



# Agenda

CITY CLERK'S OFFICE

DATE 2/4/14

TIME 4/31

SERVED BY Beth Morrison

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**PUBLIC WORKS/CIP & LAND USE  
COMMITTEE MEETING  
COUNCIL CHAMBERS  
MONDAY, FEBRUARY 10, 2014  
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 JANUARY 6, 2014 PUBLIC WORKS COMMITTEE MEETING

**CONSENT AGENDA (15 MINUTES)**

6. CIP PROJECT #698 A – MARKET STATION TENANT IMPROVEMENTS
  - REQUEST FOR APPROVAL OF CHANGE ORDER NO. 5 WITH SARCON CONSTRUCTION CORP. IN THE AMOUNT OF \$6,229.11 PLUS \$510.01 (NMGRT) FOR A TOTAL OF \$6,739.12 (LEANN VALDEZ)

**Committee Review:**

Finance Committee (Approved)

02/03/14

Council (Scheduled)

02/12/14

7. BUCKMAN MOTO CROSS TRACK
  - REQUEST FOR APPROVAL TO UTILIZE 2008 PARKS, TRAILS AND OPEN BOND FUNDS FROM THE NORTHWEST QUADRANT PROJECT TO PERFORM IMPROVEMENTS AT MOTOCROSS TRACK LOCATED WITHIN THE NW QUADRANT IN THE AMOUNT OF APPROXIMATELY \$45,000 TO \$55,000 (BEN GURULE)

**Committee Review:**

Finance Committee (Approved)

02/03/14

Council (Scheduled)

02/12/14

8. REQUEST FOR APPROVAL OF A PROGRAM – THE ALAMEDA RAIN GARDENS PROGRAM – FOR CONSTRUCTION OF STORM WATER IMPROVEMENTS ALONG EAST AND WEST ALAMEDA STREET TO BE FUNDED BY THE SANTA FE RIVER VOLUNTARY RIVER CONSERVATION FUND (RIVER FUND) (BRIAN DRYPOLCHER)

**Committee Review:**

Finance Committee (Scheduled)

02/17/14

Council (Scheduled)

02/12/14

9. FORT MARCY POOL ROOF AND SKYLIGHT (CLERESTORY WINDOW) REPLACEMENT AND RENOVATION PROJECT

- REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH COOPERATIVE EDUCATIONAL SERVICES (CES)/ROOF CARE \$110,567.27 (**LISA MARTINEZ**)

**Committee Review:**

Finance Committee (Approved)

02/03/14

Council (Scheduled)

02/12/14

10. MAINTENANCE MATERIALS AND SUPPLIES FOR THE STREETS DIVISION

- REQUEST FOR APPROVAL TO UTILIZE STATE PRICE AGREEMENTS: 40-805-13-10567 AND 30-805-12-09311 IN THE APPROXIMATE AMOUNT OF \$150,000 WITH THREE VENDORS: 3M COMPANY, SAN BAR CONSTRUCTION AND J&H SUPPLY (**RANDY BLAKE**)

**Committee Review:**

Finance Committee (Approved)

02/03/14

Council (Scheduled)

02/12/14

11. SANTA FE MUNICIPAL AIRPORT

- REQUEST FOR APPROVAL OF CHANGE ORDER #1 TO TAXIWAY F EXTENSION CONSTRUCTION RFB NO. 14/13/B, CONTRACT #13-1061, IN THE AMOUNT OF \$3,762.47 (**FRANCEY JESSON**)

**Committee Review:**

Finance Committee (Scheduled)

02/17/14

Council (Scheduled)

02/26/14

12. PARKING DIVISION

- REQUEST FOR APPROVAL OF CONTRACT WITH IPS GROUP INC. FOR PARKING EQUIPMENT AND RELATED SERVICES IN THE AMOUNT OF \$189,640 (**PJ GRIEGO**)

**Committee Review:**

Finance Committee (Approved)

02/03/14

Council (Scheduled)

02/12/14

13. TRANSIT DIVISION – BUS YARD

- REQUEST OF APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH GATE-IT ACCESS SYSTEM FOR INSTALLATION OF AUTOMATED OVERHEAD TRACK GATE IN THE AMOUNT OF \$64,670.16 INCLUSIVE OF NMGR
- REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST (**KEN SMITHSON**)

**Committee Review:**

Finance Committee (Scheduled)

02/17/14

Council (Scheduled)

02/26/14

**14. TRANSIT DIVISION**

- REQUEST FOR APPROVAL OF THE COMPRESSED NATURAL GAS (CNG) FUELING STATION UPGRADE AND EXPANSION PROJECT WITH CLEAN ENERGY IN THE AMOUNT OF \$456,295, INCLUSIVE OF APPLICABLE GROSS RECEIPTS TAX (**JON BULTHUIS**)

**Committee Review:**

Finance Committee (Scheduled)

02/17/14

Council (Scheduled)

02/26/14

**15. TRANSIT DIVISION**

- REQUEST FOR APPROVAL OF NEW MEXICO FINANCE AUTHORITY LOAN APPLICATION, AND REPAYMENT PLAN, FOR THE PROCUREMENT OF SEVEN (7) REPLACEMENT TRANSIT BUSES (**JON BULTHUIS**)
- REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR THE PROCUREMENT OF SEVEN HEAVY DUTY TRANSIT BUSES (**COUNCILOR CALVERT**) (**JON BULTHUIS**)

**Committee Review:**

Finance Committee (Scheduled)

02/17/14

Council (Scheduled)

02/26/14

**16. CIP HIGH SPEED INTERNET PROJECT**

- REQUEST FOR APPROVAL OF TELECOMMUNICATIONS SERVICES AGREEMENT – CYBER MESA COMPUTER SYSTEM INC. IN THE AMOUNT NOT TO EXCEED \$882,100
- REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – STATE OF NEW MEXICO DEPARTMENT OF INFORMATION TECHNOLOGY (**SEAN MOODY**)

**Committee Review:**

Finance Committee (Scheduled)

02/17/14

Council (Scheduled)

02/26/14

**17. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO STREET PERFORMERS ON PUBLIC PROPERTY; AMENDING SECTION 23-8 SFCC 1987 (**COUNCILOR CALVERT**) (**ZACHARY SHANDLER**)**

**Committee Review:**

Finance Committee (Scheduled)

02/17/14

Public Safety Committee (Scheduled)

02/18/14

Council (Request to Publish)

02/26/14

Council (Public Hearing)

03/26/14

**18. SANTA FE HOMES PROGRAM (**COUNCILOR WURZBURGER**) (**ALEXANDRA LADD**)**

- a) REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE SANTA FE HOMES PROGRAM (“SFHP”); AMENDING SECTION 14-8.11 SFCC 1987 TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP; AMENDING SECTION 26-1 SFCC 1987 TO UPDATE THE LEGISLATIVE FINDINGS, TO ESTABLISH THE SCHEDULE FOR PAYMENTS IN LIEU OF CONSTRUCTING UNITS FOR SFHP DEVELOPMENTS WITH TWO THROUGH TEN TOTAL UNITS, TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP AND TO MAKE VARIOUS OTHER CHANGES TO THE SFHP ORDINANCE

**Committee Review:**

Planning Commission (Approved)	01/09/14
Community Development Commission (No quorum)	01/15/14
Finance Committee (No quorum)	01/21/14
Council (Request to Publish)	01/29/14
Finance Committee (Approved)	02/03/14
Council (Public Hearing)	02/26/14

- b) REQUEST FOR APPROVAL OF A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM ("SFHP") TO REFLECT THE AMENDMENTS APPROVED BY ORDINANCE 2014-\_\_

**Committee Review:**

Finance Committee (Scheduled)	02/17/14
Council (Scheduled)	02/26/14

19. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO CONSTRUCTION APPRENTICESHIP PROGRAMS; ESTABLISHING AN APPRENTICESHIP DEVELOPMENT TASK FORCE TO CREATE AN APPRENTICESHIP DEVELOPMENT PLAN FOR THE CITY OF SANTA FE THAT WILL BENEFIT SANTA FE COUNTY RESIDENTS AND THE SANTA FE CONSTRUCTION INDUSTRY (**COUNCILORS WURZBURGER, BUSHEE, IVES AND DIMAS**) (**KATE NOBLE**)

**Committee Review:**

Public Works Committee (No quorum)	01/27/14
Economic Review and Development Sub-committee (Scheduled)	02/03/14
Finance Committee (Approved)	02/03/14
City Business Quality of Life Committee (Scheduled)	02/18/14
Council (Scheduled)	02/26/14

20. REQUEST FOR APPROVAL OF A RESOLUTION REPEALING RESOLUTION NO. 2013-80 THAT CALLED FOR A THIRD-PARTY INDEPENDENT AUDIT OF THE 2008 PARKS, TRAILS AND OPEN SPACE BOND; AND AUTHORIZING A SPECIAL EXTERNAL AUDIT OF THE ENTIRE EXPENDITURE OF 2008 PARKS, TRAILS AND OPEN SPACE BOND ("2008 BOND") (**COUNCILOR WURZBURGER**) (**ISAAC PINO & MARCOS TAPIA**)

**Committee Review:**

Finance Committee (Scheduled)	02/17/14
Council (Scheduled)	02/26/14

21. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE CONTINUATION OF THE COMMUNITY DEVELOPMENT PROCESS TO REVITALIZE CENTRAL SANTA FE AND OUTLINING THE NEXT STEPS OF THE REMIKE PROJECT (**COUNCILOR WURZBURGER**) (**KATE NOBLE**)

**Committee Review:**

Economic Review and Development Sub-committee (Scheduled)	02/03/14
Finance Committee (Scheduled)	02/17/14
City Business Quality of Life Committee (Scheduled)	02/18/14
Council (Scheduled)	02/26/14

22. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE CODE OF ETHICS, SECTION 1-7, SFCC 1987; AMENDING THE CODE OF ETHICS TO ESTABLISH THAT WORKPLACE BULLYING BY GOVERNING BODY MEMBERS WOULD BE A PROHIBITED

**ACT AND SUBJECT TO A VIOLATION OF THE CODE OF ETHICS (COUNCILOR  
WURZBURGER) (SANDRA PEREZ)**

**Committee Review:**

Finance Committee (Scheduled)	02/17/14
Council (Request to publish)	02/26/14
Council (Public hearing)	03/26/14

- 23. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE SINGLE-USE BAG ORDINANCE, SECTION 21-8 SFCC 1987; AMENDING SUBSECTION 21-8.1 TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AMENDING SUBSECTION 21-8.4 TO ELIMINATE THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A PAPER GROCERY BAG CHARGE OF NOT LESS THAN TEN-CENTS FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 30 DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILORS WURZBURGER, BUSHEE AND IVES) (LAWRENCE GARCIA)**

**Committee Review:**

Finance Committee (No quorum)	01/21/14
Council (Request to publish – approved)	01/29/14
Finance Committee (Approved)	02/03/14
Public Utilities (Scheduled)	02/05/14
City Business Quality of Life Committee (Scheduled)	02/18/14
Council (Scheduled)	02/26/14

- 24. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO WORK TO SUPPORT DEVELOPMENT OF THE SANTA FE “ARTS + CREATIVITY CENTER” AS AN ECONOMIC DEVELOPMENT PROJECT TO PROVIDE AFFORDABLE LIVE, WORK, CREATION, PERFORMANCE, SALES SPACE FOR ARTISTS AND CREATIVE BUSINESSES IN SANTA FE AND TO STRENGTHEN SANTA FE’S ECONOMY (COUNCILORS WURZBURGER, RIVERA, IVES, MAYOR COSS AND COUNCILOR CALVERT) (KATE NOBLE)**

**Committee Review:**

Economic Review and Development Sub-committee (Scheduled)	02/03/14
Finance Committee (Scheduled)	02/17/14
City Business Quality of Life Committee (Scheduled)	02/18/14
Council (Scheduled)	02/26/14

- 25. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING EFFORTS TO RETAIN YOUNGER TALENT AND INVIGORATE SANTA FE’S NIGHTTIME ECONOMY AND CREATING A TASK FORCE TO MAKE ACTION RECOMMENDATIONS TO THE GOVERNING BODY (COUNCILOR WURZBURGER) (KATE NOBLE)**

**Committee Review:**

Economic Review and Development Sub-committee (Scheduled)	02/03/14
Finance Committee (Scheduled)	02/17/14
City Business Quality of Life Committee (Scheduled)	02/18/14
Council (Scheduled)	02/26/14

- 26. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE TRAFFIC ENGINEERING DIVISION TO RECONSTRUCT THE MEDIAN AT ZIA ROAD AND GALISTEO ROAD SO AS TO RESTRICT LEFT TURN MOVEMENTS TO AND FROM GALISTEO ROAD AND TO INCREASE THE LENGTH OF ZIA’S EASTBOUND DUAL LEFT-TURN LANE AT THE ST. FRANCIS DRIVE SIGNALIZED INTERSECTION (COUNCILOR DIMAS) (JOHN ROMERO)**

**Committee Review:**

Finance Committee (Scheduled)

02/17/14

Public Safety Committee (Scheduled)

02/18/14

Council (Scheduled)

02/26/14

**27. MATTERS FROM STAFF (5 MINUTES)**

**28. MATTERS FROM THE COMMITTEE (5 MINUTES)**

**29. MATTERS FROM THE CHAIR (5 MINUTES)**

**30. NEXT MEETING: MONDAY, FEBRUARY 24, 2014**

**31. 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  
February 10, 2014**

<b>ITEM</b>	<b>ACTION</b>	<b>PAGE</b>
1. Call to Order	Convened at 4:55 p.m.	1
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 January 6, 2014	Approved as presented	2
CONSENT AGENDA LISTING	Listed	2-5
CONSENT AGENDA DISCUSSION		
7. Buckman Motocross Track	Approved	5-6
12. Parking Contract with IPS Group	Approved	6-8
14. CNG Fueling Station	Approved	8
15. Transit Buses Purchase Loan	Approved	8-9
17. Street Performers Ordinance	Approved as amended	9-10
18. a) Santa Fé Homes Ordinance	Approved	10-12
18. b) Santa Fé Homes Resolution	Approved	10-12
19. Construction Apprenticeship Program	Approved	12
20. 2008 Parks Bond Audit	Approved as amended	12-14
22. Workplace Bullying Ordinance	Postponed	14-15
26. Zia Road Median at St. Francis Drive	Approved	15-16
27. Matters from Staff	Discussion	16
28. Matters from the Committee	Discussion	17
29. Matters from the Chair	None	17
30. Next Meeting	February 24, 2014	17
31. Adjournment	Adjourned at 6:15 p.m.	17

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

**MONDAY, FEBRUARY 10, 2014**

**1. CALL TO ORDER**

A regular meeting of the Public Works/CIP & Land Use Committee was called to order on the above date by Vice Chair Chris Calvert at approximately 4:55 p.m. in City Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

**2. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Councilor Christopher Calvert, Vice-Chair  
Councilor Peter Ives  
Councilor Christopher Rivera

**MEMBERS ABSENT:**

Councilor Rebecca Wurzbarger, Chair [excused]  
Councilor Ronald S. Trujillo [excused]

**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**

**Councilor Ives moved to approve the agenda as presented. Councilor Rivera seconded the motion and it passed by unanimous voice vote.**



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

Councilor Ives requested discussion on agenda items 12, 14, 15, 17 and 26 and asked to be added as a sponsor to 21 and 25.

Councilor Rivera requested discussion on agenda items 7, 20 and 22 and asked to be added as a sponsor to 19.

Councilor Calvert requested discussion on agenda item 18.

**Councilor Rivera moved to approve the Consent Agenda as amended. Councilor Ives seconded the motion and it passed by unanimous voice vote.**

[Note: This motion was later reconsidered and amended to remove Item 19 for discussion.]

#### **5. APPROVAL OF MINUTES FROM JANUARY 6, 2014 PUBLIC WORKS COMMITTEE MEETING**

**Councilor Ives moved to approve the minutes of January 6, 2014 as presented. Councilor Rivera seconded the motion and it passed by unanimous voice vote.**

#### **CONSENT AGENDA LISTING**

- 6. CIP PROJECT #698 A – MARKET STATION TENANT IMPROVEMENTS**
- REQUEST FOR APPROVAL OF CHANGE ORDER NO. 5 WITH SARCON CONSTRUCTION CORP. IN THE AMOUNT OF \$6,229.11 PLUS \$510.01 (NMGR) FOR A TOTAL OF \$6,739.12 (LEANN VALDEZ)**

**Committee Review:**

Finance Committee (Approved)

02/03/14

Council (Scheduled)

02/12/14

- 8. REQUEST FOR APPROVAL OF A PROGRAM – THE ALAMEDA RAIN GARDENS PROGRAM – FOR CONSTRUCTION OF STORM WATER IMPROVEMENTS ALONG EAST AND WEST ALAMEDA STREET TO BE FUNDED BY THE SANTA FE RIVER VOLUNTARY RIVER CONSERVATION FUND (RIVER FUND) (BRIAN DRYPOLCHER)**

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02/12/14

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Council (Scheduled)

02/03/14  
02/12/14

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**Committee Review:**

Finance Committee (Approved)  
Council (Scheduled)

02/03/14  
02/12/14

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**Committee Review:**

Finance Committee (Scheduled)  
Council (Scheduled)

02/17/14  
02/26/14

**13. TRANSIT DIVISION – BUS YARD**

- **REQUEST OF APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH GATE-IT ACCESS SYSTEM FOR INSTALLATION OF AUTOMATED OVERHEAD TRACK GATE IN THE AMOUNT OF \$64,670.16 INCLUSIVE OF NMGR**
- **REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST (KEN SMITHSON)**

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Finance Committee (Scheduled)  
Council (Scheduled)

02/17/14  
02/26/14

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**Committee Review:**

Finance Committee (Scheduled)

02/17/14

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02/26/14

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**Committee Review:**

Economic Review and Development Sub-committee (Scheduled)

02/03/14

Finance Committee (Scheduled)

02/17/14

City Business Quality of Life Committee (Scheduled)

02/18/14

Council (Scheduled)

02/26/14

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**Committee Review:**

Finance Committee (No quorum)

01/21/14

Council (Request to publish – approved)

01/29/14

Finance Committee (Approved)

02/03/14

Public Utilities (Scheduled)

02/05/14

City Business Quality of Life Committee (Scheduled)

02/18/14

Council (Scheduled)

02/26/14

- 24. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO WORK TO SUPPORT DEVELOPMENT OF THE SANTA FE "ARTS + CREATIVITY CENTER" AS AN ECONOMIC DEVELOPMENT PROJECT TO PROVIDE AFFORDABLE LIVE, WORK, CREATION, PERFORMANCE, SALES SPACE FOR ARTISTS AND CREATIVE BUSINESSES IN SANTA FE AND TO STRENGTHEN SANTA FE'S ECONOMY (COUNCILORS WURZBURGER, RIVERA, IVES, MAYOR COSS AND COUNCILOR CALVERT) (KATE NOBLE)**

**Committee Review:**

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**Committee Review:**

Economic Review and Development Sub-committee (Scheduled)	02/03/14
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Council (Scheduled)	02/26/14

**CONSENT DISCUSSION AGENDA**

**7. BUCKMAN MOTO CROSS TRACK**

- **REQUEST FOR APPROVAL TO UTILIZE 2008 PARKS, TRAILS AND OPEN BOND FUNDS FROM THE NORTHWEST QUADRANT PROJECT TO PERFORM IMPROVEMENTS AT MOTOCROSS TRACK LOCATED WITHIN THE NW QUADRANT IN THE AMOUNT OF APPROXIMATELY \$45,000 TO \$55,000 (BEN GURULÉ)**

**Committee Review:**

Finance Committee (Approved)	02/03/14
Council (Scheduled)	02/12/14

Councilor Rivera knew this had been in works for a while and asked if it was located in the county or the city.

Mr. Ben Gurulé was not sure.

Mr. Pino said it was in the City.

Ms. Judith Amer said she didn't have a copy of the exhibit showing annexation area and couldn't answer that right now.

Councilor Rivera said if it was in the county it was okay to finish it but noted there were significant liability issues out there and the County might want to weigh in before the City takes over if it was in the annexation area.

Mr. Pino said that area came into the City long ago. He was certain it was not in the County.

Councilor Calvert agreed it was City property

**Councilor Rivera moved for approval and asked staff to make sure it was annexed and if not, the County should be included in final discussions. Councilor Ives seconded the motion and it passed by unanimous voice vote.**

## **12. PARKING DIVISION**

- **REQUEST FOR APPROVAL OF CONTRACT WITH IPS GROUP INC. FOR PARKING EQUIPMENT AND RELATED SERVICES IN THE AMOUNT OF \$189,640 (PJ GRIEGO)**

### **Committee Review:**

Finance Committee (Approved)

02/03/14

Council (Scheduled)

02/12/14

Councilor Ives said at the Council meeting he had asked for Information and thought it was available now.

P. J. Griego said they contacted the five cities on the memo and received responses from four, except Denver. The first issue was about maintenance issues. There were climate issues about money sticking in chute (dampness). The meters the City was using didn't have those issues. The second issue was vandalism and that comes with all meters. The third was the number of transactions in a month done by credit card. They would pay monthly the exact amount. The fourth issue was about credit card fees absorbed. Every vendor absorbs 13 cents on each transaction fee in all other cities. The fifth question was if the City could implement it and pay by phone transaction. The response was that they could but were not doing that right now. Los Angeles did and passed on the fee to the customer. Berkeley was not doing it right now. They last question was whether they experienced a larger use of meters. All of them said they all did have an increase in revenue.

Councilor Ives concluded that if the City installed them, they would pay off. He thanked P.J.

**Councilor Ives moved to approve the request. Councilor Rivera seconded the motion and it**

passed by unanimous voice vote.

#### 14. TRANSIT DIVISION

- **REQUEST FOR APPROVAL OF THE COMPRESSED NATURAL GAS (CNG) FUELING STATION UPGRADE AND EXPANSION PROJECT WITH CLEAN ENERGY IN THE AMOUNT OF \$456,295, INCLUSIVE OF APPLICABLE GROSS RECEIPTS TAX (JON BULTHUIS)**

#### **Committee Review:**

Finance Committee (Scheduled)

02/17/14

Council (Scheduled)

02/26/14

Councilor Ives asked if the Committee should consider 14 and 15 together.

Councilor Calvert asked to do them separately.

Mr. Bulthuis handed out a revised document and said he would have a fully completed agreement for the Finance Committee next week. This was their work in progress. He offered to go through the changes or wait until the Finance Committee dealt with it. He explained that the overall project was a comprehensive upgrade that would expand the capacity and build new facilities at the Siler yard.

Councilor Calvert asked if it upgraded the old equipment as well.

Mr. Bulthuis agreed. He said most of it would be paid off over time.

Councilor Ives asked Mr. Bulthuis about ownership of the facility.

Mr. Bulthuis said at present Clean Energy owned the capital equipment and the City owned the real estate. It was a contract option for the City to purchase the investment from Clean Energy at the end of the contract (4 years) or find another buyer.

Councilor Ives asked if the city was making and paying for improvements to equipment owned by Clean Energy.

Mr. Bulthuis said it would be for some components of it. City would have the option to buy out the investment or pass it on to a subsequent contractor.

Councilor Calvert asked about financing other than up-front costs.

Mr. Bulthuis said there was a fee charged to the City - an additional add-on fee for every gallon of gas used.

Councilor Ives understood that the City was buying equipment but Clean Energy owned it. He asked if the City was giving them the equipment.

Mr. Bulthuis said they were financing the compressor up front and the City would pay a surcharge for the term of the contract.

Councilor Calvert asked why there were these two components. He understood that after they presented their proposal the City increased the scope of the project.

Mr. Bulthuis agreed. The City had add-ons.

Councilor Ives meant to focus on the anti-donation issue of buying equipment and giving to Clean Energy.

Ms. Amer explained that was not exactly how it was working. The City was not buying any equipment except add ons. Clean Energy was buying it and the City was paying fee to use it until end of contract. Then the City would buy it or another vendor would.

Councilor Rivera asked if the City could get a cheaper per gallon rate since they were buying in bulk.

Mr. Bulthuis agreed, depending on the amount purchased.

Councilor Rivera asked if Mr. Bulthuis knew what their markup fee was.

Mr. Bulthuis didn't. He said there were a growing number of privately owned vehicles using natural gas but believed it was not a significant number and they didn't have any fleet clients at present but dozens of people were using the pump at this time.

Councilor Rivera asked if these facilities could accommodate increased usage in the future.

Mr. Bulthuis said they looked at that. There were some storage issues they needed to consider.

Councilor Rivera said he spoke to someone at the State who said it takes forever to fill up. He asked if the City had issues like that.

Mr. Bulthuis said they did when they had a series of large vehicles fueling back to back. Their storage was not sufficient for that but it was not an issue for passenger cars.

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

**15. TRANSIT DIVISION**

- **REQUEST FOR APPROVAL OF NEW MEXICO FINANCE AUTHORITY LOAN APPLICATION, AND REPAYMENT PLAN, FOR THE PROCUREMENT OF SEVEN (7) REPLACEMENT TRANSIT BUSES (JON BULTHUIS)**
- **REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR THE PROCUREMENT OF SEVEN HEAVY DUTY TRANSIT BUSES (COUNCILOR CALVERT) (JON BULTHUIS)**

**Committee Review:**

Finance Committee (Scheduled)  
Council (Scheduled)

02/17/14

02/26/14

Councilor Ives said he was basically looking for a description.

Mr. Bulthuis explained that due to a loss in federal funding this was an application to the New Mexico Finance Authority for purchase of buses.

**Councilor Ives moved to approve the request. Councilor Rivera seconded the motion.**

Councilor Calvert voiced his support of this request.

**The motion passed by unanimous voice vote.**

**17. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO STREET PERFORMERS ON PUBLIC PROPERTY; AMENDING SECTION 23-8 SFCC 1987 (COUNCILOR CALVERT) (ZACHARY SHANDLER)**

**Committee Review:**

Finance Committee (Scheduled)  
Public Safety Committee (Scheduled)  
Council (Request to Publish)  
Council (Public Hearing)

02/17/14

02/18/14

02/26/14

03/26/14

Councilor Calvert noted that changes were made to make it more workable for everyone involved.

Councilor Ives referred to page 6 of the packet and asked what "infringe" meant. If it was distance, he asked if the City permits provided the detail on that.

Mr. Zach Shandler, Assistant City Attorney, said that specific language did not come up but it probably related to the distance and volume. He thought that interpretation sounded reasonable.



Councilor Ives thought it might come under some dispute. He asked Mr. Shandler to look at when infringement would occur and flesh that section out before Council.

**Councilor Ives moved to approve the request. Councilor Rivera seconded the motion.**

Councilor Calvert proposed an amendment on page 4, line 3, after "A", to insert, "police officer may ask the performer to leave the location if he is in violation of this subsection, however, a..."

Councilor Ives thought "exhausted" was pretty strong language and asked if they wanted an officer to spend that much time. He suggested to soften it to say "to a reasonable length of time" maybe.

**The motion and second with Councilor Calvert's amendment regarding language being looked at passed by unanimous voice vote.**

**18. SANTA FE HOMES PROGRAM (COUNCILOR WURZBURGER) (ALEXANDRA LADD)**

- a) REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE SANTA FE HOMES PROGRAM ("SFHP"); AMENDING SECTION 14-8.11 SFCC 1987 TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP; AMENDING SECTION 26-1 SFCC 1987 TO UPDATE THE LEGISLATIVE FINDINGS, TO ESTABLISH THE SCHEDULE FOR PAYMENTS IN LIEU OF CONSTRUCTING UNITS FOR SFHP DEVELOPMENTS WITH TWO THROUGH TEN TOTAL UNITS, TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP AND TO MAKE VARIOUS OTHER CHANGES TO THE SFHP ORDINANCE.**

**Committee Review:**

Planning Commission (Approved)	01/09/14
Community Development Commission (No quorum)	01/15/14
Finance Committee (No quorum)	01/21/14
Council (Request to Publish)	01/29/14
Finance Committee (Approved)	02/03/14
Council (Public Hearing)	02/26/14

- b) REQUEST FOR APPROVAL OF A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM ("SFHP") TO REFLECT THE AMENDMENTS APPROVED BY ORDINANCE 2014-\_\_**

**Committee Review:**

Finance Committee (Scheduled)	02/17/14
Council (Scheduled)	02/26/14

Councilor Calvert said this would make the 20% threshold requirement permanent. He had to side with the Planning Commission. Until now the reason for doing this was to stimulate the construction industry. If it was permanent, it was no longer an incentive. He understood some of the reasons to make it 20% but if they were using it to stimulate the local construction industry they could extend it for a couple of years and still give them an incentive.

He asked if issue #5 was something that had to be specified in the ordinance.

Ms. Alexandra Ladd said it was still in the ordinance but not in ordinance were the actual numbers.

Councilor Calvert asked if it was in the ordinance or the procedures.

Ms. Ladd said it was in both.

Councilor Calvert said regarding item # 8 that he didn't have a problem with eliminating the shared appreciation if people were moving up but if they were moving out he questioned why the City should be helping them so much to do so. He didn't think they should help if the people were not staying in the city. He would like to explore that.

Ms. Ladd gave an explanation. Shared appreciation stayed for most transactions.

Councilor Calvert said most people think the market has bottomed out but going forward it might become a factor. He was not trying to cause these people trouble but just saying it was a public-private partnership and the City was subsidizing it but part of that was to keep people in town or to allow them to stay in town. He asked if Ms. Ladd had a ballpark figure on what this shared equity would be.

Ms. Ladd said it was a good question and she had tried to find that number. She would have to calculate the dollar amount of each lien out there. It was a moving target unless they did an appraisal on each property. She added that it was not a substantial amount.

Councilor Calvert wondered if there was a way to control it if they were not staying in the City.

Ms. Ladd agreed to talk with the Legal staff and see if there would be a way.

Councilor Calvert referred to page 17 of the ordinance and asked if "first position" and "primary financing" were the same. Ms. Ladd agreed.

Councilor Calvert asked if they could use the same term throughout. Ms. Ladd agreed.

Councilor Calvert asked in paragraph D to add "in the event the home has lost value through no fault of the seller."

Ms. Ladd said that was a good point and agreed.

Councilor Ives suggested maybe a reasonable wear and tear exception and would leave that to Ms. Ladd.

**Councilor Ives moved to approve with a request for presentation on items from Councilor Calvert. Councilor Rivera seconded the motion.**

Councilor Calvert asked for Councilor Ives' thoughts on the 20%.

Councilor Ives thought it was a question for the nature of the industry. Maybe staff could provide some insight.

Councilor Calvert understood what he was looking at. The larger the development the more ability they have to accommodate the percentage.

Ms. Ladd said the development community was coming to a public hearing and wondered if the Committee wanted feedback before that.

Councilor Calvert suggested she could solicit some feedback at the next Finance Committee.

**The motion passed by unanimous voice vote.**

**Councilor Ives moved to amend the consent agenda by moving 19 off consent for discussion. Councilor Rivera seconded the motion and it passed by unanimous voice vote.**

**19. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO CONSTRUCTION APPRENTICESHIP PROGRAMS; ESTABLISHING AN APPRENTICESHIP DEVELOPMENT TASK FORCE TO CREATE AN APPRENTICESHIP DEVELOPMENT PLAN FOR THE CITY OF SANTA FÉ THAT WILL BENEFIT SANTA FÉ COUNTY RESIDENTS AND THE SANTA FÉ CONSTRUCTION INDUSTRY (COUNCILORS WURZBURGER, BUSHEE, IVES AND DIMAS) (KATE NOBLE)**

**Committee Review:**

Public Works Committee (No quorum)	01/27/14
Economic Review and Development Sub-committee (Scheduled)	02/03/14
Finance Committee (Approved)	02/03/14
City Business Quality of Life Committee (Scheduled)	02/18/14
Council (Scheduled)	02/26/14

Councilor Calvert mentioned that on page 3 of the ordinance it said, "within two months of the adoption of the resolution this body will be formed." On next page it said unless further extended ... He suggested saying "six months from the date of appointment."

Councilor Rivera moved to approve the resolution with the recommended language by Councilor Calvert. Councilor Ives seconded the motion and it passed by unanimous voice vote.

**20. REQUEST FOR APPROVAL OF A RESOLUTION REPEALING RESOLUTION NO. 2013-80 THAT CALLED FOR A THIRD-PARTY INDEPENDENT AUDIT OF THE 2008 PARKS, TRAILS AND OPEN SPACE BOND; AND AUTHORIZING A SPECIAL EXTERNAL AUDIT OF THE ENTIRE EXPENDITURE OF 2008 PARKS, TRAILS AND OPEN SPACE BOND ("2008 BOND") (COUNCILOR WURZBURGER) (ISAAC PINO & MARCOS TAPIA)**

**Committee Review:**

Finance Committee (Scheduled)

02/17/14

Council (Scheduled)

02/26/14

Councilor Rivera moved to insert "and POSAC" on page 2 of the resolution so they would be part of the committee that will establish agreed-upon procedures.

Councilor Calvert asked for clarification at line 15 and 16 of the whereas regarding regular annual audit and higher material audit.

Ms. Amer said this was a resolution introduced by Councilor Wurzburger that was drafted with her direction. It appeared from the way it was drafted that she would like a special audit but some of these expenditures have already been audited by the regular annual audit.

Councilor Calvert said he was trying to understand that.

Mr. Tapia said this was brought up by the Chair of the Audit Committee where he brought up materiality. He thought it had to be a certain materiality. They got a little confused on materiality. Every item that went through the City process from this bond. It was all open to the audit. He was not clear on what they wanted regarding materiality other than that they wanted this removed from the annual audit and done separately.

Councilor Calvert said the City had an external auditor that went through this but it was not a special or separate audit. He questioned if that was going to make a difference and tell us anything more.

Mr. Tapia didn't think it would be a fiscal audit but thought it was on our processes. They wanted to make sure what the voters agreed upon and what this governing body actually did were in harmony.

Councilor Calvert wondered if they had a legal question and were asking financial person to make that determination.

Mr. Tapia was not sure except to make it a separate audit.

Councilor Calvert clarified what he was trying to get at was what this would tell us that has not already been reviewed and hashed over.

Councilor Ives understood that the external auditors took sample transactions to review and here they were asking for an expansion on that - more in-depth. Mr. Tapia agreed.

Councilor Calvert asked if it was in-depth or in breadth.

Mr. Tapia thought it was both and that was why he proposed \$35,000 to \$75,000 as the expense.

Councilor Calvert guessed that was key. He asked if that meant the standard was 10% of items reviewed but they wanted 100%.

Councilor Ives agreed. That was why this Committee would be formed and find areas where questions had arisen. But 100% would likely cost more than \$75,000.

Councilor Calvert asked, if that was indeterminate, if they moved forward, that something comes back to Council to determine if that was a reasonable amount. He wanted to be clear if this was a financial audit or not.

Councilor Ives said it was to determine if funds were spent for appropriate purposes. If contemplated that the audit be taken on by an external auditor it would come to Council to approve.

Mr. Tapia said when you say "audit" everyone thinks financial but it could be a review of procedures.

Councilor Ives anticipated that the work done by Public Works would be shared with the task force.

**Councilor Rivera moved to approve the request as amended to add POSAC. Councilor Ives seconded the motion and it passed by unanimous voice vote.**

**22. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE CODE OF ETHICS, SECTION 1-7, SFCC 1987; AMENDING THE CODE OF ETHICS TO ESTABLISH THAT WORKPLACE BULLYING BY GOVERNING BODY MEMBERS WOULD BE A PROHIBITED ACT AND SUBJECT TO A VIOLATION OF THE CODE OF ETHICS (COUNCILOR WURZBURGER) (SANDRA PEREZ)**

**Committee Review:**

Finance Committee (Scheduled)  
Council (Request to publish)  
Council (Public hearing)

02/17/14  
02/26/14  
03/26/14

Councilor Rivera said it was unfortunate that the sponsor was not here. He wanted an idea of why this was being put out there. He spent a lot of time with city crews and people and it put him in a position to ask what was considered to be bullying.

Ms. Sandra Perez, interim HR director, said she had not spoken with the sponsor who went out of town. One of the things she walked away with was that this Governing Body was putting itself in a position that they are holding themselves to the same standard as employees. There was a definition of what workplace bullying was about which was not in current policy.

Ms. Perez said this would help set the tone and clarity for the policies. Asking someone to do something outside of their job description was not bullying. Insulting and demeaning was and needed to be investigated by the ethics committee.

Councilor Rivera asked if the City was not subject to those rules already.

Ms. Perez did not believe the Governing Body was subject to what the employees were bound to.

Councilor Calvert thought HR might check with Legal. He understood that this would give more specificity to what bullying is.

Councilor Rivera loved the idea of leading by example and drug testing, as well. He felt like Councilors were part of this already and guessed there was no harm in being redundant.

Ms. Perez gave notice that if it got through this Committee, it would go to Finance next Monday. She could look into the question whether Councilors were considered employees and reply back to this Committee and the Finance Committee. Or it could be postponed to another meeting,

**Councilor Rivera moved to postpone this matter until Chair Wurzburger returned.**

Councilor Calvert supposed they could do that at the February 24<sup>th</sup> meeting.

Ms. Mossman asked if they were letting it go to Finance then it would come back here for action.

Councilor Calvert agreed.

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

**26. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE TRAFFIC ENGINEERING DIVISION TO RECONSTRUCT THE MEDIAN AT ZIA ROAD AND GALISTEO ROAD SO AS TO RESTRICT LEFT TURN MOVEMENTS TO AND FROM GALISTEO ROAD AND TO INCREASE THE LENGTH OF ZIA'S EASTBOUND DUAL LEFT-TURN LANE AT THE ST. FRANCIS DRIVE SIGNALIZED INTERSECTION (COUNCILOR DIMAS) (JOHN ROMERO)**

**Committee Review:**

Finance Committee (Scheduled)	02/17/14
Public Safety Committee (Scheduled)	02/18/14
Council (Scheduled)	02/26/14

Councilor Ives asked for a description of what was proposed.

Mr. John Romero said what was being proposed at the intersection of Galisteo and Zia was to close the median. Turning was difficult. This would allow the City to lengthen the eastbound lane 500 feet, thereby gaining more capacity, more storage space.

Councilor Ives asked if they were considering a train stop in the future.

Mr. Romero agreed. In fact, when the City Council asked staff to look at the train stop this was one quick improvement that he thought would improve this intersection. If the station came on line it would give City staff more reason to close the median

**Councilor Ives moved to approve the request. Councilor Rivera seconded the motion.**

Councilor Calvert asked if the neighborhood was in favor of this.

Mr. Romero said it had not been posed to them in any formal manner but many comments had been received from the public who had been frustrated and were asking the City to improve the operation of that intersection.

Councilor Calvert said his only concern was to retrain people to go other than a direct route. It could be challenging.

Mr. Romero thought it would be challenging but easier than the long lines there now.

Mr. Pino said this came from the Candlelight neighborhood concerns. This was posed as a potential solution and it had nothing to do with the train station.

**The motion passed by unanimous voice vote.**

**27. MATTERS FROM STAFF**

Mr. Pino wished Councilor Calvert a happy birthday.

Councilor Calvert shared a card he received.

## **28. MATTERS FROM THE COMMITTEE**

Councilor Ives echoed birthday wishes. He hoped to see about upgrading the Salvador Perez exercise equipment soon.

Mr. Pino said the immediate plan was to come to Council and propose a CIP bond issue to replace equipment at all the centers. It was a priority last time but got supplanted by concerns at the library.

## **29. MATTERS FROM THE CHAIR**

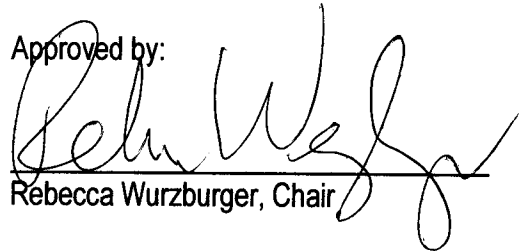
There were no matters from the Chair.

## **30. NEXT MEETING: February 24, 2014**

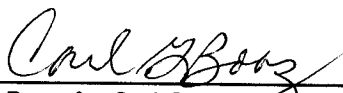
## **31. ADJOURNMENT**

The meeting was adjourned at 6:25 pm.

Approved by:

  
Rebecca Wurzbürger, Chair

Submitted by:

  
Carl Boaz for Carl G. Boaz, Inc.



**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO BILL NO. 2014-\_\_\_\_\_**  
**Street Performers**

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**Mayor and Members of the City Council:**

**I propose the following amendment(s) to Bill No. 2014-\_\_\_\_\_:**

1. On page 4, line 3, after "A", insert

"police officer may ask the performer to leave the location if he is in violation of  
this subsection, however, a"

Respectfully submitted,

\_\_\_\_\_  
Councilor Chris Calvert

ADOPTED: \_\_\_\_\_  
NOT ADOPTED: \_\_\_\_\_  
DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

Item #10

**ACTION SHEET**  
**PUBLIC UTILITIES COMMITTEE MEETING OF 2/5/14**

**ISSUE NO. 10**

CIP High Speed Internet Project. (Sean Moody)

- a. Request for approval of Telecommunications Services Agreement – Cyber Mesa Computer Systems, Inc.
- b. Request for approval of Memorandum of Understanding – State of New Mexico Department of Information Technology. (Sean Moody)

Economic Development Review Committee – 2/3/14  
Public Utilities Committee – 2/5/14  
Public Works Committee – 2/10/14  
Finance Committee – 2/17/14  
City Business & Quality of Life Committee – 2/18/14  
City Council – 2/26/14

**PUBLIC UTILITIES COMMITTEE ACTION: Approved to forward to 2/10/14  
Public Works Committee.**

**SPECIAL CONDITIONS OR AMENDMENTS:**

**STAFF FOLLOW UP:**

<b>VOTE:</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
COUNCILOR CALVERT, CHAIR	x		
COUNCILOR TRUJILLO	x		
COUNCILOR DOMINGUEZ	x		
COUNCILOR DIMAS	x		
COUNCILOR RIVERA	x		

Item #12

**ACTION SHEET**  
**PUBLIC WORKS/CIP & LAND USE COMMITTEE MEETING OF 02/10/14**  
**ITEM FROM FINANCE COMMITTEE MEETING OF 02/03/14**

**ISSUE:**

10. Request for Approval of Contract – Parking Equipment and Related Services for Parking Division; IPS Group, Inc. (PJ Griego)

**FINANCE COMMITTEE ACTION: APPROVED AS DISCUSSION ITEM**

Requested approval of contract for parking equipment and related services for parking division with IPS Group, Inc. in the amount of \$214,640. Budget is available in parking fund.

**SPECIAL CONDITIONS OR AMENDMENTS**

**STAFF FOLLOW-UP:**

More information needed regarding a 2 year warranty. Approved with amendments.

<b>VOTE</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	Excused		
COUNCILOR DIMAS	X		
COUNCILOR IVES	X		
CHAIRPERSON DOMINGUEZ			

# City of Santa Fe, New Mexico

## memo

**DATE:** February 5, 2014

**TO:** Governing Body

**VIA:** Robert Rodarte, Purchasing Officer *RR*  
Jon Bulthuis, Transportation Director *JB*  
Sevastian E. Gurule, Parking Division Director *SG*

**FROM:** PJ Griego, Parking Enterprise Fund Accountant *PJG*

**RE:** IPS Group Inc. Contract for Parking Equipment and Related Services

### ITEM AND ISSUE:

Request for Approval of Contract for Parking Equipment and Related Services.

### BACKGROUND AND SUMMARY:

The Parking Division is seeking approval to purchase new parking meters (with credit card payment option). There are currently 1200+ parking meters installed on the streets of downtown Santa Fe. These meters accept coin and cash key payments only (with the exception of 30 pilot project credit card meters). The model of the current parking meters dates back to 1992. The Parking Division intends to progressively replace the existing parking meters over the next five to ten years. The intent of the initiative to progressively replace the parking meters is to increase efficiency and strengthen internal controls. The effort has received great support from Councilor Dimas, Councilor Calvert, Councilor Ives and Councilor Bushee.

This contract is a cooperative purchase based on City of Berkley Request for Proposal Specification No. 11-10585-C for Single-space Parking Meters and Management System. The City Parking Division and IPS Group Inc. (IPS) desire to enter into this agreement for IPS to deliver, install, and service two hundred (200) single space parking meters with credit card capability at a price of \$485 each. IPS shall deliver a secure wireless data connection at a monthly rate of \$3.75 per meter per month. IPS shall deliver a management system license at a monthly rate of \$2.00 per meter per month. IPS shall deliver credit card gateway services at a rate of \$0.13 per transaction.

The Parking Division currently has thirty (30) of the aforementioned parking meters installed at various locations which have been part of a year-long pilot program. The

results of the pilot program have revealed that there is an increased level of accountability by using said meters. The accountability is demonstrated by the real-time data that is transmitted and available for viewing via the comprehensive web-based management system. The real-time audit reports allow for increased revenue control which is a major goal for the Parking Division. The credit card usage during the pilot program was 25%. The Parking Division anticipates the credit card usage will increase as more meters are installed. The usage of the credit card payment option decreases the amount of cash handling which also contributes to the increased revenue control. The credit card processing is PA-DSS and Level 1 PCI-DSS Certified.

The pilot program was well received by the community. Patrons like having the option to use credit card for payment as they don't have to find coins. This allows the patron to pay the desired amount and not have to worry about rushing and/or receiving a citation. By providing an additional payment option, the Parking Division is able to address another main goal which is being customer-friendly.

IPS has been manufacturing credit card parking meters for seven years. IPS has proven reliability with thousands of meters installed in cities such as Los Angeles, CA (33,000); San Francisco, CA (5,900); Denver, CO (6,000); Santa Monica, CA (6,000); and Berkley, CA (1,500). There are two other vendors that make similar parking meters that the Parking Division was in contact with; Duncan and MacKay. Duncan and MacKay have been manufacturing credit card parking meters for 1-2 years and chose not to participate in the pilot program. The Parking Division chose to use IPS due to the fact that there has not been a substantial period that Duncan and MacKay have been manufacturing such parking meters. It is a major concern to purchase equipment that has not been proven to be reliable. The IPS web based management system is also very reliable and user-friendly as compared to Duncan and MacKay.

The total agreement amount is two hundred fourteen thousand six hundred forty dollars (\$214,640). Funds are budgeted in business unit and line item 52154.572400 Inventory Exempt for the purchase of the meters and business unit line item 52154.561750 for related services.

The total dollar amount was amended at the Finance Committee Meeting on February 3, 2014. The original request was one hundred eighty nine thousand six hundred forty dollars (\$189,640). An extended warranty was added in the amount of twenty four thousand dollars (\$24,000) as well as a Software Escrow in the amount of one thousand dollars (\$1,000). The total dollar amount was increased twenty five thousand dollars (\$25,000).

#### **RECOMMENDED ACTION:**

1. Approval of Contract for Parking Equipment and Related Services in the amount of two hundred fourteen thousand six hundred forty dollars (\$214,640).



City of Santa Fe  
Summary of Contracts, Agreements, & Amendments

**Section to be completed by department for each contract or contract amendment**

1 ☒ ORIGINAL CONTRACT or CONTRACT AMENDMENT

2 Name of Contractor IPS Group, Inc.

3 Complete information requested

Plus GRT

☐ Original Contract Amount: \$214,640.00

Inclusive of GRT

Termination Date: \_\_\_\_\_

☐ Approved by Council Date: \_\_\_\_\_

☐ or by City Manager Date: \_\_\_\_\_

Contract is for: Purchase (200) Credit Card Parking Meters and related services

Amendment # \_\_\_\_\_ to the Original Contract# \_\_\_\_\_

Increase/(Decrease) Amount \$ \_\_\_\_\_

Extend Termination Date to: \_\_\_\_\_

☐ Approved by Council Date: \_\_\_\_\_

☐ or by City Manager Date: \_\_\_\_\_

Amendment is for: \_\_\_\_\_

4 History ☐ Contract & Amendments: (option: attach spreadsheet if multiple amendments)

Plus GRT

☐ Inclusive of GRT

Amount \$ \_\_\_\_\_ of original Contract# \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Amount \$ \_\_\_\_\_ amendment # \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Amount \$ \_\_\_\_\_ amendment # \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Amount \$ \_\_\_\_\_ amendment # \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Total of Original Contract plus all amendments: \$ 214,640



**City of Santa Fe**  
**Summary of Contracts, Agreements, & Amendments**

**5 Procurement Method of Original Contract:** (complete one of the lines)

RFP# \_\_\_\_\_ Date: \_\_\_\_\_

☐ RFQ \_\_\_\_\_ Date: \_\_\_\_\_

☐ Sole Source \_\_\_\_\_ Date: \_\_\_\_\_

Other \_\_\_\_\_

**6 Procurement History:** \_\_\_\_\_  
example: (First year of 4 year contract)

**7 Funding Source:** Inventory exempt/ Bank charges & fees **BU/Line Item:** 52154.572400 /52154.561750.

**8 Any out-of-the ordinary or unusual issues or concerns:**

\_\_\_\_\_  
(Memo may be attached to explain detail.)

**9 Staff Contact who completed this form:** PJ Griego

Phone # \_\_\_\_\_ -6857

**10 Certificate of Insurance attached.** (if original Contract)

**Submit to City Attorney for review/signature**

**Forward to Finance Director for review/signature**

**Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).**

**To be recorded by City Clerk:**

Contract # \_\_\_\_\_

Date of contract Executed (i.e., signed by all parties): \_\_\_\_\_

Note: If further information needs to be included, attach a separate memo.

**Comments:**

## **AGREEMENT FOR PARKING EQUIPMENT AND RELATED SERVICES**

**This Agreement To Purchase Parking Meter Equipment And Related Services ("Agreement")** is made effective \_\_\_\_\_, 2014

(the "Effective Date"), by and between the City of Santa Fe, NM, a municipal corporation (the "City"), and IPS GROUP, INC., a Pennsylvania corporation ("IPS"), with reference to the following:

### **RECITALS**

- A. City is a municipal corporation duly organized and validly existing under the laws of the State of New Mexico with the power to carry on its business as it is now being conducted under the statutes of the State of New Mexico and the Charter of the City of Santa Fe.
- B. IPS is a Pennsylvania corporation that markets and supports a certain web-based system and operating system software known as the IPS Data Management System (the "DMS").
- C. City seeks to purchase a smart parking meters system for use by the City's Parking Operations pursuant to the terms and conditions of this contract and the City of Berkeley Agreement set forth in detail herein.
- D. This Agreement is a cooperative purchase based on City of Berkeley Request for Proposal Specification No. 11-10585-C for a Single-space Parking Meter and Management system, with contract authorization from Berkeley City Council Resolution No. 65,466-N.S., and Contract # 9027 (CMS#LSX72) dated May 21, 2012, and as amended in the form



on Contract Amendment #9027A dated March 19, 2013, and authorized by Berkeley City Council Resolution 66,037 N.S. The Berkeley Contract is attached as Exhibit B, and incorporated into this agreement by reference.

- E. City and IPS desire to enter into this Agreement for IPS to deliver, install, and service its single space parking meters and related equipment (i.e., such as vehicle detection systems and other parking related equipment contemplated by this contract) in conjunction with the DMS (collectively, "IPS Equipment and Software") to the City upon the terms and conditions set forth below and related services, at the prices, rates, terms and conditions set forth in the Berkeley Contract.

**NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**1. IPS' OBLIGATIONS:**

- a. IPS shall deliver and install 200 Single Space Parking Meter Mechanisms with Credit Card Capability at a price of \$485 per meter, not to exceed the sum of ninety seven thousand dollars (\$97,000). Said parking meters shall be fully compatible with the existing Duncan models.
- b. IPS shall deliver a Secure Wireless Data connection at a monthly rate of \$3.75 per meter per month. The annual cost is nine thousand dollars (\$9,000) for the term of this Agreement and shall not to exceed thirty six thousand dollars (\$36,000) plus gross receipts tax.

- c. IPS shall deliver a Management System License at a monthly rate of \$2.00 per meter per month. The annual cost is four thousand eight hundred dollars (\$4,800), and, for the entire Term of this Agreement, shall not to exceed nineteen thousand two hundred dollars (\$19,200), plus gross receipts tax, if applicable.
- d. IPS shall provide credit card gateway services at a rate of \$0.13 per transaction. The annual cost is estimated to be nine thousand three hundred sixty dollars (\$9,360) based upon an estimate of 30 transactions per meter per month. However, IPS shall bill the City for the actual credit card gateway transactions per month at a rate of \$0.13 per transaction if the transactions exceed 30 per meter per month.
- e. IPS shall provide an extended warranty, beyond the one year limited warranty, at a rate of \$60 per meter per year for two years, not to exceed twenty four thousand dollars (\$24,000).
- f. IPS shall provide a source code escrow account at a rate of one thousand dollars (\$1000) for the initial set up.

**2. CITY'S OBLIGATIONS:**

- a. The City shall pay to IPS in full, payment for services rendered and accepted and deliverables received and accepted, as set forth in detail in IPS' Obligations, Paragraph 1. a through f. herein, a sum not to exceed two hundred and fourteen thousand six hundred and forty dollars (\$214,640) plus gross receipts tax, if applicable.

b. The City shall provide IPS with the required merchant account information. This information is necessary in order for the credit card payments to be routed to the City's bank. This process is standard protocol and will be handled in conjunction with the City Finance Department.

3. **Berkeley Contract incorporated herein by reference:** Both parties agree that this Agreement is a cooperative purchase based on City of Berkeley Request for Proposal Specification No. 11-10585-C for a Single-space Parking Meter and Management system, with contract authorization from Berkeley City Council Resolution No. 65,466-N.S., and Contract # 9027 (CMS#LSX72) dated May 21, 2012, and as amended in the form on Contract Amendment #9027A dated March 19, 2013, and authorized by Berkeley City Council Resolution 66,037 N.S. The Berkeley Contract is attached as Exhibit B, and incorporated into this agreement by reference and all of its terms, conditions and prices are made a part hereof. Both parties agree that the City is entitled to purchase any product and/or service at the rate in the Berkeley Contract and receive the warranties set forth therein.

4. **Term of Agreement.** The term of this Agreement means the period from the Effective Date above and will be in effect for a period of four (4) years, unless terminated earlier pursuant to the termination paragraph in the Addendum.

5. **Notices:** All notices under this Agreement must be in writing, shall

refer to the title and effective date of this Agreement, and shall be sufficient if given personally, sent and confirmed electronically, or mailed certified, return receipt requested, postage prepaid, and at the address hereinafter set forth or to such address as such party may provide in writing from time to time. Any such notice will be deemed to have been received five days subsequent to mailing. Notices shall be sent to the following:

IPS:

IPS Group, Inc.  
5601 Oberlin Dr, Suite 100  
San Diego, CA 92121  
Attn: Chad Randall  
chad.randall@ipsgroupinc.com  
tel: 858-4040-0607

City:

City of Santa Fe Parking  
Division  
500 Market St. Suite 200  
Santa Fe, NM 87501  
Attn: PJ Griego  
pjgriego@santafenm.gov  
tel: 505-955-6857

General contract terms and conditions of the City are incorporated herein by reference and are attached as the Addendum, Exhibit A.

[signatures begin on next page]

In witness whereof, the parties have caused this Agreement to be executed upon the date of last signature.

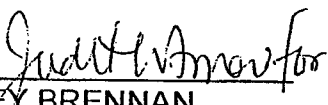
ATTEST:

CITY OF SANTA FE

\_\_\_\_\_  
YOLANDA Y. VIGIL, CITY CLERK

By: \_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
KELLEY BRENNAN 2/5/14  
INTERIM CITY ATTORNEY

\_\_\_\_\_  
MARCOS TAPIA, FINANCE DIRECTOR  
52154.572400

CONTRACTOR:

IPS GROUP, INC.,  
a Pennsylvania Corporation

By: \_\_\_\_\_  
CHAD P. RANDALL  
Chief Operating Officer

Exhibit A-ADDENDUM

City of Santa Fe NM Standard Terms and Conditions

CITY OF SANTA FE (CITY)

IPS GROUP INC. (CONTRACTOR)

INSURANCE:

A. The Contractor, at its own cost and expense, shall carry and maintain in full force and effect during the term of this Agreement, comprehensive general liability insurance covering bodily injury and property damage liability, in a form and with an insurance company acceptable to the City, with limits of coverage in the maximum amount which the City could be held liable under the New Mexico Tort Claims Act for each person injured and for each accident resulting in damage to property. Such insurance shall provide that the City is named as an additional insured and that the City is notified no less than 30 days in advance of cancellation for any reason. The Contractor shall furnish the City with a copy of a Certificate of Insurance as a condition prior to performing services under this Agreement.

B. If applicable, the Contractor shall also obtain and maintain Workers' Compensation insurance, required by law, to provide coverage for Contractor's employees throughout the term of this Agreement. Contractor shall provide the City with evidence of its compliance with such requirement.

C. Contractor shall maintain professional liability insurance throughout the term of this Agreement providing a minimum coverage in the amount required under the New Mexico Tort Claims Act. The Contractor shall furnish the City with proof of insurance of

Contractor's compliance with the provisions of this section as a condition prior to performing services under this Agreement.

#### INDEMNIFICATION

The Contractor shall indemnify, hold harmless and defend the City from all losses, damages, claims or judgments, including payments of all attorneys' fees and costs on account of any suit, judgment, execution, claim, action or demand whatsoever arising from Contractor's performance under this Agreement as well as the performance of Contractor's employees, agents, representatives and subcontractors.

#### NEW MEXICO TORT CLAIMS ACT

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

#### THIRD PARTY BENEFICIARIES

By entering into this Agreement, the parties do not intend to create any right, title or interest in or for the benefit of any person other than the City and the Contractor. No person shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary of this Agreement.

#### RECORDS AND AUDIT

The Contractor shall maintain, throughout the term of this Agreement and for a period of three years thereafter, detailed records that indicate the date, time and nature of

services rendered. These records shall be subject to inspection by the City, the Department of Finance and Administration, and the State Auditor. The City shall have the right to audit the billing both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments.

#### APPLICABLE LAW; CHOICE OF LAW; VENUE

Contractor shall abide by all applicable federal and state laws and regulations, and all ordinances, rules and regulations of the City of Santa Fe. In any action, suit or legal dispute arising from this Agreement, the Contractor agrees that the laws of the State of New Mexico shall govern. The parties agree that any action or suit arising from this Agreement shall be commenced in a federal or state court of competent jurisdiction in New Mexico. Any action or suit commenced in the courts of the State of New Mexico shall be brought in the First Judicial District Court.

#### AMENDMENT

This Agreement shall not be altered, changed or modified except by an amendment in writing executed by the parties hereto.

#### SCOPE OF AGREEMENT

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the services to be performed hereunder, and all such agreements, covenants and understandings have been merged into this Agreement. This Agreement expresses the entire Agreement and understanding between the parties with respect to said services. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.



### NON-DISCRIMINATION

During the term of this Agreement, Contractor shall not discriminate against any employee or applicant for an employment position to be used in the performance of services by Contractor hereunder, on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual orientation, physical or mental disability, medical condition, or citizenship status.

### SEVERABILITY

In case any one or more of the provisions contained in this Agreement or any application thereof shall be invalid, illegal or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

### NOTICES

Any notices required to be given under this Agreement shall be in writing and served by personal delivery or by mail, postage prepaid, to the parties at the addresses above (page 5).

Exhibit B

City of Berkeley CA Contract

Item #12

**ACTION SHEET**  
**PUBLIC WORKS/CIP & LAND USE COMMITTEE MEETING OF 02/10/14**  
**ITEM FROM FINANCE COMMITTEE MEETING OF 02/03/14**

**ISSUE:**

10. Request for Approval of Contract – Parking Equipment and Related Services for Parking Division; IPS Group, Inc. (PJ Griego)

**FINANCE COMMITTEE ACTION: APPROVED AS DISCUSSION ITEM**

Requested approval of contract for parking equipment and related services for parking division with IPS Group, Inc. in the amount of \$214,640. Budget is available in parking fund.

**SPECIAL CONDITIONS OR AMENDMENTS**

**STAFF FOLLOW-UP:**

More information needed regarding a 2 year warranty. Approved with amendments.

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	Excused		
COUNCILOR DIMAS	X		
COUNCILOR IVES	X		
CHAIRPERSON DOMINGUEZ			

# City of Santa Fe, New Mexico

## memo

**DATE:** February 5, 2014

**TO:** Governing Body

**VIA:** Robert Rodarte, Purchasing Officer *PR*  
Jon Bulthuis, Transportation Director *JB*  
Sevastian E. Gurule, Parking Division Director *SG*

**FROM:** PJ Griego, Parking Enterprise Fund Accountant *PJ*

**RE:** IPS Group Inc. Contract for Parking Equipment and Related Services

### ITEM AND ISSUE:

Request for Approval of Contract for Parking Equipment and Related Services.

### BACKGROUND AND SUMMARY:

The Parking Division is seeking approval to purchase new parking meters (with credit card payment option). There are currently 1200+ parking meters installed on the streets of downtown Santa Fe. These meters accept coin and cash key payments only (with the exception of 30 pilot project credit card meters). The model of the current parking meters dates back to 1992. The Parking Division intends to progressively replace the existing parking meters over the next five to ten years. The intent of the initiative to progressively replace the parking meters is to increase efficiency and strengthen internal controls. The effort has received great support from Councilor Dimas, Councilor Calvert, Councilor Ives and Councilor Bushee.

This contract is a cooperative purchase based on City of Berkley Request for Proposal Specification No. 11-10585-C for Single-space Parking Meters and Management System. The City Parking Division and IPS Group Inc. (IPS) desire to enter into this agreement for IPS to deliver, install, and service two hundred (200) single space parking meters with credit card capability at a price of \$485 each. IPS shall deliver a secure wireless data connection at a monthly rate of \$3.75 per meter per month. IPS shall deliver a management system license at a monthly rate of \$2.00 per meter per month. IPS shall deliver credit card gateway services at a rate of \$0.13 per transaction.

The Parking Division currently has thirty (30) of the aforementioned parking meters installed at various locations which have been part of a year-long pilot program. The



City of Santa Fe  
Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

1 ☒ ORIGINAL CONTRACT or CONTRACT AMENDMENT

2 Name of Contractor IPS Group, Inc.

3 Complete information requested

Plus GRT

☐ Original Contract Amount: \$214,640.00

Inclusive of GRT

Termination Date: \_\_\_\_\_

☐ Approved by Council Date: \_\_\_\_\_

☐ or by City Manager Date: \_\_\_\_\_

Contract is for: Purchase (200) Credit Card Parking Meters and related services

Amendment # \_\_\_\_\_ to the Original Contract# \_\_\_\_\_

Increase/(Decrease) Amount \$ \_\_\_\_\_

Extend Termination Date to: \_\_\_\_\_

☐ Approved by Council Date: \_\_\_\_\_

☐ or by City Manager Date: \_\_\_\_\_

Amendment is for: \_\_\_\_\_

4 History ☐ Contract & Amendments: (option: attach spreadsheet if multiple amendments)

Plus GRT

☐

Inclusive of GRT

Amount \$ \_\_\_\_\_ of original Contract# \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Amount \$ \_\_\_\_\_ amendment # \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Amount \$ \_\_\_\_\_ amendment # \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Amount \$ \_\_\_\_\_ amendment # \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Total of Original Contract plus all amendments: \$ 214,640

## **AGREEMENT FOR PARKING EQUIPMENT AND RELATED SERVICES**

**This Agreement To Purchase Parking Meter Equipment And Related Services** ("Agreement") is made effective \_\_\_\_\_, 2014 (the "Effective Date"), by and between the City of Santa Fe, NM, a municipal corporation (the "City"), and IPS GROUP, INC., a Pennsylvania corporation ("IPS"), with reference to the following:

### **RECITALS**

- A. City is a municipal corporation duly organized and validly existing under the laws of the State of New Mexico with the power to carry on its business as it is now being conducted under the statutes of the State of New Mexico and the Charter of the City of Santa Fe.
- B. IPS is a Pennsylvania corporation that markets and supports a certain web-based system and operating system software known as the IPS Data Management System (the "DMS").
- C. City seeks to purchase a smart parking meters system for use by the City's Parking Operations pursuant to the terms and conditions of this contract and the City of Berkeley Agreement set forth in detail herein.
- D. This Agreement is a cooperative purchase based on City of Berkeley Request for Proposal Specification No. 11-10585-C for a Single-space Parking Meter and Management system, with contract authorization from Berkeley City Council Resolution No. 65,466-N.S., and Contract # 9027 (CMS#LSX72) dated May 21, 2012, and as amended in the form

c. IPS shall deliver a Management System License at a monthly rate of \$2.00 per meter per month. The annual cost is four thousand eight hundred dollars (\$4,800), and, for the entire Term of this Agreement, shall not to exceed nineteen thousand two hundred dollars (\$19,200), plus gross receipts tax, if applicable.

d. IPS shall provide credit card gateway services at a rate of \$0.13 per transaction. The annual cost is estimated to be nine thousand three hundred sixty dollars (\$9,360) based upon an estimate of 30 transactions per meter per month. However, IPS shall bill the City for the actual credit card gateway transactions per month at a rate of \$0.13 per transaction if the transactions exceed 30 per meter per month.

e. IPS shall provide an extended warranty, beyond the one year limited warranty, at a rate of \$60 per meter per year for two years, not to exceed twenty four thousand dollars (\$24,000).

f. IPS shall provide a source code escrow account at a rate of one thousand dollars (\$1000) for the initial set up.

## **2. CITY'S OBLIGATIONS:**

a. The City shall pay to IPS in full, payment for services rendered and accepted and deliverables received and accepted, as set forth in detail in IPS' Obligations, Paragraph 1. a through f. herein, a sum not to exceed two hundred and fourteen thousand six hundred and forty dollars (\$214,640) plus gross receipts tax, if applicable.

refer to the title and effective date of this Agreement, and shall be sufficient if given personally, sent and confirmed electronically, or mailed certified, return receipt requested, postage prepaid, and at the address hereinafter set forth or to such address as such party may provide in writing from time to time. Any such notice will be deemed to have been received five days subsequent to mailing. Notices shall be sent to the following:

IPS:

IPS Group, Inc.  
5601 Oberlin Dr, Suite 100  
San Diego, CA 92121  
Attn: Chad Randall  
chad.randall@ipsgroupinc.com  
tel: 858-4040-0607

City:

City of Santa Fe Parking  
Division  
500 Market St. Suite 200  
Santa Fe, NM 87501  
Attn: PJ Griego  
pjgriego@santafenm.gov  
tel: 505-955-6857

General contract terms and conditions of the City are incorporated herein by reference and are attached as the Addendum, Exhibit A.

[signatures begin on next page]



Exhibit A-ADDENDUM

City of Santa Fe NM Standard Terms and Conditions

CITY OF SANTA FE (CITY)

IPS GROUP INC. (CONTRACTOR)

INSURANCE:

- A. The Contractor, at its own cost and expense, shall carry and maintain in full force and effect during the term of this Agreement, comprehensive general liability insurance covering bodily injury and property damage liability, in a form and with an insurance company acceptable to the City, with limits of coverage in the maximum amount which the City could be held liable under the New Mexico Tort Claims Act for each person injured and for each accident resulting in damage to property. Such insurance shall provide that the City is named as an additional insured and that the City is notified no less than 30 days in advance of cancellation for any reason. The Contractor shall furnish the City with a copy of a Certificate of Insurance as a condition prior to performing services under this Agreement.
- B. If applicable, the Contractor shall also obtain and maintain Workers' Compensation insurance, required by law, to provide coverage for Contractor's employees throughout the term of this Agreement. Contractor shall provide the City with evidence of its compliance with such requirement.
- C. Contractor shall maintain professional liability insurance throughout the term of this Agreement providing a minimum coverage in the amount required under the New Mexico Tort Claims Act. The Contractor shall furnish the City with proof of insurance of

services rendered. These records shall be subject to inspection by the City, the Department of Finance and Administration, and the State Auditor. The City shall have the right to audit the billing both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments.

#### APPLICABLE LAW; CHOICE OF LAW; VENUE

Contractor shall abide by all applicable federal and state laws and regulations, and all ordinances, rules and regulations of the City of Santa Fe. In any action, suit or legal dispute arising from this Agreement, the Contractor agrees that the laws of the State of New Mexico shall govern. The parties agree that any action or suit arising from this Agreement shall be commenced in a federal or state court of competent jurisdiction in New Mexico. Any action or suit commenced in the courts of the State of New Mexico shall be brought in the First Judicial District Court.

#### AMENDMENT

This Agreement shall not be altered, changed or modified except by an amendment in writing executed by the parties hereto.

#### SCOPE OF AGREEMENT

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the services to be performed hereunder, and all such agreements, covenants and understandings have been merged into this Agreement. This Agreement expresses the entire Agreement and understanding between the parties with respect to said services. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.