have.... I think we have a grantwriter that's through either Community Services or Economic Development or somewhere, that they just review... I know we're often just meeting deadlines, but if they could review for... grants are all about crossing your t's and dotting your i's and getting into the right hands in the right time frame, so if we could just make sure...."

Councilor Bushee said, "It said these positions would be paid from for reimbursements obtained through a JPA. And I see in the back chart, former funding contributions, Water Trust Board grant, Valles Caldera \$30,000, and then Fire Department and I guess our matching money or some sort... but who's the JPA with."

Assistant Chief Litzenberg said, "It is a little bit confusing the way that's written. We receive reimbursements through a JPA that the State coordinates, in other words, we sign on to get funding from

whichever agency is requesting the resource. What you see with the Water Board and what you see with Valles Caldera are ways that we're looking to extend the length of the program for next season, none of which are guaranteed. It was just intended to give everybody a picture of how we're asking for a core of 6 months and how it might then turn into 9 or 10 months. But the JPA itself is through the State, coordinated by the State and the money comes from whichever agency calls for assistance."

Councilor Bushee said then this is State funding.

Assistant Chief Litzenberg said, "That is incorrect. It's not State funded, it's state coordinated. The State essentially works as our fiscal agent to collect money."

Councilor Bushee said, "How are we paying for it now, is what I'm trying to...."

Assistant Chief Litzenberg said, "I don't think we're paying for it now, because we don't have the grant, but what we're asking for is the funding."

Councilor Bushee said, "In other words, it's just going to go to your department. It's going to be City funding only."

Assistant Chief Litzenberg said, "That is correct Councilor. We're hoping to get our reimbursements from the previous year and apply them towards this project."

Councilor Bushee said, "Okay, well, I just looked at the last paragraph on page 2, 'For decades we operated under the assumption that the wildland problem was the Forest Service's problem to deal with. We realize that we are the first response...' and it's a wildfire in our community we deal with it. But I guess I just wanted to make sure that we were going to continue to reach out for outside funding."

Assistant Chief Litzenberg said they're looking for outside funding any way they can. He said by internalizing this program at this cost, we provide a really good base that we can build off of, and everything is building off that base, but it won't stop our search for alternative funding.

Councilor Bushee said, "And was the reason that 2010 on page 3 was on \$55,000, and then the next two years, one it bumps up to \$331,000, and then \$236,000. We just had a nascent program in 2010, or are we just..."

Assistant Chief Litzenberg said it's the development of the program, noting the low number was the first year, and people didn't understand our capabilities. Over 3 years, we've really developed the program and people have to come to understand how we can take part in their emergencies as well, so it's just an understanding on a greater level.

Councilor Bushee said she's grateful he's doing it, "I just hope we get some more money from somewhere else."

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

DISCUSSION: Councilor Calvert to clarify, the reimbursements we get are from the host where we participate in an emergency event, such as a fire elsewhere in the State – that agency pays for our people to be there.

Assistant Chief Litzenberg said, "Correct. They essentially borrow our resources and pay us back for them."

Councilor Calvert said he really likes the program and we're doing great work in the community. He said another thing he hopes is emphasized in the program is that creates a job ladder for locals, in that this is a good training program, a good place to get good experience to continue an occupation in this same field, or translate over to work with our Fire Department in some other capacity. He hopes we really emphasize that part.

Councilor Calvert said he received an email from Chief Salas about a proposal for an expansion of this program. He said, "One of the key things that I have found out as of late, is how much we get reimbursed depends somewhat upon our capabilities and equipment. And so, if you could speak to that briefly, in terms of how that might work out, I'd appreciate it."

Assistant Chief Litzenberg said, "I'd be glad to speak to that. We've really got sort of two avenues we go down, two kinds of resources that we share with other agents. The first is the hand group of which we've been speaking. The second is equipment, what you're talking about. And we currently have a fair amount of equipment, in terms of what they call Class A type 11 pumpers, which are the big trucks you see driving around the streets. We have smaller trucks which are basically pickup trucks with water and some hoses, both of which we use in the wildland arena. One thing we've been missing, and you guys probably hear us mention every now and then, is the kind of vehicle that rests somewhere in the middle which is a type 3 or a type 4 engine. It's really got the agility of a smaller truck, but the fire power of the structural engineers."

Assistant Chief Litzenberg continued, "I know recently, I spoke with Councilor Rivera. I don't know if he shared any of the information with you guys, but we do, at some point really want to be able to take the step to get the middle-range engine, because I think it's really good agility-wise and firepower-wise amongst our wildland urban interface. If ever there were funding opportunities it would be great. I think a vehicle like that has the opportunity to make whatever expenditure it has for us in the neighborhood of \$350,000 back in 5 years of sharing with other agencies. So I think opportunities like that are great. I think that's why it would come across the desk of Councilor Rivera or why we might mention it to somebody like you as well. It's always great increasing the number of resources we have here in the City and ultimately that's what we're trying to do, and ultimately that would help us get reimbursements as well."

Councilor Calvert said, "To be clear, if we had this other equipment, the amount that we would possibly be able to get for reimbursement would be greater. In other words, our capabilities and with this equipment would be greater, hence our reimbursements could be bigger as well."

Assistant Chief Litzenberg said clearly our ability to respond in our urban interface would be better. Our ability to share resources would be better, because we'd now have a resource we didn't have in the past. And I think we would have the ability to get a fair amount of that expenditure back over a pretty short time."

Councilor Calvert said he didn't mean to minimize the benefit to the local community. However, he was emphasizing the other was because of the reimbursement and how we would pay for something like that. He said, since we are coming up to budget planning, he would asked Finance staff and Fire Department staff to get together and look at ways we might be able to make this purchase and spread the cost over time and that reimbursements would match cost. Or, if staff could design a formula for a good payback over the life of the vehicle. He asked the lifetime of such a vehicle.

Assistant Chief Litzenberg said such a vehicle easily would have an 8-10 year life.

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

12. REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER & LANDSCAPE ARCHITECT – SOUTHWEST ACTIVITY NODE PARK – PHASE I (SWAN) (RFP #13/06/P); SURROUNDINGS STUDIO, LLC. (MARY McDONALD)

A Memorandum dated December 7, 2012, with attachments, to the Finance Committee from Robert Rodarte, Purchasing Officer, Purchasing Division, replacing the Memorandum in the Committee packet, is incorporated herewith to these minutes as Exhibit "5."

Chair Dominguez noted staff provided a corrected Memorandum.

Councilor Bushee asked what was corrected.

Mary MacDonald said, "The correction was actually an error in typing up the Memo. Page 2 of the Public Works Memo was perfectly correct as far as the whole paragraph of Project Budget. Some summary numbers on the cover page of the Public Works Memorandum needed to be corrected to reflect our final negotiation and what was reflected throughout the rest of the packet."

Councilor Bushee said, "My question originally, I guess, had to do with the evaluation score. The #1 company that we're actually awarding the proposal to, Surroundings Studio, seems to have a lower evaluation score than Design Office, the number two. And it's not explained to me anywhere else. Just your front page memo. And that hasn't changed any, and so I just wanted to understand how that came to pass."

Ms. McDonald said, "The interview score, what I'm understanding, the interview score is in actuality the final score. The Evaluation Score is from the Committee just in evaluating the written RFPs is sort of like the first step of the selection, and then the final step of the selection are the actual interviews with the high scoring initial scores, and then the Interview Score, what I understand from the Purchasing Offices, are what determine the final selection."

Councilor Bushee said, "Then perhaps, Dr. Morgan, you may want to change these summary pages, because I'm use to looking at the Evaluation Score, at least for the last, you know.... at least in every other packet I've read, I just go to that Evaluation Score, that column, and so again, it looked like the wrong company had been awarded the bid."

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve this request, with the assumption "that that's your procurement process and they are the number one."

Chair Dominguez noted this will be at Council tomorrow, and hopes everything gets squared away by then.

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

13. **REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO POSSESSION OF CONTROLLED SUBSTANCES; REPEALING SECTION 16-15.1 SFCC 1987, AND ADOPTING A NEW SECTION 16-15.1 TO PROHIBIT THE UNLAWFUL POSSESSION OF MARIJUANA AND SYNTHETIC CANNABINOIDS (COUNCILORS TRUJILLO AND RIVERA AND COUNCILOR BUSHEE). (JUDGE YALMAN). Committee Review: Public Safety (approved) 11/20/12; Finance Committee (postponed) 12/03/12; City Council (request to publish) 01/30/13; and City Council (public hearing) 02/27/13. Fiscal Impact – No.**

Chair Dominguez noted the sponsor, Councilor Trujillo, is here, and in the past we've asked the sponsors to comment if they would like.

Councilor Calvert said we asked for this to come back because there were definitions which Councilor Ives would like to have clarified, and asked Mr. Walker if he recalls.

Mr. Walker said he doesn't recall specifically, although he did mention spice and K-2 which are mentioned in the proposed ordinance.

Chair Dominguez said the question had to do with medicinal use.

Councilor Calvert asked how that was addressed.

Mr. Walker said there is an amendment sheet in the packet, adding a paragraph, which is now Paragraph A, specifically exempting the medical use of marijuana from this Ordinance. And then the other paragraphs are renumbered accordingly, and believes the amendment addresses that concern.

Councilor Calvert asked if this is a jurisdictional definition – we wrote this purposely like this, because if it's more than an ounce we don't have jurisdiction. He asked if this is correct.

Mr. Walker said that is correct.

Councilor Calvert said one ounce or less could get down to a seed, or something.

Mr. Walker said, "In theory, yes."

Councilor Calvert said in Section B, where it says "shall be punished by a fine of not less than fifty dollars (\$50.00), or more than one hundred dollars (\$100), and by imprisonment for not more than fifteen days." He said that sounds like it's mandatory.

Mr. Walker said, "It does sound like it's mandatory. Let me tell you what the practice is in municipal court, which is typically to, on first offenses, actually refer people to some sort of pre-prosecution diversion, so they're not even ultimately charged with anything. And on second offenses, we give people a deferred sentence so they do no jail time, no fines. They go to some sort of treatment program. And then after that, if you'll notice in Paragraph C, the Municipal Court does not have jurisdiction over subsequent offenses. At that point, those go to the DA's office."

Councilor Calvert said he saw that, and asked if this depends on the discretion of the Judge.

Mr. Walker said yes, and it also depends on the prosecutor in the Municipal Court. He said, "I can't promise what future judges or future prosecutors will do, obviously, but this is a fairly typical way of addressing the issue in Courts throughout New Mexico."

Responding to Councilor Calvert, Mr. Walker said, "The language comes directly from the State Statute. The Ordinance is written to mirror the State Statute. I've worked in a couple of DA's offices in the State and they handle it very similarly as well in those areas."

Councilor Calvert said the only other concern he has is on the enforcement side, especially with the new provisions with the cannabinoids. He said, "As I understand it, what they've been doing in Albuquerque is chasing the different compounds. In other words, as soon as they write something, the people who are making this stuff, change the composition slightly, so when they catch them with that changed substance it's not against the law because it hasn't been included. Does ours cover that, or do we need to.... is it possible to put some language... I think these synthetic cannabinoids are probably more dangerous than the natural ones because.... well, I just think they are because of the way they're concocted and no oversight whatsoever. Is the same way we can state, when we talk about these synthetic cannabinoids or similar derivatives. Is there a way that we can put the wording so that we're not chasing compounds every day that they use to evade the law."

Mr. Walker said the language tracks the State Statute and believes the language is intended to be broad enough to cover anything.

Councilor Calvert asked why is Albuquerque having that program and we don't think we will.

Mr. Walker doesn't know why Albuquerque is having a problem. He said it would be possible to add some sort of language "or similar substance." However, at that point you start to get vague.

Councilor Calvert understands, and believes we are caught between a "rock and a hard place." If they can continually evade this, then it will render this basically ineffective in this new provision. He said Albuquerque is having this problem. He asked when this bill will go to the Council.

Councilor Dominguez said it is on the Council agenda for tomorrow.

Councilor Calvert asked if staff could do some quick research with Albuquerque to see why they're having this problem, and what we can do about it if that is possible.

Mr. Walker said he see what he can find out by tomorrow evening.

Councilor Trujillo said, "We do have a drug problem in Santa Fe, and as Councilor Calvert said, with regard to the synthetic drugs, and they change just one little element and we've got another form. Councilor Calvert, I think Alfred will check to see what we can do. In my opinion, if it has to happen, we're going to have to find out what element is changed, and if it has to come back to these Committees, we keep writing down every single element however it was changed."

Councilor Calvert asked could we could list what they are in a Resolution, so if we continually update it, it would be more easily changed and speed up the process.

Mr. Walker said, "My concern with that would be that criminal laws, and despite the light penalties, this is a criminal law, are strictly construed. And in order to give notice to people of what is prohibited, what activities are prohibited, I would fear that setting something out in a Resolution would not be sufficient notice to people of what is prohibited by our ordinances, even if the ordinance were to say, go look at this particular resolution. That would be my concern off the top of my head."

Councilor Calvert said he understands. He asked Mr. Walker if he can verify that it is not allowed, and Mr. Walker said he will see what he can find by tomorrow.

Councilor Dimas asked is the Police Department is equipped to test for these elements. He said to make an arrest, they have to be able to identify that it is an unlawful drug.

Mr. Walker said he does know that Police carry drug identification tests with them, which are field test kits, but he doesn't know to what extent those test for synthetic cannabinoids.

Councilor Dimas asked Sgt. Baker to comment.

Sergeant Troy Baker said the Police are not equipped to test for the synthetic marijuana. They have specific test kits to test for TNC, cocaine, barbiturates and such. He said it is more the intent for which they use the substance, an intent to get high or like that. He said if the Ordinance would limit it more to intent such as the inhalants, he thinks that would suffice. He said when limit specific substances, that's when they change the substance which is all for the same intent.

Councilor Dimas asked Sgt. Baker if he would suggest we change the ordinance so it reads more intent, so you wouldn't have to go through this testing. If you don't have the equipment to test, it seems you don't have evidence to take to court, or probable cause to make the arrest at that point.

Sgt. Baker said this is correct. He said that is the issue the Albuquerque Police Department is falling into – they're limiting the substances, naming them specifically because these are what are being used in the bath salts and synthetics, and the chemist are changing them as fast as they can to get the same results. He said the Albuquerque ordinance limits specific chemicals, and as they change those, they have to keep updating the ordinance. He said if we go with intent, that would assist.

Councilor Dimas asked Sgt. Baker his suggestion as to how this Ordinance could be better enforced.

Sgt. Baker said, "It probably would have to be similar to our aerosol inhalants and stuff like that, the way that ordinance is written, because that's with the intent to get intoxicated or to get a high."

Councilor Dimas asked how difficult it would be to change the ordinance, to amend so that it reads more intent as it is in the inhalants.

Councilor Trujillo said it shouldn't be a problem to make that change by tomorrow for Council.

Councilor Dimas said he would strongly suggest that we do that if we can, and he believes it would make a stronger ordinance which our Police can enforce more easily than the way it is written right now.

Mr. Walker said he would suggest a little more time to look at this, because the more we deviate from the language in the State Statute, the more we face a preemption argument that we're not allowed to go as far as we want to go in this particular ordinance. He said, "I don't know if that would be the result, but I think there's a legal issue that would need to be looked at."

Councilor Trujillo said this isn't going to the Council until January 30, 2013, so we still have time.

Chair Dominguez asked Mr. Walker if he will be ready with the bill by the Finance Committee of January 22, 2013.

Mr. Walker said, "I intend to be ready by January 22nd. And I'll try to write down everything I'm supposed to find out by then."

Chair Dominguez noted this will be the third time it will be heard by this Committees.

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to postpone this item to the Finance Committee meeting of January 22, 2013, with direction to staff "to include language that corresponds with inhalants and intent, moreso than the actual Spice or whatever it might be that would be in the Ordinance now, and if it can't be finished by that date, that staff have all the issues resolved by the City Council meeting on January 30, 2013."

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

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

Chair Dominguez welcomed Councilor Wurzbarger, Councilor Rivera, Councilor Trujillo and Mayor Coss to the meeting.

- 20. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – ADDITIONAL FUNDING FOR PRIVATE SECURITY AT SANTA FE DEPOT AND NORTH RAILYARD DEVELOPMENT; SANTA FE RAILYARD COMMUNITY CORPORATION. (BOB SIQUEIROS)**
- A. REQUEST FOR APPROVAL OF BUDGET INCREASE – SANTA FE RAILYARD PROJECT FUND.**

Robert Siqueiros presented information from his Memorandum of January 8, 2013, to the Finance Committee regarding this matter. Please see this Memorandum for specifics of this presentation.

Councilor Bushee said, "I wanted to bring this back for a variety of reasons. I have spoken with all of the Councilors from the other parts of town that were concerned about the equity issues, as I was, that this was the part of town, the only public park that we hired private security for, and the problems in the Railyard have been considerable for a variety of reasons. We have some real confluence of public safety needs there, and so it was helpful to fund that contract initially and including also advancing better lighting and security cameras which are working their way through. But when we were able to... the contract was first passed and then they came back for additional funds to extend the time, and it was a little bit more costly. The issue really came to a head, for me at least, in terms of wanting to see our Police Department be able to cover these issues rather than private security and the equity concerns about other parts of town not having that kind of coverage."

Councilor Bushee continued, "So the City Manager and the Police Chief worked out a program. They are opting to hire 4 Public Service Aides, and I think it's in the budget, and in the future, during the budget there will be a request from the City Manager to hire an additional 3 PSAs. And those PSAs will cover not only the Railyard and the downtown, but also what was formerly known as Pete's Pets or the Resource Opportunity Center, our new homeless shelter on Cerrillos Road."

Councilor Bushee continued, "And so, in order to get the 4 that are now being put through the process of hiring in place, it will take a couple of months. So I did promise the neighbors that I would pursue the additional couple of months of the private security contract in order to get this PSA program in place."

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

DISCUSSION: Councilor Dimas said, "As much as I would love to see security at the Railyard, I'm still opposed to this for the same reasons that I had previous to this. It's not really the amount. \$28,800 is not an exorbitant amount of money, but it's still a lot of money. And I think we're still setting precedence. I think if we're going to provide private security for the Railyard, then we need to provide private security for all the folks that are affected and all the private businesses that are affected on Cerrillos Road by the Homeless Shelter. The residential areas there are still having the same problems that the Railyard is having, so I don't think it's real fair that we provide private security there, but we're not providing any kind of security for folks there on Cerrillos Road and those businesses there. So I think there's an equity issue here, and I can't support it for that reason."

Councilor Dimas continued, "The other thing is too is that I think we need to remember that private security officers don't have any arrest power. They can tell somebody to leave the premises, but if somebody says, and excuse the language, 'Go to hell and I'm not leaving,' there's not a whole lot that they can do about it, except to call the Police Department. And then we're utilizing Police Officers to come back out anyway for the ones that refuse to obey or refuse to do whatever a security officer tells them to, so they're very limited as far as their arrest power and what they can actually do. Sure, their presence I think is great to have them there, and I think it would be great to have them there at, I'm sure the owner of Castro Restaurant would love to have someone there that the City is paying for, for private security."

Councilor Dimas continued, "I just think that we're just going about this the wrong way. I think our Police Department should be handling this. I truly do. And Public Safety Aides is the same thing. We're getting right back into the same thing. We're going to hire all these Public Safety Aides. And if you know anything about Public Safety Aides, they're just like private security in a sense, in that they have no arrest power. So you can put somebody in uniform over there and it's going to be exactly the same result as if something actually happens out there, you're still going to call 1 or 2 Police Officers who are going to have to respond to that call. They're still going to have to come off the street any way you look at it. So these are the concerns that I have, and I don't think we're resolving anything. I think we're getting to a point where we're privatizing the Police Department. And we're getting to a point where we might as well just hire a CEO for the Police Department and hire nothing but private security. And every time there's a problem, we'll just call State Police or the Sheriff's Department if the P.D. can't handle it. That's a little ridiculous, but nonetheless, you know, I'm just carrying this probably a little bit further than what it would actually go, just to give an example."

Councilor Dimas continued, "We were told and this has nothing to do with the Railyard, this has to do with the Police Department. We were told that switching from the 4/10 shifts to the 5/8 shifts was going to put all these officers on the street. And I only have one question, where are they if we still can't provide security for the Railyard or any place else. And, once again, I raise my objections to this and I just can't support it under the way it is right now. That's all I have Mr. Chairman."

Councilor Calvert said, "Well, and I've heard two comments about providing security for a park and then another comment about providing security for the commercial. And I think that's the difference between this area and any other area in the City is, this is a sort of public/private partnership. It's a confluence of

public and private uses, unlike we have anywhere else in the City. And it's an area in which the City has invested heavily, and we'd certainly want it to succeed. Not only for all the public and private uses there, but it's also for the City's investment, because if, over time, it's successful, this will generate revenue the City can use for other uses within the community, perhaps to pay for some of the Police Force or police that we need around town."

Councilor Calvert continued, "I understand that these people don't have the ability to arrest and that, but I think we've seen, with the way they've operated, that they can handle the vast majority of cases that they come across. Sure, there might be some cases where they would have to call a Police Officer, but if they can filter 98% of the cases, then I think that their time and their use is well spent. And it also preserves the officers from having to get involved in those cases where they could be better used somewhere else. And again, this is just for a couple of months on this security until we get the police personnel there. So I think that this is a reasonable compromise, and I would hope that we could move forward and get to the point where everybody wants to be, but we just can't do it right at this minute."

Councilor Bushee said, "This is just briefly to remind, I guess for your Bob, to ask Robert to remember that we're also going to pursue a substation in and around the bathrooms in the Railyard where these PSAs can be stationed out of, perhaps. We were going to looking into that. There's a building there that we've held meetings in, it's just a little building." Mr. Siqueiros said, "Okay."

Councilor Bushee said, "Then I wanted to say to my esteemed colleague, Councilor Dimas, that... we've had a lot of discussions this. I understand I haven't changed your mind on this yet, but that the PSAs will be covering the ROC Center on Cerrillos Road, the homeless shelter. That is part of the purview. They will circle between the downtown Railyard and the old Pete's Pets, so that I hope will satisfy you somewhat that we intend to extend the program to other areas. Again, it's not ideal, but it is a quicker way of trying until we can get some boots on the street to try and deal with some of our public safety issues. I understand they can't arrest, but I also had my concerns when I started reading about some situations in Albuquerque where they had a private detail that was perhaps over-reaching. And the guy was fired and the City was being sued. At the least, if these PSAs can't arrest, they are at least hired by the City of Santa Fe and City employees, I just feel better that we are at least coming closer to having our Police Department actually do the work. And the Railyard has, as I mentioned, a confluence of issues over there that are unique in the City and so I think that the 2-3 months interim of private security will keep some of those at bay. It's been pretty serious over there."

Chair Dominguez said, "I think it's important to remember that there's not any one part of our City that is more important than the other. I think that's the first thing that needs to be said. And really, we want for all of our citizens to be safe, whether they're homeless, or whether they're not homeless, we want for everyone to be safe. I doesn't necessarily think that this is precedence setting, but I thin, that if we're not careful, it could lead to a precedent where you will have other facilities that have a very large voice that will kind of want some of the same things. And so, although I don't think that this particular Governing Body would move in that direction, it's certainly possible that another Governing Body could move in that direction and I think that's where the caution has to be taken. I'm in support of this, because ultimately, I would hope that the Police Department that they are hired to take care of in the entire City.

VOTE: The motion was approved on a voice vote, with Councilor Calvert, Councilor Bushee and Chair Dominguez voting in favor of the motion, and Councilor Dimas voting against. [Chair Dominguez voted because a majority of 3 is needed to approve the motion, or a vote against would result in a tie vote to defeat the motion.]

21. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FORENSIC AUDIT SERVICES FOR PARKING DIVISION; MOSS ADAMS, LLP. (LIZA KERR)

Liza Kerr presented information from Robert Rodarte's Memorandum of January 2, 2013, to the Finance Committee, with regard to this item, which is in the Committee packet. Please see this Memorandum for specifics of this presentation.

Councilor Dimas said, "I guess more comment than questions, or actually things that I think are imperative to probably add to it, if it's not already a part of it Dr. Morgan. This will probably go to Dr. Morgan I would imagine, moreso than, although you are familiar with it."

Councilor Dimas said, "Okay. He wants me to shoot it at you. Since you're new, we'll just pick on you tonight. If we go to page 5, from Moss Adams in Phase 1, in the first bullet, it indicates, as part of Phase 1, they will 'Conduct interviews of those individuals deemed to have relevant knowledge of the control processes over parking citation processing and collections. This may include, but not be limited to, Parking Division employees, management, City Councilors, City Judge, City Manager and City Attorneys.' I think that's all well and good and I think that should actually be a part of the investigation or the audit as it comes."

Councilor Dimas continued, "I think that there should be an examination of the AS-400 records, examining all the past transactions regarding the disposition of parking citations from 2005 and beyond. I didn't see that indicated in this area here, and I think it's imperative to include that to find out what the disposition of those citations actually were at the time off the AS-400. I think it's also imperative to meet with Det. Sgt. Michelle Williams and Retired Detective Deanna Nava to review the investigation that they did on the Parking Division over the past years, and to review that investigation with them as part of this audit investigation. I think it's very important to do that. Because it's my understanding also, that there may be some past or present employees who may have pertinent information. Of course that may be a part of that section anyway, but it doesn't include any past employees, and I think they also should be interviewed, because there are a lot of employees that have left since 2005 or fired, whatever the circumstances might be."

Councilor Dimas continued, "And just for clarification. On that last point, 'Assess the risk for loss of parking citation revenue, misappropriation of assets, illegal activity, self dealings, or fraud;' I just think it's very important to note that only the Municipal Judge has jurisdiction to dismiss parking citations. There isn't anyone else who has that jurisdiction to dismiss or dispose of parking citations, and I think that's something that needs to be looked at very clearly. That's all I had. Those are just things I think need to be included in this audit and the investigation."

Ms. Kerr said, "And I can add a couple of comments, that in a meeting we had with Moss Adams, they did mention that they would obtain the results of the prior investigations, that that was part of what they were intending to do. And if you look on page 4, I think you'll see the scope of the audit is laid out and under Scope of Services, it says "...perform a limited scope forensic investigation of the City of Santa Fe's Parking Division financial records from January 1, 2005 through December 31, 2012.." So, they are laying it out there, and I think in Phase 1, what their intent there is just to conduct these interviews to get an idea of the environment and to do an in-depth review, with the idea that a forensic audit is much more detailed than a financial type of audit. You look at every record, not just some of the records, and that's their intention, so they are planning, as far as I know to interview these people, but I will bring it up to them and follow up on that for you, and are there any other points or..."

Councilor Dimas said, "I notice they've also indicated that they wanted to interview Councilors and so forth. I would very much like to be included in those interviews."

Ms. Kerr said, "I think that's their intention and why they stated here, again, so they can get a good idea of what environment they're walking into, what the concerns are, and that might help them perform the audit better and that is the purpose of Phase 1. So, okay. Thank you."

MOTION: Councilor Dimas moved, seconded by Councilor Bushee, to approve this request and that the items indicated by Councilor Dimas be included in this investigation.

DISCUSSION: Councilor Calvert said, "With all due respect to Councilor Dimas, I'm a little uncomfortable with some of the direction, primarily because I think what we want is an independent audit. And when we're sort of giving direction in how we think it ought to be done, I think we're starting to lose that independence and objectivity. So I think the reason we hired them is they have experience in doing these things and how to follow a trail. And I appreciate the suggestions by Councilor Dimas, but it sort of strikes me as a little bit of micromanaging, and with an audit that's something we want to avoid. That's just my comment. I think, again, the reason we hired these people, is that they have experience doing these things and in following a trail and going where they need to go. And the more we get involved, the less it becomes an objective and independent audit."

Chair Dominguez said, "On that point, I think that what I heard from Councilor Dimas is he was asking some rhetorical questions. It sounds like the auditor has said that's stuff that's going to be done anyways and that he's really just wanting his comments clarified in the record to make sure that's being followed. Anything else Councilor Dimas."

Councilor Dimas said, "No. I think that's stated very clearly."

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

22. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO COMMUNITY WORKFORCE AGREEMENTS ("CWA"), SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; DIRECTING THAT THE BIDDING PROCESS FOR THE MARKET STATION

CONDOMINIUM AT THE SANTA FE RAILYARD PROJECT COMPLY WITH THE CWA ORDINANCE; AND DIRECTING STAFF TO COLLECT DATA RELATED TO THE CWA FOR THE MARKET STATION PROJECT AND PRESENT AN ASSESSMENT TO THE GOVERNING BODY (COUNCILORS WURZBURGER, IVES AND CALVERT). (NICK SCHIAVO AND ROBERT RODARTE). NOTE: This title may be amended in accordance with the amendment sheet provided in the packet. Committee Review: City Business & Quality of Life (approved) 11/13/12; Public Works (approved) 11/13/12; Finance Committee (canceled) 11/19/12; Finance Committee (postponed) 12/03/12' and City Council (scheduled) 01/30/13. Fiscal Impact – No.

This Item was removed from the Agenda and postponed to the Finance Committee meeting of January 22, 2013, and is scheduled for the City Council on January 30, 2013.

- 23. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO COMMUNITY WORKFORCE AGREEMENTS ("CWA"), SECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL ("PURCHASING MANUAL"); CREATING A NEW SUBSECTION 28.8.5 OF THE PURCHASING MANUAL TO ESTABLISH THAT THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE SHALL ONLY APPLY TO THE MARKET STATION CONDOMINIUM AT THE SANTA FE RAILYARD PROJECT, UNTIL A REVIEW AND ASSESSMENT OF THE RESULTS OF THE PROJECT IS COMPLETED. (COUNCILORS WURZBURGER AND IVES). (NICK SCHIAVO AND ROBERT RODARTE. Committee Review: City Business & Quality of Life (approved) 11/13/12; Public Works (approved) 11/13/12; Finance Committee (canceled) 11/19/12; Finance Committee (postponed) 12/03/12; City Council (request to publish) 01/30/13; and City Council (scheduled) 02/27/13. Fiscal Impact – No.**

This Item was removed from the Agenda and postponed to the Finance Committee meeting of January 22, 2013, and is scheduled for the City Council on January 30, 2013.

- 24. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO NEGOTIATE AND EXECUTE AN AMENDMENT TO ARTICLE 12, OF THE MASTER COMMUNITY WORKFORCE AGREEMENT ("CWA") TO REQUIRE THE HIRING OF ELIGIBLE SANTA FE COUNTY RESIDENTS PRIOR TO HIRING NON-RESIDENTS (COUNCILOR CALVERT). (NICK SCHIAVO AND ROBERT RODARTE). Committee Review: City Business & Quality of Life (approved) 11/13/12; Public Works (approved) 11/13/12; Finance Committee (canceled) 11/19/12; Finance Committee (postponed) 12/03/12; and City Council (scheduled) 01/30/13. Fiscal Impact – No.**

Chair Dominguez said he would like to hear Items #24 and #25 together, noting Items #22 and #23 are postponed to the Finance Committee meeting of January 22, 2013, and we will hear them at the Council meeting on January 30, 2013. However, right now the items on the table are Item #24 sponsored by Councilor Calvert, and #25 cosponsored by Councilor Bushee and Councilor Dimas.

Councilor Calvert said he doesn't know these need to be considered together.

Chair Dominguez said then they will be considered separately.

Councilor Calvert said the proposed Resolution is one that gives preference to local hiring in the contract for the Community Workforce Agreement. He said this is a significant amendment to that contract, which provides a competition for labor that will enhance the hiring of locals as well as to give incentives to any parties that are part of the CWA, whether union or non-union, to do apprentice programs to get local people trained. He said we have tried many things, especially with the procurement process, such as local preference to get more business local and part of that is hiring more local people. He said this provision is a significant way to make that happen. He said, "In the CWA, we've talked about striving for 50%. Well I think this will put some teeth into that, because it will incentivize whoever can bring those local workers to the project that they will have priority in the process."

MOTION: Councilor Calvert moved for approval of this request. **THE MOTION DIED FOR LACK OF A SECOND.**

25. **REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE, SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL (COUNCILORS BUSHEE, DIMAS AND RIVERA). (NICK SCHIAVO AND ROBERT RODARTE). Committee Review: City Business & Quality of Life (approved) 11/13/12; Public Works (approved) 11/13/12; Finance Committee (canceled) 11/19/12; Finance Committee (postponed) 12/03/12; City Council (request to publish) 01/30/13; and City Council (public hearing) 02/27/13. Fiscal Impact – No.**

A copy of Bill No. 2013 ____, introduced by Councilor Patti Bushee, regarding the Community Work Force Agreement, is incorporated herewith to these minutes as Exhibit "6."

Councilor Bushee said, "Let me just back up and give a little bit of history for these that maybe haven't been following this as long and closely as we have been up here. The original bill that I sponsored, and the same co-sponsors, and in fact, you may have been a cosponsor Councilor Dominguez, was to actually get an economic analysis of the current CWA. The CWA is law. We approved it..."

Chair Dominguez asked Councilor Bushee if she is speaking to her proposed repeal.

Councilor Bushee said, "I am and there's also something that I have to read into the record, the title of an introduction the lawyers told me I need to introduce tonight. So let me just back up and say that the original bill was to do a study through the University of New Mexico's Economic Development Department, and take a look. Because we had received... those of use who have been on the Council for a while supported the CWA. We were told that it would bring new jobs to Santa Fe. And we then, I don't know how many months later, at least 6, got a report from our Economic Development staff that said that we would likely lose \$5 million dollars between the next 3-5 years."

Councilor Bushee continued, "And I want to read something very quickly and briefly, a section of that report, and this is the concern, and so the concern of the folks that proposed reviewing it, at least for the economic impacts, and you see many of them here tonight, even though they don't serve on this Committee, this is how important this issue is to all of us. It says:

'Unless all 3 goals are advanced which is to continue to have competitive bids so that prices are not elevated to increase the economic benefits to the local community by capital expenditures and to enhance career opportunities, wages and living standards of our construction workforce, be they union or no. So it says, unless all 3 goals are advanced together, none are sustainable. The difficulty lies in the scarcity of local contractors who are prepared to sign letters of assent. Without several qualified firms competing for each prime or sub-contract, bidding will not be constrained by normal competitive forces. Prices will increase unpredictably and non-local contractors and their employees will win even greater majority of the work.'

So the concern of the group that then ended up having to substitute our original bill was that the jobs were going to Albuquerque. The jobs have been going to Albuquerque for some time. We don't have that many large construction firms, and even with the CWA as it is, hoping to have an advanced apprenticeship program, we don't have the current, trained union workforce here in Santa Fe. And in fact when the Mayor had a bunch of folks come down from the local contractor unions, you know, carpenters and electrical and such, I walked up and talked to at least half of the room. And what I got as a response was about 3 people from Santa Fe County and the rest of the 40-45 people I spoke with, one guy was from Arizona and the rest were from the Bernalillo County area."

Councilor Bushee continued, "And so that's really the bottom line, I think, and the concern. And so when we were unable to... procedurally, we were stymied in Committee, at Finance Committee, somebody wasn't present, so the votes weren't there to get the bill to review the CWA for its economic impacts for our local economy, we put in a substitute bill for the repeal. The effort had always been to want to have a discussion about how this was going to really impact our local economy."

Councilor Bushee continued, "And so from there, the repeal has been put in. What I can tell you, what's been disappointing in this process of late at least, is that there seems to be a lot of misinformation being put around. I had a call that said, we want to keep Carl Rove from coming to Santa Fe, that there's this giant amount of money, and that this is Michigan and this is anti-union. And I can only speak for myself, and you will from others on this Committee that signed onto this repeal bill, I don't say out of desperation, but out of frustration perhaps, that we were never able to have the dialogue we wanted to have. Instead, what we've got here now, is a very divisive presentation of what I think should be something beneficial to this community."

Councilor Bushee continued, "And so, what we will have is a discourse on the thirtieth, and we'll have all the bills, including one that Councilor failed to get out of this Committee, but he's managed to get it out of another Committee that he's on. Councilor Wurzbarger's bill are postponed for this dialogue. But they're all trying to come at it from a different direction, but also trying to get at how we keep jobs here in Santa Fe."

Councilor Bushee continued, "And so what I have actually done, knowing that the repeal bill will most likely just make it out of this Committee and die at the Council level. I have a bill that I need to read into the record. According to the lawyers, I can introduce it at Committee and I won't discuss it, but I will read the title."

Chair Dominguez said she can go ahead and read the title.

Councilor Bushee said, "It's an ordinance, I don't know the number yet, but it's *an Ordinance related to Community Workforce Agreements ("CWAs"); amending Subsections 28.8.1 and 28.8.2 of the City of Santa Fe Purchasing Manual ("Purchasing Manual") to raise the threshold for CWA projects from \$500,000 to \$1,500,000; amending Subsection 28.8.3 and creating a new Subsection 28-84 to incorporate mandatory terms into CWAs so that 100% of Santa Fe residents, if available, are hired and to require, if benefits are provided, that such benefits be extended to domestic partners.* So, that's my version of what I would like to see in a CWA. I can't get into the details because we have not advertised it. We will discuss this at the next Finance Committee and probably Public Works and I'm not sure where else..."

Chair Dominguez asked Councilor Bushee to pause for a second, and asked Geno Zamora if we are okay procedurally.

Mr. Zamora said, "That read-in was brought in under Agenda Item #25, and just to make sure that you don't get any procedural issues, again, when it comes back to Matters from the Committee, that's the appropriate place to read it in."

Councilor Bushee said, "Well, it was because I wanted to say to you that the repeal bill will move forward out of this Committee, but I don't believe any of us, and we don't have a bill to amend the CWA. That was the original bill that we had wanted to move forward. And so I think we're coming at it from a lot of different directions, but I think everybody's concern up here is that we don't... and so thus the repeal to start over, we don't have the work force here that's already trained, and think you might have to work into the apprenticeship programs of the CWA in some form or another. But what I am pleased to elaborate on, is at least the lawyers have allowed us to mandate or require, when we're dealing with contracts to City projects we don't get into a problem with the Federal Commerce Clause. But, we are able to mandate that our work force, and we've been trying to do that up here for a long time. So we're looking to some version of that through a CWA where we are able to keep Santa Fe jobs here, and create and grow jobs and not send any more down to Albuquerque. So I am going to move this repeal bill forward, knowing that it likely will not pass Council level, but that we are going to continue to have this dialogue and do whatever we can from whatever direction and to keep jobs here in Santa Fe."

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve Item #25, which is the repeal of the existing Community Work Force Agreement.

DISCUSSION: Councilor Wurzbarger said she wants to comment on a statement that was made. She said, "One of the proposals that she has is indeed an amendment to the Ordinance which addresses the issues that you've raise. So for clarification, I'd like that on the record and make sure that everybody rereads it."

Councilor Bushee said, "Which ordinance are we walking about."

Councilor Wurzbarger said, "The CWA Ordinance which is in existence."

Councilor Bushee said, "But it's not on the... that's why I didn't try to amend anything here, there are no bills that go with the CWA directly."

Councilor Wurzbarger said, "There is an Ordinance change that does deal directly with the CWA."

Councilor Bushee said, "But it's been postponed."

Councilor Wurzbarger said, "It was postponed tonight, and it has been introduced. It's been at Council. I dropped it at Council. It didn't come up secretly. So, on that point, I am confused. Well, maybe I'll just hold my confusion.... well, I would like to ask a clarifying question, because this has been a very difficult process. It has been one, I'm not long on speeches, but I think we have managed once again, as a Council and as a community, to take an issues that didn't have to be 'you are pro or you are against, you are good, you are evil.' And that's right where we are 7 months later, and we have got to get off of that. But having said that, I am confused about your statement, Councilor Bushee. You're withdrawing... you're sending it forward, so you're still standing for rescinding it. I would like to have a better understanding of what you're trying to accomplish. Rescinding is very different from fixing. Well why are we there."

Chair Dominguez said, "As the Chair of the Committee, what has happened is that there has been a motion to move the repeal forward. The Councilor has indicated an understanding that it will probably die at Council. Who knows."

Councilor Wurzbarger asked, "Am I to infer that your value statement with respect to that, is your preference of rescinding, that that is where you still are... repeal, pardon me."

Chair Dominguez said, "I'm going to allow Councilor Bushee to answer you Councilor Wurzbarger, but then we're going to need to make sure that we're going forward."

Councilor Bushee said, "I conferred with the cosponsors of this bill. They would like to see it go forward to Council, so I'm happy to do that. I have introduced a bill that represents the discussion I had hoped we would have and hope to continue to have, on the CWA in the first place. But as I gave you that whole long winding history.."

Councilor Wurzbarger said, "Thank you for the clarification, such as it is."

Councilor Bushee said, "And just also to clarify procedurally, I could not introduce what I introduced tonight and discuss it."

Chair Dominguez said, "We are not having discussion on it. We're going to be introducing it formally at Matters From The Committee."

Councilor Trujillo said, "With all due respect to everyone here, this has never been to me an issue non-union/union. It's about treating everybody in the community equally. And my biggest concern has always been, when we, all of us up here, City Councilors, took our oath it was to represent all our constituents equally. And what I see in the CWA, it's not treating everybody equally. It is saying that one group of people who are not in the union, who do not join a union are not allowed to work on these projects. In my opinion, that is not treating equally. My conscience... I can't vote for this. I've got 70 calls over these last 4 days, which in my opinion is ridiculous. The Democratic Party of New Mexico Santa Fe County got involved, which as we had our discussion, I understand the reason he did it. I may not agree with it. But for me to get 40, 50, 60, 70 calls, pretty much my phone was ringing off the hook, and I have my other constituents that had other issues, I was able to talk to them as well, but I couldn't believe how many calls I got. So, until we find a way that this benefits entire the City and everybody in this community, my goal is to put everybody in this community to work. My allegiance stands with the City of Santa Fe, not Albuquerque. And until we treat everybody in this community equally, putting everybody to work, putting no stipulations on, if you don't join this, you don't get to work. I can't vote for this. That's all I have to say."

Councilor Dimas said, "I might as well chime into everything else that's going on here. I too, received all those calls and I've received nothing but emails, and I tried to respond to as many emails as I possibly can. But I've received emails, both pro and con CWA. I've written a statement and I want to read it. I hope you don't mind, so I don't leave anything out. First of all I think it's important to note that I was not on the Council when the CWA was passed, contrary to what many of you believe, that it was unanimous. Yes, it was unanimous with that Council. It hasn't been unanimous with this Council. You know it's unfortunate that this has become such a divisive political issue, because that's exactly what it's become. And I've been told that by not supporting the CWA that I'm anti-union. That couldn't be the furthestest thing from the truth. I have always, and still support all Santa Fe labor, both union and non-union equally."

Councilor Dimas continued, "I've also been told that by voting for repeal of the CWA that that would put an end to my political career, whatever the hell that means. Now please know that I am not beholding, nor have I ever been, to any special interest group. People who know me, know that my decisions are my own and not influenced by anyone. I am my own person. Having been a Judge for several years, my decision were my own after hearing both sides of the case. I made thousands of rulings based on the evidence and testimony presented to me, and very few were appealed. After my decisions were made, I can honestly say that I slept very well at night. Now, as I previously stated, I have carefully studied and heard testimony on both sides of the CWA issue, and it's still my opinion that this Agreement is discriminatory in nature, and is not the best thing for Santa Fe at this time. I think all contractors should be able to work on City projects without being forced to join the union, pay union fees and dues. I would encourage everyone to read the study on the CWA done by the City's Economic Development Division right here within the City of Santa Fe. That's all I have Mr. Chairman."

Chair Dominguez asked Mayor Coss if he would like to make a statement, and the Mayor indicated that he did not.

Chair Dominguez said, "Okay, well thank you. I think that I'll just say a few things, because I think for the most part, it's been said. I hope that the audience can hear the distress, if you will, in the voices and the emotion the Governing Body has with regards to this issue. We owe the community a *mea culpa* of some

sort, because although we had public hearings, 3 of them as a matter of fact, when I was the Chair of the Public Works Committee, the only people who showed up were those people who were proponents of the CWA, primarily from Albuquerque, not really the constituency of the community, people that I've received phone calls and emails from the last couple of weeks."

Chair Dominguez continued, "Where we failed is we didn't demand, and when I say we, I'm talking about, not this Governing Body, but the Governing Body that was in place at the time, didn't demand a public dialogue. Did not demand public debate. So having said that, there is my apology to the community for not making sure we did this much sooner to avoid the kind of emotion that we have here today. I'm listening and I'm doing my homework. I'm certainly not an economist, but I'm talking to students from the Community College. I'm talk to both union and non-union employees of the community. I'm talking to people in the construction industry, old timers, new timers, people who still have their union card but weren't part of the union any more. I'm talking to a lot of folks. I'm doing as much study as I can on this particular issue. And again, I'm not an economist, so I couldn't talk to you a lot about that stuff."

Chair Dominguez continued, "But, what I can tell you is that this community is torn apart by this issue. I want to thank my colleagues on the Governing Body, because this has become divisive, and this shouldn't be a battle of what's ideological, but really a battle of what is practical. And that's the part that's kind of bothered me, is that all of a sudden if you're against this, you're not a Democrat, you're against the unions, or something like that, I don't know. This isn't a Governing Body that has radical views one way or the other. I think that we're pretty balanced for the most part. And I think we need to be given an opportunity to what's not best for one group, not best for any one group, but to do what's best for the entire City of Santa Fe. It may be that we don't get there, but I think having debate of all bills, including Councilor Bushee's that she's going to formally introduce later on, but debating all bills. It's been said that our political career is over if we vote against this, and I resent that idea. I think you owe it to the Governing Body to try to come up with a solution, and to have this dialogue and to have this debate."

VOTE: The motion was approved on a voice vote, with Councilor Dimas, Councilor Bushee and Chair Dominguez voting in favor of the motion, and Councilor Calvert voting against. [Chair Dominguez voted because a majority of 3 is needed to approve the motion, or a vote against would result in a tie vote to defeat the motion.]

There was a 10 minute break at this point

26. OTHER FINANCIAL INFORMATION

A. UPDATE ON GROSS RECEIPTS TAX REPORT RECEIVED IN DECEMBER 2012 (FOR OCTOBER 2012 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN DECEMBER 2012 (FOR NOVEMBER 2012 ACTIVITY).

A copy of an updated Lodging Tax Report for the Month of December 2012, is incorporated herewith to these minutes as Exhibit "7."

Dr. Morgan said this is a good Lodgers' Tax Report, but expressed caution in interpreting the figures. He said the collections are up 1.08% over all. He said to this point we have been in the plus one minus one range and right on budget, and we have to be cautious with this information "other than GRT is up quite nicely this time." He said the December figures won't be presented until February.

Dr. Morgan spoke about the fiscal cliff issues which are looming nationally, which will impact the City. He said we are implementing changes to the payroll systems. He doesn't believe the people of the United States understand that the payroll tax holiday is over, which increase the contributions of employees up to about 2%, which would lower employees' paychecks \$40 to \$50 per paycheck. He wants everyone to understand that Nationwide we are fixing to lower employees' paychecks which will have some impact on spending and the GRTs. He will be interested to see what happens after Friday.

Councilor Calvert said what lapsed was the payroll deduction that went to social security.

Dr. Morgan said this is correct, and it cost our Treasury Department \$120 billion a year to make up the difference.

Dr. Morgan said the New Lodgers' Tax sheet shows a 17% increase month-to-month, but they did collections on one of the hotels, so it is more 5% year to date, but we're doing quite well.

27. MATTERS FROM THE COMMITTEE

Councilor Bushee said since we are under the CWA, she would ask staff to flag all projects which would fall under that program.

Councilor Dominguez said that information was provided at Public Works Robert Romero.

Councilor Bushee said she would hope that any gun buy-back program could include high capacity ammunition devices, and she hopes weigh-in on that, and asked if it could be on this agenda.

Chair Dominguez said after the program is over, we can ask for information.

Responding to Councilor Bushee, Chair Dominguez asked if they are requesting more money, and Councilor Bushee said she doesn't know.

Chair Dominguez will work with staff to get an update for the next meeting.

Councilor Dimas said those funds are coming out of the Police Budget.

Chair Dominguez asked staff to follow-up with an email to Chief Rael about Councilor Bushee's request. He said perhaps they can just provide an email update without breaking rolling quorum rules.

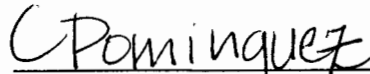
Councilor Bushee introduced an Ordinance [Exhibit "6"], reading the title of the bill into the record as follows: *An Ordinance related to Community Workforce Agreements ("CWAs"); amending Subsections 28.8.1 and 28.8.2 of the City of Santa Fe Purchasing Manual ("Purchasing Manual") to raise the threshold for CWA projects from \$500,000 to \$1,500,000; amending Subsection 28.8.3 and creating a new Subsection 28-84 to incorporate mandatory terms into CWAs so that 100% of Santa Fe residents, if available, are hired and to require, if benefits are provided, that such benefits be extended to domestic partners.*

Councilor Bushee said there will be additional amendments to the Ordinance as it moves forward.

Chair asked staff to put this Ordinance on the Finance Committee agenda for January 22, 2013.

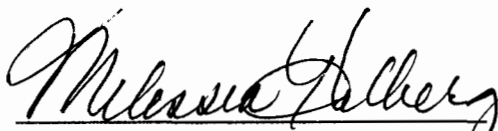
28. ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at 7:00 p.m.


Carmichael A. Dominguez, Chair

Reviewed by:


Dr. Melville L. Morgan, Director
Department of Finance


Melessia Helberg, Stenographer

Item 15.

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JANUARY 7, 2013**

ITEM 15

REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO THE NEW MEXICO VETERAN'S NATIONAL CEMETERY FUND ESTABLISHED BY SECTION 7-1-6.1 NMSA 1978; DESIGNATING FUNDS RECEIVED FROM THE NEW MEXICO DEPARTMENT OF VETERAN'S SERVICES (NMDVS) FOR PROGRAMS FOR LOCAL VETERANS; DIRECTING STAFF TO ESTABLISH A FUND IN THE BUDGET FOR THE MONIES RECEIVED FROM NMDVS TO BE DEPOSITED IN; DIRECTING STAFF TO ENTER INTO A MOU WITH NMDVS TO DESIGNATE A DATE SPECIFIC ON AN ANNUAL BASIS IN WHICH THE NMDVS SHOULD TRANSFER FUNDS COLLECTED TO THE CITY; AND DIRECTING STAFF TO SCHEDULE A SUMMIT WITH THE NMDVS AND OTHER VETERAN SERVICE ENTITIES TO ESTABLISH A PROCESS IN WHICH TO USE THE FUNDS FOR VETERAN PROGRAMS (COUNCILORS CALVERT AND WURZBURGER) (TERRIE RODRIGUEZ)

PUBLIC WORKS COMMITTEE ACTION: Approved on consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	Excused		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit 11

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2013-____
(Western Adaptation Alliance)

Mayor and Members of the City Council:

We propose the following amendment to Resolution No. 2013-____:

1. On page 4, line 15, *insert* the following paragraph:

“2. Ensure that social and environmental justice are included in the evaluation of impacts and proposed actions the City takes.”

Editor's Note: Renumber sections accordingly

2. On page 4, line 16, after “strategies” *insert* “in partnership with the community”

Respectfully submitted,

Public Utilities Committee

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "2"

Item 17.

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JANUARY 7, 2013**

ITEM 17

REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THAT CITY STALL SHALL TAKE NO FURTHER ACTION TO CONNECT MONTANO STREET AND MAKE IT A CONTINUOUS STREET (COUNCILOR BUSHEE) (ERIC MARTINEZ/MELISSA BYERS)

PUBLIC WORKS COMMITTEE ACTION: Approved

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	Excused		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "3"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2013-__
(Montano Street)

Mayor and Members of the City Council:

We propose the following amendment to Resolution No. 2013-__:

1. On page 2, line 12, *insert* the following Resolve provision:

"BE IT FURTHER RESOLVED that staff is directed to begin the process to vacate dedicated right-of-way located outside the Velarde Street to Barela Lane emergency access connection of Montano Street."

Respectfully submitted,

Public Works Committee

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "4"

City of Santa Fe, New Me

memo

DATE: December 7, 2012

TO: Finance Committee

FROM: Robert Rodarte, Purchasing Officer
Purchasing Division

VIA: Dr. Melville L. Morgan, Director
Finance Department

ISSUE: Award of Request for Proposal # '13/06/P
Landscape Architectural Design Services
Southwest Activity Node (SWAN) Park Phase I

SUMMARY:

On October 1, 2012, five proposals were received for the above referenced service as follows:

	Evaluation Score	Interview Score	Local Preference
Surroundings Studio, Santa Fe	4967.5	4260	4686
Design Office, Santa Fe	4980	4075	4482.5
Dekker/Perrich/Sabatini, Albuquerque	4667.5		
Morrow Reardon Wilkinson Miller, Albuquerque	4610		
Cohen + Partners, Mn	4010		

The evaluation criteria consisted of cost (20%); project understanding & approach (15%); project team experience, training & education (10%); past performance (15%); knowledge of local conditions (10%); quality assurance (5%); quality of proposal (10%); and resource availability (15%). The proposal was reviewed and evaluated by Robert Rodarte, Purchasing, Mary MacDonald, David Pfeifer, CIP, John Romero, Robert Siqueros, Public Works and Ben Gurule, Parks.

The using department has reviewed the proposals and recommends award to Surroundings Studio, Santa Fe in the amount of \$454,403.73 inclusive of GRT plus reimbursable expenses in the amount of \$42,517.69 for a total of \$496,921.42 inclusive of GRT.

Budget is available as outlined in memo of recommendation from using department.

ACTION:

It is requested that this recommendation of award to Surroundings Studio, Santa Fe in the amount of \$496,921.42 inclusive of GRT be reviewed, approved and submitted to the City Council for its consideration.

Attachment(s):

1. Memo of recommendation from the using department.
2. A copy of the professional service agreement.
3. A copy of tabulation score sheet.

Exhibit "5"

EALUATION SCORES

Landscape Architectural Design Services Southwest Activity Node (SWAN) Park Phase I

'13/06/P

Written Evaluation

Evaluation Committee	Design Office	Surroundings Studio	Dekker/Perrich/ Sabatini	Morrow Reardon Wilkinson Miller, LTD	Cohen + Partners
Robert Rodarte	920	905	810	800	875
Mary MacDonald	860	885	905	785	745
David Pfeifer	695	725	690	700	635
John Romero	810	765	755	740	545
Robert Siqueros	850	842.5	812.5	805	645
Ben Gurule	845	845	695	780	665
Total	4980	4967.5	4667.5	4610	4010
Local Preference	5478	5465			

Interview Evaluation

Evaluation Committee	Surroundings Studio	Design Office
Mary MacDonald	870	865
David Pfeifer	780	715
John Romero	840	785
Robert Siqueros	830	855
Ben Gurule	940	855
Total	4260	4075
Local Preference	4686	4482.5

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JANUARY 7, 2013**

ITEM 8

CIP #474B – SOUTHWEST ACTIVITY NODE PARK – PHASE I

- REQUEST FOR APPROVAL OF AWARD OF RFP #13/06/P, APPROVAL OF THE AGREEMENT BETWEEN OWNER AND LANDSCAPE ARCHITECT, SURROUNDINGS STUDIO LLC., IN THE AMOUNT OF \$538,173.31 (MARY MACDONALD)

PUBLIC WORKS COMMITTEE ACTION: Approved with corrected memo with revised amounts which was passed out at meeting. The correct contract sum is \$496,921.42 with an additional \$4,000 in contingency for a total of \$500,921.42.

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	Excused		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

City of Santa Fe, New Mexico

memo

DATE: January 7, 2013

TO: Public Works, CIP, Land Use Committee

VIA:


Isaac J. Pino, P.E., Public Works Department Director

David Pfeifer, Facilities Division Director 

FROM: Mary MacDonald, Project Administrator, Facilities Development Section *mm*

ISSUE: CIP Project # 474B, Southwest Activity Node Park – Phase I
Award of RFP # '13/06/P (Exhibit A)
Approval of Agreement Between Owner & Landscape Architect (Exhibit B)
SURROUNDINGS STUDIO LLC

Fee	\$ 420,015.00
NMGRT (0.081875)	\$ 34,388.73
Total Basic Fee	\$ 454,403.73
Reimbursable Expenses	\$ 42,517.69
Total Contract Sum	\$ 496,921.42

SUMMARY:

In September, 2009 the City Council approved Resolution 2009-86, authorizing the development of Southwest Activity Node (SWAN) Park, a new regional park. The park will be located in the southwest area of Tierra Contenta subdivision, east of Veterans Memorial Highway (NM 599), and south of Jaguar Dr. A Master Plan was completed and approved by the City of Santa Fe in 2011. In February, 2012, the voters approved the 2012 General Obligation Bond, which included \$500,000 for design and \$5,000,000 for construction of the first phase of park development.

The Request For Proposals (RFP '13/06/P) for SWAN Park Phase I design services was advertised on August 30, 2012. Five proposals for design services were received on October 1, 2012. These proposals were evaluated and interviews held with the two firms who received the highest initial scores. The final scores for the two firms were as follows:

Surroundings Studio LLC/Wilson & Co.: 4686
Design Office LLC/Wenk Associates/Wilson & Co.: 4482.5

Refer to Exhibit B, the Written Evaluation & Interview Proposal Scores.

PROJECT SCOPE:

Design SWAN Park Phase I development; refer to Exhibit C, a map showing the park area and elements included in Phase I. Also included in the design scope of work is coordination with private developers, Tierra Contenta Corporation, geological sampling and testing, all environmental and permitting agencies, and obtaining the required permits. (The regulatory work is included in the reimbursable amount.) Construction phase design services is not included in the scope of work.

PROJECT SCHEDULE:

Recommendation of Award to Finance Committee:	Jan. 8, 2013
Recommendation of Award to City Council:	Jan. 9, 2013
Notice to Proceed with Design:	Jan. 17, 2013
Advertise for Construction Bids (estimated)	August, 2013

PROJECT BUDGET:

Funds in the amount of \$500,921.42 are required to award this contract: \$496,921.42 is the amount of the contract, including tax, plus a design contingency of in the amount of \$4,000.00 is being requested. The required amount, \$500,921.42, is available in Business Unit 32814 (SW Activity Node) as follows:

Line item 572960 WIP Design (from impact fees):	\$1,341.00
Line item 572960.0108400 WIP Design (from Park Bond '08):	\$377,890.00
Line item 572960.0110400 WIP Design (from Park Bond '10):	<u>\$121,860.00</u>
	\$501,091.00

The Summary of Contracts form is attached (Exhibit D).

ACTION:

Please recommend to the Finance Committee and City Council, approval of Award of RFP No. '13/06/P, the Agreement Between Owner and Landscape Architect with Surroundings Studio LLC, Exhibit A, in the amount of \$496,921.42, and approval of the design contingency in the amount of \$4,000.00.

Exhibits: "A" Agreement
 "B" Proposal Interview Scores
 "C" SWAN Park Phase I park elements
 "D" Summary of Contracts form

xc: Ben Gurule, Parks Division Director
 Shirley Rodriguez, Purchasing Division
 Project/book file

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-__

INTRODUCED BY:

Councilor Patti Bushee

AN ORDINANCE

RELATED TO COMMUNITY WORKFORCE AGREEMENTS ("CWAs"); AMENDING
SUBSECTIONS 28.8.1 AND 28.8.2 OF THE CITY OF SANTA FE PURCHASING MANUAL
("PURCHASING MANUAL") TO RAISE THE THRESHOLD FOR CWA PROJECTS
FROM \$500,000 TO \$1,500,000; AMENDING SUBSECTION 28.8.3 AND CREATING A NEW
SUBSECTION 28.8.4 TO INCORPORATE MANDATORY TERMS INTO CWAs SO THAT
100% OF SANTA FE RESIDENTS, IF AVAILABLE, ARE HIRED AND TO REQUIRE, IF
BENEFITS ARE PROVIDED, THAT SUCH BENEFITS BE EXTENDED TO DOMESTIC
PARTNERS.

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

Section 1. Subsection 28.8.1 of the Purchasing Manual (being Ord. #2012-12, §1) is
amended to read:

28.8.1 Legislative Findings. The Governing Body finds that:

- (1) The use of community workforce agreements for construction projects in excess
of [\$500,000] \$1,500,000, is in the best interest of the City, in building large

capital outlay projects funded by Gross Receipts Tax and General Obligation bonds.

(2) Community workforce agreements will ensure that:

- (a) Time schedules are met for large-scale construction projects;
- (b) Large-scale construction projects will be completed with highly qualified workers;
- (c) The project will meet the highest standards of safety and quality;
- (d) There are peaceful, orderly, and mutually binding procedures for resolving labor issues to:
 - (i) Avoid labor conflicts; and
 - (ii) Promote overall stability throughout the duration of the project by providing legally enforceable guarantees that the projects will be carried out in an orderly and timely manner without strikes, lockouts, or slowdowns in light of complex project elements and diversity or numerosity of contractors.

(3) Community workforce agreements will allow the City to more accurately predict the costs of large-scale construction projects and ensure fair and reasonable working conditions for all workers for large-scale City construction projects.

Section 2. Subsection 28.8.2 of the Purchasing Manual (being Ord. #2012-12, §1) is amended to read:

28.8.2 Applicability; Contracts Over ~~[\$500,000]~~ \$1,500,000. Public works Construction contracts in excess of ~~[\$500,000]~~ \$1,500,000 shall be governed by a Community Workforce Agreement ("CWA") and shall be known as "Covered Projects."

Section 3. Subsection 28.8.4 of the Purchasing Manual (being Ord. #2012-12, §1) is amended to read:

1 **28.8.[4]3 Variable Terms.** The terms of any construction project CWA may vary in accordance
2 with the scope, duration, cost, or other characteristics of any Covered Project and such
3 terms shall be determined by the City in any Invitation for Bid Packet on a project-by-
4 project basis. Provided, however, that any CWA shall incorporate terms to promote the
5 following objectives:

- 6 (1) Make available a ready and adequate supply of highly trained and skilled trade
7 and craft workers;
- 8 (2) Accurately determine project labor costs at the outset of any construction project;
- 9 (3) Establish working conditions for all construction trades and crafts for the
10 duration of the project;
- 11 (4) Negotiate legally enforceable commitments with all parties to a construction
12 project to ensure labor stability and labor peace over the life of the project;
- 13 (5) Facilitate increases in the number of trained and skilled local construction
14 workers through cooperative procedures and apprenticeship programs; and
- 15 (6) Promote the hiring of local subcontractors in the construction of large-scale
16 public works projects funded by gross receipts tax and general obligation bonds.
- 17 ~~[(7) Strive to develop a local workforce and use at least fifty percent (50%) of local~~
18 ~~workers in public works projects.]~~

19 **Section 4. A new Subsection 28.8.4 of the Purchasing Manual is ordained to read:**

20 **28.8.4 [NEW MATERIAL] Mandatory Terms.** Every CWA shall include the following terms:

- 21 (1) With the goal of hiring a 100% Santa Fe County resident work-force, the
22 percentage for local subcontractor preference shall be based on the amount of
23 work to be performed by the various subcontractors. Qualified local
24 subcontractors are defined the Purchasing Manual § 15.4.6.
- 25 (2) To the extent that benefits are provided, such benefits shall be extended to

1 domestic partners.

2 APPROVED AS TO FORM:

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5 GENO ZAMORA, CITY ATTORNEY

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25 CAO/M/Melissa/Bills 2013/CWA Substitute (\$1_5k)

City of Santa Fe Lodging Tax Report For the Month of December 2012										
4% Lodging Tax										
Month	Fiscal Year 2008-2009	% Gain/Loss	Fiscal Year 2009-2010	% Gain/Loss	Fiscal Year 2010-2011	% Gain/Loss	Fiscal Year 2011-2012	Monthly % Gain/Loss	Fiscal Year 2012-2013	Monthly % Gain/Loss
July	\$ 474,642	2.49%	\$ 368,059	-22.46%	\$ 466,349	27%	\$ 429,660	-8%	\$ 541,735	26%
August	\$ 578,255	3.03%	\$ 508,480	-12.07%	\$ 559,878	10.11%	\$ 584,497	4%	\$ 536,103	-8%
September	\$ 655,056	34.15%	\$ 604,580	-7.71%	\$ 621,818	2.85%	\$ 587,900	-5%	\$ 608,861	4%
October	\$ 477,328	-34.34%	\$ 420,868	-11.83%	\$ 417,264	-0.86%	\$ 457,746	10%	\$ 461,151	1%
November	\$ 364,609	-30.31%	\$ 400,356	9.80%	\$ 489,309	22.22%	\$ 447,667	-9%	\$ 450,359	1%
December	\$ 374,153	67.69%	\$ 229,101	-38.77%	\$ 234,852	2.51%	\$ 223,558	-5%	\$ 261,800	17%
January	\$ 184,871	-53.42%	\$ 268,342	45.15%	\$ 260,667	-2.86%	\$ 275,908	6%	\$ -	-100%
February	\$ 222,910	-10.69%	\$ 167,499	-24.86%	\$ 201,287	20.17%	\$ 184,248	-8%	\$ -	-100%
March	\$ 235,832	11.17%	\$ 200,011	-15.19%	\$ 198,305	-0.85%	\$ 167,482	-16%	\$ -	-100%
April	\$ 224,625	-41.67%	\$ 306,086	36.27%	\$ 285,430	-6.75%	\$ 276,748	-3%	\$ -	-100%
May	\$ 296,021	-14.32%	\$ 275,292	-7.00%	\$ 265,120	-3.69%	\$ 263,949	0%	\$ -	-100%
June	\$ 409,259	-9.44%	\$ 384,175	-6.13%	\$ 349,553	-9.01%	\$ 481,800	38%	\$ -	-100%
Fiscal Year Totals	\$ 4,497,561	-10.53%	\$ 4,132,849	-13.43%	\$ 4,349,832	5.25%	\$ 4,381,163		\$ 2,860,009	
Cumulative Months										
July - December Totals	\$ 2,924,043		\$ 2,531,444	-13.43%	\$ 2,789,470	10.19%	\$ 2,731,028	-2.10%	\$ 2,860,009	4.72%
Convention Center 3% Lodgers Tax										
Month	Fiscal Year 2008-2009	% Gain/Loss	Fiscal Year 2009-2010	% Gain/Loss	Fiscal Year 2010-2011	% Gain/Loss	Fiscal Year 2011-2012	Monthly % Gain/Loss	Fiscal Year 2012-2013	Monthly % Gain/Loss
July	\$ 355,983	2.49%	\$ 276,043	-22.46%	\$ 349,762	27%	\$ 322,245	-8%	\$ 406,301	26%
August	\$ 433,691	3.03%	\$ 381,360	-12.07%	\$ 419,908	10.11%	\$ 438,373	4%	\$ 402,077	-8%
September	\$ 491,292	34.15%	\$ 453,435	-7.71%	\$ 466,364	2.85%	\$ 440,925	-5%	\$ 456,646	4%
October	\$ 357,996	-34.34%	\$ 315,651	-11.83%	\$ 312,948	-0.86%	\$ 343,310	10%	\$ 345,863	1%
November	\$ 273,456	-30.31%	\$ 300,267	9.80%	\$ 366,982	22.22%	\$ 335,750	-9%	\$ 337,769	1%
December	\$ 280,614	67.69%	\$ 171,826	-38.77%	\$ 176,141	2.51%	\$ 167,668	-5%	\$ 196,350	17%
January	\$ 138,653	-53.42%	\$ 201,256	45.15%	\$ 195,500	-2.86%	\$ 206,931	6%	\$ -	-100%
February	\$ 167,182	-10.69%	\$ 125,624	-24.86%	\$ 150,965	20.17%	\$ 138,186	-8%	\$ -	-100%
March	\$ 176,874	11.17%	\$ 150,008	-15.19%	\$ 148,729	-0.85%	\$ 125,611	-16%	\$ -	-100%
April	\$ 168,469	-41.67%	\$ 229,566	36.27%	\$ 214,072	-6.75%	\$ 207,561	-3%	\$ -	-100%
May	\$ 222,016	-14.32%	\$ 206,469	-7.00%	\$ 198,840	-3.69%	\$ 197,961	0%	\$ -	-100%
June	\$ 306,944	-9.44%	\$ 288,131	-6.13%	\$ 262,165	-9.01%	\$ 361,350	38%	\$ -	-100%
Fiscal Year Totals	\$ 3,373,170	-10.53%	\$ 3,099,636	-8.11%	\$ 3,262,376	5.25%	\$ 3,285,871		\$ 2,145,007	
Cumulative Months										
July - December Totals	\$ 2,193,032		\$ 1,898,582	-13.43%	\$ 2,092,105	10.19%	\$ 2,048,271	-2.10%	\$ 2,145,007	4.72%
Fiscal Year Comparison										
Combined Total 4%+3% Fiscal Year Total	2008-2009 \$ 7,870,731	-10.53%	2009-2010 \$ 7,232,485	-8.11%	2010-2011 \$ 7,612,208	5.25%	2011-2012 \$ 7,667,034	0.72%	2012-2013 \$ 5,005,015	
Current Year to Date Comparison to Prior Year to Date										
July - December 2012	2008-2009 \$ 5,117,075		2009-2010 \$ 4,430,026	-13.43%	2010-2011 \$ 4,881,575	10.19%	2011-2012 \$ 4,779,299	-2.10%	2012-2013 \$ 5,005,015	4.72%

Exhibit 1171