



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 22, 2013 – 5:00 P.M.

1. CALL TO ORDER

CITY CLERK'S OFFICE

2. ROLL CALL

DATE 1/18/13 TIME 1:15pm

3. APPROVAL OF AGENDA

SERVED BY Yolanda Green

4. APPROVAL OF CONSENT AGENDA

RECEIVED BY [Signature]

5. APPROVAL OF MINUTES:

Regular Finance Committee Meeting – January 8, 2012

CONSENT AGENDA

6. Request for Approval of Procurement under State Price Agreement – Four (4) Public Safety Aide Vehicles for Police Department; Don Chalmers Ford. (Capitan Schaerfl)

7. Santa Fe Trails - Transit Division. (Jon Bulthuis)

A. Request for Approval of Procurement under Cooperative Price Agreement – Five (5) Gillig CNG 35' Buses for Santa Fe Trails Operations; Federal Transit Administration Grant

B. Request for Approval of Staff Expansion – Two (2) Temporary Paratransit Operator Positions for Santa Fe Ride Operations; Federal Transit Administration Grant

C. Request for Approval of Budget Increase – Grant Fund

8. Request for Approval of Amendment No. 2 to Professional Services Agreement – Additional Services for Santa Fe River Park and Santa Fe River Channel Repairs and Improvements; Office of Archaeological Studies. (Brian Drypolcher)

9. Request for Approval of City of Santa Fe List of Projects – Santa Fe Metropolitan Planning Organization Call for Projects, Federal FY 2014-2017 Transportation Improvement Program. (Eric Martinez)

10. Request for Approval of a Resolution Relating to a Request for Approval of Second Quarter (Midyear) Budget Adjustments for Fiscal year 2012/2013 ending December 31, 2012. (Cal Probasco)



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 22, 2013 – 5:00 P.M.

11. Request for Approval of a Resolution Directing Staff to Work with the Public Service Company of New Mexico and the New Mexico Public Regulation Commission to Implement a Community Solar Program for Santa Fe. (Councilor Bushee) (Nick Schiavo)

Committee Review:

Public Utilities (approved)	01/02/13
Public Works (approved)	01/07/13
City Council (scheduled)	01/30/13

Fiscal Impact – No

12. Request for Approval of a Resolution Urging the New Mexico State Legislature, During the 2013 Session to Pass a Budget for the Interstate Stream Commission that Includes a Recurring Budget Item of an Additional \$400,000 for the Update of Four Regional Water Plans Each Year. (Councilor Calvert) (Claudia Borchert)

Committee Review:

City Council (scheduled)	01/30/13
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Fiscal Impact – No

13. Request for Approval of an Ordinance Relating to the Voluntary River Conservation Fund, Article 25-8 SFCC 1987; Amending Section 25-8.2 SFCC 1987 to Expand the Use of the Donated Funds to Include Projects that will Improve the Flow of Water in the Santa Fe River in ways that Enhance the Ecosystems of the Santa Fe River and its Riparian Corridor. (Mayor Coss) (Brian Drypolcher)

Committee Review:

Public Utilities (approved)	01/02/13
Public Works (approved)	01/07/13
City Council (request to publish)	01/30/13
City Council (public hearing)	02/27/13

Fiscal Impact – No

14. Request for Approval of a Resolution Supporting Proposed State Legislation, Senate Bill 13 ("SB 13"), Relating; to Reducing Corporate Income Tax Rates; and Requiring Combined Reporting for Certain Unitary Corporations. (Councilors Bushee and Wurzbarger)



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
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Committee Review:

City Council (scheduled)

1/30/13

Fiscal Impact – No

15. Request for Approval of a Resolution Supporting Proposed State Legislation, Senate Bill 18 ("SB 18"), Relating to the Labeling of Food and Commercial Feed that Contains Genetically Modified Material. (Councilor Bushee)

Committee Review:

City Council (scheduled)

01/30/13

Fiscal Impact – No

16. Request for Approval of a Resolution Supporting Proposed State Legislation, Senate Bill 15 ("SB 15"), Relating to Campaign Finance. (Councilor Bushee)

Committee Review:

City Council (scheduled)

01/30/13

Fiscal Impact – No

17. Request for Approval of an Ordinance Relating to the City Water Budget Ordinance, Article 25-9 SFCC 1987; Amending Section 25-9.5 to designate the 12 Month Evaluation of the City's Total Water System Supply and Total Water System Demand be from January 1 to December 31. (Councilor Calvert) (Alan Hook)

Committee Review:

Public Utilities (approved)

01/02/13

Public Works (approved)

01/07/13

City Council (request to publish)

01/30/13

City Council (public hearing)

02/27/13

Fiscal Impact – No

18. Request for Approval of an Ordinance Related to the City of Santa Fe Uniform Traffic Ordinance; Amending Schedule A, Section 2, Penalty Assessment Misdemeanor Schedule to Change the Penalty Assessment for "Jaywalking" from \$25.00 to \$150.00. (Councilor Trujillo) (Alfred Walker)



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 22, 2013 – 5:00 P.M.

Committee Review:

Public Safety (approved)	11/20/02
Finance (remanded to Public Works)	12/03/12
Public Works (cancelled)	12/10/12
Public Works (forwarded to Public Safety)	01/07/13
Public Safety (approved)	01/15/13
City Council (request to publish)	01/30/13
City Council (public hearing)	02/27/13

Fiscal Impact – No

19. 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 Intentional Possession of Marijuana and Synthetic Cannabinoids. (Councilors Trujillo and Rivera) (Alfred Walker)

Committee Review:

Public Safety (approved)	11/20/12
Finance Committee (postponed)	12/03/12
Finance Committee (postponed)	01/08/13
City Council (request to publish)	01/30/13
City Council (public hearing)	02/27/13

Fiscal Impact – No

END OF CONSENT AGENDA

DISCUSSION

20. 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)

Committee Review:

City Business & Quality of Life (approved)	11/13/12
Public Works (approved)	11/13/12



Agenda

**FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 22, 2013 – 5:00 P.M.**

Finance Committee (cancelled)	11/19/12
Finance Committee (postponed)	12/03/12
Finance Committee (postponed)	01/08/13
City Council (scheduled)	01/30/13

Fiscal Impact – No

21. 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 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
Finance Committee (postponed)	01/08/13
City Council (request to publish)	01/30/13
City Council (public hearing)	02/27/13

Fiscal Impact – No

22. Request for Approval of an Ordinance Related to Community Workforce Agreements ("CWAs"); Amending Subsection 28.8 of the City of Santa Fe Purchasing Manual to Raise the Threshold for CWA Projects from \$500,000 to \$1,500,000; to Incorporate Mandatory Terms with the Goal of Hiring 100% of Santa Fe County Residents and to Require that Necessary Benefits be Provided for Workers and Their Domestic Partners. (Councilor Bushee) (Nick Schiavo and Robert Rodarte)

Committee Review:

Public Works (scheduled)	01/28/13
City Council (request to publish)	01/30/13
City Council (public hearing)	02/27/13

Fiscal Impact – No



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 22, 2013 – 5:00 P.M.

23. Discussion on Draft Reclaimed Wastewater Resource Plan (RWRP). (Claudia Borchert)
24. Request for Approval of 2012 General Obligation Bond Parks & Trails Implementation Plan. (Eric Martinez and Ben Gurule)
25. OTHER FINANCIAL INFORMATION:
 - A. Update on Upcoming Public Works Bids. (Robert Rodarte)
 - B. Update on Gross Receipts Tax Report received in January 2013 (for November 2012 activity) and Lodgers' Tax Report received in January 2013 (for December 2012 activity). (Dr. Melville Morgan)
26. MATTERS FROM THE COMMITTEE
27. ADJOURN

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

SUMMARY OF ACTION
FINANCE COMMITTEE MEETING
Tuesday, January 22, 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 – JANUARY 8, 2013	Approved	4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FOUR (4) PUBLIC SAFETY AIDE VEHICLES FOR POLICE DEPARTMENT; DON CHALMERS FORD	Approved	4-5
REQUEST FOR APPROVAL OF AN ORDINANCE RELATED TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE; AMENDING SCHEDULE A, SECTION 2, PENALTY ASSESSMENT MISDEMEANOR SCHEDULE TO CHANGE THE PENALTY ASSESSMENT FOR “JAYWALKING” FROM \$25.00 TO \$150.00	Approved	5-7
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 INTENTIONAL POSSESSION OF MARIJUANA AND SYNTHETIC CANNABINOIDS	Approved	7-10

END OF CONSENT CALENDAR DISCUSSION		

ITEM**ACTION****PAGE****DISCUSSION**

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

Removed from the agenda

10

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 02/04/2013

10-11

REQUEST FOR APPROVAL OF AN ORDINANCE RELATED TO COMMUNITY WORKFORCE AGREEMENTS ("CWAs"); AMENDING SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL TO RAISE THE THRESHOLD FOR CWA PROJECTS FROM \$500,000 TO \$1,500,000; TO INCORPORATE MANDATORY TERMS WITH THE GOAL OF HIRING 100% OF SANTA FE COUNTY RESIDENTS AND TO REQUIRE THAT NECESSARY BENEFITS BE PROVIDED FOR WORKERS AND THEIR DOMESTIC PARTNERS

Approved a/a

22-24

DISCUSSION ON DRAFT RECLAIMED WASTEWATER RESOURCE PLAN (RWRP)

Information/discussion

24-29

REQUEST FOR APPROVAL OF 2012 GENERAL OBLIGATION BOND PARKS & TRAILS IMPLEMENTATION PLAN

Approved

29-38

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE**
Tuesday, January 22, 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 22, 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
Councilor Peter N. Ives

OTHER GOVERNING BODY MEMBERS IN ATTENDANCE:

Councilor Rebecca Wurzbarger

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

Councilor Ives said the sponsors would like to pull Item #20.

Chair Dominguez said this item will be heard at Council, because it was approved by the Public Works Committee.

Councilor Bushee said she understands there is a major amendment to Item #20.

Councilor Wurzbarger responded, "You don't see it do you."

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

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

4. APPROVAL OF CONSENT AGENDA

Councilor Bushee asked to be added as a cosponsor of Items #12, #13 and #19.

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

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

CONSENT AGENDA

6. *[Removed for discussion by Councilor Dimas]*

7. SANTA FE TRAILS – TRANSIT DIVISION. (JON BULTHUIS)

- A. REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – FIVE (5) GILLIG CNG 35' BUSES FOR SANTA FE TRAILS OPERATIONS; FEDERAL TRANSIT ADMINISTRATION GRANT.**
- B. REQUEST FOR APPROVAL OF STAFF EXPANSION – TWO (2) TEMPORARY PARATRANSIT OPERATOR POSITIONS FOR SANTA FE RIDE OPERATIONS; FEDERAL TRANSIT ADMINISTRATION GRANT.**
- C. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

8. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – ADDITIONAL SERVICES FOR SANTA FE RIVER PARK AND SANTA FE RIVER CHANNEL REPAIRS AND IMPROVEMENTS; OFFICE OF ARCHAEOLOGICAL STUDIES. (BRIAN DRYPOLCHER)

9. REQUEST FOR APPROVAL OF SANTA FE LIST OF PROJECTS – SANTA FE METROPOLITAN PLANNING ORGANIZATION CALL FOR PROJECTS, FEDERAL FY 2014-2017 TRANSPORTATION IMPROVEMENT PROGRAM. (ERIC MARTINEZ)

10. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF SECOND QUARTER (MIDYEAR) BUDGET ADJUSTMENTS FOR FISCAL YEAR 2012/203 ENDING DECEMBER 31, 2012. (CAL PROBASCO)
11. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO WORK WITH THE PUBLIC SERVICE COMPANY OF NEW MEXICO AND THE NEW MEXICO PUBLIC REGULATION COMMISSION TO IMPLEMENT A COMMUNITY SOLAR PROGRAM FOR SANTA FE (COUNCILOR BUSHEE). (NICK SCHIAVO). Committee Review: Public Utilities (approved) 01/02/13; Public Works (approved) 01/0/13; and City Council (scheduled) 01/30/13. Fiscal Impact – No.
12. REQUEST FOR APPROVAL OF A RESOLUTION URGING THE NEW MEXICO STATE LEGISLATURE, DURING THE 2013 SESSION, TO PASS A BUDGET FOR THE INTERSTATE STREAM COMMISSION THAT INCLUDES A RECURRING BUDGET ITEM OF AN ADDITIONAL \$500,000 FOR THE UPDATE OF FOUR REGIONAL WATER PLANS EACH YEAR (COUNCILOR CALVERT & COUNCILOR BUSHEE). (CLAUDIA BORCHERT) . Committee Review: City Council (scheduled) 01/30/13. Fiscal Impact – No.
13. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE VOLUNTARY RIVER CONSERVATION FUND, ARTICLE 25-8 SFCC 1987; AMENDING SECTION 25-8.2 SFCC 1987, TO EXPAND THE USE OF THE DONATED FUNDS TO INCLUDE PROJECTS THAT WILL IMPROVE THE FLOW OF WATER IN THE SANTA FE RIVER IN WAYS THAT ENHANCE THE ECOSYSTEMS OF THE SANTA FE RIVER AND ITS RIPARIAN CORRIDOR (MAYOR COSS & COUNCILOR BUSHEE). (BRIAN DRYPOLCHER). Committee Review: Public Utilities (approved) 01/02/03; Public Works (approved) 01/07/13; City Council (request to publish) 01/30/13; and City Council (public hearing) 02/27/13. Fiscal Impact – No.
14. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 13 ("SB 23") RELATING TO REDUCING CORPORATE INCOME TAX RATES; AND REQUIRING COMBINED REPORTING FOR CERTAIN UNITARY CORPORATIONS (COUNCILORS BUSHEE AND WURZBURGER). Committee Review: City Council (scheduled) 01/30/13. Fiscal Impact – No.
15. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 18 ("SB 18") RELATING TO THE LABELING OF FOOD AND COMMERCIAL FEED THAT CONTAINS GENETICALLY MODIFIED MATERIAL (COUNCILOR BUSHEE). Committee Review: City Council (scheduled) 01/30/13. Fiscal Impact – No.
16. REQUEST FOR APPROVAL OF APPROVAL OF A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 15 ("SB 15") RELATING TO CAMPAIGN FINANCE (COUNCILOR BUSHEE). Committee Review: City Council (scheduled) 01/30/13). Fiscal Impact – No.

17. **REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE CITY WATER BUDGET ORDINANCE, ARTICLE 25-9 SFCC 1987; AMENDING SECTION 25-9.5 TO DESIGNATE THE 12 MONTH EVALUATION OF THE CITY'S TOTAL WATER SYSTEM SUPPLY AND TOTAL WATER SYSTEM DEMAND BE FROM JANUARY 1 TO DECEMBER 31 (COUNCILOR CALVERT). (ALAN HOOK). Committee Review: Public Utilities (approved) 01/02/03; Public Works (approved) 01/07/13; City Council (request to publish) 01/30/13; and City Council (public hearing) 02/27/13. Fiscal Impact – No.**

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

19. *[Removed by Councilor Calvert]*

END OF CONSENT AGENDA

5. APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MEETING – JANUARY 8, 2013.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve the minutes of the Regular Finance Committee Meeting of January 8, 2013, as presented.

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

CONSENT CALENDAR DISCUSSION

6. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FOUR (4) PUBLIC SAFETY AIDE VEHICLES FOR POLICE DEPARTMENT; DON CHALMERS FORD. (CAPTAIN SCHAERFL)

Councilor Dimas said he pulled this item because he has questions. He said in the Memo and on the Agenda, it states that this is for 4 vehicles at \$26,117, for a total of \$104,468. He said the second part says a Police Training Vehicle 1.5 ton for \$28,000. He asked, 'What is it. What's going on and why isn't there any other information in our packets about what this is because to me, that tells me there's 5 vehicles, not 4.'

Mr. Rodarte said, "What I did there, is I identified the amount of funding that's available on these lines. It is not for an additional vehicle. The is \$100,000 in the first Business Unit 12188, and \$28,000 available for this purchase of \$104,000. All I was doing there was identifying how much money they had available. I guess I can expand that out to clarify a little better. It's just available funds."

Councilor Dimas said it is somewhat confusing.

Mr. Rodarte said if approved he will make modifications to the memo to better explain the funding source.

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

DISCUSSION: Chair Dominguez said then basically, you are saying you will use \$104,468 out of that, and Mr. Rodarte said yes. Chair Dominguez to asked him to articulate that by Council so there are no questions.

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

- 18. REQUEST FOR APPROVAL OF AN ORDINANCE RELATED TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE; AMENDING SCHEDULE A, SECTION 2, PENALTY ASSESSMENT MISDEMEANOR SCHEDULE TO CHANGE THE PENALTY ASSESSMENT FOR "JAYWALKING" FROM \$25.00 TO \$150.00 (COUNCILOR TRUJILLO). (ALFRED WALKER)**
Committee Review: Public Safety (approved) 11/20/02; Finance (remanded to Public Works) 12/03/12; Public Works (canceled) 12/10/12; Public Works (forwarded to Public Safety) 01/07/13; Public Safety (approved) 01/15/13; City Council (request to publish) 01/30/13; and City Council (public hearing) 02/27/13. Fiscal Impact – No.

Councilor Bushee said she understands the bill increases the penalty for jaywalking to \$150, which is better than the "three hundred and some" discussed originally. She said this hasn't been a priority of any of her constituents, and believes we should spend more time making Santa Fe more pedestrian friendly. She understands this has been encouraged by the Municipal Judge. She said she hasn't seen a rash of jaywalking concerns. She said she pulled this item to vote against it because it was on consent.

Councilor Calvert agreed. He said he doesn't see this as a priority. He suggested we could accomplish the same thing with the existing ordinance and just direct Police to pay particular attention to busy streets like Cerrillos and St. Francis and St. Michaels, commenting there have been problems with pedestrians being hit. He doesn't see us enforcing this City-wide. He said if we enforce it downtown and around the Plaza we will be mainly citing tourists, and questioned if this is what we want to do. He said one of the rationales for increasing the fine was to get the attention of the public. However, he thinks those cited will be those who can least able to afford it. He believes a \$25 will get their attention. He doesn't want to come down so hard it will take the food out of somebody's mouth. He said even if it is passed, we won't have even enforcement.

Councilor Calvert said, "What we really want is, there are certain streets that, and again, I think we suggested this last time at Finance, and I think Councilor Trujillo and the Public Safety Committee picked up on it, is there needs to be more study of crosswalks and timing of lights and things like that before we move forward. So, I don't think I can support this either. I think we can accomplish this with not such a heavy hand."

Councilor Dimas said he believes the intent was good, but the fine is a little steep. He agrees with Councilor Calvert that it should be \$25, which he believes will get their attention. However, he probably would support this if the fine was \$25.

Councilor Calvert said the current fine is \$25.

Councilor Dimas said he thinks the intent was to start enforcing jaywalking a little more. He said he wouldn't like to see police officers enforcing jaywalking when they are needed so badly elsewhere. He said if it was up to him, we would be taking the drug dealers off the streets and taking people with addiction off the streets and putting them into treatment, so we can start lowering our crime rate in Santa Fe, which is "off the roof."

Councilor Calvert said he totally agrees with Councilor Dimas, in that he would rather see police patrolling the neighborhoods and stopping the break-ins to feed drug habits. He said they can enforce these kinds of things as they present themselves to the Police.

Councilor Bushee said she believes the current jaywalking fine is adequate, but is concerned about the cost to the Police Department to enforce it. She said if the Judge is concerned that there is a real problem, she believes we're going at this the wrong way by creating a penalty for a problem that perhaps doesn't exist to the level of the penalty. She doesn't want to see the added task given to the Police as a priority. The other thing, is the unknowing tourist trying to get across various parts of the Plaza which was hit by someone speeding and drinking alcohol. On Cerrillos Road, the problem often has stemmed from inebriated individuals. She would like to expand programs to resolve this problem, commenting she thinks perhaps this is a solution looking for a problem and doesn't see it as a priority.

Councilor Ives said he would reiterate point that Judge Yalman indicated over a 3-year period, there had been 37 valid jaywalking citations, roughly 1 a month. He agrees with the statement if the desire is to prevent jaywalking by people who inebriated, that this will have little impact on that. He thinks the bill is a bit of overkill, not necessary and perhaps not the best use of Police resources.

Chair Dominguez said for him it is enforcement, noting on any Wednesday night after Council you can find a bunch of City Councilors jaywalking. He said the other is education which he thinks is worthy of attention, and that is to educate the public as best we can about the reason for jaywalking laws, although we aren't there yet. He said maybe the intent is to educate through penalties, but he would suggest that we have an educational component before we increase the penalty.

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

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

Councilor Dimas said this will be going to the City Council because it was approved by the Public Safety Committee.

Chair Dominguez said it was moved forward by Public Works w/o recommendation.

Councilor Calvert doesn't believe that approval counts. He said it has to have an affirmative vote by one of the Council Committees.

Kelley Brennan said it has to be approved by one of the Council Committees.

Councilor Calvert said Public Safety doesn't fit that definition.

Ms. Brennan said that is correct, it's not a Council Committee.

Chair Dominguez asked staff to let the sponsors know, and said, "We'll see what happens between now and Council."

- 19. 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 INTENTIONAL POSSESSION OF MARIJUANA AND SYNTHETIC CANNABINOIDS (COUNCILORS TRUJILLO AND RIVERA AND BUSHEE). (ALFRED WALKER). Committee Review: Public Safety (approved) 11/20/12; Finance Committee (postponed) 12/03/12; Finance Committee (postponed) 01/08/13; City Council (request to publish) 01/30/13; and City Council (public hearing) 02/27/13. Fiscal Impact – No.**

Councilor Calvert said he recalls the discussion we had last time on this item, and we were trying to avoid Albuquerque's pitfalls with a similar ordinance. He said Councilor Dimas suggested that we beef up the language on intent, and he is unsure if we have done that enough or not. He said the bill says, "It is unlawful for a person intentionally to possess 1 ounce or less of synthetic cannabinoids for the purpose of causing a condition or inducing symptoms of..." and it goes on to list those. He asked if this provision addresses what they wanted it to do.

Ms. Brennan said Mr. Walker is out sick today, so she is pinch-hitting. She said she understands that he believes that this covers the concerns that were raised. She has read the minutes and the other information in the packet and thinks it does. She said she glanced at the Controlled Substances Act, and it seemed to mesh well with that as well. She said the problem in Albuquerque is that, by their ordinance, they were trying to capture specific items, and this is where this ordinance started out. And by generalizing it, it allows a much more inclusive group of chemicals to be reached.

Councilor Calvert asked, when synthetic cannabinoids are mentioned in the Ordinance, do we need to define it, or does it explain itself – from a legal standpoint do we need to give some definition to it.

Ms. Brennan said it is defined in the State Controlled Substances Act very thoroughly.

Councilor Calvert said "very thoroughly" is not where the problem comes in, because that's where Albuquerque has had problems and they just keep changing the chemicals. He asked if the State Act lists specific chemicals.

Ms. Brennan said the State Controlled Substances Act lists specific chemicals in each class, and then it also includes synthetics that mimic the effects of those. It is hard to imagine that it could capture a broader group.

Councilor Calvert said he is trying to make sure that we don't have the same problem that Albuquerque is having. He asked if they wouldn't be able to use that same backstop of the State Act.

Ms. Brennan said, "I think that Albuquerque, in their Ordinance specifically defines the chemical cannabinoid. For instance, this Ordinance started out naming Spice and K2, and I think that was the origin of that comment – how do we keep chasing the new chemicals as they're created. And I do think that captures that group of chemicals, plus the new ones, or anything that is composed to create the effect.

Councilor Calvert said that's fine, but we also need to say anything that is a similar chemical compound and has the same effect.

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

DISCUSSION: Councilor Dimas said he agrees with a lot that has been said, he is still a little leery about law enforcement being able to fully enforce this. His understanding from the last discussion is that there really is no way at this time for law enforcement to test for the synthetics.

Ms. Brennan said, "As I recall Councilor, from the minutes, that was true, that they do not carry that testing ability, but whether they could, I don't know."

Councilor Dimas said it's an important question to ask, because we can put laws and ordinances on the books, but if we can't enforce them that's a problem. He said, from his experience as a law enforcement officer and a judge, if you can't prove it in Court, you haven't got a case.

Ms. Brennan said, "That's very true Councilor, and I wish I could answer the question more effectively. I'm not sure, just based on what I've read in a very short period of time, I'm not sure that they could keep up with the way these drugs are manufactured. And it's possible they can, and it's just something the Police Department needs to add to their kit, but I honestly can't answer that question."

Councilor Dimas said, "As they discover one chemical, they're going to start dealing another chemical that will get you just as high as the last one did. So, I'm not real sure how effective this Ordinance will really be if we can't enforce it, and I don't know who can answer that question. I don't know if there's anybody here from law enforcement that can answer that question."

Ms. Brennan said she certainly will ask Mr. Walker to be prepared to answer that question, if this goes forward to Council.

Councilor Dimas said he is in favor of the Ordinance, and thinks it's a good one. However, we need to find out if that's possible before it goes to Council.

Chief Leyba said, "To my understand there currently is no specific testing kit developed for the Spice, but what we can do, and my understanding what other agencies do, is submit it to their crime lab. There is no immediate arrest made on it. And if any of the chemicals that are contained in Spice that are prohibited or identified, then the individual is subsequently charged. That is one possibility. The other is technology is currently evolving and there may be test kits being developed to check for some of the basic components that comprise Spice. The other is an admission. If we stop someone and ask them what it is, they admit that it is, and then obviously we can charge with the violation based on the admission. So there are some possibilities, but to my knowledge, currently there is no one kit that will test all of the prohibited substances contained in Spice."

Councilor Dimas said the problem with the crime lab, is by time you get the results, the 6 month rule is going to run and there won't be a case. He doesn't believe the lab will do it any more quickly than anything else, noting it takes a long time to get important information on DNA.

Chief Leyba said this is correct, and he has no way to predict how long it would take. However, it is his understanding, that this proposed Ordinance was drafted to reflect State Statutes, and would be in line with it.

Chief Leyba said, "I'm sure that admissions also play a role, and probable cause would probably, in conjunction in other situations, it wouldn't be necessarily, stop somebody, say do you have Spice if you find somebody driving a vehicle intoxicated. You have that substance. It may also help in the case of a serious injury and an accident where we find an unknown substance that might be relevant to be tested. So those are possibilities. Obviously, the decision is yours."

Councilor Dimas said admission is always well and good, but "I think we have some very smart crooks out there, and they don't always admit to everything. It's just like DWI. A lot of them have quit saying that they were drinking and refuse to take the alcohol test."

Chief Leyba said that is true, but there are others who will admit, but he can't predict that either.

Councilor Ives said Provision B speaks about possession of an ounce or less of synthetic cannabinoids for the purpose of causing, and then list the various purposes that are prohibited. He said for his edification as we move forward, noting he is in favor of the bill, for what other purposes would a person possess this amount of cannabinoids.

Ms. Brennan said, "I'm afraid you're talking to the wrong person. I don't know. They may have qualities of which we are unaware."

Councilor Ives said part of the reason he asks, is that it does create more of a burden on the police to determine possession, as well as the purpose of possession. He asked if this additional language is critically necessary, based on the experience that Albuquerque has had.

Ms. Brennan said, "I believe that that was a suggestion made by one of our Police Officers at one of the prior meetings, that actually made it more specific, and I believe that language was adopted to address that comment.

Councilor Ives said, "I presume religious use of cannabinoids in appropriate circumstances would nonetheless be excluded according to Supreme Court precedent."

Ms. Brennan said, "I believe that is applicable by State Statutes to peyote, but I don't know if there is yet a religion that is using cannabinoids as part of worship."

Councilor Dimas said, "Just by making that statement, if the press prints that, all these people using it, they'll all of a sudden see God and they'll find a religion and find a religious use for it. I guarantee it. So."

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

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

20. **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) 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; Finance Committee (postponed) 01/08/13; and City Council (scheduled) 01/30/13. Fiscal Impact – No.**

This item was removed from the Agenda at the request of the sponsors.

21. **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, 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; Finance Committee (postponed) 01/08/13; City Council (request to publish) 01/30/13; and City Council (scheduled) 02/27/13. Fiscal Impact – No.

Councilor Ives said when he was asking that items be removed, Item #21 is tied to #20, so he meant to pull both bills.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert to postpone this item to the next meeting of the Committee on February 4, 2013.

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

- 22. REQUEST FOR APPROVAL OF AN ORDINANCE RELATED TO COMMUNITY WORKFORCE AGREEMENTS ("CWAs"); AMENDING SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL TO RAISE THE THRESHOLD FOR CWA PROJECTS FROM \$500,000 TO \$1,500,000; TO INCORPORATE MANDATORY TERMS WITH THE GOAL OF HIRING 100% OF SANTA FE COUNTY RESIDENTS AND TO REQUIRE THAT NECESSARY BENEFITS BE PROVIDED FOR WORKERS AND THEIR DOMESTIC PARTNERS (COUNCILOR BUSHEE). (NICK SCHIAVO AND ROBERT RODARTE). Public Works (scheduled) 01/28/13; City Council (request to publish) 01/30/13; and City Council (public hearing) 02/26/13. Fiscal Impact – No.**

Councilor Bushee said she has been working with staff to get what she intends written in a format which would work legally, and make sense. She said she would like to lower the threshold to \$1 million in the title, and within the bill wherever it is found.

Councilor Bushee said, "For me, this whole discussion has been a little disconcerting. The initial effort that myself and well, at least 3 other sponsors, and at one point 4 other sponsors, had intended to have New Mexico's Economic Development group, BBER, take a look at this, given that we had approved a new law, that we now had conflicting information. Initially, we were told there was zero fiscal impact to the CWA and I believe that was written by our Procurement Officer, Robert Rodarte. And then we had someone who is either a contracted employee, or a subcontractor, I'm not sure, that works with our Economic Department write a very different fiscal impact. And so, after reviewing what we had done, and then actually reading, line-by-line, the agreement that had been written which is far different than the Ordinance, it was clear to me now. And so that everybody really understands, the agreements, again I guess written by one of our City Attorneys, but I think often directed by folks that had brought this initiative forward to the Mayor. I was just mystified to learn that the definition of local that was built into the agreement, yet not in the ordinance, is that local is just if you live in New Mexico."

Councilor Bushee continued, "And so, the concern over time, for all of us up here, I believe, and I'm not going to speak for everybody, was that, you know, there were no real concerns with trying something new that was promised to deliver projects on time, safer, with good wages and good safety records for employees. It was just simply that we were now sending jobs, we were tinkering with the

market place and we were sending jobs to Albuquerque primarily. And it proved to me, at least when I spoke with folks that would show up in the room that belonged to trades, the majority of them lived outside of Santa Fe County. So what this bill attempts to do, is to actually now... and so in the first CWA, you know I put some language in, because that's all the lawyers would let me put in, it said we would strive for 50% of employees that fell under these CWA agreements would be Santa Fe residents. Well, that was very weak language. And then, once you learned that the definition of local was New Mexican, rather than Santa Fean, it got to be even more of a greater concern."

Councilor Bushee continued, "So the language I've got in now, at least so that I'm clear, it does a few things. If you look on page 4 of our packet, or 4 of the Ordinance and 6 of our packet, on line 5, (b) defines, and this is what Councilor Calvert has been doing with his resolution, it defines 'A resident of Santa Fe County shall be defined in accordance with Section 1-1-7 NMSA 1978, and the cases interpreting such provision,' which is part of our Procurement Code, so it reconciles it with that. Item 2, which I know Councilor Calvert would like to have a discussion, and we have the attorneys who wrote this here in this room, is really about our 10% local preference hiring. We though perhaps keeping that in would provide incentive. You know again, I, and again I'll go back to the threshold. My concern at that time, it was not to try to prevent this, because I actually think if it's enforced and written appropriately, it should generate Santa Fe jobs, local jobs. And so that's my hope, so I don't want to see things go away, I want to see them improved."

Councilor Bushee continued, "And so, the threshold, again, I'm certain where the half million dollar threshold came in, but my concern was that there have been promises of apprenticeship programs that would be created. And we already have one connected with the Community College. So I sure hope that somewhere along the line, we're either directing, through these agreement, we're not reinventing the wheel. That we're actually directing them to the program that exists. But the threshold issue for me was that I already know of a few projects. We've got the million dollar, the ARRA road that we just approved. We've got the Railyard project, and I think are several that have gone through Public Works, and we're now starting to flag them here at Finance. My concern was that we were just going to put on paper that we require these jobs be local jobs, and that, oh well, if it doesn't really meet that, and we're going to have a lot of projects come on line all at once and that we were not going to have the trained workforce."

Councilor Bushee continued, "The other thing I learned in this discussion, interviewing from Sean Moody who wrote that Economic report that this would hurt our economy to the tune of up to \$5 million. You know, I learned that we actually don't... and that's why we started with wanting to have BBER or somebody that really is an economist do these kind of studies, so I still have some concerns. We yet.. No one has defined how many workers that live in Santa Fe County belong to unions that are in the trades. And so, I hear anecdotally that in the State it's maybe up to between 5 and 8%. I don't know what that means for Santa Fe County."

Councilor Bushee continued, "The other concern I have, and I don't really know how you mandate this, my concern isn't so much that the contractor, the big contractor... because we don't have a lot of big companies here. They often come out of Albuquerque, so I don't want to mess so much with the market place that we're adding costs to projects and yet not even achieving the goals of creating local, good paying jobs, but the concern really is that, Albuquerque's got the big guys, but they could hire our local

subcontractors, and so that's where that other language comes in on page 4 of the Ordinance or 6, where it's really trying to emphasize the incentive. Marcos is here, as is Kelley and Robert Rodarte to try and explain. I also put in, and I mentioned this before, is the if... and so the language now... so the things that are added, so that, you know, to an agreement, or the threshold which again was really to do with how many projects came on line at once. Then on page 2, line 14, item (e), it says, 'Residents of Santa Fe County shall be given preference in the hiring process.' Line 16, 'Necessary benefits shall be provided to workers and their domestic partners'. Then again, the threshold, and then when you get down to the last page again of the Ordinance, we redefine again, a resident of Santa Fe County is defined according to our Procurement Code. And then we also have the local preference built in. We can debate all that, but really, I had hoped to not have to rewrite this ordinance. You know, I have some courses in economic development. It's certainly not my forte you know. We... I just really wanted to make sure that... and I've been trying for several years to make sure whatever we do, and if we have the power to do this, because we're hiring, we're using local tax dollars, they should do anything and everything possible to make those jobs be local, good, high paying jobs. And so I hope that's what this achieves. I'm open to new suggestions from my colleagues. And I hope this moves forward."

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve this request as amended with the amendment to change the threshold to \$1 million.

DISCUSSION: Chair Dominguez said he wants to be sure on the amendments, that Councilor Bushee is reducing the threshold to \$1 million.

Councilor Bushee said that's the only amendment today from the floor. The others have been all written in the Ordinance you have.

Chair Dominguez said then right now, it's just reducing the threshold from \$1.5 million to \$1 million.

Councilor Bushee said that's just a number and she's open to suggestions.

Councilor Calvert said, with regard to Item #2 on page 4, he would like staff to think about that one in regard to whether it's necessary. He said when give local preference, one of the main things we want is to get local people hired so they will spend the money in the local economy. So, if we're already saying that we are going to give preference to local hires anyway, he is unsure that we need to tack the preference on top of that. He said it might just be adding a cost to it. He understands some of this is to make this bill jive with our Procurement Code. However, this CWA is something unique anyway, and asked if we can say something about the CWA that it doesn't have to follow that provision of our normal Procurement Code, and said staff needs to weigh in on that. He said although staff may not be able to answer tonight, but he wants staff to look at that area and think about it.

Chair Dominguez asked Councilor Calvert if he would like to hear from staff tonight.

Councilor Calvert said, "To the extent that they are ready, willing and able."

Councilor Brennan said Judy Amer, the drafter, isn't here this evening. She said Marcos Martinez drafted the provision on packet page 6, Ordinance page 4, number (2) to which she refers. She said, "I will say generally, before he explains the concept embodied here, that if this provision were out, the provision in procurement would still apply to the CWAs unless they were specifically excluded as you suggested."

Councilor Calvert said this is the reason he wants to have that discussion, and we might want to exclude it if we believe that is the better course to take.

Marcos Martinez, Assistant City Attorney, said, "My only intent here was to make something that would be consistent with the Procurement Manual. I hear what you're saying now, asking whether that is the only thing that Council wants to do, and I'm willing to draft something that varies from the Procurement Manual. This was my best attempt to convey my understanding of what Councilor Bushee wanted regarding prioritizing local hires. And this was the way that was already, sort of embodied in the Code, and my attempt to make it consonant with what already existed in the Code."

Councilor Calvert said he appreciates that. He said, "I guess if we think, where we say 'Residents of Santa Fe County shall be given preference in the hiring process,' if that, in and of itself is going to accomplish our purpose, then this might not be necessary. That's my point. It might just add to the cost unnecessarily if that other provision is in there. That's what I would like some reflection on, in terms of staff. Like I said, I'm not necessarily holding you to an answer right now, but I think if this thing moves forward, that's what I would like somebody to bounce around a little bit and think about."

Councilor Bushee said, "With the goal of hiring 100% Santa Fe County resident workforce, my concern... the original draft said, you know, that's our goal, we can mandate that, but if we don't achieve it da da da da. And I said no da da da da da. I want it to be whatever you have to do to provide, whether it's an incentive. What... you know, because you can provide up to 100% incentive if you want, but then you start adding serious cost to your project. And since this is what we already do, in terms of a local preference, that's really, I think, where we landed on this. We fought hard to get a local preference up to 10% in our Code so that we could try and stem the tide of the jobs that we've been seeing go to Albuquerque. So I thought maybe it would help. Again, I'm not an economist. Let me just say and I also made sure we added a year review from the date of the adoption of this Ordinance."

Chair Dominguez said we'll have to clarify that in the motion.

Councilor Calvert said that is in the Ordinance, and not a new amendment.

Councilor Calvert said, "On that point, I'm just saying, is when we give local preference what is it that we are trying to achieve primarily. What do we get, yes, we want local companies, but what does that really get us. Primarily, we want that money to go to local people so it gets spent in the local economy. I think that's the main objective of that local preference. Do we need to throw that on top of it, because I'm sure they'll take it if we give it to them, but if we're already sort of incentivizing them by the other language for the local employees, that might be enough. That's all I'm saying."

Councilor Ives said he is confused as to how the preference will work as drafted in the Ordinance. It says, "Residents of Santa Fe County shall be given preference in the hiring process." He said under the Procurement Code in awarding bids we do recognize a preference for people from Santa Fe County. He asked if this preference is meant to be different from that in the Procurement Code. He asks this against the backdrop of the language in the Ordinance which provides in Section 4, Subsection 2, "The percentage for local subcontractor preference shall be based on the amount of work to be performed by the various subcontractors."

Mr. Martinez asked Councilor Ives to restate his question.

Councilor Ives asked if the preference for Santa Fe County residents is meant to be coextensive with the existing preference under the Procurement Code, and if so does the language he just read promote that, because he isn't clear on this.

Mr. Martinez said the language is meant to be the means by which the preference for local residents is achieved, and the language is drawn from the language of the Procurement Manual as it exists now. He asked if this answers his question.

Councilor Ives said then if we have that preference already in the Procurement Code, why is it restated here, and if there is any difference implied by this which requires it to be restated here, as opposed to the Procurement Code..

Mr. Martinez said, "No. There isn't a difference. It is meant to be consistent with the Procurement Code to articulate the preference that exists in the Procurement Code and to relate it to CWA's. I didn't want to draft something that would be inconsistent with the Procurement Code, so my starting point was to rely on the Procurement Code and basically restate it."

Councilor Ives said he understands that, but he is not totally convinced that is accomplished by the language here, but he will look at it further and make sure he is clear on this particular provision.

Ms. Brennan said, "It doesn't create another layer. It is the same. In other words, if this provision were eliminated the Procurement Code would apply unless that was another provision in here saying it didn't apply."

Councilor Wurzbarger said, "I would like to clarify. It is not additive. It is merely a statement of existing Code for purposes of making clear that this is matter of intention, to reaffirm an intention. Is that correct, in terms of interpretation of what we're doing. In terms of actually changing anything, we're not. Is that correct."

Mr. Martinez said that is correct.

Councilor Ives said when he reads the language that says, "The percentage for local subcontractor preference shall be based on the amount of work to be performed by the various subcontractors." If you

had 100% Santa Fe subcontractors doing all the work on the project then you would have, logically, a 100% preference.

Mr. Martinez said, "No. Again, because this follows the Procurement Code, the way the Procurement Code creates the preference is that for each percentage of local subcontractors you have working on something, you get 1% of a preference. It is best illustrated through an example on a construction project of \$100,000, if the stated dollar amount to be completed by a subcontractor were \$40,000, or 40% of the total amount, you would get a 4% preference. So the most you could get is 10%. And that ultimately means that the bid price could be 4% higher than the next responsive bid."

Councilor Ives thanked him for the clarification.

Councilor Ives said there is language providing, "Necessary benefits shall be provided to workers and their domestic partners," and asked how that works City contracting generally.

Mr. Rodarte said the question is how CWA pertains to domestic partners.

Councilor Ives said yes, and he is looking for what that particular language adds from the Procurement Code already.

Mr. Rodarte said there is nothing in the Procurement Code says domestic partners. He said the Procurement Code talks about an entity wanting to do business with the City, but it doesn't talk about having specific groups identified for the local preference. He said, "This is a total new change for me as far as in here versus the Procurement Manual."

Councilor Ives said he isn't speaking about local preference but about the "necessary benefits," and he would like to know what "necessary benefits" are in the context of what's being proposed."

Mr. Rodarte said, "From my end, I don't see any type of benefit. The individual that is going to participate has to qualify for this. It doesn't matter who it is, as long as they qualify. So, I can't see where the benefit is or how it's written in here, but I don't see it."

Councilor Bushee said there are lots of communities that require anyone that contracts with their city, and we are a home rule city, to provide benefits, if they are offered, health benefits, to extend them to their domestic partners. She said, "This is my attempt to have the City of Santa Fe's first foray into that venture, given that you can kind of write your own requirements, or ticket so to speak, and the CWA seemed to be a perfect vehicle to start that. And I will explore how to expand that in other situations, but I'm starting here."

Councilor Ives said part of where he was starting from was whether or not that was part of our existing procurement, and Councilor Bushee said no.

Councilor Ives said then perhaps the language "necessary benefits" needs to be more artfully recrafted to clarify that it is benefits that are offered.

Councilor Bushee she isn't sure where "necessary benefits" came from, commenting somebody took it and made it less..."

Chair Dominguez asked Councilor Ives if he would like for Ms. Brennan to respond to that, and Councilor Ives said yes.

Ms. Brennan said, "I believe that the author of that language is Melissa and Geno, neither of whom is here. Melissa had an accident earlier today and could not be here tonight, and Geno just recently landed in Albuquerque and could not be here. I agree that the language could be more specific as to what benefits we were discussing."

Councilor Bushee said, "Marcos you wrote some other language. What happened to it. It didn't say necessary benefits."

Ms. Brennan said, "He is not responsible for that language. Melissa and Geno together..."

Councilor Bushee said, "But in our conversation, it was more specific. So how about, we've got 3 lawyers here, can we write something."

Councilor Dimas said he has been listening to all of this and he wasn't on the Council when the CWA was voted on, and he has made that very clear numerous times. He said, "And as I hear all of the arguments that are being conducted here tonight again, I only have one question. How did we used to do it before we had the CWA. Can anybody answer that for me, because I wasn't around."

Ms. Brennan said, "Robert can answer that. I believe it was just a straight bid situation."

Mr. Rodarte said, "We've been at this for years with a competitive process. The 10% has been in existence now, as far as local preference, for over two and a half, three and a half years now. We were at 8% before that. And the subcontractors are always identified in the bid packet. Now, we are headed toward a different angle where we're going to give an incentive for the subcontractors. In the past the subcontractors have always been, you're doing a competitive bid as a primary contractor, you have that right to select who you want to put your competitive bid together. And now, we're kind of going a different way. And the procurement process that we follow is pretty much followed nation-wide."

Councilor Dimas asked, "Did it work. Obviously we got our buildings done, they got done competitively, they got done under cost, or at cost, whatever, and everybody seemed to be happy. So, why are we going through all of this. I know that's not a question to ask of you. You know, I ask myself that: why are we going through all of this. That's one of the reasons that I support full repeal of the CWA. I don't see in purpose in it. I really don't. I think we are just going around in circles. I see a lot divisiveness going on. I see a lot of stuff going on, and you know, I just have to ask myself that question. I'm going to support Councilor Bushee's Resolution, only because I would like to see it go forward in front of the whole Council, just as I would like to see Councilor Wurzbarger's go forward, just so that we have a discussion and we have a full Council to vote on it, but those are the only reason. I still support repeal of the CWA. And I will continue supporting repeal of the CWA, I don't care how many mails I get, or how many nasty phone calls I

get, or how many people come out and tell me what a terrible person I am, and how much I hate the unions, which is not true. It doesn't make any difference. It's my opinion, and I'm going to vote how I feel. Period. It doesn't make any difference who tells me what. Just like when I was in Court and a Judge, I hear two sides of a case all the time. I made my decision and that was my decision. Period. I don't have anything further."

Councilor Wurzbarger said, "In terms of this proposal, I just have a couple of questions. Would you again clarify the rationale for \$1 million and why you think it's the amount of money that is a key variable in this debate. In the debate we were talking about objectives that needed to be met, promises that were made, and now we're shifting to a money figure. So I'm having a personal disconnect between how suddenly money has become one of your first issues, Councilor Bushee. Or I assume it's a policy direction from you, rather than something that staff gave you."

Councilor Bushee said, "The majority of... the thrust of bill, although it wasn't reported that way, at least in *The New Mexican*, is not about the threshold. The thrust of this bill is to achieve a 100% Santa Fe County resident workforce. That's the goal. And so the threshold, again, not having a rational nexus for the half million dollars, I still support the tenets of this Workforce Agreement. But getting down to the details, the 100% is the main goal. The threshold really had more to do with the concern that many projects... I want to see this succeed, and so I don't want to see too many projects come on line at the same time when we already have no... again, I started off with wanting to have BBER do a study so that we could actually see and try to prevent any unintended consequences."

Councilor Bushee continued, "So the concern is that we don't have the... The original CWA which is law today, talks about providing apprenticeship programs to try to get to that place. The CWA Agreement however, defines local as New Mexican resident not Santa Fean. So the threshold had more to do with wanting to.... I'd like to actually tie the threshold into, as we create jobs, whether they're union or not, but as we create those jobs and they're available to fill these slots as Santa Fe residents, then I would like to be assured, and that's where the one year review comes in that we haven't taken on too many projects at once for that to not be able to succeed in creating local jobs. Really. So the half million dollars, I couldn't find any rational nexus. Nobody gave me any answer as to where that came from. \$1.5 million really, because I thought that was the target goal for the Railyard project, because that project cost about that, so I didn't want to preclude that, and really back to [inaudible]. I'd say no threshold if I thought we were prepared to achieve it at this point with the requirements we're looking for which is 100%, first and foremost. And ideally, if they can be pay high paying and they can be union jobs, great. It's just the thrust just has to be not to send jobs to Albuquerque."

Councilor Wurzbarger said, "And then your rationale from shifting to support one of the original tenets which actually isn't in the original CWA agreement, is that to focus on the local. And you believe that the CWA approach and agreement is the best way to get local workers. I just want to understand where you're coming from."

Councilor Bushee said, "Well no. You asked... I believe that the CWA as it's written will send jobs to Albuquerque and elsewhere. I want to see that turned around. I want to see that the jobs that we create to be well paid, good jobs, here in Santa Fe. And I see the majority of them being the subcontractors, the

trade subcontractors. We've had Sarcon Construction stand up and say they're a union shop, but my understanding is, generally, the union tradespeople are their carpenters and cement workers, and the main sort of crew and everybody in this town pretty much subs out to the plumbers, electrical and the rest."

Councilor Wurzbarger said that is correct.

Councilor Bushee said, "So those jobs, that's where the whole emphasis on trying to get the local work force hired here. The big contractor is probably going to be out of Albuquerque, the guy that's going to bid on these jobs, that's who bids on these jobs anymore, but now, we're going to, hopefully tell them, well if you get this job, you're qualified, but you are also qualified to meet the CWA because you are hiring 100% Santa Fe County resident workforce. The million dollar threshold, that's I think, a debatable item. It still is up for debate. You know you read Sean Moody's report, at one point he says open the field, make no threshold, but then in a conversation with him, he said I understand your concern that we aren't prepared right now to even achieve the half million threshold if a bunch of projects come on line. And I've seen us, as we move through the process of approving, we have the Railyard project waiting, that's a pending project. We have Herrera Road, a million dollar project. I don't know if Nick's solar \$1.8 million is going to fall under that, but I don't know why it wouldn't. But I don't want to see us pushing out, like a new solar project for energy, I don't want to see Positive Energy the local good company that has been able to bid on projects here, and we haven't been sending that kind of work. And that's just an example."

Councilor Wurzbarger asked if the Solar Project is a union project.

Councilor Bushee said no, they're not a union shop.

Councilor Wurzbarger said, "So they will be required to be a union shop."

Councilor Bushee said, "No. No. No."

Councilor Wurzbarger said, "Yes. Yes. Yes."

Councilor Bushee said at \$1.8 it would fall under this threshold.

Councilor Bushee said, "You're arguing with me, asking for my explanation. My explanation was half million of threshold had no rational nexus. A million dollars, my hope is that we are going to work toward creating good, high paying, local, union jobs through... if we don't have them today, how do we meet all those projects and actually achieve.... first and foremost, the thrust of this ordinance is to try to have 100% Santa Fe County resident workforce. The threshold is clearly up for debate. It just seems like a good, sort of median number to start with. \$1.5 million, I don't to preclude. I don't want to preclude. I don't want to eliminate possibilities, but I don't want us to be overwhelmed at the start either."

Councilor Wurzbarger, "Yes. I would continue with my... I'll just state a concern that it's almost a Catch-22 and this is something that I've talk about with members representing CWA. If we don't have the local workers, we're just a town of 75,000 people, and we don't yet have the workers, and yet, we're making a

100% mandate, to, not a goal, but we're saying that's by which we're judging it through this whole discussion, and we don't have the local workers, how do we then have the projects proceed."

Councilor Bushee said, "But that's what..."

Councilor Wurzbarger, "If I may, in my logic, if we don't, I think if you become more familiar with the nature of the workforce in Santa Fe, we don't have all the different trades. And we don't have people bidding, forget the general contractor, and it's been decimated. So, if we don't have, then are we setting ourselves up for failure with the idea that it has to be 100%, even though that's the goal. This a new shift, I think I'm understanding, that is being taken in this particular proposal. And I see it as a Catch-22, or perhaps poison pill, but I think you are honestly saying tonight, that you've changed your mind, that you consider the CWA a method for moving forward. I don't hear as much of a concern from this debate tonight about projects being on time or on budget, or the safety issue, which we have had. But we're really down to the local issue, and to what degree can CWA deliver local workers now, as opposed to the other issue of apprenticeships. And I guess, that would be my last question: What was your comment on what you've done in this Resolution to see that apprentices are indeed delivered, since my reading of the CWA Agreement said that the contractor would provide the apprenticeships."

Councilor Bushee said, "No, the unions, in the agreement, provide the apprenticeship programs. You read the CWA agreement, you will see..."

Councilor Wurzbarger said, "Okay I would have to get a clarification of that from staff later, thank you."

Councilor Bushee said, "I just want to clarify something. I've not changed any mind. My original reason for voting for the CWA is because I got this weak little clause in there from the attorneys, because that's all they would allow, is try to strive for 50% local workforce. Then I looked to the agreement, and they redefined what local was in a way that doesn't even follow our procurement Code. And Councilor, as you know, I originally wanted this sent to be studied, and you, actually in your Committee killed that option, so then we came up with the repeal because we felt like the initial ordinance is not going to work. It's detrimental to our local economy, so that's where I've been working hard to try to find language that at least makes this bill do what I had hoped to do in the first place is to create good, local jobs."

Councilor Bushee said, "And I have to say the whole thing about safety first and all that, seems to be a bit of a red herring. I have honestly, we've never really had that be a problem in any of the procurement situations that I've voted on, so that isn't where my focus has been. My main thrust has always been to create good paying local jobs."

Chair Dominguez it says here that the unions agree to cooperate with the contractor in furnishing apprentices, so it's not the contractor provides them or that the union provides them. They're going to work together it sounds like.

Councilor Wurzbarger said, "The last point I want to make, because there were some questions earlier with respect to how we define economic benefit..."

Ms. Amer said, "The only thing I would have to add, regarding the debate on the \$500,000, versus the \$1.5 million cutoff, is that it is a policy decision that is based upon, the way I understand it, what objectives you actually want to achieve with the CWA. If the point of the CWA is to develop a highly trained, union workforce in Santa Fe, as I read Sean's Memo, the more projects you have, the sooner that workforce will be developed. And in Santa Fe, since we don't have that many \$5 million projects, you wouldn't set it at \$5 million because it would take 50 years to actually achieve that policy objective. Therefore, if you set it at a lower \$500,000 threshold, you would start to achieve that policy objective sooner, but again, there's a lot of different policy objectives that we're all trying to achieve here with the CWA. And so.."

Councilor Bushee reiterated that right now the of this Ordinance, so that I'm clear, is not even about the union piece of it. It is about, first foremost these are Santa Fe jobs. She said we don't have the data, and we passed a significant piece of legislation which is law now, with no real understanding of the consequences to our local workforce.

Chair Dominguez said, "So Kelley and Judy, thank you very much for the information. I would request that you respond if a question is asked, and I'm going to go back to Councilor Wurzburger and let her finish, and then we'll go back to the Committee. Councilor Wurzburger do you have anything else."

Councilor Wurzburger said the only thing I was going to add is with regard to the multiplier effect. And it's what Councilor Calvert is arguing, that if we don't get local people, it's not just a matter of them being hired by a local company. If we don't get people who actually live here, we will not get the economic benefit. Period. So that is the key variable in determining the definition of local and ensuring that we get locals."

Chair Dominguez said we will hear from Councilor Calvert, Bushee and Ives, and then we'll start wrapping this thing up.

Councilor Calvert said, "In talking about 100% it is stated as a goal, it's not something that is binding and mandatory. So I think it's something to strive for, but if you can't attain it, it doesn't mean you don't do the project because you can't get all local workers, under the language in her. The other thing about putting the emphasis on hiring locals, is I think that either side, knowing that's the case will have even more incentive to do the apprenticeship programs to get locals trained and ready to go. Because if they know that you give preference to those workers, it also will give incentives for the apprenticeship program to make sure that people are that. So, I think that clause serves both those purposes. It serves the economic purpose, but it also serves the job training purpose that we want to get out of this – get more local workers trained to work on these projects. And both sides will have this incentive to get people going through an apprentice program so they're qualified."

Councilor Bushee said, "Marcos, so I'm clear, the title was much more of what I was aiming for. What is meant by the language in the caption, "to incorporate mandatory terms with the goal of hiring 100% of Santa Fe County residents." She said she is unsure if he has fleshed that in well enough on the last page. She said, "Obviously, you're not trying to not have a project. You want it to go forward. But I don't want it to be just a goal, and I never wanted it to be just the 50%, nor did I want it to be something we strive for. I really want to generate. So my sense of what I was asking for, with the incentive piece of it was, that the person hiring the most local residents for that project are going to have an advantage. Is that what you

mean by... what do you mean by "mandatory terms with the goal of hiring 100% of Santa Fe County residents."

Mr. Martinez said the purpose of the title, which was done by Ms. Byers and Mr. Zamora, is to indicate that there is a new section, 28.8.4 Mandatory Terms, and it requires that every CWA will include such mandatory terms. And that includes the benefits term, is now a new mandatory term. Because in the older section, there were only aspirational terms. There were these variable terms in the old 28.8.4. So the new mandatory terms included the definition of resident drawn from the New Mexico Statutes, the benefits to be provided is now mandatory and the section that drew from the Procurement Code on local subcontractors is a new mandatory term. So those were the mandatory terms. Before, it was just variable terms, and if the local residents couldn't be hired, it was just something to be striven for."

Councilor Bushee asked if there anything he can do to strengthen the achieving of the 100% that you feel is within the Procurement Code and within the rights of what a CWA would offer.

Mr. Martinez said, as he earlier indicated, this is consistent with the Purchasing Manual right now. To vary from the Purchasing Manual is an option and creates a greater preference than 10%. However, he thought the place to begin this would be to make it consistent with other parts of the Code. So that is one way to make it stronger.

Councilor Wurzbarger asked, "I would like to explain, how as referenced earlier, that in the bidding process, when the people respond, the contractors respond to the RFP for this, you said at that point is when we determine the local nature of their application. Is that correct."

Mr. Rodarte said this is correct.

Councilor Wurzbarger said, "So if we had a policy direction that says 100%, could one not, although I don't think it's obtainable, but in terms of the question of how you could move this further, could you not put, as in the review of the bids, if they did not reach 100%, then they would not have met the requirements of the CWA, since that has become the focus of this. You could do that. Correct. Or not.

Mr. Rodarte said, "That's pretty tricky. You have to take into consideration the open competition acts.

Councilor Wurzbarger said, "Then that's why we have the "strive for" legislation. So we really really can't implement that. It's what we get, is what we get, and the one that does the most is the one. If it's 42% that's what we end up with. And that again is your measure of the potential success or failure of the CWA in this regard.

Councilor Calvert said you have to look at this together, and whomever can provide 100% with a combination of the two, whether it's the contractor with or without using union hall, if they can come up with 100% of the employees they need, then that's who we'll hire. However, if they can't, that's when it becomes you try to do that, but we're not, not going to do the project if we can't get 100% local employees. But you're giving preference, and you'll give preference all the way to 100% if you can achieve it. But if you can't, you won't not do the project, you will start hiring people that aren't Santa Fe County residents.

Councilor Bushee reiterated, "Just to be clear again, I really think that you know, I put in for a year review and I honestly believe that this should be reviewed in a year and should be sent for a study with BBER to really understand how can we meet the stated goals and what can we do differently and how have we met the goals. We really don't still have any concrete numbers about how many union workers we have in Santa Fe County in the trades. We don't even have that and we have that as a law. And those of us, at least 3 or 4 of us here tonight, voted for that law. So I think the aim here is to just make sure that, I hoped it was an unintended consequence of sending those jobs to Albuquerque is at least corrected. So when you look at what he's saying in terms of the mandatory terms, they are now changed to include a new definition of what local means which I think is significant and also promote the hiring of local subcontractors, and we've added the domestic partner benefits. So I think that's a better overall push."

Chair Dominguez said, "I guess maybe this is the kind of debate we should have been having from the very beginning. And so some people tried it in various ways, but nonetheless this is where we are. I'm still paying attention and I can tell you that I've.... to speak to some of what Councilor Bushee has talked about, I've gone and I've actually spoken with some of those folks and what they tell me is they think they're being paid fairly, they feel relatively save, and even get offered benefits. So they ask, why would I want to become a member of the union. I know that one of the things that we talked about is that we want to make sure that projects get done on time with the CWA. I don't know if that has been an issue in the past. He said what bothers him is that we have no data. With the Living Wage, there is anecdotal data you can look at and measure. However, we don't have that kind of data with the CWA. We don't have anything that we can measure it against. There is nothing to use to prove success or failure. We've got theory and emotion really, quite frankly. That is not to say that I think the CWA isn't worthy. There's some things I like about it. The fact that it provides some respect for the trades. I understand what that means in the construction industry."

Councilor Dominguez continued, "The Apprenticeship Program. In my opinion, it's a good way to start having that discussion and start moving in that direction, yet it's very vague and it's something that I'm going to amend, whichever bill it is that we're going to look at coming to Council, that I'm going to want to amend in terms of apprenticeships. Right now, I'm looking to make it equal to the same amount of however we define local residence, that we do the same thing with our apprenticeship program, that it be equal, but I'm not quite there yet."

Councilor Dominguez continued, "And the other thing I have to say is there's consistency here tonight. First of all the local isn't here to speak about the unions, what it is that unions stand for and what they support. And not only that, the threshold, I hear from people that are supporters of this, the threshold keeps changing. It's \$500,000, \$1 million is okay, there is no consistency. And so what that tells me is that 'sometimes the road to hell is paved with good intentions.' It's one of my favorite sayings, and this may be one of these cases, but nonetheless, I think it's proven tonight, just based on the discussion we've had, that there's a lot of discussion that could continue to happen, and hopefully we have that discussion in a shorter period of time, as this is intended to go to Council here pretty soon."

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Bushee and Councilor Dimas.

Against: None.

Explaining his vote: Councilor Ives said, I would abstain, and I'd like to make a statement after the vote.

Statement by the Chair: Chair Dominguez said, "For the record, I would want this to actually go forward as well, because I think that again, this is the kind of discussion that has been lacking throughout the whole course of the debate, and so to undermine anybody's idea, I don't think serves the process well."

Councilor Ives said he doesn't fully understand how this proposal interacts with our existing Ordinance. He said, "There's enough in there that leaves me wondering how that is supposed to work in terms of what I would describe as always, the laudable goals which have been expressed, that just leave me uncertain. So know that I too will be doing my homework to make sure I'm clear by the time we get to Council next week on where I am with regards to the provisions."

Break 6:25 to 6:35 p.m.

Chair Dominguez said Councilor Calvert has excused himself and departed the meeting

**23. DISCUSSION ON DRAFT RECLAIMED WASTEWATER RESOURCE PLAN (RWRP).
(CLAUDIA BORCHERT)**

Ms. Borchert said the December 5, 2013, Memo written for the Public Utilities Committee is in the packet. She said she is here this evening to make this presentation for some of the Councilors who haven't attended the Committees where she has made this presentation. Chair Dominguez said that would be Councilor Ives and Councilor Bushee.

Ms. Borchert described the process for the Plan. Please see Ms. Borchert's Memorandum in the Committee packet for specifics of this presentation. She noted there is a public meeting Thursday night at the Southside Library at 6:00 p.m. She said once there is a final draft of the Plan, it will go through the process for approval, pending any changes.

Ms. Borchert noted the requested action section is listed on Page 4 of the Memorandum where she specifically asks direction on the ranking and the size of the allocation for the downstream Santa Fe direction, for proposed rates and using reclaimed wastewater as a supplemental potable water supply source.

Councilor Bushee asked how many people participated, and how the Country Club attained its ranking. She said Las Campanas isn't listed, and she doesn't understand "how they got off effluent." She wants to understand if they brought people to the table for the working group, and how the ranking was done.

Ms. Borchert said they had criteria they developed which were similar to those of the Long Range Water Supply Plan that went through the Governing Body approval process. She said the ranking on page 2 comes strictly out of the application of approved criteria to the options. The only exceptions are the first 3 listed, because those are required by contract or by permit which were removed from the ranking process. She said the ranking begins with #4 the MRC. She said the last column on the right would apply if they hadn't pulled those the City has to do. She said the ranking which matters moving forward is the ranking in column #3.

Responding to Councilor Bushee, Ms. Borchert said our future water supply could consume all of treated wastewater. She said they tried to preserve as many municipal uses as possible to balance it, and have water available for use.

Chair Dominguez asked the reason the SWAN park is ranked with the future water supply, and asked if it isn't one and the same.

Ms. Borchert said Option #15 is Future Potable Water Supply – it's water that could be treated, put in the aquifer and pulled back out again. She said SWAN is a future water supply in the same way that the MRC is a current water supply, but what is meant by Option #15 is potable.

Councilor Bushee said Las Campanas didn't make the ranking and asked if that is because it no longer wants effluent, and Ms. Borchert said this is correct.

Councilor Bushee asked, "How did we get there."

Ms. Borchert said currently, Las Campanas gets its golf course water through the BDD, so they are using their share of the BDD. She said Las Campanas and the BDD are working hard to figure out a way to make that water supply more robust.

Councilor Bushee asked when the City can undo the lifetime contract it has with the Country Club. When can we make those decisions as a community that our future water supply should be at the top of the list and golf courses should be on the bottom of the list.

Ms. Borchert said at the Public Utility Committee, meeting, Councilors Calvert and Dominguez asked Marcos Martinez to research this. She understands Mr. Martinez would be bringing options to an Executive Session at the February PUC meeting regarding the Santa Fe Country Club contract. She said that could change the ranking radically. However, until we understand the options and decide what to do about it, the contract is in place, and in this plan she is honoring it as such.

Councilor Bushee said, "I can't imagine that you... you can't have a lifetime contract. Whose lifetime."

Ms. Borchert said Mr. Martinez is asking these questions and it would be appropriate to answer these questions at the next PUC meeting in executive session.

Councilor Bushee said her concern is that as time marches on, the effluent will be in even greater demand. She said it is important that we reassess and reevaluate and have the ability to be resilient around all sources of supply, noting she considers effluent as a significant. She is concerned that "we really haven't moved that far over the years." She sees this as a little bit of a change from what we had in the past, saying she hasn't seen this evolve that much that fast during her 19 years on the Council. She said she appreciates the work, but it is now the "policy-makers decision to move this into the next place, and we need the backup of Legal."

Ms. Borchert said they have tried to incorporate some of what she is talking about into the Plan. She said Section 8 are the Strategies and Implementation actions. For example, there is the economic theme which is the value of the reclaimed wastewater. There are also recommendations around efficiencies, and one concept is to do irrigation efficiency studies on all of the users of reclaimed wastewater where it is appropriate to see if the resource is being used efficiently and how to determine that. There is the issue of stewardship and what role we play for the downstream Santa Fe River, and there is an allocation in the report right now for that. She said it ranks low, and in June and July that allocation gets "eaten into," and they don't get the full allocation, although we don't know what quantity is needed. She said they put in numbers as placeholders, and one of the next steps is to learn more about that system and how much water is needed.

Councilor Bushee asked, with regard to graywater, once that is approved, will the State allow for graywater. She asked if that has eaten into any of our available reclaimed wastewater.

Ms. Borchert said in theory it does, but she has no numbers on how many people have approved graywater use plans, so she can't answer that question. She said they made very conservative assumptions in this Plan regarding how much effluent will be available. She said the assumption in the Plan is that the effluent production is flat.

Councilor Bushee asked Ms. Borchert if she can see the growth of the customer base as of the date when the State Environment Department allowed graywater system. She asked if there is some way to even to minimally track that.

Ms. Borchert said she has looked at data over past 6 years, but she is unsure when it was implemented. She said our treated effluent production has been fairly flat over the past 6 years, noting there a number of factors that play into that, and the reason the assumption going forward is that it will remain flat. She said they have thought about, but not quite tackled, how to consider climate change. She said the default is that the Santa Fe River downstream will get less water, unless we figure out how to have a drought reserve that could be used for those users, and irrigation efficiency is part of that answer.

Councilor Bushee said, "When we have the lawyers come in executive session, could you also include... is it just this Committee or the whole Council."

Ms. Borchert said it starts at the PUC and eventually will go to the whole City Council in executive session in order to get final direction to Marcos Martinez on how to proceed."

Councilor Bushee said, "I want to continue on the downstream users and what we've done. I want that to be part of the discussion."

Ms. Borchert asked if she would like an invitation to attend the executive session at PUC, and Councilor Bushee said yes.

Councilor Bushee said she guesses there is no legal requirement to have Las Campanas stay on treated effluent.

Ms. Borchert said, "Councilor, if you have any suggestions as you would like to make this plan better, more, I'm happy to hear them."

Councilor Bushee said, "You just heard them. Less golf courses, more future water supply, and maybe in the end, selling our water once we know the uses. We may get to drinking our wastewater."

Ms. Borchert said perhaps this would be a good time to pass on information. She met with Councilor Wurzbarger and the Mayor, and one of the suggestions they had was to do away with Option 4, the SW Irrigated Parks. She said, "That is the pipeline that's going SWAN, and then it's been planned to go further, but there are no defined places that are going to be future users yet. So the question is, given that the limited resource of the reclaimed wastewater, should we even be considering putting it on more parks that are undefined, or should we just stop at the SWAN Park. That's just food for thought for you guys as this moves forward."

Councilor Ives said he was curious as to the reference to the Southwest irrigated parks, and what that meant.

Ms. Borchert said, "When a pipeline that has treated effluent in it was first designed, it started at the Wastewater Treatment Plant and then went to the SWAN Park which is fairly close, but continued more or less up the arroyo, went by Capital High School, Ortiz Middle School, and even the Southside Library and maybe some other public spaces along the way. The idea was since we're going ahead and designing and/or building this pipeline, let's go ahead and put it in, and we could put in more parks along the way, or convert the parks that may be using potable water to treated effluent. It presumes that there is treated effluent for them, and this study has shown that there could be treated effluent for them, but it has to be a tradeoff for some other use that may not get it, in exchange for those uses coming on line. Depending on what happens with the Santa Fe Country Club, that could be considered water that would make the water for the Southwest Irrigated Parks no longer as much in competition."

Councilor Ives said Ms. Borchert said column 3 was the important one to consider, and asked if she meant 3 or 4.

Ms. Borchert said column 3 is the ranking as we're using it right now. She said 4 was the previous ranking before they imposed the required uses.

Councilor Ives said then column 4 will tell us the new, recommended uses.

Ms. Borchert said it is confusing and a nod to the past process. She said the charts are lined up bottom to top according to column 3.

Councilor Ives asked the nature of the Game & Fish use.

Ms. Borchert said it is an "educationscape." They have a fishing pond, a recirculating little river at their State Office building off Caja del Rio. She said it is ADA accessible. The plan is to allow school kids, especially those that can't go to more natural environments, to be able to fishing there. The use is very small, only 5 afy.

Councilor Ives said there are vastly different uses across these options. It said it would be helpful to see all of that in a single chart for purposes of giving input.

Ms. Borchert said she plans to replace column 4 with quantity numbers. She asked what else he would suggest.

Councilor Ives said his sense of ranking is that the permit compliance is a hard and fast requirement and the wastewater is a good way to meet that. He said future water supply would be his second ranking based on potential future need, especially as we move into more significant drought times. He said would like to see the charts "visibly more productive to making those kinds of determinations, and clearly there will be legal issues to be considered, for example with the Country Club."

Councilor Ives said he has read through the report and "I think I have a decent understanding, but I'll be curious when it comes to providing policy guidance, what you'll be looking for from the Governing Body."

Chair Dominguez said 6-years ago when he went on Council, Councilor Trujillo sponsored a resolution requiring new developments to install effluent lines. He asked the status of that.

Ms. Borchert said they looked that up, and believes that the Resolution, which will be an appendix to the report, requested that staff look into requiring that "purple" pipes be in installed in all new subdivisions. She said, "I believe our recommendation here in this report is saying that right now, we don't know what water would be put in those additional pipes. And so the request of the Resolution was for staff to look into it. In essence, by doing this plan, we've looked into it, and we're concerned that there is not water to merit the building these kinds of pipes, given that we're not increasing our production of reclaimed wastewater."

Chair Dominguez asked if it was part of the discussion in terms of priorities, or your rankings.

Ms. Borchert said, "I think if we had found that there was additional water to put in, it's almost like it is in there with the Southwest Irrigated Parks, if that ranked high enough. We could consider whether we want to take more water away from the Santa Fe River, but that's the only place. It would slide in right below Southwest Irrigate Parks and right above the Santa Fe River. As I understand it right now, that's not necessarily a use that we feel like we can fulfill."

Chair Dominguez asked, "What if the Governing Body said, to heck with you, it's going to be a policy. I guess what I'm saying is, and maybe it's in here, I just haven't seen it, but it needs to be articulated somehow, how that works, how that Resolution fits into this discussion."

Ms. Borchert said, "Okay, so this is what it says right now. It says, 'Resolution 2006-64, directs staff to, and then it starts quoting, analyze the potential for effluent lines to provide water to City parks.' End of quote."

Chair Dominguez asked where she is reading that.

Ms. Borchert said on page 4 of the actual Report, in the Introduction, which may not be in your packet, unless you printed the whole report. Ms. Borchert read the paragraph from the Report for the Committee.

Chair Dominguez asked her to put this information in a Memorandum when we have the discussion.

Chair Dominguez said then there will be a Public Hearing on Thursday, and then it will go back to the PUC.

Ms. Borchert said yes, noting they will take a month to insert the comments, and in March they want to start the cycle all over again.

Chair Dominguez thanked her for the report.

24. REQUEST FOR APPROVAL OF 2012 GENERAL OBLIGATION BOND PARKS & TRAILS IMPLEMENTATION PLAN. (ERIC MARTINEZ AND BEN GURULE)

Ben Gurule presented information from his Memorandum of January 8, 2013, with attachments. Please see this Memo for specifics of this presentation.

The Committee commented and asked questions as follows:

- Councilor Bushee she has yet to see a process delineated for Item #3, the \$2 million River Trail Underpass at St. Francis. She said there was an extensive public process about potential

underpass or overpass at St. Francis and Cerrillos. She understands it went to the voters in general terms. She asked the plan to proceed with this, commenting this is simply going to bypass all public input.

Eric Martinez said the intent was to follow the direction of the Governing Body. He said staff is prepared to do, and has already worked, on an RFP for the design.

- Councilor Bushee said she is speaking about the public input, and a lot of people were concerned about an underpass. She said there was a big discussion in Committees on the St. Francis and Cerrillos Road underpass, and how it would be safe. She asked, "How come this one gets a pass on all that."

Mr. Martinez said, "It does include that and the intent of the RFP is to include, in the design of this facility, public involvement."

- Councilor Bushee said, "But I guess what I'm trying to say is, the decision was made. It's going to be an underpass, and the public, how are they going to be involved now. What color the artwork is. Seriously, literally, people... in fact BTAC came out against this. They wanted to see all the money spent on the priorities of the Bikeways Master Plan, which this was not one of the projects."

Isaac Pino said, "I think the big distinction here is the intersection of St. Francis and Cerrillos has always been couched as a crossing with 3 different options. Councilor Calver introduced this and asked for approval for its inclusion in the G.O. bond as an underpass."

- Councilor Bushee said yes, and it was not spelled out in the G.O. Bond to the public, it was just trails. General trails. So now we're to the point of the details and the devil's always in the details, as you know, like."

Mr. Pino said, "You're absolutely right. However, I think, and this gets above even my pay grade now, because I think..."

- Councilor Bushee said, "Well, I don't have a big pay grade, and I don't know if you're pointing it to me, because my decision would be to knock it right out of the park, and put it back into general – the \$6 million.
- Mr. Pino said, "I think Councilor Calvert was real clear about his intent, because we were talking about at-grade. You have one choice there. You either go under or over or underpass."
- Councilor Bushee said, "So this is an underpass, not at-grade."

Mr. Pino said, "It's an underpass. It would be through the box culvert and continuing up the River to the east."

- Councilor Bushee asked, "Will there be actual public input as... my understanding from even engineers in the City that I've spoken to this about, but not this present, was that you kind of end up in the middle of the River. I've got constituents asking me about this, and asking why we're doing it in the first place, and I just kind of say hmmm."

Mr. Martinez said, "We're really not quite there yet, but what we envision is a couple of options through there. Either incorporating it as a part of the channel, utilizing some headwalls and things that would keep nuisance drainage off the trail."

- Councilor Bushee asked if he will need to do an environment impact assessment if you do that.

Mr. Martinez said, "More than likely, we could probably get away with doing a categorical exclusion for this type of project, in talking with the DOT folks. We also can look at a side-by-side independent crossing that's adjacent to the existing culvert. So there's a couple of ways to look at this, but we're not quite there yet. That's what this and design phase will take care of. Public involvement will be integral in that process."

- Councilor Bushee asked if he will be holding the meetings at Gonzales, or one or two meetings and ask the public what they would like it to look like, or if they want it in the first place.

Mr. Martinez said those could be some of the things they could ask.

- Councilor Bushee asked if he is going to have only one meeting.

Mr. Martinez said they could have several meetings, depending on how the project goes, saying they could envision at least 3 meetings.

- Councilor Bushee asked what happens if the public comes out and says they don't want the project.

Mr. Martinez said that's part of the process, and they could report back to the Governing Body with that information. He said, "Right now, what we have before staff, is essentially a legislative mandate to proceed with this project as an underpass."

Mr. Pino said, "I would just add. I wouldn't be on the record as saying that 3 public meetings could [inaudible] project, because I think Councilor Calvert would take great exception to that. He would say it is part of a G.O. Bond, and that group of voters approved this. So how is it that a few people that show up at Alameda or Gonzales Elementary Project can now undo the project."

- Councilor Bushee said, "You're bumping it up to the lawyers, because that's a different pay grade, because the question was very generic."

Mr. Pino said he believes this is a political question, not a legal question.

- Councilor Bushee said, "I think I got my point across, and I will not be voting for this, only because of this project. I do support the efforts that have been made for all the other projects. And I made myself clear the night of that vote, of the politics involved in that. And really, for me, it bypassed all of the good procedures we've ever had that used to come through CIP on how projects got determined. And I think, good process, good result. I think we had a bad process, not so great result in that instance."
- Councilor Dimas said he wasn't on the Council when this was done. He said, "So the G.O. Bonds, explain this to me. The G.O. Bonds went forward, and this is just part of the trails and parks and all that other stuff." He asked if the other three projects listed in the Memorandum, #1, 2 and 4 were included as well as and #3.
- Chair Dominguez said he can explain some of it, commenting its been done many times, many different ways, even with the trails in the Northwest Quadrant, and some of the Councilors made those deals at the last minute to try to get support from the Governing Body to get projects approved. He said, "It's not something that's uncommon, but I'll let you answer the technical questions."
- Councilor Dimas asked, "Now did the Governing Body actually vote on each one of these individual items on that G.O. Bond to include all of these, or was it just something that kind of snuck in, or just was a part of the G.O. Bond later."

Mr. Martinez said, "From my recollection and the way I remember it happening, is that the Governing Body made specific recommendations on the allocation of these funds. And reflected in this plan, are those specific recommendations that were approved by the Governing Body, which does include these basic four elements. And how the implementation plan was derived, was from the approval from the Governing Body and of course from the voters. But the question of the G.O. Bond that went to the voters, was more general in terms. The recommendations from the Governing Body were a little more specific and those are reflected here in this document."

- Councilor Dimas asked, "So, I guess my question is, were these 4 items actually voted on by the Governing Body after the G.O. Bonds were approved."

Mr. Martinez said it was before it went to the voters for these specific items.

- Councilor Dimas said, "I'm kind of understanding this in a way, I guess. I'm back to the CWA again, and that's confusing enough already. So, what you're asking for tonight is just for this to move forward to the Council for approval again, for the second time. If it's already been approved once, I guess, before it went to the voters, then why are we back approving it again. Maybe I'm a little confused as to the process."

Mr. Martinez said, "Basically, what was approved by the Governing Body was a basic, general framework. What we're presenting now, are more specifics of how the implementation of these projects that we envision to occur. This implementation plan is intended to be a guiding document,

if you will, that's flexible throughout the life of these projects. It kind of gives staff the framework of how to implement these projects, general timelines and budgeted amounts for these projects. So it gets into a little more the specifics of the projects, rather than the general terms. One of the most important things I can say about the trails portion of the plan, is that the direction of the Governing Body at the time was to utilize the MPO's Bikeways Master Plan list of projects. Now the list of projects basically exceeded the amount of money that we had. We had a lot of projects, but not enough money to do them all. So what we had to do, was engage POSAC and BTAC and now, here with the committees, is to define those projects more precisely."

Mr. Martinez continued, "So, like with the Trails on the Bikeways Master Plan, we're given a list of projects two pages long and we could only select from a few of those projects in order to be within the constraints of the \$4 million, an amount that was approved by the voters for that specific purpose. So, we're refining it to get specific to the projects and that's what the different lists in the implementation show – those specific projects to meet those budgeted amounts for each category of parks and trails projects."

Ben Gurule said, "Let me try to take a crack at it too. In 2010, the Governing Body directed POSAC and Public Works Department staff, Parks and Engineering, to make those recommendations. And they brought forward several recommendations from different district parks, and they narrowed it down to the district parks that are actually in this document. And those are the ones that are here for your review and approval today, as far as the Parks Implementation plan. And then the BTAC Implementation Plan, that was vetted through the BTAC Committee and through their recommendations from MPO and BTAC. And those are what you're actually seeing highlighted in that document which is actually page 2-2A, and those are highlighted Option C priorities."

- Councilor Dimas said, "So each one of these projects, before it goes to the Council... well it can't. There's no way that you can possibly have public hearings and so forth or meetings with people who are going to be affected by these projects in time for that, because this will go to Council next Wednesday."

Mr. Pino said yes, Wednesday, July 30, 2013, with your approval.

- Councilor Dimas said, "And these plans are just to draw design and get it going, and build it. [Someone nodded assent, but there was no verbal reply]. So, there really isn't any time for public input as to these plans, between now and next Wednesday then, unless there's already been a lot of public input. I'm talking about, in particular, because Councilor Bushee is bringing up, in particular #3 on there."
- Chair Dominguez said, "So Councilor Dimas, let me... Staff went through a process that included the Parks and Open Space Advisory Committee, along with BTAC and others that pretty much was a list of stuff. And so that got pared down to what you have here today. And, so there has been some level of public input, even with the underpass or separated grade crossing under St. Francis Drive. It's something that was pretty contentious at the time when we were going to

decide whether or not that was going to part of the list. And so, there has been some level of public input. I think that staff in the past, as they go through each project will coordinate separate meetings with the public, with the park in each neighborhood. So, for instance, Las Acequias, right, since it's on the list, will include that neighborhood once they get closer to start actually doing the detailed drawings and so on."

- Councilor Dimas said then people will have input. Once the projects actually get started, you'll actually meet with the neighborhood organizations and so forth, to discuss what's going to be done. And what happens if, all of a sudden they turn on you, and they say, you know what this project sucks and we don't want this project any longer. Do you build it anyway, or do you bring it back to the Council, or what."

Mr. Martinez said those sorts of things could inevitably occur, and staff would be prepared to come to the requisite committees to have a discussion if there is something that folks say, for example, the no build option for this project is the way to go. Then staff would come and present that input. He said, "On the trails side of things, I could speak that there was a tremendous amount of input, as it relates to the MPO master plan list of projects. Keith Wilson is prepared to speak about that. And I believe that would be one of the reasons the Governing Body chose to go that route, because the Bikeways Master Plan had already started evolving and the public input for those trail projects had already occurred or were occurring. So there was a good amount of involvement with that process, even in order to get those projects on the list of the MPO's Master Plan. And I could let Keith Wilson speak a little more to that process if you like."

- Councilor Dimas said sure.

Keith Wilson, Senior Planner, Santa Fe Metropolitan Planning Organization, said we are the agency that developed the Santa Fe Metropolitan Bicycle Master Plan. He said the plan was in development over two year. They had two open public meetings at the beginning of the process to develop the plan. He said during the 12 month period when they were developing the plan they had a citizens' advisory group, about 30 people were involved that process throughout. He said as they developed the plan they would bring the recommendations to that Committee and they would give us input and they would incorporate it. He said they met every month for 18 months with BTAC, keeping them informed as they developed the master plan. Those were public meetings where people attended and got informed. He said once they had a draft document, they had a 30 day public review process where people had an opportunity to give more input on the plan. They also held another two public input meetings as part of the process, with 30-40 people attending and providing input. He said, once they had a draft it was approved by the policy board which is composed of City Council representatives, County DOT and Tesuque Pueblo. So there was a public hearing for that process. The draft also was presented to BTAC after that to get its endorsement of the document. He said as they were developing the projects to be included on the G.O. Bond list, it went before BTAC at least 3 times, maybe 4, all public meetings.

- Councilor Bushee asked, "Where in the MPO Bikeways Master Plan effort, where did that project fall in terms of priorities."

Mr. Wilson said the underpass at Alameda originally was not in the plan. He said it was something they felt was way in the future, because the Plan was finalized after the G.O. Bond passed and the Alameda crossing was identified. We did place it in the 2012 G.O. Bond."

- Councilor Bushee said, "There was no expectation on the part of the public, or anyone else that participated, including BTAC, that this project would actually rise to the top and get built, in the priority that it seems to have been taken into account."

Mr. Wilson said it didn't rise through the prioritization process we went through for Trails, which included the anticipated demand system connectivity, safety and the feasibility. He said they ranked all the projects, and identified this project, noting it was very low on the list just given the cost and feasibility."

- Councilor Bushee asked if an ENN is going to be held, and how you're going to take public input for all of these projects.
- Chair Dominguez asked the past practice.

Mr. Martinez said his best answer to that would be it depends. He said it depends on the scale of the project, because there are a lot of projects on the trails list that are very straightforward, such as build a median, install a crosswalk and such, which may not require an ENN.

- Councilor Bushee asked about the underpass.

Mr. Martinez said, "To answer your question, yes."

- Councilor Bushee said that would be a CWA.

Mr. Martinez said yes, as it stands now.

- Councilor Bushee asked if there will be a design input meeting prior to the ENN.

Mr. Martinez said yes, but they are flexible. He said they will look at the possibility of at least 3 public meetings during this process, which is their typical development process when they start from the very beginning, from study through design. He said they can hold more meetings if you think they need to it. They currently are interviewing engineering firms to make a recommendation of award, and then proceed with the design process.

- Chair Dominguez said he would like staff to draft a policy for reallocation, so we're not in the same boat this year, and how money reallocated.

Mr. Martinez said they tried to address this in the Memo in the last sentence before the recommended action.

- Chair Dominguez said he saw that, and asked if that is just a recommendation from staff. He thinks it needs to be stronger than that, and needs to be a policy the Governing Body can make part of its action on this. He said it needs to be more clear.

Mr. Martinez said, "From staff's perspective, we are committed to doing that and reporting back to the committees if reallocation needs to be done, just like what has been done in the 2008 bond. We are prepared to do that."

- Chair Dominguez said that way, if the underpass gets reallocated, we can make sure the money is spent appropriately..
- Chair Dominguez asked if there is an additional contingency allocated to each park, such as was done for the past bond, and then there was an overall contingency. He asked how they are dealing with contingencies this time around

Mr. Martinez said, "I'll go ahead and speak on behalf of the trails portion. Essentially, the amounts budgeted for each project reflects what the MPO's Bikeways Master Plan had estimated for these projects. As far as how much contingency is infused into those estimates, I'm not aware. Maybe Keith can elaborate on that. But basically, we're using those as a baseline. Once we develop the project, scope it out in more detail and start work on it, you know, of course, those numbers get refined."

- Chair Dominguez said then you didn't deliberately build in a contingency for each project on the Trails side.

Mr. Wilson said, "The cost estimates were based on the information we had available, based on previous cost estimates, and we actually added 10%, I wouldn't call it contingency, but 10% for design and other things to those cost estimates. So that was sort of built in, but again, these were conceptual planning level estimates."

- Chair Dominguez asked if it was done for each specifically – where specifically did you apply the 10%.

Mr. Wilson said they added it to the cost estimate for the trail.

Mr. Gurule said, for the parks, most of the parks will be built in-house, so they included labor plus 10% for design, so each Park has a 10% contingency.

- Chair Dominguez asked, "Was there an additional on top of the entire program."

Mr. Gurule said no.

Chair Dominguez said if there are reallocations it will be bits and pieces from each project.

Mr. Gurule said it will be very minimal.

- Chair Dominguez asked about the \$136,513 for the West DeVargas Park.

Mr. Gurule said the funds dedicated for the Skate Park for West DeVargas Park is identified on page 1-1, and that is for finishing the lighting upgrades and finishing the skate feature, noting those were based on the original cost estimates from Bryan Drypolcher..

- Chair Dominguez asked when is that is supposed to be completed.

Mr. Martinez said he understands from Bryan Drypolcher that they are scheduled to be finished with the Skate Park portion in Summer 2013.

- Chair Dominguez asked what is meant by "Skate Park portion."

Mr. Martinez said there are several scopes to the West DeVargas Park. There is a new irrigation system, accessibility components, lighting components and skate feature. He said he can meet with Bryan tomorrow and get specifics.

- Chair Dominguez would like him to do that and then send him an email or a memo, noting he would like a history on that as well. He wants to know what has happened in the past that has caused delay in completion, commenting it was before the Governing Body years ago. He asked him to include any supporting memos that were presented to the Governing Body.

- Chair Dominguez asked about Los Hermanos in District 3, and asked if that noting that is in La Cienegita, the Hermanos Rodriguez Park, and Mr. Gurule said this is correct. Chair Dominguez asked him to make that correction.

- Chair Dominguez asked Mr. Gurule to be sure they make adjustments to cash flow sheet with regard to the Water History Park by the time it gets to Council, and Mr. Gurule said he will do so.

- Chair Dominguez said he would like a map of all of the trails project. He said he wants this to start evaluating connectivity especially to the south side. He would like to understand what the discussion was in terms of connectivity and making sure the funds are being spent equitably. He asked how difficult that would be.

Mr. Martinez said that could be developed, noting the Bikeways Master Plan shows specific areas of each project, and that can be included as an exhibit, or develop more of an overall map if that is what he wants. He invited him to look at the MPO website.

- Chair Dominguez said he looked at that, and he was trying to correlate it with what we have, but he was unable to correlate some of these projects with that map.

Mr. Martinez said they can do that and include it as part of the overall plan.

- Chair Dominguez asked the difference between improvements, maintenance and construction for the trails and parks projects.

Mr. Martinez said in the MPO Master Plan it is categorized in several things, and provided a copy of Sheet 2-1 as an example, and explained the layout to the Chair.

- Chair Dominguez asked if this is the same way Parks interprets those 3 – improvements, maintenance and construction in the Parks. He said if not, do we need to define that, so we know the money is being spent appropriately.

Mr. Gurule said, "In our supporting documents, which are those cost breakdowns, it shows it as money that will spent specifically for the improvement of that park, and the estimates we came to during the process of figuring out exactly what that scope was, and then trying to attach man hours from the in-house crews."

- Chair Dominguez asked the difference between an improvement and a renovation.

Mr. Gurule said they are basically the same in my estimation.

- Chair Dominguez asked if that is the way it is articulated throughout the whole plan. He said we need to make sure the money is spent appropriately.

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

VOTE: The motion was approved on a voice vote, with Councilor Dimas and Councilor Ives voting in favor of the motion, Councilor Bushee voting against, and Councilor Calvert absent for the vote.

25. OTHER FINANCIAL INFORMATION

A. UPDATE ON UPCOMING PUBLIC WORKS BIDS. (ROBERT RODARTE)

Mr. Rodarte said this was presented at the last Public Works meeting. It is basically a list of upcoming CIP projects which will be ready to go within the next 6 months.

Chair Dominguez asked if there was discussion at Public Works on this list.

Mr. Rodarte said no. He said they are more concerned with the dates as to when these will be out. He said it all ties with CWA and if we can apply it to any of these project. He said he explained there were only 5 which would fall under the CWA program. He said most of them are federally funded, especially at the Airport so we couldn't touch any of those projects.

Chair Dominguez said the Railyard isn't listed.

Mr. Rodarte said it isn't listed because it is in process right now, it's already bid-out. He put the CWA in there, commenting he is following the direction of Legal staff. The project is following the guidelines passed 2/12/2012.

Chair Dominguez asked the next step in that.

Mr. Rodarte said they will be having a pre-bid meeting, noting currently they are doing pre-qualifications for the project, and it's identifying all the terms and condition in that project as it sits.

Mr. Rodarte said he noted "piggyback" on the GCCC Photovoltaic Project, commenting he has an extremely good RFP out there with 3 companies they are interviewing starting tomorrow. He said it will save a lot of time and money in piggybacking on that contract. He said the reason the big BDD project isn't included, is because there are a lot of State funds involved. He said it would fall under the CWA if we didn't piggyback on it, noting it would if it was bid, but he prefers to piggyback. He said once the company is selected for the BDD project, he wants to use that project, because it's scoped out really nicely. He wants to use that contract at the GCCC. He said if it is piggyback you have to bring the terms and conditions as it's stated over – you have to basically clone yourself on this project if you piggyback.

Councilor Bushee said then you want to piggyback, and Mr. Rodarte said definitely, I would prefer it.

Councilor Bushee said then it won't fall under the CWA and Mr. Rodarte said that is correct.

Councilor Bushee asked when there are federal funds involved, what is that prevents us from using a CWA.

Mr. Rodarte said whenever you use federal money, you have to go with the federal guidelines as far as how to spend the funds. He said, for example, Transit, buses are very specific as to what you must include, so you basically have to use the federal language.

Councilor Bushee said she would like the language, and Mr. Rodarte said he will provide it to her.

Mr. Rodarte said once the CWA thing is done, he will have a better idea of what is out there.

Councilor Bushee asked at what point "did the lawyers green light this thing."

Mr. Rodarte said, "I was instructed by Geno to move forward three weeks ago. We basically... I just extended a contract for the Federal Building. The more it delays, the more money we pay over there."

Mr. Rodarte continued, "We're basically moving on, and if changes come in the next 30 days, as we hear the Ordinances and Resolutions on CWA, we will make amendments on that part.

Councilor Bushee's question here is inaudible.

Councilor Bushee asked, "What would happen if the amendment was like what was suggested by some of the people that withdrew their ordinances and resolutions this evening. To end the CWA after that wouldn't impact that project."

Mr. Rodarte said, "It depends. Is it going to be heard on the 30th, or is it going to be heard a month later. If we're still floating around with this bid. Remember, we're only pre-qualifying right now. We're only looking for companies that are going to meet all our specifications and will comply with the language in the CWA."

Councilor Bushee said she would like to be clear about the specifications which is going to try to follow. Right now, the existing CWA only requires that you strive for 50% local hiring and it also defines local as New Mexican, "so there's not a whole hefty standard there is there."

Mr. Rodarte said, "When it comes to your definition of local. The way the State has it, it says 'New Mexico resident preference.' It says resident. It doesn't say local, and that is the 5% that is given to you by the State. We have local preference identified as Santa Fe County."

Councilor Bushee asked, "Have you read the CWA agreement, or did you write it?"

Mr. Rodarte said he wrote a lot of it and other people wrote as well.

Councilor Bushee asked him if he wrote the definition of "Local" as New Mexican or State of New Mexico, not Santa Fe County, because that's what's in it now.

Mr. Rodarte said he will look at it, noting he and Ms. Amer discussed that a few minutes ago, and there may be some errors in there.

Councilor Bushee said it was mostly written by Judy Amer and Ray Baca.

Mr. Rodarte said he and Judy will look at it.

Councilor Bushee wants a report on how the whole pre-qualification is going, how many companies and subcontractors are qualified.

Mr. Rodarte said that is the goal – to gather this data.

Councilor Bushee said she wants to know at what point he makes the selection, and do they have a vested right, and she wants to track that closely.

B. UPDATE ON GROSS RECEIPTS TAX REPORT RECEIVED IN JANUARY 2013 (FOR NOVEMBER 2012 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN JANUARY 2013 (FOR DECEMBER 2012 ACTIVITY). (DR. MELVILLE MORGAN)

A Memorandum dated January 22, 2013, with attachments, to the Mayor, City Councilors and Robert Romero, from Dr. Melville L. Morgan, Finance Director, regarding January 2013 GRT Report, is incorporated herewith to these minutes as Exhibit "1."

Dr. Morgan presented information from his Memorandum of January 22, 2013, with attachments, to the Mayor, City Councilors and Robert Romero. Please see this Memorandum for specifics of this presentation.

Dr. Morgan noted he doesn't have the Lodgers' Tax Report, but he will have one for the next meeting.

26. MATTERS FROM THE COMMITTEE

COUNCILOR BUSHEE

Councilor Bushee introduced the following:

- A. A Resolution directing the City Manager to establish a position for the purpose of managing and maintaining the City's bike-pedestrian trail network, including coordinating volunteer resources, monitoring inter-agency efficiency, and planning continued connectivity in order to maximize and protect the value of such community asset. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."
- B. A Resolution supporting proposed State Legislation, Senate Bill 14 ("SB 14"), relating to extension of the sustainable building tax credit for ten years. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3. "
- C. A Resolution supporting proposed State Legislation, Senate Bill 16 ("SB 16"), relating to public financing of elections. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."
- D. A Resolution supporting proposed State Legislation, Senate Bill 17("SB 17), relating to motor vehicles; prohibiting texting while driving. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

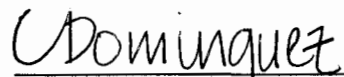
CHAIR DOMINGUEZ

Chair Dominguez said he will be working on the calendar for the budget hearings.

Chair Dominguez said the next meeting of the Finance Committee is February 4, 2013.

27. ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at approximately 8:15 pm.

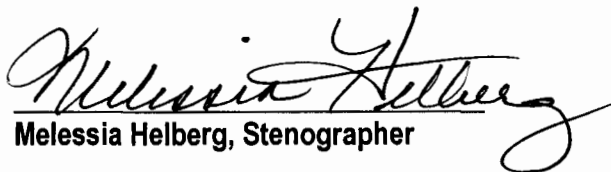


Carmichael A. Dominguez, Chair

Reviewed by:



Dr. Melville L. Morgan, Director
Department of Finance



Melessia Helberg, Stenographer

From: MORGAN, MELVILLE L.
Sent: Tuesday, January 22, 2013 11:08 AM
To: MAYOR; City Councilors; ROMERO, ROBERT P.
Cc: HAUSMAN, HELENE R.; TAPIA, DAVID C.; GARCIA, TERESITA M.; PROBASCO, CALVIN H.; GREEN, YOLANDA B; VIGIL, LAURA C.; NOBLE, KATE I.; VALENTINE, CELESTE M.
Subject: January 2013 GRT Report
Attachments: GRT 12-13 Jan 2013.xlsx

Dear All:

Attached is the GRT report for January 2013. This report is generated from the ACH data file that we receive from the state. At the time we are sending this email, we are waiting for confirmation that this deposit has occurred.

As we set a flat budget for fiscal year 2012-2013 based on actuals for the 2011-2012 fiscal year, you will note that the "FY BUDGET 2012-2013" box in the far right hand column reflects the data that we obtained from actuals in the 2011-2012 fiscal year. While there may be some duplication over time in both the actual and budgeted columns for 2012-2013, these data will continue to give us a road map of our monthly progress toward budget and allow us to communicate actual GRT revenue received in relation to budget.

For the month of January 2013, GRT data reflect a positive \$18,760, or .28 percent increase, for the month. Overall, year-to-date, we saw a positive \$485,546, or a .97 percent increase. This fits with what we are seeing and hearing at a national and state level. The +.97 percent keeps our data inside the statistically significant confidence interval range of +1% and -1%. Statistically and realistically, we can say we are right on budget. These data still indicate the economy for our sector continues to be flat, but with variance each month up or down, is increasing slowly based on recent national sales figures, which indicated about a 2% inflationary increase in energy and food. The flat or slight growth is echoed by much of the economic news at a national, state, and local level. The most telling picture this month of "being on budget" is reflected in the attached file under the tabs titled *Graph Budget vs Actuals* and *Graph Comparison* where the GRT is charted and the lines for 2011-2012 and 2012-2013 are practically on top of each other!

In comparing actuals, we note that the actual revenue for January 2013 is up .28 percent from the actual for January 2012. If we take a closer look across all actuals, we will note that the actual for January 2013 exceeds the actuals for the same month in 2008-2009, 2009-2010, 2010-2011, and 2011-2012.

For several months, we have reported cautious optimism given the retail figures and other leading economic indicators. Given the current GRT data, then, we can say we are on budget. The National Retail Sales Report for last month reflects a small increase in inflation by about 2 percent over the previous month for food and energy. However with the news for both our sector and nationally, we can continue to be confident we are making our way out of the recession. We also should note that there continues to be caution in the financial world given all the discussion about the continued "fiscal cliff" that our nation is facing, as well as the yet undetermined impact of the expiration of the payroll tax holiday, which lead to a general reduction in worker's pay throughout the nation. However, our data continue to hover right at the budget set for this year – an up-tick one month and a down-tick for the next month, but all in all, steady on budget.

The CPI change from December 2011 to December 2012 reflected an increase of 1.62% percent (the smallest monthly increase this fiscal year). Combining all data for the year, our average CPI for our sector for the year reflects an increase of 2.09% over the previous year. Comparing December 2012 to November 2012, the CPI, as reflected in our data, decreased by 1.1820 points. These data, from last month to this month, reflect much of what is going on with the national and world economies with the latest national CPI, therefore inflation, being reported at a modest 2 percent increase nationally. This seems to indicate that nationally, inflation has remained fairly flat. With the CPI data continuing from July 2012 forward, with GRT up a bit one month and down a bit the next month, except for the large increase (\$538,134) for the month of December, which reflects funds collected in October, our data continue to indicate that we

Exhibit "1"

are making slow and steady progress out of the recession. However, there is caution in the world and National arenas as details of the fiscal cliff and the repeal of the payroll tax holiday start to take effect.

Thanks for your attention to this important matter.

Mel

City of Santa Fe
Gross Receipts Taxes Collected (less Water 1/4%)

MONTH	FY Actual 2007/08	% Inc/Dec	FY Actual 2008/09	% Inc/Dec	FY Actual 2009/10	% Inc/Dec	FY Actual 2010/11	% Inc/Dec	FY Actual 2011/12	% Inc/Dec	FY Actual 2012/13	% Inc/Dec	\$ Diff to PY	FY Budget 2012-13	% Actual to Budget	Over/Under Budget
JUL	7,375,729	15.39%	7,522,492	1.99%	6,801,875	-9.58%	6,253,785	-8.06%	6,868,168	9.82%	6,839,744	-0.41%	(28,424)	6,868,168	-0.41%	(28,424)
AUG	8,237,747	-2.16%	8,126,772	-1.35%	7,373,937	-9.26%	7,692,859	4.32%	7,651,436	-0.54%	7,557,228	-1.23%	(94,208)	7,651,436	-1.23%	(94,208)
SEPT	7,534,469	9.30%	7,711,349	2.35%	7,220,436	-6.37%	6,865,871	-4.91%	7,162,003	4.31%	7,251,040	1.24%	89,037	7,162,003	1.24%	89,037
OCT	7,792,052	4.44%	7,750,530	-0.53%	7,133,369	-7.96%	7,300,775	2.35%	7,456,520	2.13%	7,541,435	1.14%	84,916	7,456,520	1.14%	84,916
NOV	7,767,989	2.05%	7,590,931	-2.28%	6,887,336	-9.27%	6,788,772	-1.43%	7,169,747	5.61%	7,047,078	-1.71%	(122,669)	7,169,747	-1.71%	(122,669)
DEC	7,385,740	-2.52%	7,808,652	5.73%	6,665,415	-14.64%	6,492,101	-2.60%	6,576,396	1.30%	7,114,531	8.18%	538,134	6,576,396	8.18%	538,134
JAN	6,986,767	4.62%	6,511,739	-6.80%	6,118,876	-6.03%	6,284,002	2.70%	6,653,844	5.89%	6,672,604	0.28%	18,760	6,653,844	0.28%	18,760
FEB	8,725,121	8.61%	7,679,717	-11.98%	7,568,323	-1.45%	7,786,459	2.88%	8,240,913	5.84%				8,240,913		
MAR	6,680,180	-4.15%	6,307,310	-5.58%	5,774,583	-8.45%	5,705,183	-1.20%	6,242,865	9.42%				6,242,865		
APR	5,957,049	-4.68%	6,038,594	1.37%	5,685,314	-5.85%	5,775,585	1.59%	6,318,974	9.41%				6,318,974		
MAY	6,903,178	-34.00%	6,517,131	-5.59%	6,580,129	0.97%	6,821,323	3.67%	7,132,860	4.57%				7,132,860		
JUN	7,201,012	-4.48%	6,123,927	-14.96%	6,212,278	1.44%	6,687,665	7.65%	6,249,687	-6.55%				6,249,687		
TOTALS	\$88,547,033	2.07%	\$85,689,145	-3.23%	\$80,021,871	-6.61%	\$80,454,380	0.54%	\$83,723,413	4.06%	\$ 50,023,660		\$ 485,546	\$83,723,413		\$ 485,546
Prior Years' Comparison:																
July-Jan	\$53,080,494	4.01%	\$53,022,466	-0.11%	\$48,201,244	-9.09%	\$47,678,165	-1.09%	\$49,538,114	3.90%	\$50,023,660		\$485,546	\$49,538,114		\$485,546
Budget vs Actual year-to-date comparison															0.97%	\$485,546
Current Actual year-to-date comparison to prior year-to															0.97%	485,546
Current Actual year-to-date comparison to FY 07-08 year															-3.76%	(3,056,833)

July 2005 1/4% GRT increase: WATER

MONTH	FY Actual 2007/08	% Inc/Dec	FY Actual 2008/09	% Inc/Dec	FY Actual 2009/10	% Inc/Dec	FY Actual 2010/11	% Inc/Dec	FISCAL YR 2011/12	% Incr/Decr	FISCAL YR 2012/13	% Incr/Decr	\$ Diff to PY	FY Budget 2012-13	% Actual to Budget	Over/Under Budget
JUL	633,957	14.35%	654,025	3.17%	592,723	-9.37%	545,951	-7.89%	598,654	9.65%	600,324	0.28%	1,670	598,654	0.28%	1,670
AUG	714,599	-95.00%	710,669	-0.55%	641,975	-9.67%	671,821	4.65%	667,629	-0.62%	659,002	-1.29%	(8,627)	667,629	-1.29%	(8,627)
SEPT	653,432	9.04%	670,318	2.58%	629,159	-6.14%	597,858	-4.98%	625,006	4.54%	634,132	1.46%	9,125	625,006	1.46%	9,125
OCT	676,530	3.87%	679,674	0.46%	622,467	-8.42%	636,744	2.29%	648,133	1.79%	659,894	1.81%	11,761	648,133	1.81%	11,761
NOV	679,250	4.49%	662,766	-2.43%	596,377	-10.02%	590,905	-0.92%	625,532	5.86%	616,187	-1.49%	(9,345)	625,532	-1.49%	(9,345)
DEC	647,257	2.30%	683,888	5.66%	580,333	-15.14%	566,931	-2.31%	573,490	1.16%	622,564	8.56%	49,074	573,490	8.56%	49,074
JAN	612,303	2.59%	570,156	-6.88%	534,889	-6.19%	549,104	2.66%	580,657	5.75%	583,650	0.52%	2,993	580,657	0.52%	2,993
FEB	765,368	9.23%	672,413	-12.15%	661,900	-1.56%	680,339	2.79%	722,984	6.27%				722,984		
MAR	585,468	-0.35%	550,145	-6.03%	503,595	-8.46%	499,794	-0.75%	543,902	8.83%				543,902		
APR	546,057	4.90%	527,862	-3.33%	496,228	-5.99%	499,776	0.71%	551,043	10.26%				551,043		
MAY	951,790	57.65%	570,683	-40.04%	572,672	0.35%	594,603	3.83%	622,468	4.69%				622,468		
JUN	631,448	4.36%	534,251	-15.39%	541,828	1.42%	580,691	7.17%	543,012	-6.49%				543,012		
TOTALS	\$8,097,459	8.74%	\$7,486,850	-7.54%	\$6,974,146	-6.85%	\$7,014,517	-1.37%	7,302,510	3.55%	\$ 4,375,753		\$ 56,652	\$7,302,510		\$ 56,652
Prior Years' Comparison:																
July-Jan	\$4,617,329	4.80%	\$4,631,495	0.31%	\$4,197,923	-9.36%	\$4,159,314	-0.92%	\$4,319,102	3.84%	\$4,375,753		56,652	\$4,319,102		\$56,652

City of Santa Fe
Gross Receipts Taxes Collected (less Water 1/4%)

MONTH	FY Actual 2007/08	% Inc/Dec	FY Actual 2008/09	% Inc/Dec	FY Actual 2009/10	% Inc/Dec	FY Actual 2010/11	% Inc/Dec	FY Actual 2011/12	% Inc/Dec	FY Actual 2012/13	% Inc/Dec	\$ Diff to PY	FY Budget 2012-13	% Actual to Budget	Over/Under Budget
JUL	7,375,729	15.39%	7,522,492	1.99%	6,801,875	-9.58%	6,253,785	-8.06%	6,868,168	9.82%	6,839,744	-0.41%	(28,424)	6,868,168	-0.41%	(28,424)
AUG	8,237,747	-2.16%	8,126,772	-1.35%	7,373,937	-9.26%	7,692,859	4.32%	7,651,436	-0.54%	7,557,228	-1.23%	(94,208)	7,651,436	-1.23%	(94,208)
SEPT	7,534,469	9.30%	7,711,349	2.35%	7,220,436	-6.37%	6,865,871	-4.91%	7,162,003	4.31%	7,251,040	1.24%	89,037	7,162,003	1.24%	89,037
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NOV	7,767,989	2.05%	7,590,931	-2.28%	6,887,336	-9.27%	6,788,772	-1.43%	7,169,747	5.61%	7,047,078	-1.71%	(122,669)	7,169,747	-1.71%	(122,669)
DEC	7,385,740	-2.52%	7,808,652	5.73%	6,665,415	-14.64%	6,492,101	-2.60%	6,576,396	1.30%	7,114,531	8.18%	538,134	6,576,396	8.18%	538,134
JAN	6,986,767	4.62%	6,511,739	-6.80%	6,118,876	-6.03%	6,284,002	2.70%	6,653,844	5.89%	6,672,604	0.28%	18,760	6,653,844	0.28%	18,760
FEB	8,725,121	8.61%	7,679,717	-11.98%	7,568,323	-1.45%	7,786,459	2.88%	8,240,913	5.84%				8,240,913		
MAR	6,680,180	-4.15%	6,307,310	-5.58%	5,774,583	-8.45%	5,705,183	-1.20%	6,242,865	9.42%				6,242,865		
APR	5,957,049	-4.68%	6,038,594	1.37%	5,685,314	-5.85%	5,775,585	1.59%	6,318,974	9.41%				6,318,974		
MAY	6,903,178	-34.00%	6,517,131	-5.59%	6,580,129	0.97%	6,821,323	3.67%	7,132,860	4.57%				7,132,860		
JUN	7,201,012	-4.48%	6,123,927	-14.96%	6,212,278	1.44%	6,687,665	7.65%	6,249,687	-6.55%				6,249,687		
TOTALS	\$88,547,033	2.07%	\$85,689,145	-3.23%	\$80,021,871	-6.61%	\$80,454,380	0.54%	\$83,723,413	4.06%	\$ 50,023,660		\$ 485,546	\$83,723,413		\$ 485,546
Prior Years' Comparison:																
July-Jan	\$53,080,494	4.01%	\$53,022,466	-0.11%	\$48,201,244	-9.09%	\$47,678,165	-1.09%	\$49,538,114	3.90%	\$50,023,660		\$485,546	\$49,538,114		\$485,546
Budget vs Actual year-to-date comparison															0.97%	\$485,546
Current Actual year-to-date comparison to prior year-to															0.97%	485,546
Current Actual year-to-date comparison to FY 07-08 year															-5.76%	(3,056,833)

July 2005 1/4% GRT increase: WATER

MONTH	FY Actual 2007/08	% Inc/Dec	FY Actual 2008/09	% Inc/Dec	FY Actual 2009/10	% Inc/Dec	FY Actual 2010/11	% Inc/Dec	FISCAL YR 2011/12	% Incr/Decr	FISCAL YR 2012/13	% Incr/Decr	\$ Diff to PY	FY Budget 2012-13	% Actual to Budget	Over/Under Budget
JUL	633,957	14.35%	654,025	3.17%	592,723	-9.37%	545,951	-7.89%	598,654	9.65%	600,324	0.28%	1,670	598,654	0.28%	1,670
AUG	714,599	-95.00%	710,669	-0.55%	641,975	-9.67%	671,821	4.65%	667,629	-0.62%	659,002	-1.29%	(8,627)	667,629	-1.29%	(8,627)
SEPT	653,432	9.04%	670,318	2.58%	629,159	-6.14%	597,858	-4.98%	625,006	4.54%	634,132	1.46%	9,125	625,006	1.46%	9,125
OCT	676,530	3.87%	679,674	0.46%	622,467	-8.42%	636,744	2.29%	648,133	1.79%	659,894	1.81%	11,761	648,133	1.81%	11,761
NOV	679,250	4.49%	662,766	-2.43%	596,377	-10.02%	590,905	-0.92%	625,532	5.86%	616,187	-1.49%	(9,345)	625,532	-1.49%	(9,345)
DEC	647,257	2.30%	683,888	5.66%	580,333	-15.14%	566,931	-2.31%	573,490	1.16%	622,564	8.56%	49,074	573,490	8.56%	49,074
JAN	612,303	2.59%	570,156	-6.88%	534,889	-6.19%	549,104	2.66%	580,657	5.75%	583,650	0.52%	2,993	580,657	0.52%	2,993
FEB	765,368	9.23%	672,413	-12.15%	661,900	-1.56%	680,339	2.79%	722,984	6.27%				722,984		
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APR	546,057	4.90%	527,862	-3.33%	496,228	-5.99%	499,776	0.71%	551,043	10.26%				551,043		
MAY	951,790	57.65%	570,683	-40.04%	572,672	0.35%	594,603	3.83%	622,468	4.69%				622,468		
JUN	631,448	4.36%	534,251	-15.39%	541,828	1.42%	580,691	7.17%	543,012	-6.49%				543,012		
TOTALS	\$8,097,459	8.74%	\$7,486,850	-7.54%	\$6,974,146	-6.85%	\$7,014,517	-1.37%	7,302,510	3.55%	\$ 4,375,753		\$ 56,652	\$7,302,510		\$ 56,652
Prior Years' Comparison:																
July-Jan	\$4,617,329	4.80%	\$4,631,495	0.31%	\$4,197,923	-9.36%	\$4,159,314	-0.92%	\$4,319,102	3.84%	\$4,375,753		56,652	\$4,319,102		\$56,652
Budget vs Actual year-to-date comparison															0.97%	\$56,652
Current Actual year-to-date comparison to prior year-to															0.97%	56,652
Current Actual year-to-date comparison to FY 07-08 year															-5.76%	(241,570)

**City of Santa Fe
Gross Receipts by Category
Fiscal Years 2012-13 vs. 2011-12**

**January
(November Activity)**

Category	Jan. 2012-13	Jan. 2011-12	Dollar Difference	Percent Difference
Agriculture, forestry, hunting	6,516	7,009	(494)	-7.04%
Mining	1,954	0	1,954	0.00%
Utilities	185,442	201,477	(16,035)	-7.96%
Construction	729,759	771,745	(41,987)	-5.44%
Manufacturing	127,455	133,531	(6,075)	-4.55%
Wholesale	99,831	116,725	(16,894)	-14.47%
Retail	2,197,082	2,215,663	(18,581)	-0.84%
Transportation & warehousing	12,886	37,986	(25,099)	-66.08%
Information & Cultural Indust.	284,348	308,065	(23,717)	-7.70%
Finance & insurance	98,089	85,393	12,696	14.87%
Real estate, rental & leasing	133,036	122,206	10,830	8.86%
Prof, Scientific, Technical	545,029	578,314	(33,284)	-5.76%
Management of companies	17,673	24,762	(7,089)	-28.63%
Admin & Support, Waste Mgt	45,361	57,881	(12,520)	-21.63%
Educational Services	58,359	57,858	501	0.87%
Health Care & Social Assist	344,567	342,840	1,727	0.50%
Arts, Entertainment & Recr	41,089	33,793	7,296	21.59%
Accommodation & Food	717,476	687,249	30,227	4.40%
Other Services	724,318	598,985	125,333	20.92%
Public Administration	0	0	0	0.00%
Unclassified	17,955	13,175	4,780	36.28%
State reimb-food/med tax	841,684	811,558	30,126	3.71%
Muni. Equivalent Distribution	26,345	28,287	(1,942)	-6.87%
Total Distribution	7,256,253.76	7,234,501.20	21,752.56	0.30%

**City of Santa Fe
GRT Analysis By Category
Fiscal Years 2012-13 vs. 2011-12**

**Cumulative 2012-13 vs. Cumulative 2011-12
(May - November Activity)**

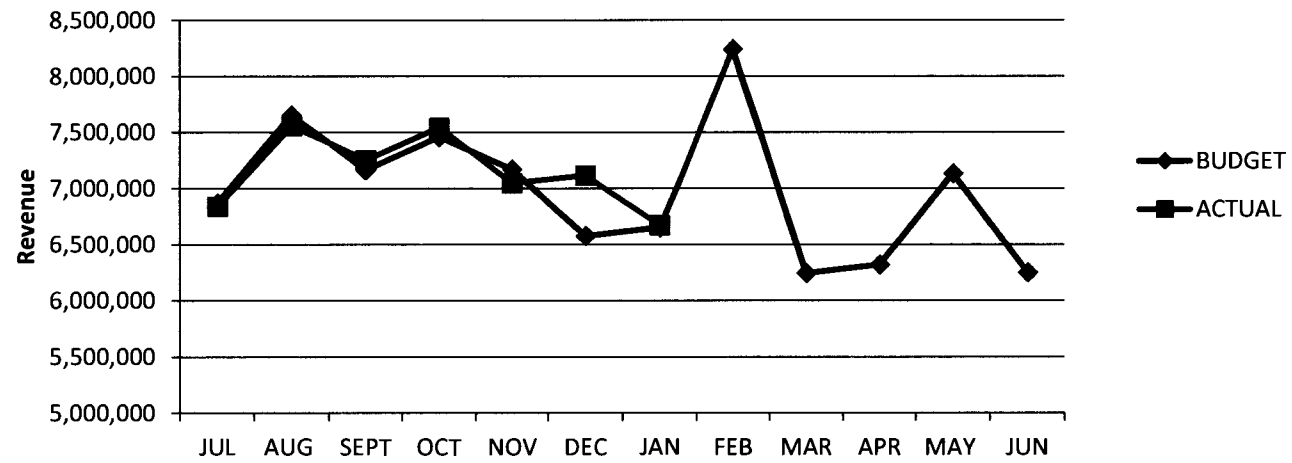
Category	July-Jan 2012-13	July-Jan 2011-12	Dollar Difference	Percent Difference
Agriculture, forestry, hunting, fishing	140,308	153,485	(13,177)	-8.58%
Mining	3,965	394	3,572	0.00%
Utilities	1,272,215	1,140,910	131,305	11.51%
Construction	5,139,760	5,321,979	(182,219)	-3.42%
Manufacturing	930,902	1,008,711	(77,808)	-7.71%
Wholesale	853,910	984,336	(130,426)	-13.25%
Retail	15,734,142	16,056,462	(322,321)	-2.01%
Transportation & warehousing	104,070	378,693	(274,623)	-72.52%
Information and Cultural Indust	2,001,140	2,029,466	(28,326)	-1.40%
Finance & Insurance	688,540	499,020	189,520	37.98%
Real estate, rental & leasing	1,130,168	1,000,349	129,819	12.98%
Professional, Scientific, Tech	4,198,671	4,083,633	115,038	2.82%
Management of companies	134,881	129,345	5,536	4.28%
Admin & Support, Waste Mgt	500,299	596,533	(96,234)	-16.13%
Educational Services	309,363	294,529	14,834	5.04%
Health care and social assist	2,580,510	2,546,305	34,204	1.34%
Arts, Entertainment & Recr	265,570	257,108	8,461	3.29%
Accommodation & Food	6,576,804	6,269,037	307,768	4.91%
Other Services	5,549,878	4,806,019	743,860	15.48%
Public Administration	775	790	(16)	0.00%
Unclassified	147,442	100,249	47,193	47.08%
State reimb-food/med tax	5,963,117	5,986,601	(23,484)	-0.39%
Muni. Equivalent Distribution	172,984	213,261	(40,277)	-18.89%
Total Distribution	54,399,414	53,857,216	542,198	1.01%

City of Santa Fe
GRT Analysis By Category
Fiscal Years 2012-13 vs. 2011-2012 and 2007-2008

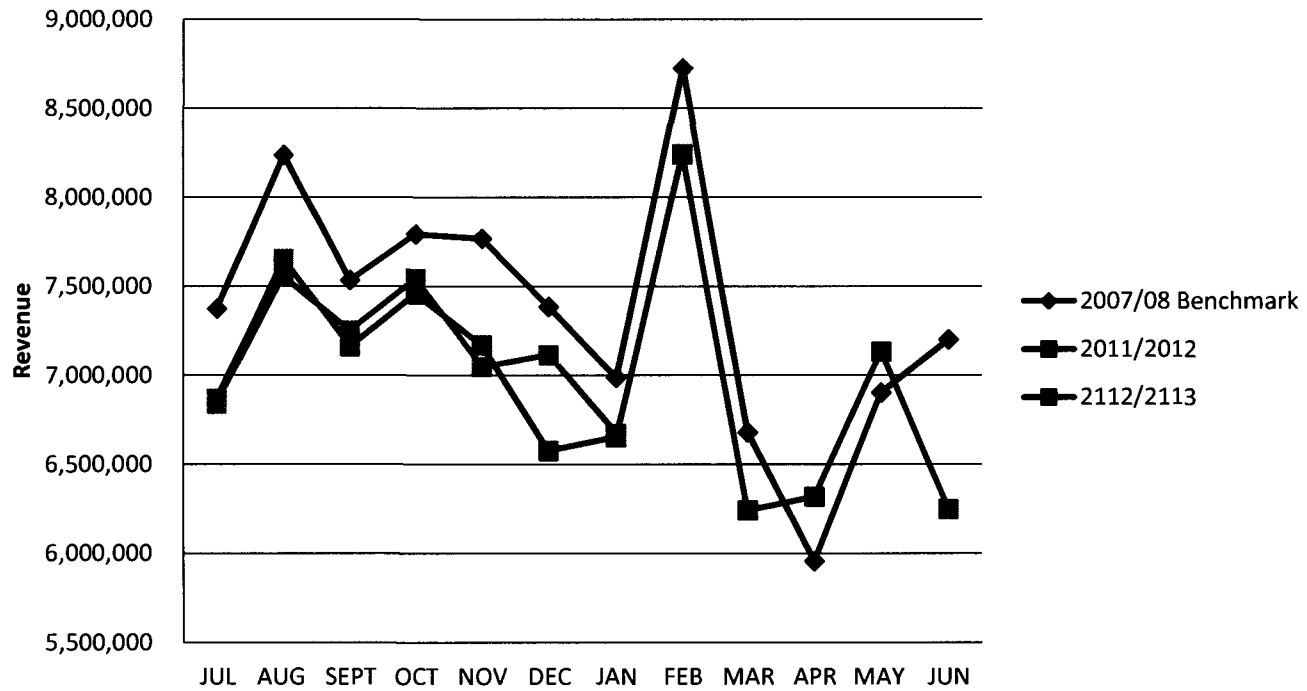
Cumulative July - Nov
(May - August Activity)

Category	July-Nov 2012-2013	July-Nov 2011-2012	July-Nov 2007-2008	Dollar Dif FY 12-13 vs FY 11-12	Percent Dif FY 12-13 vs FY 10-11	Dollar Dif FY 12-13 vs FY 07-08	Percent Dif FY 12-13 vs FY 07-08
Agriculture, forestry, hunting, fishing	140,308	153,485	286,202	(13,177)	-8.58%	(145,894)	-50.98%
Mining	3,965	394	60	3,572	907.43%	3,906	0.00%
Utilities	1,272,215	1,140,910	1,029,482	131,305	11.51%	242,733	23.58%
Construction	5,139,760	5,321,979	8,256,108	(182,219)	-3.42%	(3,116,349)	-37.75%
Manufacturing	930,902	1,008,711	1,248,852	(77,808)	-7.71%	(317,950)	-25.46%
Wholesale	853,910	984,336	1,183,211	(130,426)	-13.25%	(329,301)	-27.83%
Retail	15,734,142	16,056,462	17,713,426	(322,321)	-2.01%	(1,979,284)	-11.17%
Transportation & warehousing	104,070	378,693	406,526	(274,623)	-72.52%	(302,456)	-74.40%
Information and Cultural Indust	2,001,140	2,029,466	923,968	(28,326)	-1.40%	1,077,172	116.58%
Finance & Insurance	688,540	499,020	655,808	189,520	37.98%	32,732	4.99%
Real estate, rental & leasing	1,130,168	1,000,349	1,352,133	129,819	12.98%	(221,965)	-16.42%
Professional, Scientific, Tech	4,198,671	4,083,633	3,381,902	115,038	2.82%	816,769	24.15%
Management of companies	134,881	129,345	222,136	5,536	4.28%	(87,255)	-39.28%
Admin & Support, Waste Mgt	500,299	596,533	267,609	(96,234)	-16.13%	232,690	86.95%
Educational Services	309,363	294,529	148,383	14,834	5.04%	160,980	108.49%
Health care and social assist	2,580,510	2,546,305	2,155,681	34,204	1.34%	424,829	19.71%
Arts, Entertainment & Recr	265,570	257,108	213,012	8,461	3.29%	52,558	24.67%
Accommodation & Food	6,576,804	6,269,037	6,439,229	307,768	4.91%	137,576	2.14%
Other Services	5,549,878	4,806,019	5,988,468	743,860	15.48%	(438,590)	-7.32%
Public Administration	775	790	68	(16)	0.00%	706	0.00%
Unclassified	147,442	100,249	999,342	47,193	47.08%	(851,900)	-85.25%
State reimb-food/med tax**	5,963,117	5,986,601	4,826,218	(23,484)	-0.39%	1,136,899	23.56%
Muni. Equivalent Distribution	172,984	213,261	0	(40,277)	-18.89%	172,984	100.00%
Total Distribution	54,399,414	53,857,216	57,697,823	542,198	1.01%	(3,298,409)	-5.72%

Comparison of Budget vs Actual FY 12-13



Comparison of 2 YRS to Benchmark



BUDGET VS ACTUAL:

MONTH	BUDGET	ACTUAL
JUL	6,868,168	6,839,744
AUG	7,651,436	7,557,228
SEPT	7,162,003	7,251,040
OCT	7,456,520	7,541,435
NOV	7,169,747	7,047,078
DEC	6,576,396	7,114,531
JAN	6,653,844	6,672,604
FEB	8,240,913	
MAR	6,242,865	
APR	6,318,974	
MAY	7,132,860	
JUN	6,249,687	
	<hr/> 83,723,413	50,023,661

2 YEARS VS BENCHMARK:

MONTH	2007/08 Benchmark	2011/2012	2112/2113
JUL	7,375,729	6,868,168	6,839,744
AUG	8,237,747	7,651,436	7,557,228
SEPT	7,534,469	7,162,003	7,251,040
OCT	7,792,052	7,456,520	7,541,435
NOV	7,767,989	7,169,747	7,047,078
DEC	7,385,740	6,576,396	7,114,531
JAN	6,986,767	6,653,844	6,672,604
FEB	8,725,121	8,240,913	
MAR	6,680,180	6,242,865	
APR	5,957,049	6,318,974	
MAY	6,903,178	7,132,860	
JUN	7,201,012	6,249,687	
		<hr/> 83,723,413	

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2013-____**

3 **INTRODUCED BY:**

4 Councilor Patti Bushee

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10 **A RESOLUTION**

11 **DIRECTING THE CITY MANAGER TO ESTABLISH A POSITION FOR THE PURPOSE**
12 **OF MANAGING AND MAINTAINING THE CITY'S BIKE-PEDESTRIAN TRAIL**
13 **NETWORK, INCLUDING COORDINATING VOLUNTEER RESOURCES, MONITORING**
14 **INTER-AGENCY EFFICIENCY, AND PLANNING CONTINUED CONNECTIVITY IN**
15 **ORDER TO MAXIMIZE AND PROTECT THE VALUE OF SUCH COMMUNITY ASSET.**

16
17 **WHEREAS**, the voters of the City of Santa Fe have recently approved \$44,300,000 in
18 General Obligation Bonds to invest in trails, parks and open space; and

19 **WHEREAS**, the City of Santa Fe has begun to receive national recognition for its investment
20 in its trails which includes:

- 21 • A coveted Bicycle Friendly Community designation (Bronze) from the League of
22 American Bicyclists;
- 23 • The International Mountain Bike Association World Summit which was recently held in
24 Santa Fe;
- 25 • Runner's World Magazine which named the Dale Ball Trails among the top 10 trails in

1 the country;

- 2 • The New York Times which recommends travel to Santa Fe, NM, because of its trails
3 system;
- 4 • A Bicycle Master Plan which was approved in 2012;
- 5 • A Pedestrian Master Plan which is currently in progress; and

6 **WHEREAS**, the City's investment in trails continues to reap rewards for the City through
7 increased tourism, more business and employment opportunities, increased gross receipts revenues,
8 and the improved health and well-being of its residents; and

9 **WHEREAS**, the success of the City's pending application as a "Silver" Bicycle Friendly
10 Community depends on the commitment of City staffing dedicated to trails and paths; and

11 **WHEREAS**, the value and benefits from the investment in the City's trails will increase if
12 properly managed and protected by a dedicated staff position; and

13 **WHEREAS**, abundant volunteer resources await central coordination by the City for
14 working on trail maintenance and improvement, such as:

- 15 • Trails Alliance of Santa Fe
- 16 • Santa Fe Fat Tire Society
- 17 • Pedal Queens Bicycle Club
- 18 • Friends of the Outdoors Trails Alliance
- 19 • Sierra Club
- 20 • Wilderness Alliance
- 21 • Meet up groups
- 22 • Neighborhood associations
- 23 • A robust retirement community seeking volunteer opportunities; and

24 **WHEREAS**, all such groups will continue to be underutilized without coordination by a
25 designated City staff coordinator; and

1 **WHEREAS**, there currently does not exist a central public office or position to maximize
2 volunteer resources; and

3 **WHEREAS**, other western cities compete for tourism by aggressively managing and
4 promoting outdoor recreation which requires Santa Fe to keep pace and stay progressive; and

5 **WHEREAS**, the future of tourism, economic prosperity and property values in Santa Fe and
6 New Mexico depends on attracting and retaining new families and a youthful demographic, all of
7 whom seek out and value a community with a well-managed trails network.

8 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
9 **CITY OF SANTA FE** that the City Manager is directed to establish a city position for the purpose of
10 managing trails and coordinating volunteers for the maintenance and improvement of the City's bike-
11 pedestrian trails network.

12 **BE IT FURTHER RESOLVED** that such position shall include, at a minimum, the
13 following tasks:

- 14 • Coordinate and supervise all volunteer activities on city parks and trails, while
15 maintaining a master calendar for volunteer activities
- 16 • Attend meetings of volunteer organizations to recruit and educate volunteers
- 17 • Arrange recognition ceremonies and activities
- 18 • Publish and disseminate marketing materials and informational brochures
- 19 • Work with the City maintenance department to coordinating activities and efforts for
20 both paved and unpaved trail surfaces
- 21 • Work with City planners and the Metropolitan Planning Organization to maximize
22 connectivity and efficiency in the planning and implementation of the bicycle and
23 pedestrian master plans.
- 24 • Work with the City Public Information Office to improve public awareness and
25 education

- Monitor and report on directional signage needs and oversee installations
- Attend City meetings related to POSAC, BTAC, Public Works, and the like, to advise and coordinate efforts,
- Maintain ongoing education and credentials in sustainable trails maintenance, crew leader and safety training, first aid, relevant AASHTO requirements, right of way, liability issues, and alternative transportation planning,
- Regular coordination with the public safety trails position to monitor conditions and activities
- Coordinate with the existing County Volunteer Coordinator on joint projects affecting both entities
- Ongoing knowledge and skills related to available tool and mechanical resources
- Active use of social media and maintenance of a dedicated a City web page for volunteer activities
- Maximize safety of all volunteer activities and maintains an ongoing working relationship with City risk management to protect the volunteers and the City.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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4 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/Trails Coordinator*

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2013-____**

3 **INTRODUCED BY:**

4 Councilor Patti Bushee

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10 **A RESOLUTION**

11 **SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 14 ("SB 14"),**
12 **RELATING TO EXTENSION OF THE SUSTAINABLE BUILDING TAX CREDIT FOR**
13 **TEN YEARS.**

14
15 **WHEREAS**, the 60 day session of the 2013 Legislative Session began on January 15, 2013;
16 and

17 **WHEREAS**, SB 14, has been introduced for consideration by the 51st Legislature - State of
18 New Mexico - First Session, 2013; and

19 **WHEREAS**, SB 14 would extend the sustainable building tax credit for an additional ten
20 years, so that the credit would be in effect until December 31, 2023.

21 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
22 **CITY OF SANTA FE** that the Governing Body hereby supports SB 14.

23 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
24 resolution to the City of Santa Fe lobbyist and the City of Santa Fe State Legislative Delegation.

25 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

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DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Councilor Patti Bushee

A RESOLUTION

**SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 16 ("SB 16"),
RELATING TO PUBLIC FINANCING OF ELECTIONS.**

WHEREAS, the 60 day session of the 2013 Legislative Session began on January 15, 2013;

and

WHEREAS, SB 16, has been introduced for consideration by the 51st Legislature - State of
New Mexico - First Session, 2013; and

WHEREAS, SB 16 proposes to amend public financing of election laws in the following
manner:

- removing seed money requirements;
- allowing certain contributions;
- changing distribution and matching fund amounts;
- clarifying penalty provisions;
- amending, repealing and enacting sections of the voter action act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE

1 CITY OF SANTA FE that the Governing Body hereby supports SB 16.

2 BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this
3 resolution to the City of Santa Fe lobbyist and the City of Santa Fe State Legislative Delegation.

4 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

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DAVID COSS, MAYOR

8 ATTEST:

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11 YOLANDA Y. VIGIL, CITY CLERK

12 APPROVED AS TO FORM:

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15 GENO ZAMORA, CITY ATTORNEY

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25 M/Melissa/Resolutions 2013/Public Campaign Financing

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2013-____**

3 **INTRODUCED BY:**

4 Councilor Patti Bushee

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10 **A RESOLUTION**

11 **SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 17 ("SB 17"),**
12 **RELATING TO MOTOR VEHICLES; PROHIBITING TEXTING WHILE DRIVING.**

13
14 **WHEREAS**, the 60 day session of the 2013 Legislative Session began on January 15, 2013;
15 and

16 **WHEREAS**, SB 17, has been introduced for consideration by the 51st Legislature - State of
17 New Mexico - First Session, 2013; and

18 **WHEREAS**, SB 17 would prohibit a person from reading, viewing, typing or sending a text
19 message on a mobile communication device while driving a motor vehicle, except to summon
20 medical or other emergency help; or in the operation of an authorized law enforcement or emergency
21 vehicle as required by the driver's official duties.

22 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
23 **CITY OF SANTA FE** that the Governing Body hereby supports SB 17.

24 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
25 resolution to the City of Santa Fe lobbyist and the City of Santa Fe State Legislative Delegation.

1 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

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4 DAVID COSS, MAYOR

5 ATTEST:

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7 _____

8 YOLANDA Y. VIGIL, CITY CLERK

9 APPROVED AS TO FORM:

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11 _____

12 GENO ZAMORA, CITY ATTORNEY

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M/Melissa/Resolutions 2013/Texting While Driving