



Agenda

DATE 10/2/13 TIME 1:10 PM

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**PUBLIC WORKS/CIP & LAND USE
COMMITTEE MEETING
CITY COUNCIL CHAMBERS
MONDAY, OCTOBER 7, 2013
4:45 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM SEPTEMBER 23, 2013 PUBLIC WORKS COMMITTEE MEETING

INFORMATIONAL AGENDA (UP TO 15 MINUTES)

6. FINANCE PRESENTATION
 - A. FUNDING OPTIONS (CIP/HOLD HARMLESS) (**MARCOS TAPIA**)

CONSENT AGENDA (10 MINUTES)

7. REQUEST FOR APPROVAL OF 2014 PUBLIC WORKS COMMITTEE MEETING DATES (**ISAAC PINO**)

Committee Review:

Council

TBD

8. REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #10-805-00-06327 WITH EMCO OF SANTA FE LLC IN THE AMOUNT OF \$166,013.72 FOR BASE COURSE MATERIAL (**DAVID CATANACH**)

Committee Review:

Finance Committee (Scheduled)

10/21/13

Council (Scheduled)

10/30/13

9. REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #10-805-00-06714 WITH EMCO OF SANTA FE LLC IN THE AMOUNT OF \$546,867.67 FOR MATERIAL AND LABOR TO REHABILITATE APPROXIMATELY 4 MILES OF WALKING TRAILS PAVEMENT ALONG THE ARROYO CHAMISA TRAIL (**DAVID CATANACH**)

Committee Review:

Finance Committee (Scheduled)

10/21/13

Council (Scheduled)

10/30/13

10. REQUEST FOR FINAL APPROVAL OF SALE OF REAL ESTATE CONTAINING APPROXIMATELY 3166 SQUARE FEET WITHIN LOT 3, OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 8 EAST, NMPM, ADJOINING 3020 SOUTH MEADOWS ROAD BY CAROL ORTEGA (**EDWARD VIGIL**)

Committee Review:

Finance Committee (Scheduled) 10/21/13
Council (Scheduled) 10/30/13

11. REQUEST FOR APPROVAL OF AMENDMENT TO MORTGAGE DOCUMENTS BETWEEN THE CITY OF SANTA FE AND TIERRA CONTENTA CORPORATION (**ALEXANDRA LADD**)

Committee Review:

Finance Committee (Scheduled) 10/21/13
Council (Scheduled) 10/30/13

12. REQUEST FOR APPROVAL OF THE NCRTD INTERGOVERNMENTAL CONTRACT TO REFLECT THE ADDITION OF THE TOWN OF EDGEWOOD AND THE PUEBLO OF NAMBE (**JON BULTHUIS**)

Committee Review:

Finance Committee (Scheduled) 10/21/13
Council (Scheduled) 10/30/13

13. SANTA FE MUNICIPAL AIRPORT

- REQUEST FOR APPROVAL OF RFB NO. 14/13/B NOTICE OF AWARD AND CONTRACT TO ALBUQUERQUE ASPHALT, INC. IN THE AMOUNT OF \$1,306,799.37 FOR TAXIWAY F EXTENSION CONSTRUCTION
- REQUEST FOR APPROVAL AND FINAL AGREEMENT WITH NEW MEXICO DEPARTMENT OF TRANSPORTATION AVIATION DIVISION GRANT IN THE AMOUNT OF \$51,917 (**FRANCEY JESSON**)

Committee Review:

Finance Committee (Scheduled) 10/21/13
Council (Scheduled) 10/30/13

14. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING INITIATION OF A NEEDS ASSESSMENT BY THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT TO IDENTIFY ALTERNATIVE SERVICE AND FINANCING OPTIONS TO BEGIN PROVISION OF SCHEDULED REGIONAL TRANSIT SERVICE TO THE SANTA FE SKI BASIN (**COUNCILORS BUSHEE AND WURZBURGER**) (**JON BULTHUIS**)

Committee Review:

Finance Committee (Scheduled) 10/21/13
Council (Scheduled) 10/30/13

DISCUSSION AGENDA (UP TO 30 MINUTES)

15. REQUEST FOR APPROVAL OF PROPOSED CHANGES TO PROCUREMENT MANUAL SECTION 29, CONTRACT MODIFICATIONS/AMENDMENTS/CHANGE ORDERS (**ROBERT RODARTE/JUDIE AMER**)

Committee Review:

Finance Committee (Scheduled) 10/21/13
Council (Scheduled) 10/30/13

- 16. MATTERS FROM STAFF (5 MINUTES)**
- 17. MATTERS FROM THE COMMITTEE (5 MINUTES)**
- 18. MATTERS FROM THE CHAIR (5 MINUTES)**
- 19. NEXT MEETING: MONDAY, OCTOBER 28, 2013**
- 20. 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 INDEX FOR
PUBLIC WORKS/CIP & LAND USE COMMITTEE
October 7, 2013**

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2. Roll Call	Quorum Present	1
3. Approval of Agenda	Approved as presented	1
4. Approval of Consent Agenda	Approved as amended	2
5. Approval of Minutes September 23, 2013	Approved as presented	2
INFORMATIONAL AGENDA		
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15. Procurement Manual Changes	Discussion	12-14
16. Matters from Staff	None	14
17. Matters from the Committee	Discussion	14
18. Matters from the Chair	None	14
19. Next Meeting	Set for October 28, 2013	15
20. Adjournment	Adjourned at 6:25 p.m.	15

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

MONDAY, OCTOBER 7, 2013

1. CALL TO ORDER

A regular meeting of the Public Works/CIP & Land Use Committee was called to order on the above date by Chair Rebecca Wurzburger at approximately 4:45 p.m. in City Council Chambers, City Hall, 200 Lincoln, Santa Fé, New Mexico.

2. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Councilor Rebecca Wurzburger, Chair
Councilor Christopher Calvert
Councilor Peter Ives
Councilor Christopher Rivera [arriving later]
Councilor Ronald S. Trujillo

MEMBERS ABSENT:

STAFF PRESENT:

Isaac Pino, Public Works Director
Bobbi Mossman, Public Works Staff

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

3. APPROVAL OF AGENDA

Chair Wurzburger requested an invocation in memory of Mary Lou Cook who passed away this morning.

Councilor Calvert moved for approval as amended. Councilor Trujillo seconded and it passed by unanimous vote.

Councilor Ives gave an invocation in Mary Lou Cook's memory.

4. APPROVAL OF CONSENT AGENDA

Councilor Trujillo requested Item 13 be pulled from the Consent Agenda for discussion.

Councilor Calvert requested Item 12 be pulled from the Consent Agenda for discussion.

Councilor Ives requested Items 9, 10, and 11 be pulled from the Consent Agenda for discussion.

Councilor Trujillo moved to approve the Consent Agenda as amended. Councilor Calvert seconded the motion and it passed by unanimous voice vote.

5. APPROVAL OF MINUTES FROM SEPTEMBER 23, 2013 PUBLIC WORKS COMMITTEE MEETING

Councilor Calvert moved to approve the minutes from September 23, 2013 as presented. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

INFORMATIONAL AGENDA

6. FINANCE PRESENTATION

A. FUNDING OPTIONS (CIP/HOLD HARMLESS) (MARCOS TAPIA)

Mr. Tapia made the presentation. The City Manager along with other staff worked on ways to respond to the options for GRT percentages and revised Hold Harmless provisions. The State allowed the City to increase GRT as much as 3/8%... He provided a scenario that would increase GRT by 1% every five years. He also had another worksheet that showed the result of added the total increase in 2014-2015. Las Cruces did everything up front. He handed the worksheet out to the Councilors [attached as Exhibit A].

Chair Wurzbarger said she was sure they would discuss this at further meetings and asked what other directions the Committee should consider.

Mr. Tapia said he would be bringing back other things they could possibly do with property tax.

Councilor Rivera joined the meeting at this time.

Councilor Ives thought it would be prudent to stage the implementation, given that it was meant as a substitution for the Old Harmless that was in place as a backstop from the State's decision to make some purchases exempt from GRT. The staging would tend to parallel the increasing nature of the State's elimination of the Hold Harmless but realized it was a period of 15 years. So implementation of the first 1/8% made sense as the Hold Harmless began to financially impact the City.

Mr. Pino mentioned that there was still a question when the County Commission addressed the Hold Harmless and how their decision would affect the Council's decision on this issue. He felt that getting ahead of that made sense. As a practical matter, the State has steadily been reducing contributions to Hold Harmless and they would see cities and towns begin to adopt Hold Harmless provisions, that perhaps the legislature should stop those adoptions through legislation. It seemed logical to him to try to get as much of the increase as possible right now like Las Cruces did.

Councilor Calvert had asked the Santa Fé delegation to do an amendment to this and it might to get it approved in the next session, to limit the county's ability to do this in the county area only. Right now if the County did it county-wide and the City also did the maximum, that would mean the City residents would have a 3/4% GRT increase. The City might want to implement the full 3/8% but if the County did that too it would be double taxation. If the County could exclude the city areas, it would eliminate that problem.

Chair Wurzbarger asked if this was informal discussion now just to see where it might go.

Councilor Calvert said he had made this request to the legislators for the session coming up.

Councilor Rivera asked if they could either push for the entire 3/8% right away or do a 1/8% at a time.

Mr. Tapia agreed.

Councilor Rivera asked if they could impose the 1/8% before the legislative session in January or if it would take place after the session.

Mr. Tapia said it would be afterwards. But this is the time to do it if there would be any changes. He emphasized that if the City took no action of the 1/8 or 3/8%, the County had that option. So it would be whoever took action first. If there were to be any changes, it would have to be at this upcoming session.

Councilor Rivera asked how long it would take the City to do that.

Mr. Tapia thought that was a question for legal staff. It would require finding a sponsor.

Ms. Judith Amer said it would take a few months.

Councilor Rivera asked if it could happen before the next legislative session.

Ms. Amer said it could certainly be initiated but she wasn't sure it could be finished before the session started. They might complete it if they fast-tracked it.

Councilor Rivera said no one wanted tax increases but the City was between a rock and a hard place on this and maybe a smaller amount could be approved in hopes that the legislature could remediate their position on this.

Mr. Tapia agreed they could accomplish 1/8% before the legislature met.

Councilor Calvert felt if the City moved forward before the legislature considered an amendment to rush to get the City's in at a full amount that the County might also rush to get theirs in also.

Chair Wurzbarger presumed Finance would hear this at their next meeting and urged Councilors who were not on Finance to get a packet on it so the pros and cons of each approach could be vetted.

Mr. Tapia said that was exactly what he was proposing. The City Manager intended to bring an analysis here and to Finance to show the pros and cons.

Councilor Rivera asked if anyone knew what the impact of Hold Harmless would be on the City and on the County.

Mr. Tapia did not know but believed they also were given a maximum 3/8% they could implement.

Councilor Rivera acknowledged the impact would be more on the City than on the County with that opportunity.

CONSENT AGENDA LISTING

7. REQUEST FOR APPROVAL OF 2014 PUBLIC WORKS COMMITTEE MEETING DATES (ISAAC PINO)

Committee Review:

Council

TBD

8. REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #10-805-00-06327 WITH EMCO OF SANTA FÉ LLC IN THE AMOUNT OF \$166,013.72 FOR BASE COURSE MATERIAL (DAVID CATANACH)

Committee Review:

Finance Committee (Scheduled)

10/21/13

Council (Scheduled)

10/30/13

14. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING INITIATION OF A NEEDS ASSESSMENT BY THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT TO IDENTIFY ALTERNATIVE SERVICE AND FINANCING OPTIONS TO BEGIN PROVISION OF SCHEDULED REGIONAL TRANSIT SERVICE TO THE SANTA FÉ SKI BASIN (COUNCILORS BUSHEE AND WURZBURGER) (JON BULTHUIS)

Committee Review:

Finance Committee (Scheduled)

10/21/13

Council (Scheduled)

10/30/13

CONSENT AGENDA DISCUSSION

9. REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #10-805-00-06714 WITH EMCO OF SANTA FÉ LLC IN THE AMOUNT OF \$546,867.67 FOR MATERIAL AND LABOR TO REHABILITATE APPROXIMATELY 4 MILES OF WALKING TRAILS PAVEMENT ALONG THE ARROYO CHAMISA TRAIL (DAVID CATANACH)

Committee Review:

Finance Committee (Scheduled)

10/21/13

Council (Scheduled)

10/30/13

Mr. Catanach presented.

Councilor Ives noted there were five different segments for paving and reclamation. He asked what the staging was and the time line.

Mr. Catanach said they might be able to start as early as the beginning of November and didn't have a long time frame to accomplish this work because of the temperature. So realistically, it probably would start in the spring.

They would pulverize the first segment from Zia west. The pulverizer machine would shape and compact the existing portions of the trail and then complete that segment before going to the next one. The pavers would go right behind. It was an average of 4-5 days per segment, depending on weather and temperatures as well as truck availability sometimes.

Councilor Ives reasoned that it would be about a month and a half. Mr. Catanach agreed.

Councilor Ives asked, as a follow up, about the mobilization charges which didn't appear to be a significant amount but thought they would sequence that one after another.

Mr. Catanach explained that on that trail, there was not a good place to put the equipment so they had a location to take it too between segments. The trail locations were also difficult to get equipment to - hard to back up a truck to those places on the trail. That was just part of the price agreement. With the price agreement, the costs were significantly lower that without it.

Councilor Ives asked if staff looked at the market to make sure the price agreement was the best option. Mr. Catanach agreed. The price agreement was substantially cheaper.

Councilor Ives moved to approve the request.

Councilor Rivera said he participated in the Breast Cancer Awareness Walk last weekend along with several other Councilors and noticed on one of these trail segments that the roots of Elm trees along the trail were causing pavement to come up and some people almost tripped at those locations. He asked if that problem would be addressed in this project.

Mr. Catanach agreed. People from Parks walked the trail and where Chinese Elms were located they caused problems. The pulverizers would just eat up those roots and would raise up the trails in those locations and top it with 2" of hot mix. That should alleviate that issue.

Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

10. REQUEST FOR FINAL APPROVAL OF SALE OF REAL ESTATE CONTAINING APPROXIMATELY 3166 SQUARE FEET WITHIN LOT 3, OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 8 EAST, NMPM, ADJOINING 3020 SOUTH MEADOWS ROAD BY CAROL ORTEGA (EDWARD VIGIL)

Committee Review:

Finance Committee (Scheduled)

10/21/13

Council (Scheduled)

10/30/13

Mr. Vigil presented this request.

Councilor Ives, in looking at the quit claim deed, it had three restrictions: 1) it would not be considered a legal lot of record for any purpose but rather be consolidated with the adjoining lands commonly known as 3020 West Meadow Road by Grantee. He asked what process the grantee was agreeing to under this restriction and what the time frame was when they had to do it.

Mr. Vigil said this was a standard process the City used when a person purchased property from the City so they didn't try to develop a small parcel of land that wouldn't meet Land use standards. The applicant would have to submit a lot consolidation plat to the Land Use Division to formally have the parcels consolidated, creating one parcel. There was no time frame imposed on them since that sometimes placed a hardship on the owner by having to pay for an additional plat as well as producing the legal description for this transaction. The deadline was usually imposed at the time they tried to build something. The City also had asked for verification of ownership and when they presented the deed would be the time the City would require the consolidated plat.

Councilor Ives noted that some of the approvals were done as early as 2005 and was a big concerned that it was now 8 years later to consummate the transaction. He asked why it took eight years to get it done.

Mr. Vigil said the applicant had issues with fulfilling the requests for documents, appraisal, etc.

Councilor Ives noted another restriction was subject to Right Of Way on this property for utilities purposes. He asked if there was a separate utility easement somewhere or what the language meant.

Mr. Vigil said whenever the City parted with a parcel of land, it made a requirement that the parcel still be considered right of way for utility purposes for existing utilities within this land. This was a remnant from the South Meadows project when utilities were extended north from Airport Road. There was potentially a gas line as well as others that were put in or near this property when it was developed. Emergency access

was also and utility easement along the southern boundary of this parcel as the third restriction.

Councilor Ives asked if they didn't do that in the survey for this property.

Mr. Vigil explained the survey was done in 2006 and he spoke to the surveyor who made no mention of doing locates of utilities at that time. The applicant had approached the City at one time about potentially getting a permit to extend a gas line to his property so Mr. Vigil thought there was some infrastructure there.

Councilor Ives thought with these restrictions that no permanent structure could be constructed anywhere on the parcel.

Mr. Vigil agreed.

Councilor Ives felt the restriction language was not as specific as it should be - whether there were utilities or not. The language just supposed that a right of way could be used sometime in the future.

Mr. Vigil said the restriction was intended to reserve the right of the City to utilize this parcel in the future if necessary since it was a remnant from city use.

Councilor Ives that the third restriction should say, "No permanent structures anywhere within parcel would be permitted." If the intent was to preserve it for utilities that would be a logical thing to include. Perhaps the City Attorney's office should be involved in that request.

Councilor Ives moved to approve with that direction to staff for clarification. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

11. REQUEST FOR APPROVAL OF AMENDMENT TO MORTGAGE DOCUMENTS BETWEEN THE CITY OF SANTA FÉ AND TIERRA CONTENTA CORPORATION (ALEXANDRA LADD)

Committee Review:

Finance Committee (Scheduled)

10/21/13

Council (Scheduled)

10/30/13

Ms. Ladd presented this request.

Councilor Ives thanked her for submitting all of the additional materials in the packet. It added a lot of the picture he was lacking in the last circumstance. It was a tradeoff that was involved in all that the development entailed. He said he would look through them to understand the project better.

Councilor Ives moved to approve the request. Councilor Calvert seconded the motion and it passed by unanimous voice vote.

12. REQUEST FOR APPROVAL OF THE NCRTD INTERGOVERNMENTAL CONTRACT TO REFLECT THE ADDITION OF THE TOWN OF EDGEWOOD AND THE PUEBLO OF NAMBÉ (JON BULTHUIS)

Committee Review:

Finance Committee (Scheduled)

10/21/13

Council (Scheduled)

10/30/13

Councilor Calvert asked Mr. Bulthuis about the City Legal Department's review of the agreement. He wanted them to check this out. He thought the NCRTD was trying to "slap our hand for not signing this previously, which, when we reviewed it, said, 'Wait a minute. We're not so sure we want to do that.' Right?"

Mr. Bulthuis agreed.

Councilor Calvert said there were a couple of things in the agreement that Mr. Dwyer's interpretation and legal analysis ... He guessed his question was whether the City's Legal Department had reviewed this and if Mr. Bulthuis concurred one hundred percent with what Mr. Dwyer was saying.

Mr. Bulthuis said he would let the legal staff he to respond to that.

Ms. Amer said she had not seen what Peter Dwyer wrote.

Councilor Calvert asked that the City Legal Staff review that and see if they agreed with Mr. Dwyer's interpretation because there were a couple things in there. He almost made a circular argument, saying that the RTD wanted the City's approval but that it was not required but they wanted it anyway. He kind of went around in circles on that issues.

He also said in one paragraph that the state statute, which he presumed, had the most authority behind it, to set this up - there was some question as to whether, as he put it, "Clearly the Statute does not address the case where a town within a county that is already a part of the District, joins the District." And he thought that was part of the crux of the issue. But as long as the population of those small towns got subtracted from Santa Fé County doesn't take them below a certain threshold, they got to keep all of their votes and these entities got another vote. So it started to dilute considerably the City of Santa Fé voting strength under which this was set up. So he would like to have their legal staff check it out. Mr. Dwyer relied on the intergovernmental contract and bylaws to support the fact that they could do this. But the statute that set up the RTD didn't seem to be clear on that. And that was when he had a question on it. He asked, "Can the intergovernmental contract or the bylaws go further or exceed or contradict what the State intended if we, in fact, know what they intended since maybe they are silent on it."

That was one of his bigger questions that the city needed to understand. "Because if he is correct, then we will continue to see this process continue, probably - well I don't know how much more - but we'll probably continue to see the City's voting strength be eroded. And in the County, they could continue to beef up, if they want to work together with towns within their jurisdiction, they can continue to beef up their voting strength. So it doesn't seem to be fair in that regard."

Ms. Amer said she did look at the one issue Councilor Calvert was talking about and he was correct that if they agreed with Peter Dwyer's interpretation, the dilution effect could keep going because each County could have all of its small towns try to become members. And if they each got one vote, then in relation, the City of Santa Fé's votes would get diluted.

Councilor Calvert said in Mr. Dwyer's executive summary, he presented somewhat of a circular argument to say why their vote was required - that issue of the state statute vs. subordinate agreements. And then in his conclusion he said the minutes indicated that the votes were sufficient. But he wondered which interpretation that was based on. Mr. Dwyer pointed out that even between the IGC and the bylaws there was a discrepancy between 2/3 of the voting units or 2/3 vote by the Board of Directors. So it seemed like he didn't clarify which... He pointed out the differences but didn't say in his conclusion which of those two options the vote was based on.

Chair Wurzbarger asked him if it would make sense to table this until the Committee got that additional information rather than sending it forward. She felt she was having déjà vu here. She would love to see these answers before sending it forward.

Councilor Calvert asked, regarding funding of the District, that any of these new numbers brought more funding to the table.

Mr. Bulthuis agreed. It was the same pot of money that had been in existence for some time now.

Councilor Calvert said that was their argument before - that the City didn't mind for the small towns to come on as non-voting members but if the trend continued, it was not fair to the original setup of the District.

Chair Wurzbarger, on that point, said it would be useful to have at least a stab at an analysis of the impact that would have upon the City - a potential fiscal impact with a couple of scenarios.

Mr. Bulthuis said he thought the direction the Board had taken and that he heard from RTD staff was that there certainly was the opportunity for members such as the City to bring a resolution forward to change the voting strength structure. So given this situation that might not have been thought about when the voting structure was first established. So a motion could be brought forward by the City's representative on that Board to re-examine the way that worked with the weighted votes.

Councilor Calvert thought that was their direction to their representative the last time they heard this to take that sort of motion forward to the RTD Board and at least get some sense of where the Board was on that issue. It might be useful to look at their minutes from a year ago because they had these concerns and wanted the RTD to consider that before they kept going with that process. He thought included in Mr. Dwyer's letter was a veiled threat that said, "Well, if you don't vote, then we might question your status on the Board - I mean on the District. He didn't think that would be like tomorrow.

Chair Wurzbarger invited a motion.

Councilor Calvert moved to postpone this request to the next meeting so legal staff could thoroughly digest and analyze the memorandum from Mr. Dwyer and determine how it might impact City of Santa Fé financially.

Councilor Calvert was not sure exactly how they would do that, although by dilution of the City's vote, that was how it could play out. He wasn't sure they could put actual parameters on it or not.

Mr. Bulthuis didn't think that could be done. But thought that as the City's voting strength was diluted they could bring an opportunity to object to future dilution.

Chair Wurzburger said they would be focused on the process rather than the actual fiscal impact. But at least it could to be addressed in their future proposal.

Councilor Ives said he had highlighted these same sections. In Mr. Dwyer's memo under the section entitled The Act, it read, "After the creation of a district, a governmental unit adjacent to but not part of the District may join the District and determine the territorial area to become a part of that District." He guessed he was just begging the question what Mr. Dwyer admitted was not anywhere referenced in the statute. "If you have an entity which is a subunit within the district, could they join as a separate voting member in the District? You are not adding more population in any sense. And folks are granted a vote by virtue of becoming a member. The latest entity had 300+ members and received a voting unit as a result of becoming a member. Which means that fairly small entities could presumably eventually populate this entity and totally dilute the majority of people living within this regional transportation district. So I am questioning that legal review. If you look at the question of this issue of sub-entities within an already established district - if that type of participation is allowed. And if it is allowed, whether it might arguably only be by virtue of nonvoting in the sense that there is no new territory being added; there is no new population being added So to fundamentally change the voting rights of existing members in that context seems somewhat unfair."

Councilor Calvert noted that the key words here were that a governmental unit adjacent to but not part of the district. He said, "Well, Edgewood is not adjacent to the County. It is within the County. And so it is already part. It is not a separate part but it is part of the County's unit." there were several things in that paragraph that he glossed over.

Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

13. SANTA FÉ MUNICIPAL AIRPORT

- **REQUEST FOR APPROVAL OF RFB NO. 14/13/B NOTICE OF AWARD AND CONTRACT TO ALBUQUERQUE ASPHALT, INC. IN THE AMOUNT OF \$1,306,799.37 FOR TAXIWAY F EXTENSION CONSTRUCTION**
- **REQUEST FOR APPROVAL OF RFB NO. 14/13/B NOTICE OF AWARD AND CONTRACT TO ALBUQUERQUE ASPHALT, INC. IN THE AMOUNT OF \$1,306,799.37 FOR TAXIWAY F EXTENSION CONSTRUCTION (FRANCEY JESSON)**

Committee Review:

Finance Committee (Scheduled)
Council (Scheduled)

10/21/13
10/30/13

Ms. Jesson presented this request.

Councilor Trujillo disclosed that as an employee of NMDOT he had no conflict of interest in this matter.

Councilor Trujillo moved to approve the request. Councilor Calvert seconded the motion and it passed by unanimous voice vote.

DISCUSSION AGENDA

15. REQUEST FOR APPROVAL OF PROPOSED CHANGES TO PROCUREMENT MANUAL SECTION 29, CONTRACT MODIFICATIONS/AMENDMENTS/CHANGE ORDERS (ROBERT RODARTE/JUDIE AMER)

Committee Review:

Finance Committee (Scheduled)
Council (Scheduled)

10/21/13
10/30/13

Chair Wurzburger asked to be excused from the meeting and asked Councilor Calvert to run the remainder of the meeting.

Mr. Rodarte said this manual has had ups and downs regarding clarification. The amendment was intended to eliminate the 10% rule on change orders on a contract by RFB. The City Manager cannot approve anything over a 10% adjustment and that slowed down the process on the contracts. So this would delete the 10% and keep the \$50,000 rule. So change orders could accrue up to \$50,000 and then would require Council approval.

Councilor Ives suggested a possible scenario where the City had an original agreement valued at \$50,000 put in place by the City Manager and then received a change order for \$49,000 so it would become \$99,000 and would never go to Council.

Mr. Rodarte said if it was competitively bid, and a PSA that came in at just in \$50,000 it could not happen by the City Manager.

Ms. Amer clarified that a small PSA was one under \$50,000 and that if not competitively bid it could not be done at all by the state purchasing code but could not be amended to become more than \$50,000, unless it was sole source or an exempt procurement or through a price agreement.

Councilor Ives reasoned that an additional contract could be for small purchases and asked if that would be prohibited.

Ms. Amer agreed with his second comment. The New Mexico Procurement Code prohibited serial contracts such as a four year agreement of \$20,000 each year without a bidding process. She knew that

had happened at times.

Councilor Calvert said sometimes they had an option to extend over more years. But within the contract year, he asked if they distinguished between amendments because the City added more requirements to the scope vs. when a contractor said, "Sorry I goofed." He knew they could amend if the price jumped. So he wondered if there was any distinction between those initiated by city and those initiated by the contractor.

Mr. Rodarte said each situation was different. There might be an unforeseen circumstance. For price adjustments without unforeseen situation, it would not be allowed.

Councilor Calvert asked if there was any possibility that by taking this out it would allow the City Manager to make an amendment up to \$50,000 and if another one made it greater than a \$50,000 collectively, it would have to go back to Council.

Mr. Rodarte agreed. All amendments collectively could not exceed \$50,000 without Council approval. And the Council would see all the steps that went into it. The Finance Office has implemented that over the last few years.

Councilor Calvert asked if after selecting the lowest qualified bidder, then these modifications were requested, if they were assuming they would have kept being the lowest bidder, regardless of how many times the contract was amended.

Ms. Amer said this change was to notify Council when the contract as amended would go over \$50,000. She explained how those protections would work.

Councilor Calvert wondered practically if the City would feel comfortable changing a contractor that far into it.

Mr. Rodarte said that was one reason why they bid out phases or segments separately. If the scope was changed, the purchasing officer had to make a determination.

Councilor Calvert understood sequential pieces but thought the City wouldn't want to change contractors in mid bridge. Mr. Rodarte agreed.

Councilor Calvert was willing to give it a try but wanted to hear how it was invoked to determine how it was playing out. It was just a way to follow along on a quarterly basis, when they would get a summary or a table of when it was utilized to see if it was being overused or out of control.

Councilor Ives noticed it was adding the emergency provision. He understood this change was to give greater flexibility but wondered if the emergency clause could be sufficient to take care of it.

Mr. Rodarte agreed. The City Manager could determine if it was an emergency and then get it to Council to ratify it. Those would be brought immediately to the Council.

Councilor Ives was not sure the modifications of 29.9.2 were sufficient to cover the accumulation of all modifications. It would be all of the prior change orders that might exceed \$50,000.

The section of the code needed a modification. In that paragraph it should add "or exempt procurement" to that paragraph.

He asked where this would go next.

Mr. Rodarte said next was Finance.

Councilor Calvert said the PUC met only once a month but thought they could meet off schedule if needed.

Councilor Rivera recalled when building Fire Station #8 in Tierra Contenta where they tried to put an oil separator in and they needed a stronger concrete base and would cost about \$15,000 that they couldn't wait for it to go through all the committees.

Mr. Rodarte agreed that would fall right in here or under the emergency need.

Councilor Rivera said it wasn't really an emergency but had to fit into environmental consideration. He pointed out that the longer smaller change orders were slowed down, the more the contractor would have to sit around doing nothing.

Councilor Trujillo asked if that language could be included in the contract itself. He said they did that on NMDOT contracts. And if the scope changed, that should be covered too. I was just an option to think about.

Mr. Rodarte asked if Councilor Trujillo could send him that language.

Councilor Trujillo agreed.

Councilor Ives didn't know why the City Clerk was mentioned there.

Ms. Amer explained that the City Clerk was required to sign off on all contracts and amendments.

Mr. Rodarte agreed to properly insert those city staff members where needed in the contracts.

Ms. Amer said they could look at adding a separate provision and while doing this she could put those two named staff person (Finance Director and City Clerk) throughout. It would be good to have that practice added.

She noted one other slight change in 29 c on page 3 after "scope of work" where it should say "and/or increasing compensation."

Councilor Ives asked if that last line was intended to apply to those agreements which might even be in

excess of 8 years.

Ms. Amer clarified that PSAs could only be a 4 year maximum and construction contracts could not go beyond 8 years. The law limits to 8 years but if there was no increased compensation, the City Manager could allow a no-cost extension. But if the bid said it had to be done in four years, it couldn't be extended beyond 4 years.

Councilor Ives asked again if no increase in compensation could it go beyond 8 years.

Ms. Amer said it could not.

Councilor Ives referred to the last two sentences which really left it ambiguous.

Ms. Amer agreed to add "but in no case, could..."

Councilor Rivera moved to approve the procurement manual with the amendments by staff and the Committee. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

16. MATTERS FROM STAFF

There were no matters from Staff.

17. MATTERS FROM THE COMMITTEE

Councilor Trujillo asked Mr. Pino if he received the email he sent about the temporary fencing. Mr. Pino agreed that he received it.

Councilor Trujillo said the Fishing Derby would take place Saturday afternoon and he hoped to see people out there.

Councilor Ives thanked staff for street paving and other drainage fixes in the ACSyL neighborhood.

Councilor Calvert said that coming from the National Cemetery at Alamo there was a kind of no-man's land there and the cut through from Alamo to the Cemetery had lots of sand and sediment there.

Mr. Pino said they would get it taken care of.

18. MATTERS FROM THE CHAIR


The Chair was not present.

19. NEXT MEETING: OCTOBER 28, 2013

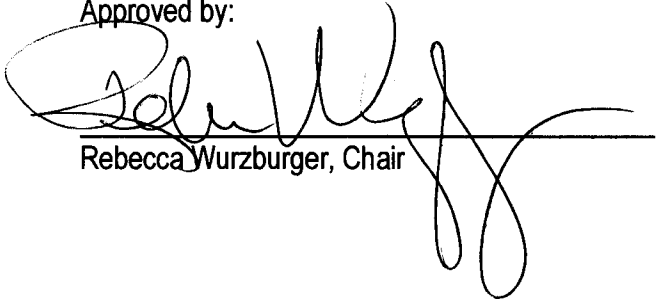
20. ADJOURNMENT

The meeting was adjourned at 6:25 p.m.

Submitted by:


Carl Boaz, Stenographer

Approved by:


Rebecca Wurzbarger, Chair

Proposed Gross Receipts (Hold Harmless Revenue Replacement)								
3/8 GRT Increase With Reduction Debt Service Using Revenue Based on GRT Revenue Beginning FY14								
	Potential Rate Increase Schedule (HB 461)	Beginning Cash Balance	Revenue	State Loss	State Hold Harmless	GRT Net Revenue	Net Revenue + Hold Harmless	Cash Balance (Net Rev + PY Net Cash Balance)
2014	GRT Issue 3/8	\$0	\$10,500,000		\$10,500,000	\$10,500,000	\$21,000,000	\$21,000,000
2015		\$21,000,000	\$10,500,000	(\$630,000)	\$9,870,000	\$10,500,000	\$20,370,000	\$41,370,000
2016		\$41,370,000	\$10,500,000	(\$1,260,000)	\$9,240,000	\$10,500,000	\$19,740,000	\$51,870,000
2017		\$51,870,000	\$10,500,000	(\$1,890,000)	\$8,610,000	\$10,500,000	\$19,110,000	\$62,370,000
2018		\$62,370,000	\$10,500,000	(\$2,520,000)	\$7,980,000	\$10,500,000	\$18,480,000	\$72,870,000
2019		\$72,870,000	\$10,500,000	(\$3,150,000)	\$7,350,000	\$10,500,000	\$17,850,000	\$83,370,000
2020		\$83,370,000	\$10,500,000	(\$3,885,000)	\$6,615,000	\$10,500,000	\$17,115,000	\$93,870,000
2021		\$93,870,000	\$10,500,000	(\$4,620,000)	\$5,880,000	\$10,500,000	\$16,380,000	\$104,370,000
2022		\$104,370,000	\$10,500,000	(\$5,355,000)	\$5,145,000	\$10,500,000	\$15,645,000	\$114,870,000
2023		\$114,870,000	\$10,500,000	(\$6,090,000)	\$4,410,000	\$10,500,000	\$14,910,000	\$125,370,000
2024		\$125,370,000	\$10,500,000	(\$6,825,000)	\$3,675,000	\$10,500,000	\$14,175,000	\$135,870,000
2025		\$135,870,000	\$10,500,000	(\$7,560,000)	\$2,940,000	\$10,500,000	\$13,440,000	\$146,370,000
2026		\$146,370,000	\$10,500,000	(\$8,295,000)	\$2,205,000	\$10,500,000	\$12,705,000	\$156,870,000
2027		\$156,870,000	\$10,500,000	(\$9,030,000)	\$1,470,000	\$10,500,000	\$11,970,000	\$167,370,000
2028		\$167,370,000	\$10,500,000	(\$9,765,000)	\$735,000	\$10,500,000	\$11,235,000	\$177,870,000
2029		\$177,870,000	\$10,500,000	(\$10,500,000)	\$0	\$10,500,000	\$10,500,000	\$188,370,000
Totals		\$0	\$168,000,000	(\$81,375,000)	\$86,625,000	\$86,625,000	\$254,625,000	\$0