



Agenda

Finance Committee Meeting
June 2, 2008 – 5:15 pm
City Council Chambers

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES:

CITY CLERK'S OFFICE
 DATE 5/30/08 TIME 2:10 pm
 SERVED BY Yolanda Green
 RECEIVED BY [Signature]

MAY 19, 2008 REGULAR FINANCE COMMITTEE/BUDGET

MATTERS FROM THE COMMITTEE:

6. REPORT ON 2008 PARK BOND IMPLEMENTATION PLAN (ROBERT ROMERO)

PROPOSED RESOLUTIONS AND ORDINANCES: (WITH NO FISCAL IMPACT)

7. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE ADMINISTRATIVE PROCEDURES FOR THE CITY OF SANTA FE'S AFFORDABLE HOUSING TRUST FUND (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILORS DOMINGUEZ, ROMERO AND ORTIZ) (LEE DEPIETRO)

Committee Review:

Public Works Committee (Approved)

May 27, 2008

8. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE CITY OF SANTA FE FIVE-YEAR STRATEGIC HOUSING PLAN (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILORS DOMINGUEZ AND ROMERO) (LEE DEPIETRO)

Committee Review:

Public Works Committee (Approved)

May 27, 2008

9. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING CITY STAFF TO DEVELOP A PROGRAM TO REDUCE DISPOSABLE BAG USE (COUNCILOR CALVERT, MAYOR COSS AND COUNCILOR WURZBURGER) (KATHERINE MORTIMER)

Committee Review:

Sustainable Santa Fe Committee (Approved)

April 24, 2008

Public Works Committee (Approved)

April 28, 2008

Business & Quality of Life Committee (Approved)

May 21, 2008

Public Utilities Committee (Approved)

May 21, 2008



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- 10. REQUEST FOR APPROVAL OF A JOINT RESOLUTION SUPPORTING THE SANTA FE REGIONAL TELECOMMUNICATIONS COALITION’S EFFORTS TO ORGANIZE PRIMARY TELECOMMUNICATIONS BANDWIDTH USERS IN THE SANTA FE REGION; AND DIRECTING STAFF TO SUBMIT AN APPLICATION TO THE NEW MEXICO LAMBDA RAIL (COUNCILOR WURZBURGER) (FABIAN TRUJILLO)

Committee Review:

Business & Quality of Life Committee (Approved)	May 21, 2008
Public Works Committee (Approved)	May 27, 2008

- 11. REQUEST FOR APPROVAL OF A RESOLUTION DESIGNATING THE FOURTH SATURDAY IN JUNE EACH YEAR AS PRIDE ON THE PLAZA DAY (COUNCILORS BUSHEE AND CALVERT) (FABIAN CHAVEZ)

Committee Review:

Public Works Committee (Approved)	May 12, 2008
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- 12. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE USE OF RENEWABLE ENERGY AT THE CITY OF SANTA FE WASTEWATER TREATMENT PLANT (COUNCILOR CALVERT) (NICK SCHIAVO)

Committee Review:

Public Utilities Committee (Approved)	May 21, 2008
Public Works Committee (Approved)	May 27, 2008

- 13. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 9, 2008 AN ORDINANCE AMENDING SECTION 12-6-12.18 OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE 2007 TO REPEAL SUBSECTION (6) REGARDING THE PROHIBITION OF HAND-HELD CELLULAR PHONE USAGE WHILE A VEHICLE IS IN MOTION (Postponed at Finance Committee meeting of March 31, 2008)

Committee Review:

Public Safety Committee (Recommended Denial of Bill)	May 20, 2008
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- 14. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 9, 2008 AN ORDINANCE AMENDING SECTIONS 22-9.1, 22-9.7 AND 22-9.10 SFCC 1987 REGARDING INDUSTRIAL PRETREATMENT REGULATIONS AND PROCEDURES (COUNCILORS DOMINGUEZ, CALVERT AND TRUJILLO) (COSTY KASSISIEH)

Committee Review:

Public Utilities Committee (Approved)	May 21, 2008
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- 15. REQUEST FOR APPROVAL OF A RESOLUTION DESIGNATING THE LAND USE SUB-COMMITTEE, A SUB-COMMITTEE OF THE PUBLIC WORKS/CIP & LAND USE COMMITTEE (COUNCILORS WURZBURGER AND BUSHEE) (JACK HIATT)

Committee Review:

Public Works Committee (Approved)

May 27, 2008

PROPOSED RESOLUTIONS AND ORDINANCES: (WITH FISCAL IMPACT)

- 16. ADOPTION OF NEW FEES FOR BUILDING PERMITS, DEVELOPMENT REVIEW AND ADMINISTRATION:
 - A. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW FEES FOR PLAN REVIEWS, BUILDING PERMITS, SECONDARY MECHANICAL PERMITS, SECONDARY PLUMBING PERMITS, SECONDARY ELECTRICAL PERMITS, GRADING PLAN REVIEWS, GRADING PERMITS, AND SIGN PERMITS (COUNCILOR WURZBURGER) (JACK HIATT)
 - B. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW FEES FOR DEVELOPMENT REVIEW APPLICATIONS SUCH AS ANNEXATION REZONING SUBDIVISION, DEVELOPMENT PLANS, SPECIAL EXCEPTIONS, VARIANCES, APPEALS, CODE AMENDMENTS, ETC. SUBMITTED TO THE LAND USE DEPARTMENT (COUNCILOR WURZBURGER) (JACK HIATT)
 - C. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW ADMINISTRATIVE FEES FOR OPERATIONS OF THE LAND USE DEPARTMENT (COUNCILOR WURZBURGER) (JACK HIATT)

Committee Review:

Public Works Committee (Approved)

May 27, 2008

- 17. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO SOLICIT NAMES FOR THE CITY'S SANGRE DE CRISTO WATER COMPANY BUILDING (COUNCILOR BUSHEE) (GARY MARTINEZ)

Committee Review:

Public Works Committee (Approved)

May 27, 2008



18. REQUEST FOR APPROVAL TO PUBLISH NOTICE ON MAY 28, 2008 FOR PUBLIC HEARING ON JUNE 25, 2008 AN ORDINANCE CREATING ARTICLE 18-19 OF THE SANTA FE CITY CODE ESTABLISHING THE WORK FORCE HOUSING INITIATIVE (COUNCILOR WURZBURGER, MAYOR COSS AND COUNCILOR ROMERO) (KATHY MCCORMICK)

Committee Review:

Public Works Committee (Approved)

May 27, 2008

CONSENT AGENDA:

19. BID OPENINGS:
- A. BID NO. 08/32/B – WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT CONSTRUCTION CONTRACT; RMCI, INC. (BRYAN ROMERO)
 - 1. REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND
 - B. BID NO. 08/34/B – ONE (1) AUTOMATED COMPACTION SIDE-LOAD REFUSE TRUCK FOR SOLID WASTE MANAGEMENT DIVISION; TRUCKS WEST, INC. (BILL DEGRANDE)
20. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AGREEMENT – DESIGN OF REPLACEMENT LIGHTS, ELECTRICAL UPDATE AND NEW SIGNAGE FOR LAFARGE BRANCH LIBRARY REMODEL; VICTOR JOHNSON, ARCHITECT (CHIP LILIENTHAL)
21. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AGREEMENT – BID NEGOTIATIONS CONSTRUCTION ADMINISTRATION AND WARRANTY INSPECTION AT FIRE STATION NO. 3; RISKIN ASSOCIATES ARCHITECTURE (CHIP LILIENTHAL)
22. REQUEST FOR APPROVAL OF LAND LEASE AGREEMENT – CITY OWNED PROPERTY FOR ESPERANZA SHELTER FOR BATTERED FAMILIES; SANTA FE COUNTY (DAVID CHAPMAN)
23. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – MANAGEMENT OF “ADOPT THE RIVER PROGRAM”; SANTA FE WATERSHED ASSOCIATION (DAVID CHAPMAN AND RACHEL FRIEDMAN)
24. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – NINE (9) AMBULANCE GURNEYS FOR FIRE DEPARTMENT; FERNO, INC. (CHARLIE VELARDE)



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25. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENGINEERING, ARCHITECTURAL AND PLANNING CONSULTANT SERVICES (RFP #08/26/P); MOLZEN-CORBIN & ASSOCIATES (JIM MONTMAN)
26. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONTRACT – CITY-WIDE WATER UTILITY CONSTRUCTION AND REPAIR; SUB SURFACE CONTRACTING, INC. (BILL HUEY)
27. REQUEST FOR APPROVAL OF STATE LAND OFFICE RIGHT-OF-WAY EASEMENT – BUCKMAN DIRECT DIVERSION PROJECT; STATE OF NEW MEXICO COMMISSION OF PUBLIC LANDS (RICK CARPENTER)
28. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – CONTINUATION OF PUBLIC INFORMATION AND OUTREACH SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; COONEY, WATSON AND ASSOCIATES, INC. (RICK CARPENTER)
29. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; KIRKPATRICK & LOCKHART PRESTON GATES ELLIS, LLP (RICK CARPENTER)
30. REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; HAWKINS DELAFIELD & WOOD, LLP (RICK CARPENTER)
31. REQUEST FOR APPROVAL OF AMENDMENT NO. 7 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; MODRALL SPERLING, P.A. (RICK CARPENTER)
32. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES; JOHN C. BIENVENU, ROTHSTEIN, DONATELLI, HUGES, DAHLSTROM, SCHOENBURG & BENVENU, LLP (MARCOS MARTINEZ AND FRANK KATZ)
33. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES; ALLETTA D. BELIN, BELIN & SUGARMAN (MARCOS MARTINEZ AND FRANK KATZ)
34. REQUEST FOR APPROVAL OF LEGAL SERVICES AGREEMENT – BUCKMAN WELL #11 ISSUES; SHEEHAN, SHEEHAN & STELZNER, P.A. (MARCOS MARTINEZ)



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35. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – SHELTER STRAY ANIMALS; SANTA FE ANIMAL SHELTER (CHIEF ERIC JOHNSON)
36. REQUEST FOR APPROVAL OF PROJECT AGREEMENT – TRAFFIC RECORDS IMPROVEMENT AND DEVELOPMENT/TRACS STATEWIDE ROLLOUT PROJECT; STATE OF NEW MEXICO DEPARTMENT OF TRANSPORTATION (CHIEF ERIC JOHNSON)
 - A. REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE – GRANT FUND
37. REQUEST FOR APPROVAL OF GRANT AWARD – TARGETING VIOLENT CRIME INITIATIVE FOR POLICE DEPARTMENT; DEPARTMENT OF BUREAU OF JUSTICE ASSISTANCE (CHIEF ERIC JOHNSON)
 - A. REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE – GRANT FUND
38. REQUEST FOR APPROVAL OF 2008/2009 1% LODGERS' TAX FUNDING RECOMMENDATIONS – ARTS COMMISSION COMMUNITY ARTS PROMOTION PROGRAM (RFP #08/10/P) TEN (10) VARIOUS VENDORS (DEBRA GARCIA Y GRIEGO)
39. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – RAILROAD SIGNAL SYSTEM AT SANTA FE RAILYARD PARK; SANTA FE SOUTHERN RAILWAY, INC. (FRANK ROMERO)
40. REQUEST FOR APPROVAL OF AMENDMENT NO. 12 TO PROFESSIONAL SERVICES AGREEMENT – NORTH RAILYARD INFRASTRUCTURE IMPROVEMENTS; SANTA FE RAILYARD COMMUNITY CORPORATION (FRANK ROMERO)
 - A. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – RAILYARD INFRASTRUCTURE FUND
41. REQUEST FOR APPROVAL OF GRANT AGREEMENTS FOR FISCAL YEAR 2008/2009 FOR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (KATHY MCCORMICK)
 - A. SANTA FE COMMUNITY HOUSING TRUST
 - B. THE LIFE LINK/LA LUZ (4 CONTRACTS)



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42. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TRANSPORT VENTILATORS FOR FIRE DEPARTMENT; TRI-ANIM HEALTH SERVICES, INC. (BRIAN CALDWELL)
43. REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – MODULAR CLASSROOMS FOR FIRE DEPARTMENT; ANCHOR BUILT, INC. (CHARLIE VELARDE)

DISCUSSION:

44. REQUEST FOR APPROVAL OF RECOMMENDATION OF 2008/09 CDBG ANNUAL ACTION PLAN (MELISA COLLETT) (Postponed at Finance Committee meeting of May 19, 2008)
45. REQUEST FOR APPROVAL OF PROPOSED BUSINESS PLAN FOR TINO GRIEGO TALENT POOL CENTER (KATHY MCCORMICK)
46. OTHER FINANCIAL INFORMATION:
 - A. REPORT ON CITY OF SANTA FE INVESTMENT PORTFOLIO AS OF MARCH 31, 2008 (HELENE HAUSMAN)
 - B. UPDATE ON LODGERS' TAX FOR APRIL 2008 (KATHRYN RAVELING)
47. MATTERS FROM THE COMMITTEE
48. ADJOURNMENT

Interpreter for hearing impaired is available through City Clerk's Office upon 5 days notice.

**SUMMARY OF ACTION
FINANCE COMMITTEE MEETING
Monday, June 2, 2008**

<i>ITEM</i>	<i>ACTION</i>	<i>PAGE</i>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-4
APPROVAL OF MINUTES: MAY 19, 2008 REGULAR FINANCE COMMITTEE/BUDGET	Approved	4-5
<u>MATTERS FROM THE COMMITTEE</u>		
REPORT ON 2008 PARK BOND IMPLEMENTATION PLAN	Information/discussion	5-9
<u>PROPOSED RESOLUTIONS AND ORDINANCES: (WITH NO FISCAL IMPACT)</u>		
REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE ADMINISTRATIVE PROCEDURES FOR THE CITY OF SANTA FE'S AFFORDABLE HOUSING TRUST FUND	Approved	9-10
REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE CITY OF SANTA FE FIVE-YEAR STRATEGIC HOUSING PLAN	Approved [amended]	
REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING CITY STAFF TO DEVELOP A PROGRAM TO REDUCE DISPOSABLE BAG USE	Approved [amended]	10-21
REQUEST FOR APPROVAL OF A JOINT RESOLUTION SUPPORTING THE SANTA FE REGIONAL TELECOMMUNICATIONS COALITIONS'S EFFORTS TO ORGANIZE PRIMARY TELECOMMUNICATIONS BANDWIDTH USERS IN THE SANTA FE REGION; AND DIRECTING STAFF TO SUBMIT AN APPLICATION TO THE NEW MEXICO LAMBDA RAIL	Approved [amended]	21

<i>ITEM</i>	<i>ACTION</i>	<i>PAGE</i>
REQUEST FOR APPROVAL OF A RESOLUTION DESIGNATING THE FOURTH SATURDAY IN JUNE EACH YEAR AS PRIDE ON THE PLAZA DAY	Approved	21-22
REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE USE OF RENEWABLE ENERGY AT THE CITY OF SANTA FE WASTEWATER TREATMENT PLANT	Approved	22
REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 9, 2008, AN ORDINANCE AMENDING SECTION 12-6.12.18 OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE 2007 TO REPEAL SUBSECTION (6) REGARDING THE PROHIBITION OF HAND-HELD CELLULAR PHONE USAGE WHILE A VEHICLE IS IN MOTION	Moved forward w/o recomm.	22-24
REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 9, 2008, AN ORDINANCE AMENDING SECTIONS 22-9.1, 22-9.7 AND 22-9.10 SFCC 1987 REGARDING INDUSTRIAL PRETREATMENT REGULATIONS AND PROCEDURES	Postponed to 06/18/08	24
REQUEST FOR APPROVAL OF A RESOLUTION DESIGNATING THE LAND USE SUBCOMMITTEE, A SUB-COMMITTEE OF THE PUBLIC WORKS/CIP & LAND USE COMMITTEE	Approved	24
<u>PROPOSED RESOLUTIONS AND ORDINANCES:</u> (WITH FISCAL IMPACT)		
ADOPTION OF NEW FEES FOR BUILDING PERMITS, DEVELOPMENT REVIEW AND ADMINISTRATION:		
REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW FEES FOR PLAN REVIEWS, BUILDING PERMITS, SECONDARY MECHANICAL PERMITS, SECONDARY PLUMBING PERMITS, SECONDARY ELECTRICAL PERMITS, GRADING PLAN REVIEWS, GRADING PERMITS, AND SIGN PERMITS	Approved	24-31

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<p>REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW FEES FOR DEVELOPMENT REVIEW APPLICATIONS SUCH AS ANNEXATION REZONING SUBDIVISION, DEVELOPMENT PLANS, SPECIAL EXCEPTIONS, VARIANCES, APPEALS, CODE AMENDMENTS, ETC., SUBMITTED TO THE LAND USE DEPARTMENT</p>	Approved	24-31
<p>REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW ADMINISTRATIVE FEES FOR OPERATIONS OF THE LAND USE DEPARTMENT</p>	Postponed to 06/16/08	24-31
<p>REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO SOLICIT NAMES FOR THE CITY'S SANGRE DE CRISTO WATER COMPANY BUILDING</p>	Approved	31
<p>REQUEST FOR APPROVAL TO PUBLISH NOTICE ON MAY 28, 2008 FOR PUBLIC HEARING ON JUNE 25, 2008, AN ORDINANCE CREATING ARTICLE 18-19 OF THE SANTA FE CITY CODE ESTABLISHING THE WORK FORCE HOUSING INITIATIVE</p>	Approved [amended]	32-34
<p><u>CONSENT CALENDAR DISCUSSION</u></p>		
<p>BID OPENINGS: BID NO. 08/32/B – WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT CONSTRUCTION CONTRACT; RMCI, INC. REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND</p>	Approved	34
<p>REQUEST FOR APPROVAL OF 2008/2009 1% LODGERS' TAX FUNDING RECOMMENDATIONS – ARTS COMMISSION COMMUNITY ARTS PROMOTION PROGRAM (RFP #08/10/P) TEN (10) VARIOUS VENDORS</p>	Approved	34
<p>REQUEST FOR APPROVAL OF AMENDMENT NO. 12 TO PROFESSIONAL SERVICES AGREEMENT – NORTH RAILYARD INFRASTRUCTURE IMPROVEMENTS; SANTA FE RAILYARD COMMUNITY CORPORATION REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – RAILYARD INFRASTRUCTURE FUND</p>	Approved [condition]	35

<i>ITEM</i>	<i>ACTION</i>	<i>PAGE</i>
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END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

REQUEST FOR APPROVAL OF RECOMMENDATION OF 2008/09 CDBG ANNUAL ACTION PLAN	Approved	36
REQUEST FOR APPROVAL OF PROPOSED BUSINESS PLAN FOR TINO GRIEGO TALENT POOL CENTER	Postponed to 06/16/08	36
<u>OTHER FINANCIAL INFORMATION:</u>		
REPORT ON CITY OF SANTA FE INVESTMENT PORTFOLIO AS OF MARCH 31, 2008	Information/discussion	36
UPDATE ON LODGERS' TAX FOR APRIL 2008	Information/discussion	37
<u>MATTERS FROM THE COMMITTEE</u>	Information/discussion	37
ADJOURNMENT		37

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF A RESOLUTION DESIGNATING THE FOURTH SATURDAY IN JUNE EACH YEAR AS PRIDE ON THE PLAZA DAY	Approved	21-22
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REQUEST FOR APPROVAL OF A RESOLUTION DESIGNATING THE LAND USE SUBCOMMITTEE, A SUB-COMMITTEE OF THE PUBLIC WORKS/CIP & LAND USE COMMITTEE	Approved	24
<u>PROPOSED RESOLUTIONS AND ORDINANCES:</u> (WITH FISCAL IMPACT)		
ADOPTION OF NEW FEES FOR BUILDING PERMITS, DEVELOPMENT REVIEW AND ADMINISTRATION:		
REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW FEES FOR PLAN REVIEWS, BUILDING PERMITS, SECONDARY MECHANICAL PERMITS, SECONDARY PLUMBING PERMITS, SECONDARY ELECTRICAL PERMITS, GRADING PLAN REVIEWS, GRADING PERMITS, AND SIGN PERMITS	Approved	24-31

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REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW FEES FOR DEVELOPMENT REVIEW APPLICATIONS SUCH AS ANNEXATION REZONING SUBDIVISION, DEVELOPMENT PLANS, SPECIAL EXCEPTIONS, VARIANCES, APPEALS, CODE AMENDMENTS, ETC., SUBMITTED TO THE LAND USE DEPARTMENT	Approved	24-31
REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW ADMINISTRATIVE FEES FOR OPERATIONS OF THE LAND USE DEPARTMENT	Postponed to 06/16/08	24-31
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REQUEST FOR APPROVAL TO PUBLISH NOTICE ON MAY 28, 2008 FOR PUBLIC HEARING ON JUNE 25, 2008, AN ORDINANCE CREATING ARTICLE 18-19 OF THE SANTA FE CITY CODE ESTABLISHING THE WORK FORCE HOUSING INITIATIVE	Approved [amended]	32-34
<u>CONSENT CALENDAR DISCUSSION</u>		
BID OPENINGS: BID NO. 08/32/B – WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT CONSTRUCTION CONTRACT; RMCI, INC. REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND	Approved	34
REQUEST FOR APPROVAL OF 2008/2009 1% LODGERS' TAX FUNDING RECOMMENDATIONS – ARTS COMMISSION COMMUNITY ARTS PROMOTION PROGRAM (RFP #08/10/P) TEN (10) VARIOUS VENDORS	Approved	34
REQUEST FOR APPROVAL OF AMENDMENT NO. 12 TO PROFESSIONAL SERVICES AGREEMENT – NORTH RAILYARD INFRASTRUCTURE IMPROVEMENTS; SANTA FE RAILYARD COMMUNITY CORPORATION REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – RAILYARD INFRASTRUCTURE FUND	Approved [condition]	35

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END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

REQUEST FOR APPROVAL OF RECOMMENDATION
OF 2008/09 CDBG ANNUAL ACTION PLAN

Approved

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REQUEST FOR APPROVAL OF PROPOSED
BUSINESS PLAN FOR TINO GRIEGO TALENT
POOL CENTER

Postponed to 06/16/08

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OTHER FINANCIAL INFORMATION:

REPORT ON CITY OF SANTA FE INVESTMENT
PORTFOLIO AS OF MARCH 31, 2008

Information/discussion

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UPDATE ON LODGERS' TAX FOR APRIL 2008

Information/discussion

37

MATTERS FROM THE COMMITTEE

Information/discussion

37

ADJOURNMENT

37

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE
Monday, June 2, 2008**

1. CALL TO ORDER

A meeting of the City of Santa Fe Finance Committee was called to order by Acting Chair Rebecca Wurzburger, at approximately 5:15 p.m., on Monday, June 2, 2008, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Councilor Matthew E. Ortiz, Chair
Councilor Christopher Calvert
Councilor Miguel Chavez
Councilor Carmichael A. Dominguez
Councilor Rebecca Wurzburger

OTHERS ATTENDING:

Kathryn Raveling, Finance Director
Yolanda Green, Finance Division
Melessia Helberg, Stenographer.

There was a quorum of the membership in attendance for the conducting of official business.

NOTE: All items in the Committee packets for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Finance Department.

3. APPROVAL OF AGENDA

A copy of a Memorandum, with attachments, dated June 1, 2008, from Thomas J. Williams, ITT Director, to the Finance Committee, is incorporated herewith to these minutes as Exhibit "1."

Ms. Raveling said she passed out a Memorandum on the purchase of the new AS 400 and wants to move this item forward to Council, noting this is related to the upgrade of the system. She said the quote was received earlier than anticipated. She noted the recommendation is for a purchase instead of a lease.

Ms. Raveling would like to pull Item 14 from the Agenda because it already was approved.

Councilor Dominguez would like to postpone #45 until it is heard by Public Works. Responding to Councilor Wurzbarger, Councilor Dominguez said this won't jeopardize the funding, and it will be heard by Public Works on the 9th, Finance on June 16th, and by the Council on June 25th, noting the deadline for submittal is June 30, 2008.

Ms. McCormick said this will be fine if there is a decision by the deadline for submittal.

Councilor Wurzbarger said Item #45 will be postponed and heard without fail at the next meeting.

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

VOTE: The motion was approved on a voice vote [Absent: Chair Ortiz].

4. APPROVAL OF CONSENT AGENDA

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

VOTE: The motion was approved on a voice vote [Absent: Chair Ortiz].

CONSENT AGENDA

19. BID OPENINGS:

A. *[Removed for discussion by Councilor Calvert]*

B. **BID NO. 08/34/B – ONE (1) AUTOMATED COMPACTION SIDE-LOAD REFUSE TRUCK FOR SOLID WASTE MANAGEMENT DIVISION; TRUCKS WEST, INC. (BILL DeGRANDE)**

20. **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AGREEMENT – DESIGN OF REPLACEMENT LIGHTS, ELECTRICAL UPDATE AND NEW SIGNAGE FOR LA FARGE BRANCH LIBRARY REMODEL; VICTOR JOHNSON, ARCHITECT. (CHIP LILIENTHAL)**

21. **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AGREEMENT – BID NEGOTIATIONS CONSTRUCTION ADMINISTRATION AND WARRANTY INSPECTION AT FIRE STATION NO. 3; RISKIN ASSOCIATES ARCHITECTURE. (CHIP LILIENTHAL)**

22. **REQUEST FOR APPROVAL OF LAND LEASE AGREEMENT – CITY OWNED PROPERTY FOR ESPERANZA SHELTER FOR BATTERED FAMILIES; SANTA FE COUNTY. (DAVID CHAPMAN)**

23. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – MANAGEMENT OF “ADOPT THE RIVER PROGRAM”; SANTA FE WATERSHED ASSOCIATION. (DAVID CHAPMAN AND RACHEL FRIEDMAN)
24. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – NINE (9) AMBULANCE GUERNEYS FOR FIRE DEPARTMENT; FERNO, INC. (CHARLIE VELARDE)
25. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENGINEERING, ARCHITECTURAL AND PLANNING CONSULTANT SERVICES (RFP #08/26/P); MOLZEN-CORBIN & ASSOCIATES. (JIM MONTMAN)
26. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONTRACT – CITY-WIDE WATER UTILITY CONSTRUCTION AND REPAIR; SUBSURFACE CONTRACTING, INC. (BILL HUEY)
27. REQUEST FOR APPROVAL OF STATE LAND OFFICE RIGHT-OF-WAY EASEMENT – BUCKMAN DIRECT DIVERSION PROJECT; STATE OF NEW MEXICO COMMISSIONER OF PUBLIC LANDS. (RICK CARPENTER)
28. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – CONTINUATION OF PUBLIC INFORMATION AND OUTREACH SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; COONEY, WATSON AND ASSOCIATES, INC. (RICK CARPENTER)
29. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP (RICK CARPENTER)
30. REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; HAWKINS DELAFIELD & WOOD, LLP. (RICK CARPENTER)
31. REQUEST FOR APPROVAL OF AMENDMENT NO. 7 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; MODRALL SPERLING, P.A. (RICK CARPENTER)
32. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES; JOHN C. BIENVENU, ROTHSTEIN, DONATELLI, HUGHES, DAHLSTROM, SCHOENBURG & BIENVENU, LLP. (MARCOS MARTINEZ AND FRANK KATZ)
33. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES; ALLETTA D. BELIN, BELIN & SUGARAN (MARCOS MARTINEZ AND FRANK KATZ)
34. REQUEST FOR APPROVAL OF LEGAL SERVICES AGREEMENT – BUCKMAN WELL #11 ISSUES; SHEEHAN, SHEEHAN & STELZNER, P.A. (MARCOS MARTINEZ)

- 35. **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – SHELTER STRAY ANIMALS; SANTA FE ANIMAL SHELTER. (CHIEF ERIC JOHNSON)**
- 36. **REQUEST FOR APPROVAL OF PROJECT AGREEMENT – TRAFFIC RECORDS IMPROVEMENT AND DEVELOPMENT/TRACS STATEWIDE ROLLOUT PROJECT; STATE OF NEW MEXICO DEPARTMENT OF TRANSPORTATION. (CHIEF ERIC JOHNSON)**
 - A. **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE – GRANT FUND.**
- 37. **REQUEST FOR APPROVAL OF GRANT AWARD – TARGETING VIOLENT CRIME INITIATIVE FOR POLICE DEPARTMENT; DEPARTMENT OF BUREAU OF JUSTICE ASSISTANCE. (CHIEF ERIC JOHNSON)**
 - A. **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE – GRANT FUND.**
- 38. *[Removed for discussion by Councilor Wurzburger]*
- 39. **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – RAILROAD SIGNAL SYSTEM AT SANTA FE RAILYARD PARK; SANTA FE SOUTHERN RAILWAY, INC. (FRANK ROMERO)**
- 40. *[Removed for discussion by Councilor Wurzburger]*
- 41. **REQUEST FOR APPROVAL OF GRANT AGREEMENTS FOR FISCAL YEAR 2008/2009 FOR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (KATHY McCORMICK)**
 - A. **SANTA FE COMMUNITY HOUSING TRUST.**
 - B. **THE LIFE LINK/LA LUZ (4 CONTRACTS)**
- 42. **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TRANSPORT VENTILATORS FOR FIRE DEPARTMENT; TRI-ANIM HEALTH SERVICES, INC. (BRIAN CALDWELL)**
- 43. **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – MODULAR CLASSROOMS FOR FIRE DEPARTMENT; ANCHOR BUILT, INC. (CHARLIE VELARDE)**

5. APPROVAL OF MINUTES: MAY 19, 2008 REGULAR FINANCE COMMITTEE/BUDGET

MOTION: Councilor Calvert moved, seconded by Councilor Chavez, to approve the minutes of the meeting of May 19, 2008, as presented.

VOTE: The motion was approved on a voice vote [Absent: Chair Ortiz].

MATTERS FROM THE COMMITTEE

6. REPORT ON 2008 PARK BOND IMPLEMENTATION PLAN. (ROBERT ROMERO)

A copy of "2008 Parks Bond Implementation Plan," is incorporated herewith to these minutes as Exhibit "2."

Robert Romero reviewed the information in Exhibit "2." He said this will go to Public Works next and then back to this Committee, noting this is an informational item this evening.

Responding to Councilor Chavez, Mr. Romero said the Railyard Park was not funded through the Parks Bond, but was funded with the 2008 CIP bond. He said the crew to maintain the Railyard Park was funded through the approved budget.

Responding to Councilor Chavez, Mr. Romero said the Open Space & Trails Request for the Northwest Quadrant [the "NWQ"] will begin in September 2008. It is planned to fence all of the roads in the NWQ, and the rest of the funds are to go through the planning and design phase, and then do the improvements. He said there still is some question as to what the scope will be, noting this came into the process late.

Councilor Chavez said he didn't see funds for the pedestrian crossing at St. Francis Drive.

Mr. Romero said it is listed as the 5th project on page 1 – Arroyo Chamiso East – Underground crossing at St. Francis Drive.

Councilor Chavez said this isn't the one to which he is referring, noting originally one was proposed for St. Francis and Cerrillos Road, the Acequia Madre Trail.

Mr. Romero said that was not part of, nor approved through, the Parks Bond.

Councilor Chavez it was part of the five-year plan.

Mr. Romero said it was part of the five-year plan and has been discussed over the years, but it wasn't approved as one of these projects.

Councilor Chavez would like to amend the Plan to add this. He said the Rail Runner is opening the discussion about the need for safe pedestrian crossings along the St. Francis Drive corridor, and the one which has been discussed the longest is the one at St. Francis and Cerrillos. He believes we are remiss by not including this on the list.

Councilor Calvert said he recalls funds were set aside for the design, and there were other funds as well. However, BTAC reallocated those funds, because Public Works could never agree to fund the design for that crossing and it was voted down.

Councilor Chavez asked that this be put on the list for funding at some point.

Councilor Wurzbarger agreed with Councilor Chavez.

Mr. Romero explained that, in the \$6.7 million, there was a \$3.5 million appropriation for that crossing, but later it was decided those funds would go toward these projects. He said these projects were prioritized by BTAC and approved by the Council. He said there are two options: Reallocate funds from some of these projects, or in 1-2 years look at Trails balances and fund it.

Councilor Wurzbarger said, for the record, she does not recall that this came to the Council. She said she finds this as a surprise, and agrees that this has been, and continues to be a major issue, and she is uncomfortable that it isn't in this Plan. She wants it to be put back in the Plan, but doesn't know how that can be done.

Councilor Chavez said the Acequia Trail should connect both ends of the Baca Street portion, and without that connection it will be difficult.

Councilor Wurzbarger would like to have a discussion on this item, other than at BTAC which has registered its opinion about this. She said she would like this item to go directly to the Council to discuss the options, now that this decision apparently has been made. She wants to have the policy discussion on this at the Council level.

Councilor Chavez said Mr. Romero said there may have been some ranking of these projects, and if so, it would be easy to move this item forward on the list.

Mr. Romero said he can have something for Public Works on Monday to go through the process.

Councilor Wurzbarger said she wants to ensure that this doesn't just stay at Public Works and she wants it to come back to this Committee, so those Councilors not on Public Works who have not been involved in BTAC will have an opportunity to register our policy direction on this issue.

Councilor Dominguez asked, regarding the \$150,000 allocated to Sierra Vista Park for the acquisition of an adjacent lot, how that number was determined.

Mr. Romero said the \$150,000 came from the square footage of property and an appraisal or assumption that the land in the area is of a certain value per square foot. He said he can provide those details, noting acquisition of this property was one of the recommendations from Parks Advisory.

Fabian Chavez said the Parks Advisory Committee recommended this purchase to take advantage of the opportunity to connect the two.

Councilor Dominguez asked if the property owner has indicated interest in selling to the City.

Mr. Chavez said no, they have not moved forward on this, and the City would make an offer based on the value of the property.

Responding to Councilor Chavez, Mr. Romero said "in-house" means that these funds will be used to build things "in-house" where our crews can do the work and it isn't worth contracting them out. He said we will be saving money in this way. He said there is an accounting set up for every park, every project in the Plan.

Responding to Councilor Chavez, Mr. Chavez said there are no security cameras in any parks at this time. Staff did report to the Council about a year ago that the cost of installing cameras would be about \$40,000 per camera. At that time, there were questions about the constitutionality, if the neighborhood wants them. Staff was not directed to move forward, but funds were included because this was one of the parks which was suggested for cameras.

Councilor Chavez said there has been a suggestion to provide a service to clean up after dogs. He said there has also been a suggestion to provide restrooms for the public.

Mr. Chavez said staff asked about a service to clean-up after dogs and obtained a proposal, but the current budget couldn't fund an outside source to do this. He said the budget for porta potties is limited and those will be provided during the summer at certain parks where the City can afford to do so.

Councilor Chavez said he will work with Mr. Chavez to identify parks which need the porta potties.

Chairman Ortiz arrived at the meeting at this time

Councilor Calvert said on Regional Parks, the Santa Fe River Parkway, we are showing the expenditures for 09-10, but we will be doing some River trail earlier, noting these connect. He asked why this funding is pushed back while a lot of money is being spent for the NWQ Open Space & Trails which isn't close to being envisioned, and asked if those two could be reversed.

Councilor Calvert said there are two things for the dog park at Ortiz, and asked if one is close to doing part of the Regenes plan, or if these are totally independent from those recommendations.

Mr. Romero said these are totally independent of that, and all are small landscaping projects – installing signs, resurfacing the lot, and such.

Councilor Calvert said some of that is the thrust of the Regenes plan which wanted to reshape that area to capture the available rainfall and to prevent leaching through the dump that is there. He would like to do as much of this work as is possible.

Mr. Romero will look into that.

Councilor Calvert said, with regard to Sunny Slope Meadows, you talk about a community garden, but doesn't know that was ever decided, and asked if this is a suggestion.

Mr. Chavez said the Parks Advisory said that would be a nice place to remain and stay as a small neighborhood park, and add a few features such as reseeding the grass, planting shade trees, put in some benches. He said they were starting to get requests for community gardens, and this fits that footprint for community gardens and the Parks Advisory asked to put this in the Plan. He said staff can relook at that.

Councilor Calvert believes community involvement would be needed to come to this conclusion.

Councilor Calvert said the plan mentions other dog parks about which he wasn't aware – Lorca Park.

Mr. Romero said everything in the plan is consistent with what was approved with the Parks Bond, "every single detail that you see here was part of the big package that we gave you for the Parks Bond, through that planning process and the Parks Advisory Committee, this is what they brought forward. It's probably going to be part of an existing park to add an area for dogs." Mr. Romero said the national trend is not to make the entire park a dog park, but to fence a certain portion so people don't have to go so far and they can walk their dogs there.

Councilor Chavez said under Regional Parks, the MRC is still in District 3 and doesn't quite seem to fit the map. Mr. Romero said he can remove that.

Councilor Dominguez said when we talk about reallocation in the Plan we need to be very careful, because this is the Plan which was approved by the voters, and it is specific about where and how the money is to be spent. He said we don't want to lose the trust of the voters by not following through with what we promised to do with the money and the plan. He asked if we collect any data which would help to determine where we can put restrooms and such.

Mr. Romero said we didn't collect new data when the Plan was done. They looked at the Parks Master Plan approved in 2000, and then they talked to the Supervisors of each park and asked them what is needed. He said, regarding the Parks Master Plan, some were very detailed, while for other parks it was very generic. He said they put together the data from the Parks Master Plan, the information from the Park Supervisors and passed that to the Parks Advisory Committee. The Committee looked at the information and then went to each park as a group and decided what they thought was appropriate.

Councilor Dominguez said then we don't collect data on the usership of a park.

Mr. Romero said that would be difficult to determine, although they could look at permits for events. He said he can look at ways to estimate that.

Councilor Dominguez said some cities do measure the usership, how much time is spent in a park, and such, so they can better plan the use of that park. He believes it would be beneficial to collect that data when we start planning some of these parks.

Councilor Wurzbarger said during the budget hearings we spoke about wanting to take care of the Old Pecos Trail medians, and she would like an answer by the next meeting as to how we are going to be doing this.

Chair Ortiz said the Rodeo Road and Zia medians have been ignored in terms of beautifying. He asked some time ago for a budget to beautify the Rodeo Road medians. He said if Old Pecos Trail deserves that, there is three times the traffic on Zia and Rodeo than Old Pecos Trail – morning, noon or night. He asked Mr. Romero to look at those numbers and report back to this Committee.

Chair Ortiz said this has to go to Public Works for approval, and it ultimately will come back to this Committee, and he would like the information on those medians. He thanked staff for their thoroughness on the Plan, which is very well thought out.

PROPOSED RESOLUTIONS AND ORDINANCES: (WITH NO FISCAL IMPACT)

- 7. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE ADMINISTRATIVE PROCEDURES FOR THE CITY OF SANTA FE'S AFFORDABLE HOUSING TRUST FUND (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILORS DOMINGUEZ, ROMERO AND ORTIZ). (LEE DePIETRO) Committee Review: Public Works Committee (Approved) May 27, 2008.**

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

DISCUSSION: Councilor Chavez asked if some of the money set aside in the Trust Fund will be used to buy back existing homes to keep them in the affordable housing pool.

Ms. DePietro said when the home is sold, it can be resold to a person who is an affordable buyer and that retains the affordability.

Councilor Chavez asked if these are homes which have been built through the Homes Program or the HOP Program during the past ten years.

Ms. McCormick said the City's shared equity lien remains with that property, so it is a permanent buy down to retain affordability over time. So, we wouldn't be using funds from the Trust Fund to help somebody buy down that property again, except to the extent they needed down payment assistance. Responding to Councilor Chavez, Ms. McCormick said the City has right of first refusal to purchase the home. She said staff works with Homewise and the Housing Trust to find another buyer who fits the affordable program profile.

Councilor Chavez said then there would be no need for the City to buy it back to be sure it stays in the affordable pool for the next qualified buyer.

Ms. McCormick said not if we can find another income qualified buyer to purchase the home. If we don't, it

could then go to the open market. If it does, then the value of the City's shared equity loan goes into the Housing Trust Fund.

Councilor Chavez asked if there would be benefit from keeping that house from going into the open market.

Ms. McCormick said yes, and we could use those funds to do that.

Councilor Chavez would like for that to be considered, if it isn't currently being considered.

Ms. McCormick said within the guidelines and the ordinance it would be an allowable use for the funds because it does provide for acquisition of existing housing.

Ms. DePietro said she believes that is on page 5 of the guidelines under eligible uses of the funds in the last bullet in Section 3, "The bridge financing for new development or acquisition of existing homes."

FRIENDLY AMENDMENT: Ms. McCormick suggested adding language to amend the guidelines to provide, "...this would include use of funds to acquire Santa Fe Homes or HOP Program units which could be lost to affordability due to not finding an income-qualified buyer."

Ms. McCormick said there haven't been any such problems in the past. She said for resales, they have been working with the Housing Trust and they have found other income qualified buyers. To her knowledge, no homes where City liens have been cast have been sold outside the program, although we may begin to see more since it has been 7-10 years, which is when people start looking to sell and move up. She said there are income qualified buyers that are ready to come forward, and they have had good luck getting them to buy these units.

Councilor Chavez would like staff to work on language to amend the guidelines as suggested by Ms. McCormick.

Chair Ortiz said this goes to the Council next, and people who have any suggestions for language to the regulation need to be proposed now.

Councilor Calvert said items also could be added at the Council meeting.

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

8. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE CITY OF SANTA FE FIVE-YEAR STRATEGIC HOUSING PLAN (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILORS DOMINGUEZ AND ROMERO). (LEE DePIETRO) Committee Review: Public Works Committee (Approved) May 27, 2008.

A copy of "Programs and Approaches (12-24 Months)," distributed to the Council by Ms. DePietro, is incorporated herewith to these minutes as Exhibit "3."

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

DISCUSSION: Councilor Chavez said his concern regarding the prior item would carry over to this one. He is looking for ways for this component to be part of the long term strategic plan for housing. He wants to know long we can keep the units affordable, in the pool and recycling them. He asked if there is a place for that same concept in this Resolution.

Ms. DePietro said the same language can be included in the Housing Funding Allocations on page 13, and clarify that.

Councilor Chavez would direct staff to do that and have the language and amendment sheets ready for the Council meeting.

Chair Ortiz asked staff to describe the public participatory process in developing this plan.

Ms. DePietro said this Plan has been in process for over a year, beginning with RRC & Associates Housing Needs Assessment which was provided to the City in May 2007. The Assessment was reviewed by staff, and presented to the Community at the Chavez Center in Summer 2007. She said committees were formed and the Roundtable was formed to work on action plans. On April 5, 2008, there was a Housing Summit, hosted by the Office of Affordable Housing, and all of the key members of the housing community as well as people in the community, were invited to attend the summit. They were asked to look at the Assessment again, working as teams, to develop action plans to address the major issues in the assessments. The proposed Housing Plan was then presented, and we asked them to comment and critique that plan.

Ms. DePietro said staff also has met with local bankers, realtors, and other financing agencies, including the New Mexico Mortgage Finance Agency, about the action plans outlined in the plan and received their feedback as well in terms of our programs and projects that we are recommending.

Councilor Wurzbarger attended the meeting on April 5, 2008, and asked Ms. DePietro to comment on the number and diversity of those attending. She said it was a new group of people which she found quite exciting, in comparison to just having the Roundtable in previous years.

Ms. DePietro said approximately 35 people attended – non-profits, housing providers, bankers, realtors, builders, police officers.

Councilor Dominguez asked if people who have purchased, or proposed to purchase, affordable housing units were in attendance. Ms. McCormick said there were.

Councilor Chavez asked if the Affordable Housing Trust Fund or five-year Strategic Housing Plan includes a homeless component. Ms. DePietro said yes in the five-year Plan. She said that begins on page 13.

Councilor Chavez said then the funds would be used for homeless shelters and such.

Ms. DePietro said the Plan breaks out into two major umbrella components: Workforce housing and housing for seniors, the disabled and families, a good piece of which is rental housing. She said within the two umbrellas are four main broad action plans beginning on page 13, which are housing for local employees, rental housing, rehabilitation of existing housing and incorporating support for the sustainable development in a Green City into both the rental housing and the new homes produced.

Councilor Chavez said then we might be able to buy some of the homes, retrofit them with energy saving items and such. He asked how the rental program works, and if the City would be managing the program.

Ms. DePietro said the City has a few programs for rental housing, for example, Shelter Plus Care provides rent supplements to reduce the rent for individuals in the program, noting this is a HUD program. She said they are talking about additional multi-family and senior rental development, noting there are approximately 1,700 existing affordable rental properties in the City for senior and elderly.

Responding to Councilor Chavez, Ms. DePietro said they would be working with for profit and nonprofit developers in providing some seed money and other revenues from the fund to assist them in producing the units. The Shelter Plus Care program is about \$1 million, and the plan over 12-24 months proposes a voucher program to write down rents, similar to the Shelter Plus Car program, for 30 families or seniors at a cost of \$150,000.

Responding to the Chair, Ms. DePietro said the Shelter Plus Program is in the Executive Summary on page 11 in the matrix for all of the housing programs which are proposed

Chair Ortiz asked where the Shelter Plus Program is located in the matrix. Ms. DePietro said it is 5th from the bottom, Rent Supplement Program – Lifelink.

Chair Ortiz said then if we approve this plan, we are approving all of the anticipated programs which are covered on page 11.

Ms. McCormick said this is intended to be an example of all the different resources which are brought to bear to provide affordable housing in Santa Fe, to demonstrate that this isn't solely on the shoulders of the City, and these are things which already are in the works. Ms. McCormick said when the staff presented the Affordable Housing Trust Fund, it was always intended that dollars from the Trust Fund would be spent for the Council two-year priorities which have not been established yet.

Chair Ortiz asked, given that we are trying to "speed rush" a tax proposal to the voters on a funding source for this fund, isn't it at least considerate of us to identify some of those priorities in advance of that tax issue.

Ms. McCormick said she had already assumed, because the Real Estate Transfer Tax [the "RETT"] was focused on the workforce, that was the priority.

Chair Ortiz understands the proceeds from the RETT, as spelled out in the Plan, will go to fund some of these programs on this list.

Ms. McCormick said there would be revenues other than the RETT – the Tierra Contenta land repayment, infrastructure loans.

Chair Ortiz said these are part of the Affordable Housing Trust Fund and the administrative regulations we just approved.

Ms. McCormick said this is correct, and these can be used for some of the other program components.

Chair Ortiz said on page 10, in Paragraph 3, under Eligible Uses of the Fund, he doesn't see anywhere in that language that we are allowed to use the Affordable Housing Fund for some of the priorities which are listed. For example, regarding the new voucher program for 30 units at \$5,000 vouchers per year, which will be funded by the Trust Fund, he doesn't see that we have that authority in the administrative regulations. He asked if this is an oversight.

Ms. McCormick said perhaps it's not clear, because we do have the authority to do a Housing Assistance Grant.

Ms. DePietro said that is on page 5(3), the 6th bullet down – "Pilot Projects for innovative workforce housing projects, such as employer assisted housing, master leasing, rental housing for employees, a voucher program."

Chair Ortiz said the generic term is meant to encompass something specific, and we haven't discussed a voucher program which gives 30 people \$5,000 per year on rental units, if they qualify. This would be a priority we would adopt if we adopted this particular plan.

Ms. McCormick said the priorities haven't been clearly established for the five-year plan, and this is the broad scope of things. She said the Plan is oriented toward workforce housing initiative, but it would allow a voucher program in that initiative.

Councilor Chavez said he recalls that the program has been about individuals or families purchasing homes, and this goes way beyond that. He said some is workable, but he doesn't know if the revenues and priorities will match.

Chair Ortiz said he was concerned about this, because this Plan, in conjunction with the RETT, tries to rush all of the homework in before the deadline, and to fit everything for every particular group in advance of this particular tax issue. He said we haven't had a ranking exercise for all of these different programs and approaches. He said this really is staffs' hit at accommodating all of these groups, and these programs come out of the Mayor's Homelessness Task Force.

Ms. DePietro said some of these are existing programs, some are proposed, and they come out of the Housing Needs Assessment.

Chair Ortiz asked which ones of the programs and approaches would be brand new and not existing. [Ms. McCormick's response here is inaudible.]

Chair Ortiz said then there are three items which we have experience in doing and are existing and the rest of these programs which we will be funding, most likely from a RETT, will be brand new programs. He thought we had been paying for Habitat for Humanity.

Ms. DePietro said the highlighted items which relate to CDBG are the new allocations which were recommended for this year by the CDC with the new funding for this year. This is an entity which has received funds in the past, but this is a new allocation for 2008/2009.

Chair Ortiz said staff said those highlighted are new programs, but Habitat for Humanity is funded this year, and the transitional work with St. Elizabeth's isn't new, and the Village is the one going to the Housing Trust, and the Recovery Center has been funded in the past.

[Ms. McCormick's remarks here are inaudible.]

Chair Ortiz asked if the deeply subsidized rental housing from the Civic Housing Authority is the redevelopment of the West Alameda. Ms. McCormick said she believes the \$95,000 is for the Community proposed from CDBG.

Chair Ortiz said that isn't 494 units, that's the Hopewell-Mann project. Ms. McCormick said the Hopewell-Mann project is 124 units, and this intended to show the number of public housing units which are owned and managed by Civic Housing.

Chair Ortiz reiterated that if we approve this Plan, we are passing this document as a priority, a listing to which we are committing the City to do these projects. However, you are telling me the deeply subsidized rental housing, 494 units of \$95,000 is really to build a center for the Hopewell-Mann area.

Ms. McCormick said that is an error and should say that is a community center at Hopewell-Mann and distinguish between this and the public housing owned and managed by Civic Housing.

Councilor Chavez said then both resolutions are predicated on the Transfer Tax. Ms. McCormick said there are other sources of funds going into the Trust Fund.

Councilor Chavez asked if the RETT were to pass, how much would it generate.

Ms. McCormick said the estimate is \$1.5 million annually. Responding to Councilor Chavez, Ms. McCormick said there is about \$1 million in the Trust Fund, and that includes the Tierra Contenta land repayment which is the primary source of revenue, as well as some payments from Monte Sereno, repayments on infrastructure loans, and fractional fee payments from the Santa Fe Homes Program. She said the Council hasn't approved any alternative means of compliance programs where we would get a fee-in-lieu, although it has been approved conceptually by the Committees.

Councilor Chavez asked what would the cost be to implement everything on the page [Exhibit "3"].

Chair Ortiz said it really isn't \$6 million, because you have to subtract the amount of funding which will

come from another source, because the City is acting as a pass-through and isn't responsible for that funding.

Councilor Chavez there is also the cost for the buyback and rehabilitation and such.

Chair Ortiz said this is the problem, because this is the only page where we have the costs of programs which we will do for the next two years [Exhibit "3"], unless there is another page with other programs. He said this Plan appears to be built for a particular result dealing with an item we will discuss later in the meeting.

Ms. McCormick said this the community's plan, regardless of the funding source for it.

Chair Ortiz asked about the funding for programs Councilor Chavez just mentioned.

Ms. McCormick said they are in search of funding, which leads to the RETT.

Chair Ortiz suggested that she could just say that the Affordable Housing Trust Fund will take care of it.

Ms. McCormick said there isn't a dedicate revenue stream for the Trust.

Chair Ortiz said there is not a dedicated revenue stream for the new voucher program, yet it is included.

Ms. McCormick said this is a proposal.

Chair Ortiz said this is correct, and if it is adopted, it becomes a priority.

Councilor Wurzbarger said this is exactly the point, noting this has gone through a year-long process which came up with a list of priorities, which are funded in different ways, some are ongoing, others are new. She said this is an entire plan for what we see over the next 24 months. She said when we separate out the specific need for the RETT and tie it to the workforce housing and other new programs it will be more clear. She said this page [Exhibit "3"] will not be used to support the tax.

Chair Ortiz, referring to page 24, said it specifically says the RETT is a source of funding for this particular Plan.

Councilor Wurzbarger said for this discussion, we need to argue about what we do or do not want in the Plan. The Plan is before this Committee on the basis of what the community felt the priorities should be from a year-long process. We should look at the priorities separately from the RETT.

Chair Ortiz said if this is the opportunity to include our priorities, then it seems to him that the rehabilitation program should be included and come up with a cost.

Councilor Wurzbarger asked what is the distinction between Item 5 and the question brought up by Councilor Chavez and Chair Ortiz, saying there is some confusion.

Ms. DePietro said the matrix is a summary of the Action Plans beginning on page 13 of the Housing Plan, and staff prepared this to give a quick look.

Councilor Wurzbarger said her question is whether or not rehabilitation is in the Plan.

Ms. DePietro said it is #5, and it also is outlined more specifically on page 16 of the Plan, page 31 of the packet, entitled Rehabilitation of Existing Housing.

Councilor Wurzbarger said she agrees.

Councilor Chavez said there will be 230 homes at \$460,000, \$210,000 for existing, and \$250,000 for new homes. He asked if the RETT doesn't pass, what can we fund and what are the priorities on this list.

Ms. DePietro said we would be looking at a plan of \$2.5 million after subtracting funds from other sources.

Councilor Chavez said the Park Plan began at \$20 million and then increased to \$30 million, while the survey to the public was for the \$20 million of Park improvements, noting he didn't support the entire park plan.

Chair Ortiz said the comparison between the Parks Plan and this plan is striking, in that the numbers in the Park Plan were the result of a consistent vetting between staff, the public, and the Parks Advisory Committee to decide and determine which priorities would receive some treatment and at what level, noting that was a "give and take," which happened over six months before it went to the Committees. He said there were at least four hearings on the Plan before it was adopted and sent to the public for a vote. Chair Ortiz said here, we are being told this was a Plan introduced a year ago, which went through the stakeholder groups, and then there was one public hearing which was attended by 35 people, and based on that, we are supposed to act on this plan.

Councilor Ortiz said this process is in stark contrast to what was done with the Parks Plan. He said homelessness, like public safety, is a more complex issue than Parks which is pretty clear. He said homelessness, affordable housing and housing in general are a complex set of variables, so he didn't raise this issue himself. He believes this Plan is deficient, and this is our only shot to look at and amend or modify this plan before making a decision on the RETT. He said this is for workforce development, but the funding source will go into the Affordable Housing Trust Fund which is larger than just workforce housing. In some ways, we are selling only half the story to the public on the tax, because the proceeds from the tax, if successful, are going into a fund which will also pay for things such as a new voucher program and other items identified.

Councilor Calvert said the Chair is equating the RETT with the Affordable Housing Trust Fund, but those aren't one and the same thing. He said some of the revenues from RETT will go into the Fund, but those funds will be dedicated specifically to certain items. He said there are sources of funding for some of the other things on the list.

Chair Ortiz said we need to discuss whether it is clearly defined that the proceeds from the RETT will go only for certain things in the Plan and not for other things, noting it doesn't say that.

Councilor Wurzbarger said she will give the Chair full assurance that the purpose of the Workforce Housing Initiative is to go to workforce housing, and the funds will be earmarked only for the Workforce Housing Initiative which is separate.

Chair Ortiz asked if there will be three public hearings on this plan or on the RETT.

Ms. McCormick said the plan is to have the three public hearings on the RETT, but both can be brought for public hearing.

Chair Ortiz asked when there will be a public hearing on this Plan.

Ms. McCormick said staff had not anticipated that there would be a public hearing on this Plan, given all of the public input and work done in the community on the Plan. She said the programs brought forward largely have been done in the community by the City of Santa Fe for many years. She said this Plan is not like a parks plan, because there are multiple issues, multiple funding sources and multiple partnerships which address different portions of the Housing Plan. She said the most glaring miss is in the workforce, and we don't have HUD dollars going into workforce housing initiative which is the reason the RETT has been targeted for that. She said more work can be done to more clearly define this in the chart.

Councilor Chavez asked, of the \$1.5 million to be generated from the RETT, if those funds will be earmarked specifically for one or two things only, period, and none of the other items listed.

Councilor Wurzbarger said she would like a "yes" answer, otherwise she will pull this item.

Ms. McCormick said yes. She said she has been doing this work for a long time, and in housing, the end result is to get people into homes. These things have been designed to work "hand in glove" together. She said, "So, that's why, when you ask me the use for one or two things, I start here. Yes, it's owner occupied or rental housing. Then the next step is for whom. It's for people who work in Santa Fe, who are coming to Santa Fe to work. Then, the next step on that is, and what is the median income that you're going to be targeting your program to. Now, we could make that more clear here. But, the other thing is, so we have to separate two things. A five-year plan is just that, it gives you the opportunity to say this is the outcome, the goals that we're driving for over the next five years. The Real Estate Transfer Tax, however, is designed to go for a much longer period of time than that. So, to have it be focused on providing housing for the workforce feels pretty broad probably from where you're sitting, but from where I'm sitting and looking at stuff, it feels pretty narrow, because things can change with market conditions over time. So, that's where I come from."

Councilor Wurzbarger said her concern, in terms of process, is a sense that we should separate the two. She said we decided to do all three together as a package because she and staff felt it made sense to go ahead in the five-year plan as a context, and not as the total basis for moving forward with finding additional funds, with regard as to how we proceed with providing affordable housing. She said we had

much more input on this than before, with respect to affordable housing, and she wants input from the Committee on this issue, which is a separate issue from the issue of how we fund what it is we are doing.

Chair Ortiz said he didn't work on this, nor was he advised on this plan. He said, with regard to the new voucher program, we are getting into an area which is akin to what the Civic Housing Authority does. This kind of program gets us in a whole other area. He said Santa Fe, in the 40 years he has been living here, has never been involved in this area, and this commits us to a course of action. He wants to know, as a process, when he will have the opportunity to include the program he wants to be in the five-year plan, noting this is the only chance he will get, because there won't be a public hearing. He said without public discussion, he could include a program at a certain amount, and if he can get the votes, that would be in the Plan to be paid by the Affordable Housing Trust.

Ms. McCormick said, "Yes, that's how it was going forward, but if you want to have public hearings on that...and there is a public hearing scheduled on the RETT, but we can put that in."

Chair Ortiz said we are getting into new areas, one of which is a voucher program which was packaged in a different way, but the purpose is still the same, to give \$5,000 to someone at 0-50% of average median income to use to secure housing.

Ms. McCormick said it operates very much like a Section 8 certificate. Responding to the Chair, Ms. McCormick said everything would be done through an RFP, so someone would be administering the voucher program.

Chair Ortiz asked if the administrative costs would be included in the \$150,000, or that would be an added amount on top of that.

Ms. McCormick said, "That would be my intention. That's exactly how the Section 8 program works."

Chair Ortiz asked when the Council decided to spend the monies to develop a new Civic Section 8 Housing Program.

Councilor Wurzbarger said when we adopt this plan. She asked if there is any reason we can't put this item on the Council Agenda as a public hearing, so we could get the input some Councilors would like to have, and continue a discussion of any special program ideas we might have missed during the year-long process.

Chair Ortiz said when the Trust Fund was introduced, its purpose was specific, clear and unambiguous: it was to provide housing. Now it is into this very large, expert-driven product, which encompasses a whole set of goals, but we haven't decided on those goals and the funding of those goals. Responding to Councilor Wurzbarger, Chair Ortiz said the original ordinance, introduced by then Councilor Coss, was to provide housing assistance for public safety employees, period, but this has morphed into something else.

Councilor Wurzbarger spoke about the process for the Parks Initiative, which was to begin with a plan and then we went out and got the money to fund that.

Chair Ortiz said that would make more sense to him.

Ms. McCormick said she has been before the Council on different occasions for different things, including the homeless plan. It was her clear understanding that the Council was interested in housing for the workforce which is the reason for the changes to the Santa Fe Homes Program, and this is in line with that. She said the ordinance he is speaking about, was prior to her tenure with the City. She said at the time this was brought to the Council, she advised that we should have a trust fund, which was fairly broad, which would accomplish outcomes which were in alignment with some of the other initiatives. This is the reason the rehabilitation and green building was included in the Trust Fund Ordinance.

Chair Ortiz said he believed her because she represented that we would have a broad ordinance, but that the administrative regulations for that fund would be specific to the priorities decided by this Council. The only priority he recalls this Council has decided was public safety housing, which is now being called workforce development and it is expanded. In this Housing Plan there is a creep of other programs and priorities which could get access to those funds which are separate and apart from that specific priority.

Ms. McCormick said it has been good to hear what he has pointed out. She said it has always been her intention that there would be a Housing Plan which would be discussed, and out of the Plan the Council would adopt 2-3 priorities, and we would then issue an RFP for those. She said she has been very clear about that. She said what has not been done, is to provide the opportunity or a framework for the Council to decide how to spend the funds for the 2-3 priorities it establishes which would be very narrow.

Chair Ortiz said, in fact, we got the opposite. We got a staff and stakeholder driven product which encompasses a lot of different things with different funding over 1-2 years.

Ms. McCormick said yes, but they would look for the next step which would be for the Council to decide where they want the funds to be spent.

Councilor Chavez said the Trust Fund did begin with a more narrow focus, and things change, and some of these are a work in progress. He said the Council did show support for affordable housing. He said we had an opportunity to put this on the March ballot, but now there is a short window of opportunity, because we want to do it before the next Legislature. He said if this had been on the March ballot, the cost would have been considerably less. He spoke about the cost of a special election.

Ms. Raveling said the last election cost about \$90,000.

Councilor Chavez said he is concerned about this process as well as to how to sell it to the public, as well as what we are committed to doing with the funds this will generate. He doesn't believe this list has been prioritized.

Chair Ortiz said there was an amendment with direction to staff to come up with more specificity on the rehabilitation program.

Councilor Chavez said his concerns were specific to the buyback program and to capture homes already built.

Councilor Calvert asked it would help, for this particular list, if it were to indicate which would be funded if the RETT were to be approved. This would clarify what is being proposed.

Councilor Chavez said we still would be approving a Plan without the funds.

Councilor Calvert said no. He said we approved the parks plan and then the public voted for approval.

Chair Ortiz said the Parks Plan which was approved had dollar amounts specifically tied to the park. He said we now have a plan from the staff saying that money will be spent specifically on items within the plan.

Councilor Calvert said the Parks Plan was contingent on the voters' approval of the bond.

Chair Ortiz said when we get to the RETT, we can make it clear exactly how those proceeds can be spent and on what they cannot be spent, which could bring the clarity he believes it is needed.

FRIENDLY AMENDMENT: Councilor Wurzbarger would like to revise the Plan to show that the Workforce Housing Initiative, the Rehabilitation Green Program and the new Voucher Program are proposed with sources of revenue to be determined, and when this is heard at Council it will be a public hearing. **The friendly amendment was acceptable to the second.**

Councilor Wurzbarger said she understands Items #1 and #2 are all that would be funded by the RETT, and no others. She is concerned that we could be violating the legislation because these haven't been approved through a change to the Affordable Housing Trust Fund. She is open to amendments to add another program to the Plan.

Chair Ortiz asked if this amendment includes her earlier representation that this would also be included for a public hearing at the Council.

Councilor Wurzbarger said it will.

Responding to Councilor Chavez, Councilor Wurzbarger explained her friendly amendment.

Ms. McCormick said she will reorganize the chart [Exhibit "3"], so it shows what funds are in place, and what we would do with more dollars.

Councilor Chavez asked if this includes the detail about the buyback program.

Councilor Wurzbarger said currently there are no funds allocated for buyback because we haven't needed to do that, and suggested that item be added as a category to the list as an option with an estimated cost and indicate that funding is "to be determined."

VOTE: The motion, as amended, was approved on a voice vote [Absent: Councilor Dominguez]

9. **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING CITY STAFF TO DEVELOP A PROGRAM TO REDUCE DISPOSABLE BAG USE (COUNCILOR CALVERT, MAYOR COSS AND COUNCILOR WURZBURGER). (KATHERINE MORTIMER) Committee Review: Sustainable Santa Fe Committee (Approved) April 24, 2008; Public Works Committee (Approved) April 28, 2008; Business & Quality of Life Committee (Approved) May 21, 2008; and Public Utilities Committee (Approved) May 21, 2008**

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

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

10. **REQUEST FOR APPROVAL OF A JOINT RESOLUTION SUPPORTING THE SANTA FE REGIONAL TELECOMMUNICATIONS COALITIONS'S EFFORTS TO ORGANIZE PRIMARY TELECOMMUNICATIONS BANDWIDTH USERS IN THE SANTA FE REGION; AND DIRECTING STAFF TO SUBMIT AN APPLICATION TO THE NEW MEXICO LAMBDA RAIL (COUNCILOR WURZBURGER). (FABIAN TRUJILLO) Committee Review: Business & Quality of Life Committee (Approved) May 21, 2008 and Public Works Committee (Approved) May 27, 2008.**

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

DISCUSSION: Councilor Wurzbarger said at BQL, concern was expressed that we were treating this as a sole source and the only place this could occur would be the Community College, and this was to be corrected to say that was an option, but in approving this, we weren't saying that was the one and only place this would occur.

AMENDED MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve this request with the condition that it is understood that this does not imply that any particular group would be the recipient of this plan.

VOTE: The motion was approved on a voice vote [Absent: Councilor Dominguez].

11. **REQUEST FOR APPROVAL OF A RESOLUTION DESIGNATING THE FOURTH SATURDAY IN JUNE EACH YEAR AS PRIDE ON THE PLAZA DAY (COUNCILORS BUSHEE AND CALVERT). Committee Review: Public Works Committee (Approved) May 27, 2008.**

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

DISCUSSION: Councilor Wurzbarger said there was a long discussion at BQL about this issue, saying it didn't come back to BQL after it was rejected.

Councilor Calvert said this is a change, and not the commercial event, and will be for the park itself, but not the surrounding streets.

Councilor Wurzbarger said then she doesn't have a problem with the Resolution.

Responding to Councilor Chavez, Chair Ortiz said it has been determined there will be no fiscal impact, and this is simply a designation that the fourth Saturday will be Pride on the Plaza Day.

Councilor Chavez believes there will be a fiscal impact in terms of Police overtime and such, and would like staff to determine if there would be a fiscal impact, and if so, to include an FIR by the time it goes to the Council.

VOTE: The motion was approved on a voice vote [Absent: Councilor Dominguez].

12. **REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE USE OF RENEWABLE ENERGY AT THE CITY OF SANTA FE WASTEWATER TREATMENT PLANT (COUNCILOR CALVERT). (NICK SCHIAVO). Committee Review: Public Utilities Committee (Approved) May 21, 2008 and Public Works Committee (Approved) May 27, 2008.**

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

VOTE: The motion was approved on a voice vote [Absent: Councilor Dominguez].

13. **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 9, 2008, AN ORDINANCE AMENDING SECTION 12-6.12.18 OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE 2007 TO REPEAL SUBSECTION (6) REGARDING THE PROHIBITION OF HAND-HELD CELLULAR PHONE USAGE WHILE A VEHICLE IS IN MOTION. (Postponed at Finance Committee meeting of March 31, 2008. Committee Review: Public Safety Committee (Recommended denial of bill) May 20, 2008.**

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

DISCUSSION: Chair Ortiz said he received a media alert from Carla Lopez at the City, saying the City now is going to enforce the Cell Phone Ordinance. He asked what has been done since the media alert.

Councilor Calvert said when there was a question about repealing it, he believes enforcement activity decreased. He said there are studies which have shown that cell phone usage is a distraction, a hazard and causes accidents. He wants to keep this on the books.

Councilor Chavez wants to keep it on the books as well, and suggested staff could say there would be a more consistent or concentrated effort to enforce this Ordinance as well as other traffic laws. He said there is still a debate as to whether it is the conversation or the device itself which is the problem.

Chair Ortiz asked if it is a media policy to issue media alerts saying we are going to enforce something which has been on the books for years. He said we are letting the public know we are going to enforce a law which should have been enforced from the beginning. He has been barraged by people for and against the cell phone issue. He agrees that driving with a cell phone is a distraction, but the distraction happens whether or not you are holding the phone or have an earpiece. He said trying to eat a breakfast burrito during rush hour is a distraction, but there is no law against that. He said driving while applying makeup or doing other things such as combing or brushing the hair is a distraction while driving. He said anything which diverts the driver's attention from the road is a distraction. His question is whether the cell phone law the first of many different components on what will be a Napoleonic Traffic Code, with every particular offense being citable. Or, instead say that driver inattention is driver inattention whether it is a cell phone in your hand or through an earpiece, or eating a burrito, or putting on makeup. He said there was a one-year review when the Ordinance was adopted. He said we didn't have much data at the time.

Councilor Ortiz said this law, like others, is on the books, but not enforced because the police have other pressing issues. Do we want to keep this law on the books with others which are enforced depending on when the Police Department and the City decide to enforce, or should we call it what it is: driving inattention, and say that driving while talking with a handless device is just as hazardous as driving with it in his hand. He said a respected psychologist told him that people can't concentrate on two things at once. He believes we need to give this more thought, and doesn't believe this law gets to this issue.

Councilor Wurzbarger said she agrees with much of what Chair Ortiz has said. She was hoping that this would provide the opportunity to talk about the variety of issues, and believes it is worth revisiting this issue. She questioned why we keep doing the same thing over again if it doesn't work. The question is whether there is a better way to do this, and the reason she supports the opportunity to discuss this.

Chair Ortiz said the Police Department did not have records of citations for cell phones this year as compared to straight driver inattention citations, and if we had that information we could have a more fruitful discussion.

Councilor Chavez said there are other activities in the ordinance which are prohibited while driving, all of which are hard to enforce. He said he would like to keep this on the books, and to enforce it. He said we haven't had a lot of help from the public in this regard.

Councilor Calvert said there were statistics available. He said during his ride-along, the officer issued two citations for cell phone violation. He said, for example, driving with an animal in your lap is just as distracting. He said the thing about the hand held phone is the texting being done while driving which is more distracting than just listening.

Chair Ortiz said this went to Public Safety, and according to the Chief, some of the information requested was not kept by the Department. He would like those Public Safety Committee minutes for this discussion to be attached as this moves forward.

VOTE: The motion failed for lack of a majority vote, with Councilors Calvert and Chavez voting for the motion, Chair Ortiz and Councilor Wurzbarger voting against, and Councilor Dominguez absent.

Responding to Councilor Calvert, Chair Ortiz said he understood the Charter Amendment allowed the Mayor and Chair to vote. He said he will withdraw his vote pending information on whether or not the Chair can vote. **The motion to deny was approved, subject to information from the City Attorney on whether the Chair's vote counts.**

MOTION: Councilor Wurzburger moved, seconded by Councilor Chavez, to send this forward without recommendation.

VOTE: The motion was approved on a voice vote [Absent: Councilor Dominguez].

14. **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 9, 2008, AN ORDINANCE AMENDING SECTIONS 22-9.1, 22-9.7 AND 22-9.10 SFCC 1987 REGARDING INDUSTRIAL PRETREATMENT REGULATIONS AND PROCEDURES (COUNCILORS DOMINGUEZ, CALVERT AND TRUJILLO). (COSTY KASSISIEH). Committee Review: Public Utilities Committee (Approved) May 21, 2008.**

This item was postponed to next meeting until it can be heard by Public Works.

15. **REQUEST FOR APPROVAL OF A RESOLUTION DESIGNATING THE LAND USE SUBCOMMITTEE, A SUB-COMMITTEE OF THE PUBLIC WORKS/CIP & LAND USE COMMITTEE (COUNCILORS WURZBURGER AND BUSHEE). (JACK HIATT) Committee Review: Public Works Committee (Approved) May 27, 2008.**

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

DISCUSSION: Chair Ortiz said this subcommittee is going to be tasked, on a very short time frame, particularly to implement items from the Audit.

VOTE: The motion was approved on a voice vote, with Councilors Calvert and Wurzburger voting for the motion, Councilor Chavez abstaining and Councilor Dominguez absent.

PROPOSED RESOLUTIONS AND ORDINANCES: (WITH FISCAL IMPACT)

16. **ADOPTION OF NEW FEES FOR BUILDING PERMITS, DEVELOPMENT REVIEW AND ADMINISTRATION:**
 - A. **REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW FEES FOR PLAN REVIEWS, BUILDING PERMITS, SECONDARY MECHANICAL PERMITS, SECONDARY PLUMBING PERMITS, SECONDARY ELECTRICAL PERMITS, GRADING PLAN REVIEWS, GRADING PERMITS, AND SIGN PERMITS (COUNCILOR WURZBURGER). (JACK HIATT)**

- B. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW FEES FOR DEVELOPMENT REVIEW APPLICATIONS SUCH AS ANNEXATION REZONING SUBDIVISION, DEVELOPMENT PLANS, SPECIAL EXCEPTIONS, VARIANCES, APPEALS, CODE AMENDMENTS, ETC., SUBMITTED TO THE LAND USE DEPARTMENT. (COUNCILOR WURZBURGER). (JACK HIATT)
- C. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING NEW ADMINISTRATIVE FEES FOR OPERATIONS OF THE LAND USE DEPARTMENT (COUNCILOR WURZBURGER). (JACK HIATT)

Committee Review: Public Works Committee (Approved) May 27, 2008.

Items A, B and C were combined for purposes of discussion and presentation, but were voted on separately.

A copy of LUD FTE Timeline and Performance Standards is incorporated herewith to these minutes as Exhibit "4."

A copy of the text of a power point presentation "Land Use Proposed Fee Increases," is incorporated herewith to these minutes as Exhibit "5."

A copy of "Amended 6/2/08 – Proposed Fee Changes for Building Permits" is incorporated herewith to these minutes as Exhibit "6."

A copy of "Amended 6/2/08 – Proposed Fee Changes for Development Review Applications," is incorporated herewith to these minutes as Exhibit "7."

A copy of "Amended 6/2/08 – Proposed Fee Changes for Administrative Operations of Land Use Department," is incorporated herewith to these minutes as Exhibit "8."

Mr. Hiatt said this request was approved by the Public Works and BQL Committees and the Planning Commission.

Chair Ortiz noted there are no conditions of approval on the action sheet from Public Works, and asked what those were.

Councilor Calvert said it was basically to provide performance standards and timetables.

Responding to the Chair, Mr. Hiatt said those were handed out this evening.

Councilor Chavez asked where the business license fees are in this mix.

Mr. Hiatt said those are not a part of the revenue sources.

Ms. Raveling said the business license fees are set by statute, so Legislative action would be needed to change those.

MOTION: Councilor Wurzburger moved, seconded by Councilor Calvert, to approve Item A the request for approval of a Resolution adopting new fees for plan reviews, building permits, secondary mechanical permits, secondary plumbing permits, secondary electrical permits, grading plan reviews, grading permits, and sign permits.

DISCUSSION: Councilor Wurzburger said we wanted to know how many days it would take to do a particular item, and performance measures related to that. She said this has been added in the material Mr. Hiatt handed out. She would like the Department to continue to expedite over the counter approvals.

Councilor Chavez asked Mr. Hiatt if he is tracking permits from the issuance of the building permit to the Certificate of Occupancy.

Mr. Hiatt said he doesn't believe the Department does a good job of tracking statistics, and there are a few areas where they can. He said there isn't a particularly good system to do follow up, commenting that generally the follow-up is done by the applicant.

Councilor Chavez said there needs to be performance standards on the front end and all the way through the system, commenting he is unsure how that will be addressed.

Councilor Wurzburger said a flow chart showing the process and timeline would be beneficial in this regard. She thinks Mr. Hiatt can develop something like that as a deliverable.

Mr. Hiatt said he has tried this on a number of occasions, and he has seen those flow charts with the time attached to them, and how they should go. He said he is moving, once again, in this direction, and revising the processes every day. He said, with regard to Historic, the 6th person he is trying to hire is the new Director of the Historic Design Review Division, which he believes will make a big difference in Historical. He is also adding another Planner and Inspector which he believes will make a big difference. He said it is designed to fix the problem and doing a triage of all the problems.

Councilor Chavez asked if there is a history of when these fees were previously increased, and are there any trends we're following, comparisons being used and if this information is being included in a matrixes.

Mr. Hiatt said he hasn't been using matrixes, but they have been comparing against other cities in New Mexico which demonstrate that our fees are high, but low compared to Boulder, Colorado. He said the permit fees were adjusted in 2001, the development review fees in 2001 and the administrative fees in 2001, so we are years behind in this process.

Responding to Councilor Chavez, Ms. Cortez said, with regard to the annexation fees, the current fee is by the size of the development – \$250 for less than an acre. They are proposing to change that to \$1,000 for less than an acre on an annexation.

Councilor Chavez said then we do have a fee chart and schedule we've been using and we're proposing to increase in those areas. Ms. Cortez said this is correct.

Councilor Chavez said in the area of annexation and rezoning, we may not be able to find comparables because this is a hybrid in a sense.

Mr. Hiatt said this is correct, and he has tried to use comparables where it makes sense for various types of fees in other jurisdictions. He said he believes that has been exhausted.

Councilor Chavez asked if there is language that says we will amended this in a year, rather than waiting for another five years.

Mr. Hiatt said no, they are going to phase in the hirings based on communication with the Finance Department as the revenues increase. In January, he will assess whether or not the lasting effects of the recession have passed, or are passing, and whether the revenue projections for the increased fees are producing the anticipated revenues. He said, if so, he is unsure a fee increase would be necessary in a year, but he is sure we won't wait 5-7 years again to do an increase.

Councilor Chavez asked if the fees need to be changed by ordinance instead of resolution.

Chair Ortiz said we have always increased fees by resolution, because they are easier to amend than an ordinance. Once the resolutions are adopted, the fees would go into effect.

Ms. Price said the fees are part of an ordinance in the Code which provides that fees are to be reviewed on a regular basis.

Councilor Calvert said he appreciates staff's efforts on this. He said the performance standards are progressive, depending on the phasing. He has a concern about the lack of inspectors, and asked if some inspectors could be hired into the first phase.

Mr. Hiatt said the Division Directors and supervisors met numerous times to prioritize the staff in terms of need. He understands the inspector needs very clearly, but these were prioritized in terms of what they thought the needs were. He can rearrange the staff any way the Council directs. However, in terms of crisis, the positions are included in red to indicate the seriousness of the need just for the ongoing operations. He can relook at this and see if inspectors can be moved up.

Councilor Calvert said the complaint he receives from the public is in regard to the lack of inspectors, and certain types of inspectors are needed more than others. He understands the process, but this is his input from his perspective.

Chair Ortiz said this addresses some of the needs which have been identified. He said the last time permit fees were increased was in 2003. If we look at the current fees, and did a calculation based on the inflation rate, we wouldn't get anywhere near these numbers on any of the requests. He said with regard to that particular point as a justification, he finds it flawed. He said this is creating positions either for

people already in the department or to lighten the burden of some people who may not be efficient.

Councilor Ortiz said one of his hopes for the new Subcommittee is that efficiencies will be identified. He said in Item C, we start charging people to come in and meet. His expectation is, in charging from \$50 to \$100 just to request something, that staff doesn't just sit on those requests, or do little to no action. He said we are asking people to pay for something before we actually start to move, and asked if other communities have these kinds of charges for meetings. He said if staff asks someone to change plans or do something, they won't be charged for that.

Ms. Cortez said this is correct. She said staff came up with the amount for the meetings for ENN and such, based on the amount of staff hours it takes after regular hours of a regular 8:00 a.m. to 5:00 p.m. work day. She noted many of these meetings happen after hours, so it takes overtime to compensate the individual, and the reason for the additional fees where there currently is no charge.

Chair Ortiz asked if other communities charge for these kinds of fees.

Ms. Cortez said they didn't do a comparison on that, but they can do so. Responding to the Chair, Ms. Cortez said the staff came up with the numbers.

Chair Ortiz said we didn't discuss this request in detail during the budget process. He said he doesn't know why we need to give a Division Director position for Historic, or what it would give the public to have this position. He recalls the rationale for this position came from the Old Santa Fe Association which was that the Historic District basically deserves it, and in addition that they need someone with more political expertise or more gravitas when they are addressing us and the H-Board. He finds this ridiculous, and asked how we can improve the H-District functions by creating another manager.

Mr. Hiatt said he believes a division needs a director. He believes it is important for management in general, leadership and the day to day work and operations of the Division. He understands that we need more people doing the work, rather than more managers. However, this is one place where he might differ and believes that a manager is needed to supervise the people and functions just as in any other Division. Responding to the Chair, Mr. Hiatt said the Division Director would be supervising seven positions, once the two new positions are hired.

Responding to the Chair, Mr. Hiatt said he is saying that two of the first six positions need to go to Historic One is the Property Manager, which really is more than a full time position, another position is the person who tracks the financial guarantees, and the third is the temporary position in WBAO. He said one person is struggling to handle WBAO while the other is on maternity leave.

Responding to the Chair, Mr. Hiatt said there is a need in WBAO for two positions, noting currently there is one and a temporary position. He wants to make that temporary position a full time position.

Chair Ortiz said if we are going to increase costs, we need to increase the service. He said Land Use is the one Department where there has been progress, but more progress needs to be made. He said people are dissatisfied when they have to run through the "maze" at the Land Use Department. He said

we have to show the public that the process will be quicker, more efficient and more reliable when increasing fees. He said nothing in the plan talks about having a better Land Use Process and guarantees better service.

Mr. Hiatt said during the budget process, the City Manager spoke about the "lean process," and how we're beginning to move into the lean process. He said they are meeting on this and Land Use, in particular, will be the poster child for this particular process. He said in addition to what efficiencies and performance standards are improved by the people who are hired as the result of the fee increases, concomitantly we will be looking at how to improve the processes and will be starting in inspections and enforcement. He said at this point, he couldn't begin to give some sort of guarantee about the improvement as the result of the lean process which will do exactly what the Chair and Councilor Calvert have suggested for some time.

Chair Ortiz said the request was made two years ago to develop a process, such as others in New Mexico have done, which provides relative certainty for people beginning the process: when the process should be finished and the relative number of "hoops" they have to come through to get through the process. Some of this has been done, but we need more work in that area before we do this expansion. He asked if there really is a problem with inspections or is it the work use of current inspectors, and asked if this analysis been done.

Responding to the Chair, Mr. Hiatt said it has been heard by the Santa Fe Association of Homebuilders, the Historic folks and people with whom the Department interacts on a routine basis.

Chair Ortiz commented that these are stakeholder groups, and asked who from the public has been involved in looking at this proposal.

Mr. Hiatt said he has asked a lot of people who come into the office, although there haven't been public hearings, commenting that he does not believe the Chair's expectations are unreasonable, but it is a question of which comes first. He said they are now staffed at the level they should have been 10 years ago, pointing out that things have grown since then. He said there are more expectations of the Department as the result of the new annexations which will happen.

Chair Ortiz said the number of permits processed, however, has stayed relatively the same. He asked how things have changed, from 2003 when the City adopted the Water Budget and the last change to the fees.

Ms. Cortez said in the handout from the power point presentation [Exhibit "5"], there is a graph of building permits issued. Responding to the Chair, Ms. Cortez said this is the information which was requested by the Public Works Committee, and this is what is being presented at this time to that Committee. She said the graph indicates that the permits are relatively the same until this year.

Responding to the Chair, Ms. Cortez said the estimates were based on 1/3 of the year, noting we will be lower this year than last year in most places, other than the residential alterations and repairs. She said the permit process and the inspections and processes for alterations, repairs and additions seem to take more time than new construction, commenting that it is a lot more complicated. She said even though they aren't raising more permits, it is still as time consuming, if not more, for plan review as well as inspections.

Chair Ortiz said certain buildings and contractors have told him they would be okay with an increase if they could be assured that things would be timely done on projects.

Ms. Cortez said she spoke with some of the general contractors in the area who said they don't mind paying more as long as they get the service, because they see a savings because they wouldn't be paying additional monies on their loans. Responding to the Chair, Ms. Cortez reiterated that she has shown the amended charts to contractors and they are willing to pay those amounts, based on the improvement of performance standards and efficiencies.

Responding to the Chair, Mr. Hiatt said the information [Exhibit "4"] has been generated since the past Public Works hearing, noting he added a timetable to the information which previously was provided to the Committee.

Chair Ortiz said of all City Departments, the Planning & Land Use Department, has demonstrated the greatest amount of improvement in the current administration. He his criticism is of the concept to increase fees to spend money, and in this economy this isn't what he would propose. He would like to first see the proposed program and projected costs, and then talk about funding that program. He said this approach is being taken by other departments, and he is having a negative reaction to that.

Councilor Wurzbarger said she understands the need to be able to show something for increases. However, given where this Department is now, where it has been, and given that there are measurable objectives, she is supportive. She said since the Subcommittee has been formed, we should move forward with this, and make it part of their responsibility to ensure that the Department is meeting its performance standards, and report back to the Committee.

Chair Ortiz said, although he has no problem with the people in charge of the Department or those on the new Subcommittee in developing the standards, he believes this is "putting the cart before the horse."

Councilor Wurzbarger said she would not have continued to support this if Mr. Hiatt hadn't been able to talk as he has about, for example, the special permit inspections, which is key.

Chair Ortiz said, for example, with regard to position #18, Interim Inspections can be accomplished within three days instead of one week which is good. However, we get to that performance standard only after positions #1 through #17 have been filled. He has faith that staff will continue to do work, whether or not this is funded, and that the Subcommittee, given the task, will develop the performance standards which this Committee could accept and possibly fund. He said this is an ambitious increase in fees across the board, and this charges people for making requests, going to meetings, doing an address request, getting a flood zone determination letter. He said if this were privately run, these charges might be reasonable and responsible. He noted that \$150 per hour is approaching those for paralegals.

Chair Ortiz said we are being asked to adopt this because it is the only way they can get funding for these personnel. He will be voting against this request, commenting that he hasn't "nit-picked" the proposal, although he could do so.

VOTE: The motion was approved on a voice vote, with Councilors Wurzburger, Calvert and Chavez voting for the motion, Chair Ortiz voting against, and Councilor Dominguez absent.

MOTION: Councilor Wurzburger moved, seconded by Councilor Chavez, to approve Item B, the request for approval of a resolution adopting new fees for development review applications such as annexation rezoning subdivision, development plans, special exceptions, variances, appeals, code amendments, etc., submitted to the Land Use Department.

VOTE: The motion was approved on a voice vote, with Councilors Wurzburger, Calvert and Chavez voting for the motion, Chair Ortiz voting against, and Councilor Dominguez absent.

MOTION: Councilor Chavez moved, seconded by Councilor Wurzburger, to approve Item C, the request for approval of a resolution adopting new administrative fees for operations of the Land Use Department.

DISCUSSION: Chair Ortiz said we are going far afield here, and if someone calculated the hourly rate proposed to be charged, we are charging attorney, land/use consultant rates on some of the time it takes to do these things.

Councilor Wurzburger asked, for 16(C), the meetings, what is the projected income, for the new fees.

Mr. Hiatt said 90% of the money will come from permits, so this is less significant in development review.

Councilor Wurzburger said she would like to hold this piece for two weeks, so we can understand the financial implications and that we are charging for meeting requests.

MOTION TO POSTPONE: Councilor Wurzburger moved, seconded by Councilor Chavez, to postpone this request to the next meeting.

VOTE: The motion was approved on a voice vote [Absent: Councilor Dominguez].

17. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO SOLICIT NAMES FOR THE CITY'S SANGRE DE CRISTO WATER COMPANY BUILDING (COUNCILOR BUSHEE). (GARY MARTINEZ). Committee Review: Public Works Committee (Approved), May 27, 2008.

MOTION: Councilor Wurzburger moved, seconded by Councilor Chavez, to approve this request.

VOTE: The motion was approved on a voice vote [Absent: Councilor Dominguez].

**18. REQUEST FOR APPROVAL TO PUBLISH NOTICE ON MAY 28, 2008 FOR PUBLIC HEARING ON JUNE 25, 2008, AN ORDINANCE CREATING ARTICLE 18-19 OF THE SANTA FE CITY CODE ESTABLISHING THE WORK FORCE HOUSING INITIATIVE (COUNCILOR WURZBURGER, MAYOR COSS AND COUNCILOR ROMERO). (KATHY McCORMICK).
Committee Review: Public Works Committee (Approved) May 27, 2008.**

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

DISCUSSION: Chair Ortiz said he believes three things need to be in place before this tax can be put to the voters. We need to know exactly much money will be raised, commenting he believes the estimate is too large and we need a plan for expenditures. He received an email saying that people on the Homeless Task Force believe some of this money will pay for some of the initiatives which were requested in the Task Force Report, so there is confusion about this. He said the third is that he believes we are rushing to do this for strategic and tactical purposes, with the argument that we have to do it now or our local autonomy would be taken away. He believes that is speculative. He does not believe it will be taken away, in large part, because the primary sponsor of the preemption language won't be back to the Legislature. He doesn't believe this tax needs to be done in a quick "let's beat the rush," approach. He said the \$90,000 cost of the election would hire a policeman. If we are holding a special election, it would be nice if we had other measures on the ballot as well.

Chair Ortiz pointed out that we need to be absolutely confident that the legal opinion from the City Attorney is valid, and there is no ability to sustain a lawsuit against the City based on the current statutory construction. He said this looks like an excise tax, noting municipalities are prohibited from imposing an excise on real estate. Legal question #2 is that we need to provide a sufficient nexus between the basis for this tax and the results that we are going to obtain. He said we need better findings for the reasons we are taxing houses above \$650,000 and not others, or it is subject to a legal challenge. He would have voted against publishing the Notice at Council on Wednesday if he had been attendance. He said he looks forward to the amendment that this tax will be used exclusively for workforce housing.

FRIENDLY AMENDMENT: Councilor Wurzburger would like to amend the motion to be very clear that the proceeds will be exclusively for workforce housing, the green rehabilitation program and the buyback program. **The amendment was friendly to the second.**

Councilor Calvert said on page 8, 1-7, the language clearly says how the proceeds will be used.

Chair Ortiz said that provides it will be "deposited into the Affordable Housing Trust Fund, to be used only for the following types of affordable housing projects or programs, provided that the assistance is related to workforce housing initiatives." He reads this as permissive, not as restrictive.

Councilor Wurzburger agreed, saying this is the reason she is adding the restriction to the motion.

Councilor Chavez said he wants to be clear that this tax will be only on residential property, and not commercial.

Councilor Wurzburger said this is correct.

Councilor Chavez asked if this includes sales in subdivisions which are on City utilities outside the City.

Councilor Wurzburger said no, we can't do that.

Responding to Councilor Chavez, Ms. McCormick said the buyer pays the tax.

Councilor Wurzburger said although the ordinance provides that the buyer pays the tax, who pays the tax could be negotiated between the buyer and seller.

Chair Ortiz said we can't fault staff for trying to implement new projects. However, we are embarking on a whole new endeavor here, noting there is no such tax anywhere else in New Mexico. He said the City has been the first in many things, and we have always been aware that when we do that it comes at a cost. He asked, if the tax were to pass, what would be the cost to collect the tax.

Ms. McCormick said staff estimates 15% of the collected funds for the necessary staff to oversee the program, which would be two staff persons. Responding to the Chair, Ms. McCormick said this was in the former ordinance as a limitation of the amount which could be used for administrative fees, and she would recommend including something in the ordinance.

FRIENDLY AMENDMENT: Chair Ortiz suggested adding language to page 8, Item (C) to provide that one of the purposes of the tax will be the administrative cost to administer and/or enforce the program. **The amendment was friendly to the maker and second.**

Councilor Chavez believes there should be a FIR, because it will cost \$90,000 for the special election and that information should be in the packet.

Ms. McCormick said she thought there was an FIR in the packet, because Ms. Price worked with her on an FIR and it should be in the packet.

Chair Ortiz would like an FIR attached to this request by the Council meeting.

CLARIFICATION THAT THE MOTION INCLUDES THE AMENDMENTS FROM PUBLIC WORKS.

Councilor Wurzburger said it does.

Chair Ortiz said the amendment is for the purpose of supporting the City's adopted five-year Strategic Housing Plan.

Councilor Chavez noted there are two amendments.

Chair Ortiz said the amendments would, in some ways, work against the clear direction which was given.

Councilor Wurzbarger said, given that we modified the Plan tonight in the previous motion, she believes we are all consistent with the Plan and doesn't believe that would be a problem. She agreed that the Plan adopted by Public Works would be a problem.

Chair Ortiz said the Motion as proposed by Councilor Wurzbarger specifically doesn't include Amendment #1 from Public Works.

CLARIFICATION OF AMENDMENTS TO THE MOTION FROM PUBLIC WORKS: Councilor Wurzbarger said her amendment supercedes Amendment #1 from Public Works, and she would accept the other three amendments which she accepted at Public Works, on the condition that they do not contradict with the lengthy discussion we have had with respect to the priorities.

VOTE: The motion, as amended, was approved on a voice vote, with Councilors Calvert, Chavez and Wurzbarger voting for the motion, Chair Ortiz voting against and Councilor Dominguez absent.

CONSENT CALENDAR DISCUSSION

19. BID OPENINGS:

- A. BID NO. 08/32/B – WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT CONSTRUCTION CONTRACT; RMCI, INC. (BRYAN ROMERO)**
 - 1. REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**

Councilor Calvert asked if there are funds in addition to what is in the BAR which total \$10.6 million.

Mr. Romero said there was a 10% contingency which was budgeted, but not used, from the previous project which will be added to the \$10 million.

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

VOTE: The motion was approved on a voice vote [Absent: Councilor Dominguez].

- 38. REQUEST FOR APPROVAL OF 2008/2009 1% LODGERS' TAX FUNDING RECOMMENDATIONS – ARTS COMMISSION COMMUNITY ARTS PROMOTION PROGRAM (RFP #08/10/P) TEN (10) VARIOUS VENDORS. (DEBRA GARCIA Y GRIEGO)**

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

VOTE: The motion was approved on a voice vote [Absent: Councilor Dominguez].

40. REQUEST FOR APPROVAL OF AMENDMENT NO. 12 TO PROFESSIONAL SERVICES AGREEMENT – NORTH RAILYARD INFRASTRUCTURE IMPROVEMENTS; SANTA FE RAILYARD COMMUNITY CORPORATION. (FRANK ROMERO)
A. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – RAILYARD INFRASTRUCTURE FUND.

Councilor Wurzburger asked why the City is funding an Events Coordinator.

Mr. Romero said the current agreement with the SFRCC provides it is responsible for handling events at the Railyard. He is working on the measures to set up the policies and procedures, which will be brought to the Committee for approval soon. It is hoped the fees will cover all of these costs. He said this is to cover the remainder of this fiscal year.

Councilor Wurzburger asked why the City is funding the function of Events Coordinator.

Mr. Romero said currently, Barbara Lopez is doing this for all of the City parks, and that function will be required to be done at the Railyard. The current agreement with the SFRCC, the City has given that responsibility to the SFRCC.

Councilor Wurzburger reiterated her question: Why is the City funding a position for which we have given responsibility to the SFRCC.

Richard Czoski said the agreement with the City provides that the City would separately fund those functions related to the management of the events, and furthermore, it is for what happens on the conservation easement.

Chair Ortiz said the Agreement says it's our responsibility to fund this position, but it doesn't say it is our obligation to give money to the SFRCC.

Mr. Czoski said the Agreement states that it is in their scope of work to do it and the City will fund the work separately.

Councilor Wurzburger would like to see that language before the Council meeting.

MOTION: Councilor Wurzburger moved, seconded by Councilor Calvert, to move this item forward with no recommendation, with the caveat that the specific language for the City to fund this is available by the City Council meeting.

VOTE: The motion was approved on a voice vote, with Councilors Wurzburger and Calvert voting for the motion, Councilor Chavez voting against and Councilor Dominguez absent.

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

44. REQUEST FOR APPROVAL OF RECOMMENDATION OF 2008/09 CDBG ANNUAL ACTION PLAN. (MELISA COLLETT) (Postponed at Finance Committee meeting of May 19, 2008.

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

DISCUSSION: Chair Ortiz said he would still like to take funds from the Housing Trust and give it to Homewise, but he thought that was a function of the budget. He thought what we were doing here is to wait for the audit of the two firms before making a decision.

Councilor Wurzburger said that was her concern, but timewise, it doesn't work, so she wants to move this forward and recognize we can still look at the Chair's question. Responding to the Chair, Councilor Wurzburger said they are doing the audit, but we won't have the report in time to look at it before this matter has to be acted on.

Chair Ortiz said Councilor Wurzburger had convinced him that if we were to take money from one entity or another, the best way to do this would be looking at an audit which compares the work of the Housing Trust and Homewise. If there is overlap, the City then can determine which is the most efficient operation, and give funds to the more efficient operation.

Responding to Councilor Wurzburger, Ms. McCormick said the audit starts on Monday, will be complete by next Friday, with final results by the first Council meeting in July, and it can be brought to this Committee as well.

Ms. Collett said this has to go to a public hearing and that is the purpose of the Notice, noting they won't receive the audit in time for the next Council meeting.

Chair Ortiz said he understands this Committee will have a report on the audit at the first meeting in July.

VOTE: The motion was approved on a voice vote [Absent: Councilor Dominguez].

45. REQUEST FOR APPROVAL OF PROPOSED BUSINESS PLAN FOR TINO GRIEGO TALENT POOL CENTER. (KATHY McCORMICK)

This item was postponed to the next meeting of the Committee.

46. OTHER FINANCIAL INFORMATION:

A. REPORT ON CITY OF SANTA FE INVESTMENT PORTFOLIO AS OF MARCH 31, 2008. (HELENE HAUSMAN)

Helene Hausman reviewed the information in the Committee packet.

B. UPDATE ON LODGERS' TAX FOR APRIL 2008. (KATHRYN RAVELING)

Ms. Raveling said the Lodgers' Tax was up last month, and just over 2% overall.

47. MATTERS FROM THE COMMITTEE

Councilor Calvert said, regarding the Memo from Ms. Raveling, we should schedule that on the agenda as soon as possible to look at it from a budget and strategic planning viewpoint.

Chair Ortiz suggested inviting all previous Finance Committee Chairs to the next meeting which will be Ms. Raveling's last meeting before she retires.

Chair Ortiz would like to schedule the Police Department on the next agenda for their organizational chart, and he wants them to start tracking the amount of overtime and their vacancies in some sort of spreadsheet format, so we can see the progress.

Chair Ortiz said in the future we may be hearing from departments once a month for some kind of review. If Councilors have Departments of concern and want to see additional information, please let him know.

48. ADJOURNMENT

There being no further business to come before the Committee, and the Committee having completed its Agenda, the meeting was adjourned at 8:45 p.m..

Matthew E. Ortiz, Chair

Reviewed by:

Kathryn L. Raveling, Director
Department of Finance



Melessia Helberg, Stenographer