



Agenda

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**PUBLIC WORKS/CIP & LAND USE
COMMITTEE MEETING
CITY COUNCIL CHAMBERS
TUESDAY, OCTOBER 2, 2012
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 10, 2012 PUBLIC WORKS COMMITTEE MEETING

PUBLIC HEARING (30 minutes)

6. PRESENTATION OF COMMUNITY WORKFORCE AGREEMENT – POLICY AND PROCEDURES MANUAL (JUDIE AMER AND ROBERT RODARTE)

INFORMATIONAL AGENDA (10 minutes)

7. UPDATE ON SANTA FE COMMUNITY CONVENTION CENTER LANDSCAPE (CHIP LILIENTHAL)

CONSENT AGENDA (10 minutes)

8. DEFOURI AND GUADALUPE BRIDGE IMPROVEMENTS
 - REQUEST FOR APPROVAL OF A MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$200,000
 - REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST
 - REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF DEFOURI AND GUADALUPE STREET BRIDGE IMPROVEMENTS FUNDED THROUGH A MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (COUNCILORS BUSHEE AND CALVERT) (DESIRAE LUJAN)

Committee Review:

Finance Committee (Scheduled)

10/01/12

Council (Scheduled)

10/10/12

9. REQUEST FOR APPROVAL OF A RESOLUTION AMENDING TABLE 22 OF THE IMPACT FEES CAPITAL IMPROVEMENT PLAN FOR PLANNED MAJOR ROAD IMPROVEMENTS TO INCLUDE CAMINO DE LAS CRUCITAS BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT IN THE AMOUNT OF \$400,000 (**COUNCILORS BUSHEE AND CALVERT**) (**LEANN VALDEZ**)

Committee Review:

Finance Committee (Scheduled)	10/01/12
Council (Scheduled)	10/10/12

10. SANTA FE RIDE PROGRAM GRANT PURCHASE

- REQUEST FOR APPROVAL OF A GRANT THROUGH THE ENERGY MINERAL & NATURAL RESOURCES DEPARTMENT TO PURCHASE 4 COMPRESSED NATURAL GAS POWERED HONDA CIVICS THROUGH STATE PRICE AGREEMENT #10-000-00-00088 (**DAVID CHAPMAN**)

Committee Review:

Finance Committee (Scheduled)	10/22/12
Council (Scheduled)	10/30/12

11. PUBLIC UTILITY GRANT PURCHASE

- REQUEST FOR APPROVAL OF A GRANT THROUGH THE ENERGY MINERAL & NATURAL RESOURCES DEPARTMENT TO PURCHASE 2 CNG FRONT-LOADING AND 2 CNG AUTOMATED SIDE-LOADING SOLID WASTE COLLECTION VEHICLES (**DAVID CHAPMAN**)

Committee Review:

Finance Committee (Scheduled)	10/22/12
Council (Scheduled)	10/30/12

12. 2012 STATE OF NEW MEXICO SEVERANCE TAX BOND (STB)

- REQUEST FOR APPROVAL OF CAPITAL APPROPRIATE PROJECT AGREEMENTS FOR A TOTAL OF \$440,000
- REQUEST FOR APPROVAL TO INCREASE PROJECT BUDGETS (**DAVID CHAPMAN**)

Committee Review:

Finance Committee (Scheduled)	10/22/12
Council (Scheduled)	10/30/12

13. REQUEST FOR CONCEPT APPROVAL OF AN EASEMENT TO BENEFIT SANTA FE COUNTY FOR THE PURPOSE OF INSTALLING A 12 INCH WATER PIPELINE TO EXTEND WATER SERVICE TO THE SANTA FE ANIMAL SHELTER FACILITY AND OTHER PROPERTIES LYING SOUTH AND EAST THEREOF. THE REAL PROPERTY LIES WITHIN PORTIONS OF GOV'T LOT 1 AND THE NW/4 SE/4 OF SECTION 35 T17N R8E NMPM AND CONTAINS 0.93 ACRES BY BILL MOFFETT, PROJECT COORDINATOR (**EDWARD VIGIL**)

Committee Review:

Finance Committee (Scheduled)	10/22/12
Council (Scheduled)	10/30/12

14. A RESOLUTION RELATING TO THE NEW MEXICO *DEVELOPMENT FEES ACT*, §§5-8-1 TO 5-8-43 NMSA 1978; CONSIDERING A DETERMINATION THAT NO CHANGES OF LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES ARE NEEDED; AND AUTHORIZING THE PUBLICATION OF SUCH PROPOSED DETERMINATION **(COUNCILOR WURZBURGER) (REED LIMING)**

Committee Review:

Capital Improvements Advisory Committee (Approved)	09/13/12
Council (Scheduled)	10/10/12

15. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING MOBILE HOME PARK DISTRICTS AND MOBILE HOME PARKS; AMENDING SECTION 14-4.2(J)(1) SFCC 1987 TO EXPAND THE PURPOSE OF THE MHP DISTRICT TO INCLUDE RESIDENTIAL SUBDIVISIONS AND MULTI-FAMILY DWELLINGS; AMENDING SECTION 14-6.1(C) TABLE OF PERMITTED USES TO CORRESPOND WITH 14-4.2 (J)(1); AMENDING SECTION 14-6.2(A)(3) SFCC 1987 TO CLARIFY STANDARDS FOR EXISTING MOBILE HOME PARKS; AMENDING SECTION 14-7.2(I) SFCC 1987 TO PROHIBIT THE ESTABLISHMENT OF NEW MOBILE HOME PARKS AS OF THE EFFECTIVE DATE OF THIS ORDINANCE AND TO CLARIFY THAT MANUFACTURED HOMES ARE ALLOWED IN EXISTING MOBILE HOME PARKS; AMENDING TABLE 14-7.2-1 TO PROVIDE DIMENSIONAL STANDARDS IN THE MHP DISTRICT; AMENDING SECTION 14-12 REGARDING MOBILE HOME-RELATED DEFINITIONS; AND MAKING SUCH OTHER STYLISTIC OF GRAMMATICAL CHANGES THAT ARE NECESSARY **(COUNCILOR DOMINGUEZ) (MATTHEW O'REILLY)**

Committee Review:

Public Works (Postponed)	08/27/12
City Business & Quality of Life (Approved)	09/11/12
Planning Commission (Approved)	09/13/12
Council (Request to publish)	10/10/12
Council (Public hearing)	11/14/12

DISCUSSION AGENDA (15 minutes)

16. REQUEST FOR REVIEW AND DISCUSSION ON INFRASTRUCTURE ASSESSMENT – PART 1
- SILER ROAD COMPLEX
 - CURBS, GUTTERS AND SIDEWALKS **(ISAAC PINO)**
17. MATTERS FROM STAFF **(5 minutes)**
18. MATTERS FROM THE COMMITTEE **(5 minutes)**
19. MATTERS FROM THE CHAIR **(5 minutes)**
20. NEXT MEETING: **MONDAY, OCTOBER 29, 2012**
21. 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 2, 2012**

ITEM	ACTION	PAGE
1. Call to Order	Convened at 4:45 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 September 10, 2012	Approved as presented	2
PUBLIC HEARING		
6. Community Workforce Agreement	Discussion	2-33
INFORMATIONAL AGENDA		
7. Community Convention Center Landscape	Postponed	33
CONSENT AGENDA LISTING	Listed	33-35
DISCUSSION AGENDA		
16. Infrastructure Assessment - Siler Road	Postponed	35
17. Matters from Staff	Postponed	35
18. Matters from the Committee	Postponed	35
19. Matters from the Chair	Postponed	35
20. Next Meeting	Set for October 29, 2012	36
21. Adjournment	Adjourned at 8:36 p.m.	36

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

TUESDAY, OCTOBER 2, 2012

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 Wurzbarger 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 Wurzbarger, Chair
Councilor Christopher Calvert
Councilor Peter Ives
Councilor Christopher Rivera
Councilor Ronald S. Trujillo

MEMBERS ABSENT:

STAFF PRESENT:

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

Also Present, David Coss, Mayor

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

4. APPROVAL OF CONSENT AGENDA

Councilor Calvert moved to approve the consent agenda as presented. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

5. APPROVAL OF MINUTES FROM SEPTEMBER 11, 2012 PUBLIC WORKS COMMITTEE MEETING

Councilor Trujillo moved to approve the minutes of September 11, 2012 as presented. Councilor Ives seconded the motion and it passed by unanimous voice vote.

PUBLIC HEARING

6. PRESENTATION OF COMMUNITY WORKFORCE AGREEMENT – POLICY AND PROCEDURES MANUAL (JUDITH AMER AND ROBERT RODARTE)

Chair Wurzburger explained the format for the public hearing. The Committee needed to understand key elements of the policy and procedures and how it would affect Santa Fé before receiving public comments.

Mr. Rodarte said ordinance 28.8 passed a few months ago to guide the City in the Community Workforce Agreement (CWA). It was tied to city construction projects of \$500,000 or more and requires meeting wage scale on those projects. Last summer staff was instructed to produce a procedures manual for this ordinance and the manual is in your packet. Several staff members and legal staff developed this. It included definitions and objectives. He was ready for questions.

Chair Wurzburger asked Mr. Rodarte to review the goals of the ordinance and explained them so everyone could understand it.

Mr. Rodarte said 28.8-1 calls for use of the CWA in large capital outlay projects in excess of \$500,000 through local funding sources (Gross Receipts Tax revenues and GO Bonds). The CWA would ensure that time schedules are met using highly qualified workers with highest standards of safety and quality. The CWA is legally enforceable and guarantees work without strikes. It would also allow the City to accurately estimate the budget for them.

§ 28.8-4 addresses variable terms. The terms of any construction project may vary in accordance with the scope, duration, cost and other characteristics of any covered project and such terms shall be determined by city on an individual for bid packet on a project by project basis and promote the following objectives:

1. Make available a ready and adequate supply of highly trained and skilled trade and crafts workers;
2. Accurately determine project labor costs and the offset of any construction project;
3. Establish working conditions for all constructions trades and crafts for the duration of the project;

4. Negotiate legally enforceable commitments to all parties to a construction project to ensure labor stability and labor peace over the life of the project;
5. Facilitate increase in number of trained and skilled local construction workers through cooperative procedures and apprenticeship programs;
6. Promote the hiring of local subcontractors in the construction of large scale public work projects funded by Gross Receipts Taxes and General Obligation bonds.
7. To develop a local work force and use at least 50% of the local workers in the public works projects.

Chair Wurzburger asked Mr. Rodarte to go through the procedures and correlate it with the pages in the CWA itself. She pointed out that the Public Works Committee had never discussed this.

Mr. Rodarte said he just went through Article 1 on page two

Chair Wurzburger said she didn't want the definitions read except for 2.6.

Mr. Rodarte read the definition of Union Entity. "Local unions and unions shall mean those signatories unions that affiliates or members of a New Mexico building construction trades council and such other unions or trade organizations that are signatories to this agreement, acting in their own behalf and on behalf of their respective affiliates and the members, organizations whose names are subscribed hereto and who have, through their officers executed this agreement.

Chair Wurzburger concluded that this agreement was with a Council of unions. Mr. Rodarte agreed.

Mr. Rodarte read 3.2 - local preference, which said, "A fundamental objective of the CWA is to provide a preference towards local workers in accordance with city's purchasing manual and to promote careers and construction by residents in Santa Fé and surrounding areas." So the City is going to try to enforce the local preference in the CWA.

Mr. Rodarte said on the scope of agreements, item 4.1 under New Construction said, "This CWA shall apply to the following new public works covered projects under the direction of and performed by the contractor, whatever tier, which may include the project contractor who have contracts awarded for such work on the project. Such work shall include the site preparation work and dedicated off-site work."

A lot of the agreements are basically identical to what the City now has only it added one extra different step that included the CWA. He emphasized that it would be directed towards pre-qualifications for all bidders as they publicly advertised any project over \$500,000 covered under CWA.

Chair Wurzburger asked if the prequalification would be based on their signing this agreement. Mr. Rodarte agreed. So long as they implemented the CWA they would follow the terms and conditions of the procurement manual with CWA so the bidder would have to prequalify for that project before it was

published. The City would publicly advertise it and publicly notify the public that the CWA bid would be in force on the project and the pre-qualification criteria would be identified in the pre-qualification.

Mr. Rodarte said some of the areas of interest and feedback were on Article 12 - the referral procedure and was the main area that affected everyone.

Chair Wurzbarger apologized and asked him to go back to article 4.9 which was something of relevance - the City's right to terminate or suspend a contract.

Mr. Rodarte read article 4.9, "City's right to terminate or suspend. It is understood that the City at its sole option may terminate, delay and/or suspend any or all portions of the covered project at any time." That means the City has the right to stop a project if deemed that it is needed.

Chair Wurzbarger asked that article 6, self-management by contractors, be read into the record.

Mr. Rodarte said Article 6 was titled Management Rights. Article 6.1 states, "Self-management by contractors. The project contractor and contractor of whatever tier retains full and exclusive authority for the management of their operations. Except as otherwise limited by the terms of this agreement, the contractor shall direct their working forces at their prerogative including but limited to hiring, promotion, transfer, lay-off or discharge for just cause. No rules, customs or practices shall be permitted or observed which limit or restrict production or limit or restrict the working efforts of employees. The contractor shall utilize the most efficient method or technique of construction tools and or labor saving devices. There shall be no limitations upon the choice of materials or design, limit on production by workers, or restrictions on a full use of tools or equipment.

Chair Wurzbarger asked if there were any correlation or any items in that section which from staff perspective contradict the self-management by the contractor to bring them to light with the public.

Apparently there were none.

With regard to Article 8 Chair Wurzbarger asked, "Who is management and who is labor in this contract?"

Mr. Rodarte said management is the City.

Mayor Coss said the City is the owner and management is the successful contractor.

Chair Wurzbarger surmised that the contractor could then choose whoever was to work on the project.

Mr. Rodarte read 11.1 and 11.3

Chair Wurzbarger asked Mr. Rodarte to cover the section on union security next.

Mr. Rodarte read article 11, "Union Security, 11.1 was titled Union Membership. All present employees of the company employed on this project coming under jurisdiction of the unions shall, as a condition of

continued employment, become and remain members of the represented local union by the seventh day following the date of employment on this project and remain members in good standing during the life of this agreement."

Item 11.3 is the good standing definition. "For the purpose of this agreement, good standing shall be interpreted to mean the payment or tendering of application fees and periodic union dues to an authorized agent of the union. The contractor will discharge any employee who fails to pay for tender the employees application fees and periodic union dues to such authorized agent upon the written request of the union, itemizing the delinquent accounts to the union. The union agrees to furnish one copy of the delinquents account the contractor and one copy to the employee, whoever it requests as discharged."

Chair Wurzburger asked Mr. Rodarte to go on to section 12.

Mr. Rodarte the read article 12. "Article 12, referral procedure. 12.1 - compliance with existing referral system for local unions now having a job referral system. Contractor agrees to comply with such system and it shall be used exclusively by each contractor, signatory to this agreement, except as otherwise specifically provided in this article 12.

"Article 12.2 – referral system operation. Such job referral system will be operated in a nondiscriminatory manner and in full compliance with the federal, state, and local laws and regulations which require equal employment opportunities and nondiscrimination and shall not be affected by rules, regulations, by law, constitutional provisions or any other aspects or obligations of union membership, policies or requirements.

"Article a in 12.2 – a contractor who is not signatory to a current local collective-bargaining agreement with the union having jurisdiction over project work may employee members its regular employee workforce as defined in article 12.2 B. As such, other employees, as required for project work on the covered project in the following order by craft. For the first 10 employees, five may be directly hired without following the procedures of 12.1 from among the contractor's own regular employee workforce. Second, for the next 30 employees, 15 may be hired directly without reference to the procedure of 12.1 from among the contractor's own regular employee workforce on an alternating basis, one from its own regular employee workforce and then under the referral procedures under 12.1 until the contractor has a maximum by craft of 20 of its regular employee workforce. After the 40 employees are hired, as set forth above, all further employees required shall be hired using the job referral system referred to in 12.1 above. For the purpose of this agreement, a member of the contractor's regular employee workforce shall possess a license required by state or federal laws for the project work to be performed; to have been an active member on the contractor's payroll for at least 90 of the 180 working days immediately prior to the date that the contractor is awarded a contract for working on the project. Active employees may and have the ability to safely perform the basic functions of the applicable trades."

Chair Wurzburger asked regarding the active employment issue if a contractor who has one or two employees and primarily runs his or her business using subcontractors, does it mean the subcontractors would be part of the five. What if he has to have the people there for 90 days before he or she has their own employee?

Mr. Rodarte clarified that the first five employees could be in his employ.

Chair Wurzbarger asked if a company with only one or two employees could only count the one or two employees. Mr. Rodarte agreed

Chair Wurzbarger asked him to clarify regular employee workforce, if this meant the referral process would be for those already in the union. She asked how it would work or if he would rather have that answered by Mr. Baca or the Mayor. How does the referral process work?

Mr. Rodarte preferred to have Ray Baca answer that question.

Chair Wurzbarger said she would make a list.

Mr. Rodarte said article 12 is probably the biggest issue of all and most of the articles were covered under the current bid process.

Chair Wurzbarger referred to page 14, item 3-C. To her knowledge the City did not have representatives of project labor administrators determining the qualifications of the contractor's regular employee workforce. She asked if that was something the City didn't already do.

Mr. Rodarte said the City had project managers.

Chair Wurzbarger noted that in item c, there would be a local administrator who would determine the qualifications of the people who were going to be employed by the contractor who has the sole responsibility for their product. Mr. Rodarte agreed.

Chair Wurzbarger referred to "resident of the State of New Mexico" and asked how that refers to local.

Mr. Rodarte replied that "there is a difference between resident versus local. Resident was enacted by the state of New Mexico to allow contractors to compete against outside competition from other states. As of the beginning of this year they have a new procedure that is a lot like our local preference to make sure that the applicant entity is indeed set up in the state of New Mexico and not just a small subsidiary or office of an out-of-state entity.

Chair Wurzbarger asked if "local preference" superseded the New Mexico resident there. Obviously the City has to comply with New Mexico and that was why it is in there.

Mr. Rodarte clarified that the local preference gives local contractors a 10% bonus. A 5% bonus was granted to those who are New Mexico residents. The local preference would apply if the funding is from GRT.

Chair Wurzbarger noted in 12.5 that when they could not find a union person, "the contractor shall for dispatch to the project." She asked if that meant that nonunion persons could not go to work until they had gone to the union.

Mr. Rodarte agreed. The union has the control to say this individual has met the requirements and could be used on the project. The requirements would be whatever the type of profession is.

Mr. Rodarte turned to article 13. He read, "Article 13 – dues check off. 13.1 – dues collection and payment. The contractor agrees to deduct union dues weekly in the amount specified in writing by the representative union on the basis of individually signed payroll deduction authorizations and forward the aggregate of such deductions to the union on the 10th day of the following month. Article 13.2 – the contractor shall also deduct from the employees who are not members of one of the respective local unions all application fees as required by each local union's membership requirements."

Chair Wurzburger asked Mr. Rodarte to summarize section 15 on safety and health which appear to be very standard and to clarify how they differed from what the state required with OSHA.

Mr. Rodarte said Article 15 was basically identical to what is currently required for health and safety.

Chair Wurzburger was confused by work classifications in 16.1.

Mr. Rodarte said those definitions would have to be clarified by members from the workforce organization.

Chair Wurzburger asked about 16.4 – Employee Benefit Funds. What happens when the employee was no longer employed in the project work?

Mr. Rodarte said that was an excellent question and he read, "Wage and benefits. 16.4 - employee benefit funds. Item A, the contractor shall pay contributions to the established employee benefit funds in the amount designated in the appropriate local collective bargaining agreement and make all employees authorized deductions in the amounts established in the local agreement, provided however that the contract and the union agree that only such bona fide employee benefits to the direct benefit of the employees such as pensions, annuities, health and welfare, vacation, apprenticeships and training funds shall be included in this requirement and then only to the extent that such are part of time applicable prevailing wage determination. Under no circumstances is a contractor required to make a payment in excess of that required person to be applicable to the prevailing wage determination except as set forth below in B, provided however, that a contractor is not prohibited from voluntarily making payments to employee benefit funds that are established in the local collective bargaining agreement to which the contractor is signatory as required by that agreement.

Chair Wurzburger asked what that meant.

Ms. Amer said it meant that the contractor shall make the benefit payments to the union for the pension annuity, health, welfare, vacation, apprenticeship and training funds. But they only have to pay according to their wage classification as she understood that, depending on whether they were electricians or whatever.

Chair Wurzburger said she also had a question on how the employee actually gets the benefits, particularly if it is a short-term relationship. She understood this to be a short-term relationship proposition. It is only during the time of which the project is being conducted.

Ms. Amer said it could be short-term or long-term depending on what the worker chooses to do after the agreement is concluded.

Chair Wurzburger didn't understand part D on page 18. It appeared to be another trust fund to which the contractor would be required to contribute.

Mr. Rodarte read, "The contractor is not obligated to sign any other local area or national collective bargaining agreement as a condition of performing work within the scope of this agreement, provided, however, that the contractor may be required to sign a uniformity applied non-discriminatory participation agreement at the request of trustee administrators of the trust fund established pursuant to section 302 or the Labor Management Relations Act and to which such contractor is bound to make contributions under this agreement provided that participation agreement does not attempt to bind the contractor beyond the terms and conditions of this agreement and / or expand the contractor's obligations to make contributions pursuant to this agreement."

Ms. Amer explained that if there is a trust fund established pursuant to section 302 of the labor management relations act then the contractor might be required to sign a participation agreement. But she did not know whether one existed or not.

Chair Wurzburger referred to page 20 regarding apprenticeship which was a big, big promise on this bill. And she read in 17.3, "Every contractor and subcontractor employing apprentices must have a State Apprenticeship Council approved apprenticeship program." To her that implied that the contractor has to develop that program and provide it and that the role of the Council is to approve it. She asked if that was a correct interpretation.

Mr. Rodarte agreed that was correct. He understood that each separate type of union has something in place that promotes apprenticeship programs. This section was to stress how important it was to have such a program.

Chair Wurzburger surmised that a contractor with one or two employees would still have to develop an apprenticeship program in order to participate in this program.

Ms. Amer said only if they would like to employ apprentices. They wouldn't necessarily have to have an apprenticeship program.

Chair Wurzburger said one goal used to promote CWA was for the City to have an apprenticeship program.

Ms. Amer agreed. That would be a consideration in the bid process so a bidder who had an apprenticeship program would receive greater weight.

Chair Wurzburger had a question on Section 19.7 – Reporting Compensation.

Mr. Rodarte said that was a standard process in the construction world.

Chair Wurzburger went to section 22.1 – about a Labor Management Committee and asked about the goal of that committee.

Mr. Rodarte read 22.1, "Article 22 is labor and management cooperation. Labor-management committee is the title. The parties to this agreement will form a joint committee consisting of representatives selected by the Council and the project labor administrator to be chaired jointly by individuals designated by the project labor administrator and the Council. The purpose of the committee is to promote harmonious and stable labor-management relations on the project to ensure effective and constructive communication between labor and management parties to maximize the potential highest quality and efficiency on the project."

Chair Wurzburger thought the remainder of this agreement seemed pretty standard. She asked Mr. Rodarte if there was anything else he wanted to highlight.

Mr. Rodarte said the pre-bid conference was the most valuable tool here. It was apparent that for any project to go through a pre-bid conference was needed. Pre-qualifications are mandatory and will set down the rules as projects go forward.

PUBLIC HEARING

Chair Wurzburger asked people who wanted to address the Committee to line up on the left side of the room and asked them to limit their remarks to two minutes each.

Mr. Ken Shanahan: "Thank you Madam chair my name is Ken Shanahan. I am the executive officer of the Santa Fe Area Homebuilders Association. I'll try to get this short statement in two minutes. The Santa Fe Area Homebuilders Association urges the City Council to repeal the Community Workforce Agreement passed by Council on February 2012 that mandates all taxpayer funded City projects over \$500,000 must hire union workers. The Santa Fe Area Homebuilders Association strongly supports hiring local workers for all City projects and believes the requirement that workers belong to unions will mean many local workers will be prohibited from employment on taxpayer-funded projects.

"Santa Fe Homebuilders further believes that the taxpayers will spend more on union only projects than they would if competitive bidding were open to all. While few Santa Fe area general contractors in residential construction will be impacted by the Community Workforce Agreement, many of our trade-based contractor members will. Their ability to bid for commercial general contractors, locally-based or not, will be prohibited. This is unfair and contradicts the intent of the Community Workforce Agreement to stimulate local employment.

"But we also believe that raising the dollar amount threshold for community union only workforce agreement will be employed is no solution. Open competitive bidding from all... A couple of quick points also. In the packet that was given to the Finance Committee on January 12 the question was posed by staff - Do you have to be a union member or union contractor to work on or bid for CWA? The unequivocal response was workers on the project are not required to join a union. However, the policies and procedures that have recently come out on the website clearly state that for the duration of the covered project all

workers shall be union members in good standing. So that clearly was a contradiction from what you heard back in February.

"The other thing back in February to the Finance Committee was that there was no fiscal impact, zero fiscal impact. Cities internal review of these by City staff indicated that there is a fiscal impact. Councilor Calvert's minutes of the meeting of February 29 said that he was particularly concerned about the fiscal impact and he was reassured that there was none. I do believe that there will be and I think that the research by the University's BBR will prove that out. Thank you.

Paul Goblay – "Councilor Wurzburger, members of City Council, my name is Paul Goblay. I have no ax to grind. I have no business that is in any way shape or form related to construction. I am a small business person here. I pay \$7000 a year and gross receipts taxes. I can't imagine the City Council and the City would inflict 38 pages into a process that works. 38 pages, and particularly Ms. Wurzburger, as we went through this of confusing legalese on something that is called a large construction project when half the homes in Santa Fe are \$500,000 or more. I mean people build their houses here with local labor constantly without necessarily union workers. I'm not opposed; I'm not for union but to me, this is simply inflicting intellectual casualty into the bidding process that is confusing enough and will really impair small business' ability to compete. And I don't think that that's what...

"Community Workforce Agreement is certainly mislabeling at best. I mean this is really predicated on sending a portion of jobs to Albuquerque because that's my assumption to where union workers and union companies are. I think it's a travesty. Thank you.

Roddy Leader – "Thank you. I appreciate the opportunity to speak. Thank you councilors, Mayor. My name is Roddy Leader, president of RL Leader Construction. And I'd like to say that we just completed a project last year that our company needed very much in order to stay in business. Many contractors have been hit by this recession. We've had to lay off many employees. We completed the project.

"Under this ordinance there is no way we would have been able to get it, although we are a local contractor. And if we were able to get it we would've had to lay off some of our people that have been with us 20 and 25 years.

"I was surprised on this and didn't know anything about this until recently. But in article 1 you said something about in the best interests of the City. How could this be in the best interests of the City to lay off our people and hire people from Albuquerque? How can that be in our best interest? I don't understand that. Even if I wanted to join the union, which I don't see any benefit for our employees are our City or myself or the people we work for. But there is no way that I could. As the gentleman before me just said, there is no way that I could put all this extra effort into the bidding process and into the paperwork process to justify our work. This would put us out of the City business, which we been in for 30 years. And I just don't see how that's good for the City. Thank you."

Peter Brill – "Hi. My name is Peter Brill. I'm the owner of Sarcon Construction, the only union general contractor located in northern New Mexico. We are big supporters. I think this is a good idea. I think we will all figure out how to make it work. It may take time. There will be a period of adjustment. Contractors are intelligent and enterprising people. And I think that gives them a chance and will make this work. Thank

you.”

Louie Medina – “Thank you Madam Chairwoman. My name is Louie Medina. I’m with the Southwest Regional Council of Carpenters and I am here to show my strong support for the Community Workforce Agreement. This important agreement will make sure the City and taxpayers get the most for its money. Top quality construction, the most productive workforce, projects done on time and on budget, a smoother contracting process, safer conditions, and a better trained workforce, less cheating on public works process, and more local workers on public works projects. That last point is crucial.

“Having more local workers who earn a good wage and with retirement and health care benefits helps maintain a solid middle-class and makes this City and our community in much better workplace for us to live in. In regards to apprenticeship, our apprenticeship training programs invest millions of dollars every year to ensure our members are the best of the industry and are contractors are the most productive and competitive.

“Since there is already a prevailing wage law, the argument that this will drive up costs is not really true. Plus there are safeguards in place in this ordinance to make sure that there are some cost controls. This ordinance is modeled on others that have been used across the country and they have proven to deliver the intended benefits to the community and awarding agencies. Time after time, these types of agreements have proven that they work well and make a lot of sense. In conclusion, it’s time to implement this important Community Workforce Agreement and put local workers to work. Thank you, Madam Chair.

“There was a lot of applause after his speech and the chair ask people not to applaud until the end.

Mike Archuleta – “Councilors, my name is Mike Archuleta. I am president of the Central Labor Council in Northern New Mexico. I have a big concern with the way our City is then left to believe that the big-money contractors aren’t making any money and that the average union person is putting someone out of a job. There is a misconception that unions are bad.

“Union people from Santa Fe want a place to work, earn a living, send their kids to college, by their home, but most of all, to retire with dignity. And the satisfaction that we won’t have to work anywhere else until 75 or 80 to pay our medical bills or other expenses. I am deeply concerned by the political messages of blaming union members for the financial woes of this great country. But it’s okay with large corporations to move operations overseas, to cut labor costs and taxes, to increase profits. Really?

“But when the average union man wants to provide a good decent home for his family or just simply get ahead in their hometown, we are branded as undeserving and greedy. Remember, the only reason unions came into existence was because of the abuses of companies and management that were levied on their employees. How easily we forget.

“Unions allow employees to band together, make sure that everybody is treated fairly by their employers, they hold to protect the minorities and other subordinate groups from being wrongfully taken advantage of or wrongfully fired. Labor unions give employees an opportunity to become a more cohesive community puts the mind of the community towards fighting for the greater good of all employees at large instead of individual gain. We encourage teamwork and cooperation. We urge you to keep the bill intact the

way it was. My name is Mike Archuleta and I approve this message.

Mayor Coss said he wanted to support the Chair in keeping the responses quiet. It is a long hearing and she will give everyone a chance to applaud at the end.

Rick Borrego – “Good afternoon Councilors and Committee members. My name's Rick Borrego. I'm with Borrego Construction and Santa Fe. I'm here with two hats on kind of; as a builder and also as a community member. We haven't bid on any City projects for quite a while mainly because there are always 12 to 15 bidders and it was a very competitive process.

“I looked through the builder's guide that's part of the New Mexico construction and trades Council. It's about a 60 page builder's guide. It is about 12 contractors per page for probably around 600 contractors and subcontractors. I was only able to locate one general contractor out of Santa Fe and I was only able to locate six subcontractors out of Santa Fe. So that tells me that when the City puts out a job for bid is probably going to be one general contractor from Santa Fe bidding against whoever decides to come up from Albuquerque or else the Southwest.

“I don't understand how this could be a community agreement because these general contractors out of Albuquerque are either going to have to lay off their people in Albuquerque and try to come and hire Santa Fe people which I don't think is going to be very likely. Or else they're not going to hire local people. They're going to bring in their people out of Albuquerque. To me this has one effect. It's going to drive up the cost of contracting for the City of Santa Fe. You're driving out all the local competition.

“I don't understand why this has to be a set aside for union contractors. Why can't they compete for the project just like the local contractors can? The local contractors already have to pay the same wages because there is a prevailing wage law in effect like someone else had already mentioned. So it's not a matter of that they have to pay more wages. I don't understand why they can't just bid alongside the rest of the contractors.

“OSHA is already patrolling to make sure all the safety requirements are already met. So there's no additional safety that could come from this ordinance. I would just like you to reconsider this entire ordinance and consider repealing it. I think it's going to drive construction jobs away from Santa Fe. It's not going to be a Community Workforce Agreement. It's going to be in Albuquerque or area workforce agreement. Thank you.

Alma Castro – “My name is Alma Castro. I'll be interpreting if there is any need but I'm also here as a community organizer for Somos Un Pueblo Unido who just inaugurated the first Workers' Senate in the State of New Mexico as of May 1. We actually have been hearing a lot about unionized labor, nonunion labor so I wanted to give men a chance to speak for us who are non-union labor workers. Thank you.

Lorenzo Ramirez – “My name is Lorenzo Ramirez. I represent the United Workers Committee of Somos Un Pueblo Unido. We are here today in support of our union brothers and sisters. We see this workforce agreement as beneficial to all workers in Santa Fe. Many of us are not part of a union. Agreements like this one with the City of Santa Fe promote better wages and protections for all workers. This is an opportunity for employers to help encourage workers to become unionized. We hope you will

consider keeping the agreement as it is now. Thank you very much.

Roxanne Rivera Ruiz – “Councilor Wurzbarger, Councilors, thank you for indulging me again this evening. I won't bore you with everything that I have said before. I would like to touch on the seven points. I am Roxanne Rivera Ruiz. I am president of associated builders and contractors of New Mexico. We represent the merit shop contractors here in the state of New Mexico. I would like to point out quickly the seven points that are contained within the CWA and then I would also like to give you some points of clarification on the rules and regulations. Point number one, stable work for all workers. This is not possible if 96.5% of the construction industry in the state of New Mexico chooses not to join a union. Point number two, stable collective-bargaining wages. As you heard before, by law every contractor in the state of New Mexico must pay the prevailing wage. This is according to the New Mexico Department of workforce solutions. Point number three, a trained workforce. Associated builders and contractors, along with other merit shop organizations in the state of New Mexico have apprenticeship programs that are approved by the state apprenticeship Council. In fact, our apprenticeship director sits on the state apprenticeship Council. Point number four, a CWA offers safer workers. OSHA is the safety governing arm for safety in the State of New Mexico. So as you heard before, if you have OSHA on a job site, you're going to be safe. Point number five, orderly settlement of labor disputes. There can only be labor disputes if there is a labor contract. Private contractors cannot have a labor dispute on a project. They have to go to their employer in order to dispute it. Point number six, accurately determine construction costs at the outside of the project. All contractors, regardless of labor it affiliations must adhere to the guidelines outlined in the request for proposal and provide accurate construction costs. Point number seven, promotes the hiring of local subcontractors. Only if they sign the collective bargaining agreement.

“Quickly, three points of clarification. The employee's fringe benefit is paid into the unions. The employee will never see that fringe benefit amount again unless they stay signatory to the union. This is unfair to the employee. Five cents of every hour worked by every employee on every project is being paid to the New Mexico Building Trades to administer this contract. That is also not fair to the employees. Thank you.

Dave Wilson – “Madam Chair, Mayor, Council members, thank you for the opportunity today to speak. My name is Dave Wilson and I represent the American Fire Sprinkler Association for the State of New Mexico. I do have concerns regarding the proposed City of Santa Fe Community Workforce Agreement and the union's collective bargaining agreement which dictates the CWA project fringe benefit package. It's my understanding an open shop, merit shop; nonunion employee who contributes to the union's pension plan for a particular CWA project would never recover his contributions. Would the employee have continuous Community Workforce Agreement projects to assure his pension and retirement age without disconnected service and while the open shop employees working on a Community Workforce Agreement project, who is contributing to his 401(k) tax-deferred retirement plan? Madam Chair, Mayor, Council members, please review the proposed to CWA agreement and consider the consequences. Thank you.

Tony Solis – “Good evening. My name is Tony Solis and I am representing my company which is a nonunion subcontractor and it's called New Mexico Acoustics and Specialties. We've done a lot of work out here in Santa Fe. We have even done work for union contractors and they accepted my bid, my proposals and they look always for the low bid and sometimes I'm not the low bid and sometimes I'm a higher bid but I just got done doing a big project at St. John's College in Santa Fe. Anyway, this Bureau indicates that all

unions have the capacities, skill and are trained to complete City of Santa Fe construction projects. I find this statement insulting. My small nonunion company has completed many projects here in Santa Fe. I feel this is unfair to my small business. We pay all prevailing wages, taxes and insurance and performance bonds that are required. If this bill passes, it will discriminate against all small businesses. Thank you.

Mick Ridge – “Mayor pro tem, Council members, it was years ago I attended ... Oh I am sorry. My name is Mick Ridge, owner of Mick Ridge contractors. Years ago, I attended a Board of Regents meeting at the University of New Mexico. Like you, like them, they sat down to hear why they should have a project labor agreement - very similar to what we've heard tonight. Who is going to create competition? I believe there was one joint venture that bid on a project. This is UNM hospital. We heard that it was going to be good for local workers. I later heard that there were travelers coming in from out of state to work the project. I heard at that Board of Regents meeting that this was going to eliminate change orders. We heard over the years that the change orders amounted somewhere between five and 10%. I heard it that Board of Regents meeting that this project was going to be on time. There were going to be no time extensions. We later heard there were time extensions. We later heard that it was not opening on time.

“We heard tonight there's only one union contractor in this City. This is tough times for all of us. Union leaders here tonight are representing their workers. They are trying to get work for their people. And you heard tonight from Roddy who we've done business with to say he's trying to get work for his people. This is tough times. This isn't the time for the City council to pick winners or losers. It's tough. I wish you the very best in making this decision. Thank you.

Mike Gomez – “I'm Mike Gomez, marketing representative for the proud union of sheet metal workers, local 49, representing the sheet metal workers international Association. We as locals feel that the Community Workforce Agreement is a must for Santa Fe. Santa Fe was ahead of the times by approving the living wage agreement. Everybody said that wasn't going to work. Everybody said the prices were going to go up. Everybody said that businesses were going to close down. What did they? No.

“We're talking about giving people a fair wage, a fair chance to live. New Mexico has one of the highest poverty levels in the country. We've got to keep our workforce working and we've got to keep them working at decent wages. And the wages that were having here is only for ... The whole argument is about – we're not going to be able to build those \$500,000 houses. Well this is for public works projects, not for houses. All right? We're talking about manpower here.

“All of our locals here have members here in the Santa Fe area, not just in Albuquerque. So you've got to remember that. It's not all gloom and doom. We only represent a small percentage of the work that's going to happen here, over \$500,000 of public works projects. And that's all were talking about. So just remember all the nonunion contractors here have the same right as we do. We can all compete on the same level if we are equally honest on the same level. Thank you.

Greg Isaacs – “My name is Greg Isaacs of Pueblo Electric and I agree with a lot of points that everybody has made here. I think we do need an equal playing field and the CWA does not present that. As a contractor I am going to be forced to utilize 20% union workforce. I don't understand that. They have a quality, training, apprenticeship programs. So do we. We provide quality training, at the good work ethic. I don't know.

"Right now it sounds like the majority of statistics that you look at, 88 to 92% of the workforce chooses not to be signatories to the union. So why do we have to give up to the union? Why do I have to hire those workers on the jobs? It's just not right. They might be cutters on bid day. But when it comes down to it, there's basics on the job. You have material, you have labor. We're so competitive.

"What it comes down to is figuring out how to do things safely, competitively, and competing on a fair playing field and this does not present that for us. And another thing that really, really bugs me is prevailing wage on public works projects there is a base, burn and fringe and that fringe is going to go straight to the union. Normally that goes to my workers for their retirement and their future. And that's the majority of the workers that are represented. And it's not right. So I please ask that you revisit this and think about it and understand the details, and repeal the CWA. Thank you.

Richard Ellenberg – "Hello, Richard Ellenberg. I'm the Chairman of the Democratic Party of Santa Fe County. I just want to say briefly that this is a process and agreement that you've been considering for well over a year at the staff level, at the committee level, at the public hearing level. You adopted it, based upon successful models in lots of other places. I'm not going to sit here and guarantee it's going to work excellently. But I'm also hearing a lot of red herrings here tonight that I know in fact are not going to occur.

"Everybody is able to bid. Nobody is prohibited from working. I think it's time to put this agreement in place. I know there's a bid coming up shortly. And then see how it works. I'm a great believer in getting feedback and adjusting things for how they work but I think it's well past time at this went on ahead and was implemented. Thank you.

Edward Muñoz - "I'm Edward Muñoz. I'm here in support of the bill. IBEW Union, Local 611. The apprenticeship program - what it does is make sure that you get a professional. I've gone to school. I've gotten a degree in electrical in order to move up a pay grade. And that's the way you do it. I've gone to study solar; I've studied electrical and gotten degrees in them and that's the way I moved up. I didn't do it just because I spent days on the job. And I do an electrical job; I don't do a carpenter's job. Thank you.

Karen Walker - "Chair Wurzbarger, Karen Walker, Carl. Mayor and Councilors - a couple of things. I think this whole proposal, which wasn't voted on by new members, by the way, is tedious and unnecessary. Unions as well as non-union people should have an open bidding process. There's nothing wrong with the way we do things now. There's no need spending extra money implementing an awkward proposal. I don't think that we should be telling an independent plumber he should join the union even if temporarily. I don't think we should tell a union plumber that he should leave the union, even temporarily. I have a problem with the premise of the ordinance.

"Item one - the Governing Body finds that the use of community workforce, blah, blah, blah, in excess of \$500,000 in best interests of the City. Well, it may be in the best interest of city hall but it certainly is not in the best interest of the city because, looking at 2-A, time schedules are met by a successful contractor whether they are union or not. Projects are completed with qualified people whether the contractors don't keep them. They meet their safety standards as well as anybody and I've had personal experience. They don't have labor issues to deal with because if ... There aren't any. I built a house recently and I'll mention a couple of things.

"So, there really isn't any need for all of this. It will cost more to implement this and set up this whole bureaucracy is so completely unnecessary. When we set up the charter in 97 it had two elements both in dollar bids and local job bids. But the way I see it in its current form or anything that is not a completely level playing field that ... This is our money; Santa Fe's money. This is our money you are using to decide who to give it to. You don't decide - let everyone put out for bid. If you decide it only goes union companies who hire partial people who are not union who are forced to join the union then I would say our preference set up in the charter is a reverse preference and it would go to communities that are more unionized than we are - hardly anyone is unionized here. So it becomes a local preference for Albuquerque. Thank you.

Solo Andrea. "Thank you Mayor, thank you Councilors. My name is Solo Andreas. I am with the Laborers' International Union. I am here to support our laborers that live within Santa Fé; that live within the community, and also the working families who live here that are going to benefit from this Community Workforce Agreement. The first thing I would like to start off with is - How did we get to this situation where we are today? We are today because Community Workforce Agreements have worked and had success stories across the United States. The route from California to New York, from east coast to west coast they have a proven track record. ABC employment agreement - They say that we only represent a small portion of contractors in here. Well they only represent less than 6% within the State of New Mexico. And around the United States they represent less than half a percentage of contractors throughout the United States.

"We union members employ about 70% of all apprentices throughout the United States. This CWA agreement does not discriminate. It creates opportunity for residents. It doesn't have anything with interrupting the good process. ABC represents a number of unscrupulous contractors. That, for some reason, that's why they oppose us because they want to continue with their so-called competitive business model with their race to the bottom tactics that treat their workers to terrible conditions and don't pay their workers right or on time. With having a Community Workforce Agreement in place there is going to be union representatives in place to monitor projects so not only union workers - so that every worker on that project is going to get paid correctly and is going come with the best training; is going to go to work with the best training and go home safe after the project is over.

"I disagree with the person that said this is not the time to make changes that Santa Fé Doesn't need to win. Santa Fé needs to win. We need it for local residents and local Santa Feans. So I ask the City Council members and Mayor to keep the CWA because times change and this changed was needed when we first enacted it so I ask you to stay the course. Thank you very much."

Holly Beaumont - "Mayor Coss, Councilor Wurzbarger and members of the Committee, I am the Reverend Holly Beaumont. I'm the organizing director with Interfaith Worker Justice New Mexico which is a network of people of faith and conscience who stand and advocate for workers for fair wages, benefits and safe working conditions.

"Councilor Wurzbarger, you asked specifically to respond to how this would benefit the City of Santa Fé and I want to honor that. We believe that this benefits the City of Santa Fé because it benefits our working families. One of the projects that we're working on right now is to end wage theft in New Mexico. We've had a lot of support from Mayor Coss and from the City. You passed a resolution.

"We had another meeting today with the Attorney General creating a statewide task force on ending wage theft. And what we know nationally and we believe is true also in New Mexico is that one of the worst offenders of wage theft which is simply not paying workers for work completed is the non-union construction industry. Workers are very vulnerable to either being required to work off the clock, to not getting overtime and not getting their last paycheck and also being subjected to unsafe working conditions.

"So that's the reason why we are here because we are pro-labor because we are pro-working families and we know that our working families need the unions to protect their rights. We know that there are laws on the books and we can't be there and no one else can be there to ensure that they're being enforced. But when the unions are there that is when our workers have their rights protected. I would just close by not quoting scripture but I will quote Abraham Lincoln who once said, "In all of civilization there has only been one question - how to keep some people from making the bread and others eating it." And I would paraphrase that tonight to say, "The question is, how do we keep some people from doing the work and others benefitting with the profits?" Thank you.

Baldulio Baca - "Hello, my name is Baldulio Baca; I am from Nambé, born and raised. When I was in 5th grade, little did I realize then that my future was going to transpire the way it did. I sadly remember but I'll promise never to forget when my father was on strike for just reasons. He was on strike for 9 months. My mommy brought us right before school started here at the five points - used to be the five points down here by Alameda to the thrift store to buy us our school clothing. She started crying because they didn't have the right sizes of shoes. And she had nine children. And luckily they had my size of shoes. They weren't the shoes that I liked but at least I had a pair of shoes to go to school in. My father, as much as it hurt him, he stuck on to that strike which I later on found out he never got his money back what he lost on that strike but it created the benefits, the working conditions that I disfruted throughout my working career. Okay?

"So I'd like to emphasize the fact that during my working career for 33 years I participated in only one strike. So the propaganda of unions being on strike all the time. You don't hear it. Our local union 412 of welders, plumbers and pipe fitters have not been on strike for the last fifteen years or more, probably even twenty. We believe in arbitration and mediation before we go to the extent of going out on strike. So don't let the propaganda burn your mind that we're radicals.

"And I'd like to ... I listen to PBS all the time and in hearing the documentary on the Hoover Dam, the poor people working on the Hoover Dam were as poor if not poorer than when the Hoover Dam was accomplished simply because there weren't any unions to protect their rights. Let's remember that. We believe - did those people keep up with the cost of living? No they didn't. They couldn't keep up to the cost of living. We are concerned - us union people - with licensing, certifications and safety. Now you talk about OSHA. OSHA - I love OSHA. Without OSHA ... But OSHA specifically specifies more is in safety. They don't necessarily specify in quality control because only the welder that is under the hood knows exactly what kind of weld on that. I won't elaborate on that any more.

"But I am here in support of union work, union jobs, and New Mexico jobs for New Mexico people. New Mexico taxes for New Mexico people. And well I guess I've said enough because I could speak here all night. God bless you.

Sharon Argenbright - "Hello Councilwoman Wurzbarger, members of the Committee, thank you. My name is Sharon Argenbright and I am a nurse and I have worked in this town for 20 years. And when I arrived here I found working conditions very wonderful because of 1199 healthcare workers' union. I have never worked in a hospital that had better staffing.

"Recently we were taken over by a corporation and the turnover rate in nurses in some of the departments has reached 75%. We now have nurses from as far as New York State, working as travelers. They come and they stay for three months and leave. These are not our people. Personally, I have to go to Albuquerque to pick up shifts for better working conditions. We do have labor disputes which we are able to discuss because we are union. Please support this effort.

Eric Yee - "Good evening. I work [inaudible] 407. I didn't come with papers. I'd like to speak as the lady before me. My name is Eric Yee. I can remember being 18 years old and my wife's father saying do you want to join the union. And I asked him what's the union. And now these last 10, 12 years I can't imagine life without the union. I've got a wife and four children and as far as having insurance requirement, you don't get that in nonunion companies. And I hear that time and time again. I live in Las Vegas New Mexico. It's incredible to just see people down and asking what's wrong. Oh, you know, they don't pay us enough. I don't have insurance or no vacation time, whatever. The union pays that across-the-board. This is huge for unions altogether. This is experience right here and I'm 28 years old and it is all I've ever done. Honestly, if I get laid off, then I'm not going to run out and try to get a nonunion job. The union's been good to me all the way through. That's it. That's all I have to say.

Chair Wurzbarger - "Thank you. Okay, we've been at this about an hour and a half. Is there anyone else who wants to speak? I would like to judge where we are in this process. So is this the end of the line? We could take a break if we know this is going to be a lot longer. Thank you very much. Okay, yes sir.

Aaron Knoll - "My name is Aaron Knoll. I'm a native resident of Santa Fé, New Mexico. I work up in Los Alamos and I work firsthand, side-by-side with union craft employees on a daily basis. And through casual conversation, and stuff like that, we talk about the unions and nonunion types of issues. And the union craft workers that I know and work with on a regular basis will be the first ones to tell you that they have a lot of bureaucracy and red tape and inefficiencies within their system that is costing a lot more money. And standing on the outside looking in as a third-party where I see the craft union workers and also merit shops working, I can tell you as a third-party, my observations have been by bar none that the merit shops are able to do the exact same work just as safe, a lot more efficient, a lot more cost-effective than any of the unions that I've seen do the exact same work. So those are just some of my observations and I'd like for you to repeal this CWA or whatever it's called this week. Those are my thoughts. Thank you very much.

James Borrego - "Mayor, Councilors, my name is James Borrego and I'm one of three owners with Borrego Construction. And I believe that we are probably one of the very few non-union contractors in Santa Fé who are capable of bidding and who have bid on city and government projects.

"As the person who puts our estimates together and manages these larger government contracts, I can speak to the item of wages. Our wages are paid equal to the union, their Davis-Bacon. They are guidelines. They are completely in accordance with all government regulations. They are the same amount that union contract or union people get paid. So there is no difference there.

"When we speak about safety, I, in my company can never remember a serious accident. We've had squashed fingers. Everybody's squashes fingers. But if you remember in the very near past, the last fatalities that we've had are union people. They were union members. I don't remember a nonunion person having a fatality. And we have performed work in our 35 years; we've done additions to the Johnson Space Center. We did the Mars facility down where they developed the cruise missile. We worked shoulder to shoulder with union people. We worked at Los Alamos at T-39, at 37, 16, 50. These were all union people that we worked shoulder to shoulder with and many of the union people that worked for me got the same salaries in a nonunion shop - mine. I hired many of these people. And they make no difference. I didn't have to join the union in order to be qualified, in order to work on government projects.

"I would request that you deny and turn down this ordinance. It is bad for the locals. There are very few, other than myself and maybe a couple of other contractors. There is no one. There are no other contractors in Santa Fé capable of bidding on these projects. And if you insist that they become union shops, you have limited most of the work to Albuquerque contractors. You will have limited all of the subcontractors to Albuquerque contractors. There are very few union contractors in Santa Fé or the Santa Fé area. Most of them are out of Albuquerque. When we were the project managers on the county jail that was a nonunion shop and yet we had union block layers, and masons working right shoulder to shoulder with union people. It made no difference. They all got the same wages. The electricians were union contractors and it made no difference. The quality of the work can be exemplified because we've never had a serious occurrence at the jail."

Chair Wurzbarger – "Mr. Borrego, please wrap this up."

Mr. Borrego - "Thank you. I wish that you would rescind this ordinance. It is bad for the economy of Santa Fé.

Simon Brackley - "I'm Simon Brackley. I'm president of the Santa Fe Chamber of Commerce. I should mention that the Santa Fé Chamber is not affiliated in any way with the US Chamber of Commerce. The Santa Fé Chamber exists to grow the local economy and create jobs in Santa Fé. We've long supported local preference regulations and support local businesses and workers. We believe that this ordinance will act as a disincentive to local businesses receiving contracts from the city of Santa Fé. Furthermore, Santa Fé taxpayers will be paying a premium so that out-of-town companies can benefit. We thank you for taking the time to review the consequences of this ordinance. We also urge you to streamline this process that benefits Santa Fé small businesses and workers. Thank you.

Solin Sandoval - "Hello. My name is Solin Sandoval. I live here in Santa Fé on old Santa Fé Trail up at the very top there in Cañada los Alamos. I don't have any inaccuracies to share with anyone. I think a lot of inaccuracies already been shared here. I'll just keep it simple to my own personal experience. I'm wearing this orange shirt. I have a blue shirt and that is our solar labor's union. I was a solar contractor for many years in California. That's where the industry grew. Some of us were out there with flip-flops in the very beginning of solar being a viable industry, proving to people that solar was worth investing in and we know where it is now. And it's just going to continue to get better. I was in a minority in the solar industry. All the other contractors that I went to or worked with or had any knowledge of being a solar contractor did not look anything like me. They looked very different than me. And I think you know what I mean.

"It was monopolized. And I think that is what happens a lot of the times when we don't have fair representation of the actual worker. I was a solar installer. Eventually I worked my way up to being a business owner. And I was not for unions because I did not understand unions. Until I got a nice contract with Santa Barbara City College to install a solar carport systems. And I realized I needed more help than I could actually handle. I did. We were all solar contractors - were your nonunion. And we decided to join the union. We got there. We knew how well we trained our employees. The union worked with me; the labor union worked with me to make sure that we all had equal training and access and were certified.

"The union makes sure that you have qualified employment. But the egg is part that I was concerned with as a nonunion contractor was more oversight. And after I ended up being a union contractor I was glad for the oversight. I was glad that I had the support to really be there for my workers. I really didn't know how to do that before. At the same level I cared for them, I paid them well, I took care of them. But when I became a union shop I really understood what taking care of my workers was. Thank you.

Darrell Deaguero - "Good evening. Thank you Madam Chair, thank you Council members. My name is Darrell Deaguero. I am a business agent recording secretary for Laborers International Union of North America. I represent our membership across the state of New Mexico including a large number just within the Santa Fé area.

"First off I've got to applaud the City of Santa Fé for your progressive thinking. The Community Workforce Agreement is an agreement for tradespeople to ensure that workers will have health care coverage, representation, and a penchant for retirement. People working under the CWA will have that. I spent a lot of time here in and around Santa Fé. I talked to workers. Nearly all the workers around this area do not have a pension plan in place. Zero benefits. You as a Council have the opportunity to start changing that to make a difference for the community. You can start now. Thank you."

Jess Senterian - "Hello and thank you for letting me participate on this meeting. It's very important that we really look at ..."

Chair Wurzbarger - "Sir, would you please tell us our name, please?"

Mr. Senterian - "Oh, my name is Jess Senterian. I work for Southern California District Council of Laborers. I represent Arizona, New Mexico and West Texas. You know it's very important that the CWA was really brought to really bring residents, local residents from here. Contractors that come from different parts of the state and different areas and, you know, again, the local economy does not grow. I've seen this in the past through all these states that I've just mentioned and cities - same thing.

"You know, we bump heads but at the end if the right call is actually made, the local economy grows. There's plenty of statistics on that and I know you've all seen them. But it's something that's beneficial to the local residents. I really urge you to take the time, vote, stay on the path. But I know that decisions are hard and any help that we can do. It's very, very important especially for apprentices for young people out here.

"All the medical and everything of a lot of these contractors, some might be good. Some might not be.

But a lot of them do not participate on a health and welfare benefit plan. And that's something that's really bad because it's not just the worker but it's their families. And having a participation with the CWA the families benefit as well. Thank you very much and have a good evening.

Jerry Romero - "Madam Chair, members of the Council, my name is Jerry Romero. I'm the business manager for the iron workers for the state of New Mexico. You've heard a lot of debate tonight about this issue of CWA's. Some are in support some are not. There is a lot of claims that it's going to increase the cost of the project. I've yet to see any evidence to support any of that at any time. And yet there has been support evidence to show how CWA's work with strongest support. We heard about contractors to say that New Mexico business trades has 60 pages of contractors. Well, what's to stop them from bidding on the work right now? Nothing changes. Nobody is excluded. No contractor is excluded from bidding these projects and no worker is forced to join a union. He joins if he wants to. If he wants to work on one of these projects, there's terms and conditions put in place for that. There was another gentleman who talked about the UNM Hospital. There were two projects that have been done under a PLA and that was the UNM hospital and that Rio Rancho library. And there was nothing but praise for how well that project came out. How it came out on time, under budget, and that's the reason for these referral procedures that are on there. They have to go through that referral procedure that puts local people to work. So where this came about that there was nothing but travelers who came around, I don't know where that came from. Because all of our local people worked on these projects and they get first chance at it. You know, there is a prevailing wage that's put in place for a reason. And there's also scope of work that specifies the type of work and the type and amount of money that you get paid. What this CWA does, it ensures that those workers are paid the right classification for the work that they do. And that's what this does instead. So the taxpayers' dollars go to the working person for the type of work that he does and not just to the contractor who is paying the wrong... Paying a labor rate for somebody that's doing a different type of work. So I urge you to support the CWA and keep it intact. Thank you.

Ray Baca - "Good evening Councilors and Mayor. My name is Ray Baca. I am the executive director of the New Mexico Building and Construction Trades Council. In that capacity, I represent all of the construction labor unions here in the state of New Mexico. I want to clarify something as well. Alternately, we have been referred to as on the one hand, big labor; on the other hand we represent 3 or 4% of the workforce. And I'm here just to clarify that and give you the truth of what that actually is. The truth is we fall somewhere in the middle of that. When you factor out residential construction and small bid contracts, which I understand are the greatest majority of the potential contracts that are coming up in the City of Santa Fé, the majority of the contracts that we work on are commercial, industrial-sized projects or larger construction projects throughout the state. Some of the largest contractors in the state utilize this workforce. You know, it's one of the things that came before this Council over the last 20 months, over the last couple of years before various committees and subcommittees and so forth. And one of the big things I want to emphasize is that we, our unions, our union council, we represent workers. We don't just represent union employees. We represent all workers and that is our chief concern.

"When I was speaking with the Councilors and I haven't had a chance to meet with all of the new Councilors yet, but one of our big points of emphasis was the fact that those Councilors, the people that voted for this seven to nothing back in February and all throughout the committee system, their big thing on this was worker representation, and I want to emphasize that's really the bottom line. That's what we're talking about here. That's what we're all about is worker representation. Without that, we have things

happen as someone spoke earlier about misclassification of workers which basically pays people at the wrong rates. It also stops the use of certain skill level people for certain and particular expertise that they may have. All of that along with other things we believe compromise the integrity of any project that the city might undertake. In other words, let's say a building or something designed to last 20 years and at last 13 years because of inferior work, that's an issue. That's not quality.

"And I'm not suggesting that the contractors here tonight are that way. I truly believe that we have a very good contractor community. We want to work with the contractor community. We want them to be vibrant and successful. Because when the contractor is successful then the workers are successful as well. But we are all about, and we talk about it all the time, is worker representation. And we feel like this is the best way to make that happen for the city of Santa Fé. We respectfully urge you to continue in this process and implement the community workforce agreement has agreed to. Thank you.

Chair Wurzbarger – "One more public comment and I do want to give Councilor Trujillo a chance to speak before he has to go pick up his daughter."

Joseph Sanchez - "council members, thank you. My name is Joseph Sanchez, IBEW, local union 611 electricians, organizer. I just want to say that back in the 80s I lived here in Santa Fé. I love Santa Fé. My wife and I actually came out here for our honeymoon. But in the 80s I could not find work or find a good paying job that could keep me out here.

"So I had to move back to Albuquerque where I got into the apprenticeship program and went through the electricians JECT program and it was the best program that I ever experienced. And it's been successful.

"I've been a member for 18 years and I've been with union and it's been one of the best decisions I've made. I've been able to support my family. And I'm not wealthy and I don't drive a fancy vehicle or anything like that but I make an honest wage and have a comfortable life. And I just feel that on this CWA is exactly that. It's going to benefit a lot of the working families of the middle class. Part of the 2,200 members with the union - there's a lot of our members who live here in Santa Fé and it will also benefit them as well. But I just wanted to tell you that we are in support of it. Thank you very much.

Rudy Rosales - "Thank you. My name is Rudy Rosales. And I've been a union member for over 50 years. And I was a brick layer in the bricklayers union. And I would like to show you my credentials. If it's possible.

Chair Wurzbarger asked him to show them to the Clerk. He showed his Fifty Year Certificate and a metal identification and his union dues book.

"I've been in the union since 1946 and I worked with union contractors all that time except when I dropped my contractor's license. I got a contractor's license but I had to drop it because of the change in the Bandon Company. But I encourage that contractors hire union people. I think the contractors should be either willing to employ a union bonded group, to hire only union men and not hire union and nonunion members. Because there's going to be a conflict between the union and the nonunion men working. So it's only right to hire union people. Thank you.

The public hearing was closed.

Councilor Trujillo thanked everyone for coming and speaking on this issue. What he wanted to see here was not something pitting union workers against non-union workers. That's not what this was about and not something he wanted to see. But that seems to be what it was turning into. He had gotten calls from both sides. As a city councilor he did not answer to one person but to the whole community. His concern was not with Albuquerque and never had been. His responsibility and his allegiance stayed with the people in this community. He wanted to make sure that everyone in the community had an equal opportunity to bid on any job, no matter what it was. He explained that the Council unanimously voted on it in February because they wanted to put people to work and he thought it was the main goal for this community. At the same time he questioned not allowing one segment of the workforce to bid. He understood that could bid on it but there were people who didn't want to join the union. He said as a worker for the state he was not a union member. He wanted to make sure as they implemented this CWA that they did not have one segment of the population not working. He felt every worker whether union or nonunion should have an opportunity to work on a city project. As taxpayers, they deserved that opportunity.

Councilor Trujillo excused himself from the meeting.

The Public Works committee took a brief recess and reconvened at 6:52 PM.

Chair Wurzburger asked Mr. Baca to respond to questions.

Chair Wurzburger went to page 22 of the manual and asked him to clarify the employee benefit funds when an employee left employment and the criticism brought up that the employee would lose those funds.

Mr. Baca explained that the prevailing wage is the prevailing wage in New Mexico. So the worker was entitled to that prevailing wage and it could be paid in different ways by various contractors. One way is to pay the whole wage amount with nothing taken out for benefits. At the advice of the Council this CWA process would allow those workers to not only receive the prevailing wage but to have part of it go to health care and retirement, as well. Different pieces made that up.

Chair Wurzburger specifically asked, regardless of the time the person was involved in this project and for whatever reason after 4 months or 5 years, they might move to Kansas, what would happen to their benefits.

Mr. Baca said if that person left after whatever period of time, if the employee was not vested in that fund, it would remain in the fund. Different unions have different vesting periods but most are at the 5-year level.

Chair Wurzburger noted that there were very few projects had this but they ran for various times. If the employee was out of work after the project then they would lose it.

Mr. Baca agreed if that was the only project in the course of their career.

Chair Wurzburger understood it wasn't it tied to the CWA.

Mr. Baca said if the person worked on another CWA project, their fund would continue to build.

Mayor Coss thought it was unrealistic to think that they would just work on Santa Fé CWA projects. Wherever they worked as a union worker they would continue to build their fund.

Chair Wurzburger asked Mr. Baca to explain the referral system mentioned in Article 12 on page 13. She asked how the job referral system actually would be operational.

Mr. Baca said if the contractor chooses to bring some of his core workers in his workforce they could if they met the qualifications to work. But with the referral system in the unions - the next person up would be asked if they wanted to go to that job.

Chair Wurzburger asked if they had a list of workers who lived in Santa Fé who could be referred to this contractor or where the workers referred come from.

Mr. Baca said they had workers who were out of work to be considered. It was with each local unions. It was not a list of subcontractors.

Chair Wurzburger asked then if we started work tomorrow and needed 25 people from all kinds of trades, how many would be local people.

Mr. Baca said if he understood the CWA, the local preference was added to the agreement.

Chair Wurzburger said there was a difference between local preference for a contract award and a job referral system. You have the people to choose from in the list and they are prequalified.

Mr. Baca said the City required a local preference so it would be our job to fill those with whatever percentage was required.

Chair Wurzburger said the CWA agreement supersedes the local preference so she was asking for specifics. If she was a local contractor and didn't have a union plumber she wanted to know where she would draw a plumber from.

Mr. Baca said they would look at the out of work list for plumbers in Santa Fé.

Councilor Ives asked if there was a local contractor who had 100 employees and a non-union shop and bid under CWA and could use all 100 employees on the project how many of his employees he could use on that project.

Mr. Baca referred to page 13 to the scale that showed how many they were allowed to bring from their core group and up to 50 for this agreement could be used.

Councilor Ives read from the scale that after 40 of his own employees, it would be referred from the

union hall.

Councilor Ives said it depended on who was on the union list. Part of the ordinance was the desire to see local hiring be significant and it sounded like it might be 20% rather than 50%. He asked if it was a statewide list. Mr. Baca agreed.

Councilor Ives asked how they handled travel and lodging for a person from Las Cruces to work here.

Mr. Baca said that was not addressed in the CWA and it wouldn't work to bring in people from a long distance. But a contractor could choose a person with a higher skill level and might make an arrangement for per diem but none is addressed in this agreement. The worker who was asked to come would have to decide whether to incur that expense or the contractor might if he wanted that worker badly enough.

Councilor Calvert asked then if the worker could opt out. Mr. Baca agreed.

Councilor Ives asked in Mr. Baca's experience what the worker generally chose for what is in his best interest.

Mr. Baca pointed out that unemployment for construction workers is three times as high an average of unemployment so they are compelled a lot of times to travel a long way to get that job.

Councilor Ives asked if there was anything in the CWA that would require the contractor to cover those expenses or if they could be negotiated.

Mr. Baca said that was not addressed but the union would focus on Santa Fé workers in it.

Councilor Ives asked if there were means by which the City could hit its goal of 50% local workforce by modifying the CWA referral rules and if that could be worked out with the trades' council.

Mr. Baca said they would be willing to work on it to customize the CWA. They didn't want to be a hindrance to the City and wanted it to be successful.

Chair Wurzbarger said his language just now was "strive" for 50% and that was a clear expectation. She would strive for 100% and even now we haven't signed the first project. She was concerned that they be able to redefine it for at least 50%.

Councilor Calvert pointed out that the ordinance now says "strive."

Chair Wurzbarger noted they didn't have a CWA contract signed yet.

Mr. Zamora clarified that there is a master workforce agreement approved in February and signed by various trades and the mayor on Feb 29, 2012. In addition his office presented during the hearings a federal constitutional provision on contract law that prohibits specific local labor force percentage requirements so "strive" was put in to set a goal on bids. However, it falls short of the prohibited constitutional prohibitions of a specific percentage.

Chair Wurzbarger asked whether if it were not 50% the Council could reject the proposal. Mr. Zamora said no.

Chair Wurzbarger asked then if the Council would be forced to accept it.

Mr. Zamora said if they were a local contractor they would get the local preference and the committee could compare amounts amongst local bidders for who was employing closer to 50%.

Councilor Ives asked Mr. Zamora what process would be used to modify the ordinance if that was wanted.

Mr. Zamora said because it is an ordinance any change would have to go through the regular process starting with introduction of a bill to amend the language at which time it would be referred to two committees. This ordinance went to Public Works, Finance and the Governing Body with five public hearings. If it passed one of the committees it would go to publish and after that, likely one or two meetings and then come to Governing Body with public hearing. An average time frame would be two months.

Councilor Ives said in terms of evaluating this first agreement now required by ordinance, the Council would be capable, once it was in place, of assessing its effectiveness in engaging local contractors - vis a vis the goals of the ordinance.

Mr. Zamora agreed that was certainly valid for requesting a report on it at the conclusion to require a report on the status going forward. And prior to a project, because they would be over \$500,000, the contract will come through Council for approval.

Councilor Ives asked if Council would see a specific project formatted for CWA. Mr. Zamora agreed and each project will have its own CWA agreement.

Councilor Ives asked for clarifications in the procurement process on page 3 of the packet under section 2 at the end of a 1 about asking if any exceptions apply.

Mr. Rodarte said there were several. One was the funding source. That was the main thing in considering CWA or a regular process and local preference had to be in there.

Councilor Ives asked if there was a list of those exceptions -

Mayor Coss said all federal projects were exempted because the Feds wouldn't approve local preference. So the City couldn't use CWA for state funds or federal funds. All the work at the airport, for instance, was done by out of town contractors.

Councilor Ives understood that. He wasn't aware that local preference was the sticking point.

Councilor Ives suggested Council might want to have that list in our procedures to figure it out.

Mr. Rodarte thought most of them were in there- like emergency procurements.

Councilor Ives just felt it would be improved with specificity on those exceptions.

Mr. Rodarte said what they knew as they put together the scope of work to specify those things so in the big packet they would be identified.

Councilor Ives went to the next page under section C 2 b - cost of union membership. The prime contractor would need to include costs of union membership and union dues and union benefits in the bid. He asked if staff knew if it was the norm to be over or under non-union bids.

Mr. Rodarte said that was hard to judge. He didn't have anything to give him a gauge. He just looked at the bids. A good project manager would factor those into the bid.

Councilor Ives noted they heard much on both sides that said costs would go up with those benefits and dues. Prevailing wage seemed to be equal in them. He was trying to figure out the reality.

Mr. Rodarte said, as Mr. Baca mentioned, that staff reviewed the scope of work and the need for subcontractors and could get a handle on what costs would be. The project engineers putting together the bid packet probably had good factors to use in the project.

Councilor Ives wanted more hard and fast data on that.

Mr. Rodarte invited some hard facts from the public who were present.

Councilor Calvert went back to the hypothetical example Councilor Ives brought up. He came up with 20% conclusion but he didn't follow all of that.

Councilor Ives explained he was talking about using his own employees within his shop.

Councilor Calvert thought the example overlooked that there could be union workers who were also local.

Councilor Ives said part of the point he was working toward was the criticism that local contractors would have to lay off their own employees with this process. It was a little weighted toward local anyway.

Councilor Calvert asked if there was any leeway in going through the list. The Councilors were all trying to understand better how it would work. He suggested taking a couple of past projects and run them through this process to see how they would comply. Those things were always more instructive in his opinion. It might be nice to know beforehand how it would work out from all the resources that were available so they could all have a better understanding.

Councilor Ives agreed it was hard to see but without a live example it might be harder.

Chair Wurzbarger recalled two significant projects here for construction since she had been on Council

- the Convention Center at \$80 million was done under budget and on time and they didn't have CWA then. Councilors were still struggling with the bill they passed and still didn't understand the implications. She had tried over the last four months to understand it better. Although they went point by point over it they still had questions. The other project was the Buckman Diversion project and that used union people.

Councilor Calvert said it wouldn't have qualified to be a CWA project.

Councilor Ives was trying to understand what level of apprenticeship program was required and what level could be required for a CWA project.

Mr. Rodarte said Article 17 said the individual union types were required to have a program in place. He didn't know what percentages there would be on it. He didn't know if Mr. Baca could address it.

Chair Wurzburger said that was in item 17.3. The agreement says every contractor and every subcontractor had to have an apprentice program that the union council approved or they couldn't bid on it.

Mr. Baca said the City would get arguments that some apprentice programs were better than others but this requires state apprenticeship council approval.

Chair Wurzburger thought the CWA was going to bring programs but now it says you will approve programs.

Mr. Baca said they still have that same position. "Our apprenticeship programs are willing to work with the City like with YouthWorks and others that you use."

Chair Wurzburger was confused about who was responsible here.

Mayor Coss said if there was a union apprentice and they wanted him to work on the job it is okay as long as there is an approved apprentice program with that contractor and it is approved by the state council. The program rather than the apprentice had to be approved by the state apprenticeship council.

Councilor Ives noted it said up to the maximum ratio allowed by the New Mexico State Apprenticeship Council. He asked what those maximum allowables were and if the City had the capacity to say anywhere from zero to that maximum or needed to be more specific about it. He asked what the maximum allowable was.

Mr. Baca said the state established the ratios for supervising and working with journeymen. It was different for each trade. It was the contractor, regardless that makes that choice. He didn't have the specifics with him. There was a whole list of them.

Councilor Rivera asked Mr. Baca if the union had their own apprenticeship programs. Mr. Baca agreed.

Councilor Rivera asked how long it took to get through apprenticeship programs.

Mr. Baca said most were five years. Part was in the classroom and part working on the job.

Councilor Rivera asked if on the unemployed worker list if the next in line would be an apprentice or a journeyman or higher.

Mr. Baca said it could be a combination of them. They could enroll in it and the structured classroom schedule uses the referral system once they achieve a certain level.

Councilor Rivera asked if it was safe to say most employees here would have to go through a five year apprentice program.

Mr. Baca said if they had a journeyman license they would not have to go through an apprentice program. But the majority would be five year programs.

Councilor Rivera understood that apprentices could be employed so they would potentially be able to place people who are not next on the list to be hired if they were local.

Mr. Baca said they wanted to use the most experienced people.

Councilor Rivera asked if they could bypass Albuquerque well qualified and experienced people in order to hire Santa Fé people.

Mr. Baca said they would seek the best qualified Santa Fé worker for the job. The Navajo's have a Navajo preference and that is what we try to use.

Councilor Rivera asked if an apprentice was qualified to do most of the work.

Mr. Baca said they wouldn't put a person who was not qualified into that job.

Mayor Coss thanked Mr. Romero, Mr. Rodarte, Mr. Zamora and Ms. Amer for their work on it and now understood this as an addition to the bidding process. Despite what the business community says it is complicated anyway. He noted that not a single opponent suggested to modify this and they could live with it. Every single one said just repeal it and then hid behind the prevailing wage. Every contractor at the legislature spoke against the prevailing wage but these are the people who got a prevailing wage.

Some said we don't need unions because we have OSHA. But people tried hard to lobby against OSHA. He used to work for OSHA and there were only five inspectors for the whole state.

He felt the time worked on the terms and conditions were hours well spent.

He also saw the wisdom and experience of about 150 years of collective bargaining in this. This is the City's sixth public hearing. He proposed doing a CWA project and see if we can meet the 50% ratio. Santa Fé has 2% lower unemployment than Albuquerque with our living wage.

He noted that the Santa Fé Chamber of Commerce was careful to say they were not part of the US Chamber of Commerce.

Mr. Goblay said he paid \$7,000 in GRT but it was his customers who paid that GRT.

Under Chair Wurzbarger's leadership we've done a lot to strength the economy of Santa Fé. He was proud that Santa Fé is a labor town. We stood with nurses during their troubles and with our labor during recession.

He was glad the City has another partner in labor unions for our projects. The partnership with unions will help the City have a trained workforce. We have a 10% bonus for local companies and are still getting outbid by Albuquerque. But with this, buildings trades are guaranteeing they will meet the 50% goal. We've always worked in partnerships. We've partnered with the Chamber of Commerce and didn't hear a cry about it. We've partnered with Santa Fé homebuilders and the appropriation for assistance is almost all gone because they are delivering a great product.

Mayor Coss said he and Mr. Baca met with Santa Fé Community College yesterday and were ready to partner with organized labor. It is not surprising but all these groups we've partnered with don't want us to partner with organized labor. The City has already placed cost in the second position. All city projects are governed by the prevailing wage law. There could be additional costs for health benefits and retirement and we want to see them for everyone.

Our requirements are reviewed at public meetings. Our estimates are not available to public bidders but used to gauge if they are reasonable bids.

LANL uses CWA and they value and respect the work their contractors do. We need more of that, not less. For the CMRR project at \$5 billion dollars, we don't have contractors to work up there but training people can lead to that.

The second argument was that merit shops hire at will and of course they don't have labor disputes because if people complain they get fired. It is the workers to choose to work for less under terms imposed by the boss or not to work at all.

Less than 12% of these projects will be subject to CWA. Non -union contracts can bid on them and if awarded will have to use some union workers but they won't have to be a union company.

Chair Wurzbarger was still confused on the question of employee percentages. She understood the first five didn't have to be union.

Mayor Coss said they all have to join the union but how many contractors have more than 15 employees right now? None. We have a capable source here with CWA who can give us workers. The contractors can use up to 40 of their own employees but there aren't contractors in Santa Fé with more than 40 employees right now.

This project is a chance to test our administrative procedures and for organized labor to train our local labor force. With CWA a new partnership was established. The CWA will help us be ready for the 21st century.

Chair Wurzburger said the previous hearings were not as substantive as this one. She thanked everyone for coming to help clarify.

Councilor Rivera said he kept hearing that you only have to be a union member while on this project. But they had to remain members in good standing during the life of this agreement which to him meant you have to remain a union member for the life of the agreement and if not you are not in good standing.

Mr. Zamora explained that the agreement concluded at the end of the project and a new agreement was established with each new project.

Chair Wurzburger asked if they could change that language to make that requirement clearer.

Mr. Zamora agreed they could do that.

Councilor Ives felt much more informed on it now and comfortable in making a decision as they came back.

Councilor Rivera said he had one final question dealing with the work schedule. In the CWA is said the hours were eight hours between 6 and 5. He asked about any projects that might go beyond those specific work hours. Some projects had to be done at night. The Market Station project brought that to mind because of the stores underneath.

Mr. Pino agreed. The hours wouldn't be difficult.

Councilor Rivera asked if the contractors were then forced to pay overtime for hours outside those hours in article 20.1.

Mr. Zamora explained that with each project the agreement would be customized for the project so those could be part of the specific projects.

Councilor Rivera asked where that was stated.

Mr. Zamora said it was in the catch all provision - Section 4.

Ms. Amer said page 26 explained specific agreements created in future. The master agreement would be tailored for the specific agreements.

Councilor Rivera asked whether if they failed to sign the agreement then the City would go to traditional agreements.

Ms. Amer didn't think the agreements would vary in terms of the standard agreement but could on the hours.

Councilor Rivera thanked everyone for hearing us out. It is an important thing. He had been a union

member and been in management so he saw both sides. He had a number of questions and concerns and wasn't present in February. It is a large document and appreciated the work that went into it and the leadership of the Mayor.

Chair Wurzbarger was not allergic to unions. On every motion regarding unions she had voted for them but she was allergic to the leakage from our economy from having people who work here but not live here and have young people educated here move away. She wanted to push to keep the money local and that's why she had hammered on this to find out the effect on the local economy. Santa Fé doesn't have a construction industry anymore here. The fifty percent is her number one priority. In the hierarchy of the agenda she hoped they could craft it in such a way that it returns work to Santa Fé people. It is the major concern here. If we can't keep jobs here we are not doing our jobs.

INFORMATIONAL AGENDA

7. UPDATE ON SANTA FÉ COMMUNITY CONVENTION CENTER LANDSCAPE (CHIP LILIENTHAL)

Mr. Lilienthal agreed to come back to the next Public Works meeting.

CONSENT AGENDA

8. DEFOURI AND GUADALUPE BRIDGE IMPROVEMENTS

- **REQUEST FOR APPROVAL OF A MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$200,000**
- **REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST**
- **REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF DEFOURI AND GUADALUPE STREET BRIDGE IMPROVEMENTS FUNDED THROUGH A MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (COUNCILORS BUSHEE AND CALVERT) (DESIRAE LUJÁN)**

Committee Review:

Finance Committee (Scheduled)

10/01/12

Council (Scheduled)

10/10/12

9. REQUEST FOR APPROVAL OF A RESOLUTION AMENDING TABLE 22 OF THE IMPACT FEES CAPITAL IMPROVEMENT PLAN FOR PLANNED MAJOR ROAD IMPROVEMENTS TO INCLUDE CAMINO DE LAS CRUCITAS BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT IN THE AMOUNT OF \$400,000 (COUNCILORS BUSHEE AND CALVERT) (LEANN VALDEZ)

Committee Review:

Finance Committee (Scheduled)

10/01/12

10. SANTA FÉ RIDE PROGRAM GRANT PURCHASE

- **REQUEST FOR APPROVAL OF A GRANT THROUGH THE ENERGY MINERAL & NATURAL RESOURCES DEPARTMENT TO PURCHASE 4 COMPRESSED NATURAL GAS POWERED HONDA CIVICS THROUGH STATE PRICE AGREEMENT #10-000-00-00088 (DAVID CHAPMAN)**

Committee Review:

Finance Committee (Scheduled)

10/22/12

Council (Scheduled)

10/30/12

11. PUBLIC UTILITY GRANT PURCHASE

- **REQUEST FOR APPROVAL OF A GRANT THROUGH THE ENERGY MINERAL & NATURAL RESOURCES DEPARTMENT TO PURCHASE 2 CNG FRONT-LOADING AND 2 CNG AUTOMATED SIDE-LOADING SOLID WASTE COLLECTION VEHICLES (DAVID CHAPMAN)**

Committee Review:

Finance Committee (Scheduled)

10/22/12

Council (Scheduled)

10/30/12

12. 2012 STATE OF NEW MEXICO SEVERANCE TAX BOND (STB)

- **REQUEST FOR APPROVAL OF CAPITAL APPROPRIATE PROJECT AGREEMENTS FOR A TOTAL OF \$440,000**
- **REQUEST FOR APPROVAL TO INCREASE PROJECT BUDGETS (DAVID CHAPMAN)**

Committee Review:

Finance Committee (Scheduled)

10/22/12

Council (Scheduled)

10/30/12

13. REQUEST FOR CONCEPT APPROVAL OF AN EASEMENT TO BENEFIT SANTA FÉ COUNTY FOR THE PURPOSE OF INSTALLING A 12 INCH WATER PIPELINE TO EXTEND WATER SERVICE TO THE SANTA FÉ ANIMAL SHELTER FACILITY AND OTHER PROPERTIES LYING SOUTH AND EAST THEREOF. THE REAL PROPERTY LIES WITHIN PORTIONS OF GOV'T LOT 1 AND THE NW/4 SE/4 OF SECTION 35 T17N R8E NMPM AND CONTAINS 0.93 ACRES BY BILL MOFFETT, PROJECT COORDINATOR (EDWARD VIGIL)

Committee Review:

Finance Committee (Scheduled)

10/22/12

Council (Scheduled)

10/30/12

14. A RESOLUTION RELATING TO THE NEW MEXICO *DEVELOPMENT FEES ACT*, §§5-8-1 TO 5-8-43 NMSA 1978; CONSIDERING A DETERMINATION THAT NO CHANGES OF LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES ARE NEEDED; AND AUTHORIZING THE PUBLICATION OF SUCH PROPOSED DETERMINATION (COUNCILOR WURZBURGER) (REED LIMING)

Committee Review:

Capital Improvements Advisory Committee (Approved)
Council (Scheduled)

09/13/12
10/10/12

15. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING MOBILE HOME PARK DISTRICTS AND MOBILE HOME PARKS; AMENDING SECTION 14-4.2(J)(1) SFCC 1987 TO EXPAND THE PURPOSE OF THE MHP DISTRICT TO INCLUDE RESIDENTIAL SUBDIVISIONS AND MULTI-FAMILY DWELLINGS; AMENDING SECTION 14-6.1(C) TABLE OF PERMITTED USES TO CORRESPOND WITH 14-4.2 (J)(1); AMENDING SECTION 14-6.2(A)(3) SFCC 1987 TO CLARIFY STANDARDS FOR EXISTING MOBILE HOME PARKS; AMENDING SECTION 14-7.2(I) SFCC 1987 TO PROHIBIT THE ESTABLISHMENT OF NEW MOBILE HOME PARKS AS OF THE EFFECTIVE DATE OF THIS ORDINANCE AND TO CLARIFY THAT MANUFACTURED HOMES ARE ALLOWED IN EXISTING MOBILE HOME PARKS; AMENDING TABLE 14-7.2-1 TO PROVIDE DIMENSIONAL STANDARDS IN THE MHP DISTRICT; AMENDING SECTION 14-12 REGARDING MOBILE HOME-RELATED DEFINITIONS; AND MAKING SUCH OTHER STYLISTIC OF GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR DOMINGUEZ) (MATTHEW O'REILLY)

Committee Review:

Public Works (Postponed)
City Business & Quality of Life (Approved)
Planning Commission (Approved)
Council (Request to publish)
Council (Public hearing)

08/27/12
09/11/12
09/13/12
10/10/12
11/14/12

DISCUSSION AGENDA

Councilor Ives moved to postpone the remainder of this agenda. Councilor Rivera seconded the motion and it passed by unanimous voice vote.

16. REQUEST FOR REVIEW AND DISCUSSION ON INFRASTRUCTURE ASSESSMENT – PART 1
- SILER ROAD COMPLEX
 - CURBS, GUTTERS AND SIDEWALKS (ISAAC PINO)

17. MATTERS FROM STAFF (5 minutes)

18. MATTERS FROM THE COMMITTEE (5 minutes)

19. MATTERS FROM THE CHAIR (5 minutes)

20. NEXT MEETING: OCTOBER 29, 2012

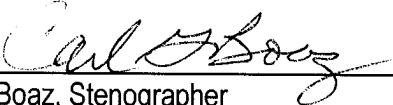
21. ADJOURN

The meeting was adjourned at 8:21 p.m.

Approved by:

Rebecca Wurzbarger, Chair

Submitted by:



Carl Boaz, Stenographer