



Agenda

Finance Committee Meeting
October 20, 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:

SEPTEMBER 29, 2008

CITY CLERK'S OFFICE

DATE 10-17-08 TIME 3:20

SERVED BY Islandia Green

RECEIVED BY [Signature]

MATTERS FROM THE COMMITTEE:

6. UPDATE ON CURB RAMP SUMMARY – CIP ADA IMPROVEMENTS (CHRIS ORTEGA)

PROPOSED RESOLUTIONS AND ORDINANCES: (WITH FISCAL IMPACT)

7. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING A TASK FORCE TO RESEARCH, STUDY AND RECOMMEND ALTERNATIVES TO THE CITY'S ALARM SYSTEM ORDINANCE, ARTICLE 21-25 SFCC 1987; AND TO RECOMMEND A PROPOSED ORDINANCE THAT WOULD RESULT IN FALSE ALARM REDUCTION (COUNCILOR CALVERT) (POLICE CHIEF ERIC JOHNSON)

Committee Review:

Public Safety Committee (Scheduled)

City Council (Scheduled)

October 21, 2008

October 29, 2008

CONSENT AGENDA:

PROPOSED RESOLUTIONS AND ORDINANCES: (WITH NO FISCAL IMPACT)

8. REQUEST FOR APPROVAL OF A RESOLUTION WAIVING DEVELOPMENT REVIEW FEES AND BUILDING PERMIT FEES FOR AFFORDABLE HOUSING CERTIFIED BY THE CITY'S OFFICE OF AFFORDABLE HOUSING (COUNCILOR WURZBURGER) (JEANNE PRICE)

Committee Review:

City Council (Scheduled)

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9. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE UNITED STATES CENSUS BUREAU BY CREATING A CENSUS 2010 “COMPLETE COUNT COMMITTEE” TO PROVIDE THE CITY WITH ASSISTANCE AND ADVICE IN OBTAINING THE MOST ACCURATE AND COMPLETE POPULATION COUNT IN THE UPCOMING DECENNIAL CENSUS (MAYOR COSS) (JEANNE PRICE)

Committee Review:

Mayor’s Youth Advisory Board (Scheduled)
City Council (Scheduled)

October 21, 2008
October 29, 2008

PROPOSED RESOLUTIONS AND ORDINANCES: (WITH FISCAL IMPACT)

10. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-8.10(A) SFCC 1987 TO PERMIT CITY BANNERS COMMEMORATING THE 400 YEAR ANNIVERSARY OF THE FOUNDING OF LA VILLA REAL DE LA SANTA E DE SAN FRANCISCO DE ASIS (COUNCILORS TRUJILLO, BUSHEE, DOMINGUEZ, ROMERO AND CALVERT) (JACK HIATT)

Committee Review:

Historic Design Review Board (Approved w/amendments)
Planning Commission (Approved)
Public Works Committee (Approved)
City Council (Request to Publish – Scheduled)
City Council (Public Hearing)

September 9, 2008
October 2, 2008
October 7, 2008
October 29, 2008
December 10, 2008

11. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – PLANT MIX BITUMINOUS AGGREGATE FOR LOCAL STREETS FOR STREETS AND DRAINAGE DIVISION; ESPANOLA TRANSIT MIX (DAVID CATANACH)
12. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – INSTALLATION OF TRAFFIC SIGNAL VEHICLE DETECTION LOOPS AT VARIOUS STREET INTERSECTIONS; BIXBY ELECTRIC, INC. (RICK DEVINE)
13. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – ADMINISTER AND SCHEDULE MEETINGS FOR AFFORDABLE HOUSING ROUNDTABLE; ENTERPRISE COMMUNITY PARTNERS (KATHY MCCORMICK)
14. REQUEST FOR APPROVAL OF AGREEMENT – RUGBY FIELDS PHASE II – ELECTRICAL POWER SUPPLY; PUBLIC SERVICE COMPANY OF NEW MEXICO (MARY MACDONALD)



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15. REQUEST FOR APPROVAL OF GRANT CONTRACT – REALLOCATION OF ANNUAL ACTION PLAN FOR CDBG 2008/2009; TRIANGLE DISTRICT GROUP (MELISSA COLLETT)
16. REQUEST FOR APPROVAL OF FIRST AMENDMENT TO CAPITAL COOPERATIVE AGREEMENT – LEGISLATIVE APPROPRIATIONS FOR VARIOUS CITY PROJECTS; NEW MEXICO DEPARTMENT OF TRANSPORTATION (DAVID CHAPMAN)
 - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND
17. REQUEST FOR APPROVAL OF NON-EXCLUSIVE LICENSE AGREEMENT – DAILY STATECOURT CITY TOURS AT SANTA FE RAILYARD OFF MARKET STREET; CITY DIFFERENT TOURS (DAVID CHAPMAN)
18. REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – PLANNING, RADAR SITE CONSTRUCTION, INSTALLATION, TEST AND COMMISSIONING OF SURVEILLANCE RADAR SYSTEM AND COST SHARING AT SANTA FE MUNICIPAL AIRPORT; FEDERAL AVIATION ADMINISTRATION (JIM MONTMAN)
 - A. REQUEST FOR APPROVAL OF PROVIDING THE CITY'S SHARE TO THE FAA AS REQUIRED BY THE MOA CONTINGENT ON THE CITY RECEIVING ALLOCATION FROM THE STATE LEGISLATURE (JIM MONTMAN)
19. SANTA FE MUNICIPAL AIRPORT (JIM MONTMAN)
 - A. REQUEST FOR APPROVAL OF MOLZEN-CORBIN & ASSOCIATES ENGINEERING, ARCHITECTURAL AND PLANNING SERVICES CONSULTANT CONTRACT NEW TASK ORDER 34 FOR ARFF BUILDING CONSTRUCTION OBSERVATION SERVICES AT SANTA FE MUNICIPAL AIRPORT
 - B. REQUEST FOR APPROVAL OF MOLZEN-CORBIN & ASSOCIATES ENGINEERING, ARCHITECTURAL AND PLANNING SERVICES CONSULTANT CONTRACT NEW TASK ORDER 35, FOR TAXIWAY F DESIGN SERVICES AT SANTA FE MUNICIPAL AIRPORT
20. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – SALE AND PURCHASE OF NATURAL GAS FOR CITY-WIDE FACILITIES; STATE OF NEW MEXICO AND BP ENERGY COMPANY (NICK SCHIAVO)



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21. REQUEST FOR APPROVAL OF GRANT AWARD – SUBSCRIPTIONS, BOOKS AND DATA BASES FOR LIBRARY DIVISION; NEW MEXICO STATE LIBRARY (PATRICIA HODAPP)
 - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND
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24. REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – SEVEN (7) ROLL-OFF TAB CONTAINERS FOR SOLID WASTE MANAGEMENT DIVISION; WASTEQUIP, INC. (BILL DEGRANGE)
25. REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – 65 AND 96 GALLON REFUSE CONTAINERS FOR SOLID WASTE MANAGEMENT DIVISION; TOTER, INC. (BILL DEGRANDE)
26. REQUEST FOR APPROVAL OF PROCUREMENT – AUTOMATED SIDE LOAD REFUSE TRUCK FOR SOLID WASTE MANAGEMENT DIVISION; TRUCKS WEST, INC. (LAWRENCE GARCIA)
27. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT FOR UTILITIES ADMINISTRATION FUND (CAL PROBASCO)
28. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS FOR CARRY FORWARD OF BUDGET FOR OPEN/PAID FY 07/08 PURCHASE ORDERS (CAL PROBASCO)

DISCUSSION:

29. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – HOUSING AND ECONOMIC DEVELOPMENT (TED SWISHER)
 - A. HOMEWISE
 - B. SANTA FE HOUSING TRUST



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30. REQUEST FOR APPROVAL AND CONSENT FOR SOLID WASTE MANAGEMENT AGENCY TO ACCEPT WASTE FROM NORTH CENTRAL SOLID WASTE AUTHORITY AND LOS ALAMOS COUNTY (RANDALL KIPPENBROCK AND LAWRENCE GARCIA)
31. UPDATE ON CARETAKER HOUSING IN CITY PARKS (LEE DEPIETRO)
32. REQUEST FOR APPROVAL OF 2009 LEGISLATIVE PRIORITIES (ROBERT ROMERO)
33. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS FOR PROJECT COSTS OF ORACLE/J.D. EDWARDS "ENTERPRISE ONE" ENTERPRISE RESOURCE PLANNING SYSTEM (E-I ERP) UPGRADE (DAVID MILLICAN)
34. REQUEST FOR APPROVAL OF GRT ALLOCATION ADJUSTMENT STAFF RECOMMENDATION FOR CAPITAL PROJECTS AND CONVENTION AND VISITORS BUREAU BUDGET (DAVID MILLICAN)

EXECUTIVE SESSION

35. DISCUSSION OF ALL PENDING CASES CURRENTLY FILED IN STATE OR FEDERAL COURT IN NEW MEXICO; PURSUANT TO § 10-15-1 (H)(7) NMSA 1978 (FRANK KATZ)
36. OTHER FINANCIAL INFORMATION:

UPDATE ON LODGERS' TAX REPORT FOR SEPTEMBER 2008 AND GROSS RECEIPTS TAX REPORT FOR SEPTEMBER 2008 (DAVID MILLICAN)
37. MATTERS FROM THE COMMITTEE

A. NOVEMBER FINANCE COMMITTEE MEETINGS (DAVID MILLICAN)
38. ADJOURNMENT

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

**SUMMARY OF ACTION
FINANCE COMMITTEE MEETING
Monday, October 20, 2008**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-5
APPROVAL OF MINUTES: SEPTEMBER 29, 2008	Approved	5
<u>MATTERS FROM THE COMMITTEE</u>		
UPDATE ON CURB RAMP SUMMARY – CIP ADA IMPROVEMENTS	Information/discussion	5
<u>PROPOSED RESOLUTIONS AND ORDINANCES: (WITH FISCAL IMPACT)</u>		
REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING A TASK FORCE TO RESEARCH, STUDY AND RECOMMEND ALTERNATIVES TO THE CITY'S ALARM SYSTEM ORDINANCE, ARTICLE 21-25 SFCC 1987; AND TO RECOMMEND A PROPOSED ORDINANCE THAT WOULD RESULT IN FALSE ALARM REDUCTION	Information/discussion	5-6
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – SALE AND PURCHASE OF NATURAL GAS FOR CITY-WIDE FACILITIES; STATE OF NEW MEXICO AND BP ENERGY COMPANY	Approved [amended]	6-7
<u>DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – HOUSING AND ECONOMIC DEVELOPMENT		
HOMEWISE	Approved [amended]	8-15
SANTA FE HOUSING TRUST	Approved [amended]	8-15

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL AND CONSENT FOR SOLID WASTE MANAGEMENT AGENCY TO ACCEPT WASTE FROM NORTH CENTRAL SOLID WASTE AUTHORITY AND LOS ALAMOS COUNTY	Approved [amended]	15-21
UPDATE ON CARETAKER HOUSING IN CITY PARKS	Postponed to 11/03/08	22
REQUEST FOR APPROVAL OF 2009 LEGISLATIVE PRIORITIES	Approved [amended]	22-23
REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS FOR PROJECT COSTS OF ORACLE/J.D. EDWARDS "ENTERPRISE ONE," ENTERPRISE RESOURCE PLANNING SYSTEM (E-1 ERP) UPGRADE	Approved	23
REQUEST FOR APPROVAL OF GRT ALLOCATION ADJUSTMENT STAFF RECOMMENDATION FOR CAPITAL PROJECTS AND CONVENTION AND VISITORS BUREAU BUDGET	Approved	23-24
OTHER FINANCIAL INFORMATION: UPDATE ON LODGERS' TAX REPORT FOR SEPTEMBER 2008 AND GROSS RECEIPTS TAX REPORT FOR SEPTEMBER 2008	Information/discussion	24-25
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<u>EXECUTIVE SESSION</u>	Removed from the agenda	26
DISCUSSION OF ALL PENDING CASES CURRENTLY FILED IN STATE OR FEDERAL COURT IN NEW MEXICO; PURSUANT TO §10-15-1(H)(7) NMSA 1978		
ADJOURNMENT		26

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE
Tuesday, October 20, 2008**

1. CALL TO ORDER

A meeting of the City of Santa Fe Finance Committee was called to order by Chair Matthew E. Ortiz, at approximately 5:15 p.m., on Tuesday, October 20, 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

MEMBERS EXCUSED:

Councilor Carmichael A. Dominguez
Councilor Rebecca Wurzbarger

OTHER COUNCILORS ATTENDING:

Councilor Rosemary Romero

OTHERS ATTENDING:

David Millican, 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

Mr. Millican said there is a request to postpone Item #23 to get additional information, because it is a donation of federal grant purchase material from Raton. Councilor Bushee has asked that Item #31 be postponed because she wants to bring an update to the Committee on the 27th and then ask that Finance consider it on November 3, 2008.

Chair Ortiz said there was a request to postpone Item #30.

Responding to Councilor Calvert, Chair Ortiz polled the audience and there were no members of the public in attendance for Item #31.

Chair Ortiz asked if there is an objection to postpone Item #30.

Mr. Millican noted Bill DeGrande requested postponement of Item #30.

Responding to Councilor Chavez, Lawrence Garcia, Solid Waste Division, said he is in attendance for Bill DeGrande, and would like to hear Item #30 this evening.

Councilor Calvert said Item #7 should be under items without fiscal impact, and asked that the heading be changed on the agenda.

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

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

4. APPROVAL OF CONSENT AGENDA

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

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

CONSENT AGENDA:

PROPOSED RESOLUTIONS AND ORDINANCES: (WITH NO FISCAL IMPACT)

- 8. REQUEST FOR APPROVAL OF A RESOLUTION WAIVING DEVELOPMENT REVIEW FEES AND BUILDING PERMIT FEES FOR AFFORDABLE HOUSING CERTIFIED BY THE CITY'S OFFICE OF AFFORDABLE HOUSING (COUNCILOR WURZBURGER). (JEANNE PRICE) Committee Review: City Council (Scheduled) October 29, 2008.**
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10. **REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-8.10(A) SFCC 1987, TO PERMIT CITY BANNERS COMMEMORATING THE 400 YEAR ANNIVERSARY OF THE FOUNDING OF LA VILLA REAL DE SANTA FE DE SAN FRANCISCO DE ASIS (COUNCILORS TRUJILLO, BUSHEE, DOMINGUEZ, ROMERO AND CALVERT). (JACK HIATT)**
Committee Review: Historic Design Review Board (Approved w/amendments) September 9, 2008; Planning Commission (Approved) October 2, 2008; Public Works Committee (Approved) October 7, 2008; City Council (Request to Publish – Scheduled) October 29, 2008; and City Council (Public Hearing) December 10, 2008.
11. **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – PLANT MIX BITUMINOUS AGGREGATE FOR LOCAL STREETS FOR STREETS AND DRAINAGE DIVISION; ESPANOLA TRANSIT MIX. (DAVID CATANACH)**
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14. **REQUEST FOR APPROVAL OF AGREEMENT – RUGBY FIELDS PHASE II – ELECTRICAL POWER SUPPLY; PUBLIC SERVICE COMPANY OF NEW MEXICO. (MARY MacDONALD)**
15. **REQUEST FOR APPROVAL OF GRANT CONTRACT – REALLOCATION OF ANNUAL ACTION PLAN FOR CDBG 2008/2009; TRIANGLE DISTRICT GROUP. (MELISSA COLLETT)**
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 - A. **REQUEST FOR APPROVAL OF PROVIDING THE CITY'S SHARE TO THE FAA AS REQUIRED BY THE MOA CONTINGENT ON THE CITY RECEIVING ALLOCATION FROM THE STATE LEGISLATURE. (JIM MONTMAN)**

19. **SANTA FE MUNICIPAL AIRPORT (JIM MONTMAN):**
 - A. **REQUEST FOR APPROVAL OF MOLZEN-CORBIN & ASSOCIATES ENGINEERING, ARCHITECTURAL AND PLANNING SERVICES CONSULTANT CONTRACT NEW TASK ORDER 34 FOR ARFF BUILDING CONSTRUCTION SERVICES AT SANTA FE MUNICIPAL AIRPORT.**
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20. ***[Removed for discussion by Councilor Calvert]***
21. **REQUEST FOR APPROVAL OF GRANT AWARD – SUBSCRIPTIONS, BOOKS AND DATA BASES FOR LIBRARY DIVISION; NEW MEXICO STATE LIBRARY. (PATRICIA HODAPP)**
 - A. **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
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[Postponed to November 3, 2008]
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28. **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS FOR CARRY FORWARD OF BUDGET FOR OPEN/PAID FY 07/08 PURCHASE ORDERS. (CAL PROBASCO)**

END OF CONSENT CALENDAR

5. APPROVAL OF MINUTES: SEPTEMBER 29, 2008

MOTION: Councilor Calvert moved, seconded by Councilor Chavez, to approve the minutes of the meeting of September 29, 2008, as presented.

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

MATTERS FROM THE COMMITTEE

6. UPDATE ON CURB RAMP SUMMARY – CIP ADA IMPROVEMENTS. (CHRIS ORTEGA)

Chair Ortiz said when this was before the Committee, there was a request from Dave McQuarie and the Mayor's Committee to have this item heard by that committee, and asked if that was done.

Mr. Ortega said it was heard on October 16, 2008. He said it was mostly an update on how the bond proceeds were spent, with a little bit of planing information about future projects and how those would be funded. The Committee provided feedback , and he answered their questions.

Councilor Calvert asked if the Committee had major objections, questions or concerns.

Mr. Ortega said no, they mostly had questions about how the process works, how the Engineering Division evaluates projects, how they became part of the plan, the cost, how it was financed, how long it takes and such.

PROPOSED RESOLUTIONS AND ORDINANCES: (WITH NO FISCAL IMPACT)

7. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING A TASK FORCE TO RESEARCH, STUDY AND RECOMMEND ALTERNATIVES TO THE CITY'S ALARM SYSTEM ORDINANCE, ARTICLE 21-25 SFCC 1987; AND TO RECOMMEND A PROPOSED ORDINANCE THAT WOULD RESULT IN FALSE ALARM REDUCTION (COUNCILOR CALVERT). (POLICE CHIEF ERIC JOHNSON) Committee Review: Public Safety Committee (Scheduled) October 21, 2008; and City Council (Scheduled) October 29, 2008.

A copy of FIR No. 1746, regarding this Resolution, is incorporated herewith to these minutes as Exhibit "1."

MOTION: Councilor Calvert moved, seconded by Councilor Chavez, to approve this Resolution.

DISCUSSION: Chair Ortiz asked, for the record, asked how this resolution interacts with the proposed ordinance.

Councilor Calvert said the ordinance will be considered by the task force, along with any other alternatives that might be suggested.

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

END OF MATTERS FROM THE COMMITTEE

CONSENT CALENDAR DISCUSSION

20. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – SALE AND PURCHASE OF NATURAL GAS FOR CITY-WIDE FACILITIES; STATE OF NEW MEXICO AND BP ENERGY COMPANY. (NICK SCHIAVO)

Councilor Calvert said page 4 of the packet says, based on the first month of the index plus \$0.04/Decatherm, this is the recommended option. However, the recommendation under "Recommendation" is for Option #2. He asked what is it that staff is recommending.

Mr. Schiavo said, "Maybe my recommendation isn't written as clear as it should be." He said he is recommending that we "continue to use the BP/Wasatch to buy natural gas through the index price which is the San Juan Index, and then we should also consider hedging a portion of the natural gas that we buy for this winter. So, we have an opportunity now to hedge natural gas December 1st through March 31st. And, I just checked before I came over and it was \$5.80 per decatherm or \$0.58 per therm. That's what the City could buy at a fixed volume for a fixed term."

Councilor Calvert said when you say "consider utilizing Option #2," that is in addition to Option #1, and asked if he is recommending a volume along with that for the hedge.

Mr. Schiavo said, "To answer your question, Councilor, yes, that's what I meant, that's correct, and I've been working with Water Division, the Chavez Center and Wastewater to develop volumes. The recommendation that I would make is doing about 50% of what we used last year for a couple of different reasons. One, if the price goes lower than what the hedge is, then you haven't lost that much money, and two, if for some reason, a portion of one of the facilities goes down, the way it works out, you have to use that volume."

MOTION: Councilor Calvert moved, seconded by Councilor Chavez for purposes of discussion, to approve this recommendation with "those specific numbers."

DISCUSSION: Councilor Chavez asked if this would include some sort of breakdown between the index price and the fixed price, and asked if we want to include specific language.

Councilor Calvert said it is 50-50.

Mr. Schiavo said this is correct and what he would recommend for the larger facilities. However, for a small building which would use only 50-100 decatherms per month, it isn't worth "messaging around with."

Councilor Chavez asked how many fit in the 50-50 split.

Mr. Schiavo said it would be the Water Division for pumping, Wastewater for heating the digesters and the Chavez Center for heating the pools and the building.

Councilor Calvert asked if this is a contract with the City in general, or if it is just on specific accounts.

Mr. Schiavo said this is the contract for the City, and all City accounts for natural gas are fed through this contract. He said one large invoice is received containing a breakdown of each of the accounts, so there will be a dollar amount and volume of natural gas used for each account.

Councilor Calvert asked, regarding the 50-50 split, if we have to specify for which accounts.

Mr. Schiavo said for the purpose of tracking through accounting, it is broken down by account, so Wastewater, for example, would know how much they spent and how much they saved. He said Wasatch doesn't care where we place the savings.

Mr. Millican said, for clarification, it could be done on a City-wide volume basis which is more flexible and economical than tying it to a meter for a large building.

Responding to the Chair and Councilor Chavez, Councilor Calvert said the motion is consistent with what is in the memorandum, with the addition of the specific 50-50 split for Option #1 and #2 which wasn't in the memorandum.

Councilor Chavez said then you are blending Option #1 and #2 into a hybrid approach to do both.

Councilor Calvert said yes, we are using 50% of Option #2 for hedge, and the other 50% will go with the price index.

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

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

- 29. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – HOUSING AND ECONOMIC DEVELOPMENT. (TED SWISHER)**
- A. HOMEWISE**
 - B. SANTA FE HOUSING TRUST**

A copy of "Recommendations/Responses Community Reinvestment Solutions Audit," is incorporated herewith to these minutes as Exhibit "2."

A copy of "Analysis of Compliance of CDBG Program for the City of Santa Fe, New Mexico," Homewise Response, prepared by Mike Loftin, Executive Director, Homewise, Inc., dated October 20, 2008, is incorporated herewith to these minutes as Exhibit "3."

A copy of a Memorandum dated October 20, 2008, to Councilor Ortiz, from Jody Lee, Home Improvement Manager and Emilee Ford, Real Estate Development Manager, both of Homewise, regarding Homewise selection and termination of contractors, is incorporated herewith to these minutes as Exhibit "4."

Chair Ortiz noted there are representatives from the Housing Trust, and Ms. McCormick advised representatives from Homewise will be here shortly.

Chair Ortiz said he sent an email to Ms. McCormick regarding his questions, noting the email was sent to the members of this Committee. He said he saw the Housing Trust response by email, which answered his questions, so he is okay with the Housing Trust, but he has particular questions for Homewise. He asked if the Committee has questions on the Housing Trust.

Councilor Calvert said he couldn't download the information. He said there were recommendations for best practices and other items, and asked if those were accepted by both agencies.

Ms. McCormick said they were accepted. She said staff is working with both agencies to implement these. She said within 30 days it is expected to have it written in a policy manual format and they were both amenable to that. Ms. McCormick provided a copy of the Recommendations to the members of the Committee and for the record [Exhibit "2"].

Councilor Calvert said he was concerned about the checklist for files, resale policy, proof of identify, loss payee clauses, and such, and he wanted to be assured that they have looked at those and want to incorporate those practices.

Councilor Chavez asked, with regard to closing, at times there is an issue about a punch list of minor things which need to be done, and the punch list lingers 6-12 months and sometimes beyond.

Ms. McCormick said they will include this as part of the follow-up and the finalizing of the process.

Councilor Chavez said many times the home buyer, Homewise and the contractor aren't in the same room at the same time, so the home buyer always may not know who is responsible for the punch list. He asked who is responsible. He is concerned about the length of time before this is done. He would like these to be "tightened up."

Ms. McCormick said they will do this. She said it should show up in homebuying counseling so people know how to use the punch list, and at closing it should be attended to as well.

Councilor Chavez said after closing, if there is a gap, they need to know who to call, and if that list changes, how "do you connect those dots."

Chair Ortiz said he received a response from the Housing Trust, and asked if Homewise prepared a response.

Ms. McCormick said they did, and she thought that was included in the email. Ms. McCormick provided a copy of the responses for the Committee [Exhibits "2" and "3"].

Chair Ortiz asked if staff has general or specific responses to the Responses provided by Homewise and/or the Housing Trust.

Ms. McCormick said Homewise acknowledged the different audit findings and are very clear in the actions they are taking to address some of those. In general, both organizations talk about income verification and how to underwrite some loans. She said the Trust does not underwrite loans, but Homewise does. However, the Trust does recommend or send people for loans. She said both organizations say the person paying a higher level of rent than the calculation indications, has demonstrated over a period of time that they can manage the higher level of payment.

Councilor Calvert asked, regarding "over a period of time," what is that period of time.

Ms. McCormick said, over two years, the person has maintained a payment higher than the 33% of income for a mortgage.

Councilor Chavez how this is tracked.

Emilee Ford, Homewise, said they use basic desktop underwriting software which is standard for prime loans. They would do a rent verification as part of the process. Once they are at the buyer stage, Homewise would ask them to self report – amount of rent, how long. Once to the loan qualification step with a loan officer, if the rent becomes a big factor in whether or not they can be approved, the loan officer would do a rent verification. However, if it isn't a factor, she doesn't know that a verification would be done.

Responding to Councilor Chavez, Ms. Ford said she doesn't know if there is a specific time period the person is required to have paid the higher rent. However, she is sure that the software has a minimum. She said it is a matter of balancing different factors.

Councilor Calvert said the comment was that if someone was maintaining a higher rent, it could be substituted for what they can pay on a monthly basis. He believes it is important to know how long they have been paying that, and believes that should be considered.

Ms. Ford said she is sure there is a time factor, but she doesn't know. She said their standards are good, noting there has been only one foreclosure in 14 years, but she will get that information.

Councilor Calvert said there is a slightly different economic and financial climate from what we have had in the past, so he wants us to be careful not let this get away from us and spoil the good record.

Ms. Ford said this is the reason they are committed to using prime loan standards which are much more conservative than the subprime loans.

Councilor Chavez said then we aren't having to adjust to the market as much as others, and this is a different set of conditions.

Ms. Ford said she does not believe Santa Fe is seeing the kinds of defaults/foreclosures which are being experienced in other areas, and the statistics are that New Mexico generally is doing better than many areas, and Santa Fe is doing better than most areas in New Mexico. She said our home levels in New Mexico didn't shoot up to the ridiculous levels as in other states, and the median price is \$427,000 in Santa Fe which is a large jump from the previous quarter.

Councilor Chavez asked how long it takes for the person to be buyer ready.

Ms. Ford said it varies depending on the person, but generally most are buyer ready in under 90 days.

Councilor Chavez asked how we are tracking the sales, and asked if the sales of affordable or below market rates would skew the median price.

Ms. Ford said the Santa Fe Realtors, in reporting its figures, includes language that it doesn't include new construction which doesn't use a realtor, or sales by owner. She said Homewise, the Trust and Tierra Contenta are reporting to the City the number of units sold and the price of units, including units which they have built or any sale they have facilitated. However, that isn't included in the Realtors' MLS, and she doesn't know how to do that

Chair Ortiz said one question he asked was answered. The others are from the trend of Homewise in becoming a unified provider of both services and products, and essentially become like a "one stop service" for potential buyers. He said this has led to different things to which he wants Ms. Ford to respond. On the buyers' side, he has heard complaints recently that there is less choice for the buyers once they get into the program, in that they have to conform to your way doing things and your product and they aren't given different options. He asked, in terms of buyers who come to Homewise, how are they treated and what options they are given in terms of buying Homewise's product, either rental or purchase.

Ms. Ford said they do have a lot of in-house services. The buyers can either take advantage of all these services, or sort of pick and choose those they want to use. She said all services are available whether or not they use other services. She said they try to communicate up front what they offer. For example, they can continue to work with their own realtor.

Chair Ortiz said then they aren't being given less options to get into Homewise's product.

Ms. Ford said this is correct, reiterating they don't have to use the lending services and can work with other lending institutions. She said they also counsel them to get several different quotes for financing in homebuyer education classes. She said, however, most people haven't done anything but perhaps look at a few houses, and want all the services in one place.

Chair Ortiz asked Ms. Ford if she has documentation that verifies/shows this as a part of the counseling – language in counseling that says they can pick and choose any and all options.

Ms. Ford said it is part of the education, and is more general consumer protection “you should shop around kind of language.” There is an actual disclosure sheet from Homewise that says, “We have all these services in-house, but we are advising you that you don't need to use all of them. And this is very similar to what you would have to sign if you went to Cen-Tex...”

Chair Ortiz would like Ms. Ford to provide this to staff to provide to him before the Council meeting.

Chair Ortiz said he also has a concern, regarding the unity of services, from the subcontractor side. He has had complaints from three contractors, noting he forwarded the one letter he received. He said two of the contractors have said Homewise is running these programs, and doing things with City monies, but they don't know if Homewise is practicing the same kind of procurement and being as fair with them as they would be with other contractors. So, the issue of selectivity has come up regarding Homewise's practices. He asked Ms. Ford to respond, generally, on Homewise's policy on procurement and how it picks and chooses its contractors for rehabilitation as well as new construction.

Ms. Ford distributed a copy Homewise's Memorandum regarding selection and termination of contractors [Exhibit “4”].

Ms. Ford said she received the copy of the letter from the Chair. She said their process is a little different for home improvement and for new construction. With regard to new construction, Ms. Ford said they do a competitive bid process, but they aren't required to take the lowest bid, so they are doing this as an interview of the contractor. She said they are looking at customer service, checking references, experience and so forth, as well as whether they have a valid license and if there are unresolved issues with CID. She said it is a combination of the competitive bid and the interview process. She said they provide a clear scope of work. They are looking for a low, responsible bid, with an indication that they are with them for the long term and don't leave in the middle of a job. They now have a team of general contractors, all local, family owned businesses.

Chair Ortiz asked if there are staff contractors.

Ms. Ford said no. She said Homewise does have a general contractor's license, but "we don't practice any of our projects as the general contractor. We have a general contractor on everything that we build."

Ms. Ford said regarding home improvement, "they're dealing with a very different animal. There's a very high volume of work, much smaller jobs and more specialized jobs, you know, roofs, windows, restucco." She said they keep a list of contractors who have worked with homewise, or want to work with homewise. Customers are invited to bring their own contractor, and Homewise will write the scope of work and get a bid from the contractor. She said the contractor is always the decision of the homeowner.

Chair Ortiz asked if she can provide this policy in writing.

Ms. Ford said each customer would sign a form saying this is the contractor they want and that would be in the file. She said most customers are coming to Homewise for its construction management and financing services, because they are really scared to choose a contractor.

Chair Ortiz asked the process of going through that list.

Ms. Ford said the challenge usually is that there aren't enough contractors available on the list for Homewise to bid, so they don't have to pick 3 from 10. The big challenge is getting 3 for an invitation to bid. She said first they narrow the list as to who would be appropriate for the job, and then who is available, and then prepare a scope of services and invite them to bid.

Chair Ortiz asked if the owner is invited to choose, or does Homewise make the decision.

Ms. Ford said the owner will make the decision.

Chair Ortiz said then the owner, not Homewise makes this decision.

Ms. Ford said yes, and this is documented in the file. She said they will sit with the owner and go through the bids to help them to understand. She said this is for home improvement. She said for new construction, Homewise will choose the general contractor.

Chair Ortiz asked if the general contractor for new construction is chosen along the general lines on page 2 of the Memorandum [Exhibit "4"]

Ms. Ford said yes, very similar lines. She said for new construction they must meet certain qualifications and then they will talk with them.

Chair Ortiz then Homewise would be acting in the place of an owner's agent or architect.

Mr. Ford said no, because at that point Homewise is the owner and it is a production model, noting Homewise has already designed the home, and the individual homebuyer won't choose the builder.

Chair Ortiz explained his concern his concern, using the analogy of the discussion of how the City would align itself with the Railyard Corporation and act as a passthrough for public monies – give them the responsibility, and ensure they conform to the City's standards with regard to selection.

Chair Ortiz said we need to get a sense of how these processes are working with regard to Homewise, and he wants more detail. He would like her to specify exactly how the processes work. He would like a flow chart of options as if he was a new person coming to Homewise, and where in its documentation does it say those options are available to him. If they don't have this, he wants both contractors to develop these systems, so that people aren't confused about what they have to do or what their options are. He said he wants the people who are looking for public work, City work, Homewise and Housing Trust work, to know what they can expect. If this isn't in place, he wants staff and both entities to work together to develop this system. He said it is a matter of taking what you are doing, confirming it, putting it in writing, and making it uniform so everyone has the same ability to pick and choose. He wants to see this, and he wants both providers doing the same things. He asked Ms. McCormick if she understands what he wants.

Ms. Ford said she understands enough to put something together for Ms. McCormick, saying it sounds like he wants more explanation of the current process.

Chair Ortiz said he will give her any specific details he has, and he will expect a specific response.

Ms. Ford said she doesn't know that the complaining contractor had a concern about the bidding process until he wasn't invited to be part of the process, noting this was a decision Homewise made based on the quality of his workmanship. She doesn't know the details of the other two complaints.

Chair Ortiz said those details are forthcoming.

Ms. Ford said, "The procurement process is not an easy one with the City, and there's some things from the City we can take and do better with, and there are some things we maybe don't want to adopt in the procurement process."

Chair Ortiz said, "You've got to know, like we do, that when you accept City money or public money, it carries an additional responsibility. A responsibility that if we decide something needs to be placed on those people who are taking public monies, then it's up to you to decide to take it."

Ms. Ford said, "I think that at the end of the day, we probably both agree that we want to have good results from that public money. And so, that's what our focus should be – on what is the best result. And certainly understanding that what works for the contractors is a part of that equation. That they're an important part of this partnership and are all part of it. I can tell you that I'm happy to put more detail down, but I think that we do quite well for our contractors. The contractors that work for home improvement do very well, because they have a buyer delivered to them... excuse me, a homeowner. They're not having to market those services themselves. They have a very clear scope of work, and they know they're going to get paid. It's a pretty big deal for the contractors to know they're going to get paid. So, certainly, we've had some disgruntled contractors who we've let go, who then aren't real happy with the way things went

for them, but that's a decision that we make based on service. I feel really good that we have a very good process for being very inclusive about inviting contractors to work with us, and then treating them well and fairly, but also demanding that they perform to some very high standards."

Chair Ortiz said we obviously won't have that process detailed prior to Council, and will be more long term. However, it is just a matter of getting the other items he's requested, since they're already in the materials.

Ms. McCormick said the disclosure statements, trying to make sure the client knows their choices and options, were picked up in the Audit. There was a recommendation from the auditor and there was a positive response from Homewise about making that clear, noting it has been implemented. The Trust had been doing this all along. She said the Checklist of Best Practices is where we will be picking up how to work with the homebuyers in particular. She said all we really want in the procurement process is that it's clear, transparent and people are given the opportunity to bid. She said Ms. Ford's concern is that sometimes the City's procurement process is lengthy, "but we would not do that to you. We would just follow the good practices for that, so we're ready to work with them on it, and have been since the audit was completed."

Councilor Calvert said his recommendation was going to be that we attach the best practices and recommendations to the contract/PSA, saying these things will be abided by. He said on page 4 Homewise says, "Homewise agrees with all the recommended actions, with the exception of the second." So, he doesn't know how to deal with that in terms of what he would like to do.

Ms. McCormick said our recommendation is 33%, and recalls they had to be paying the higher rate for 1½ to 2 years. She will work with Ms. Ford to make this very clear that someone who has only paid the higher rent for two months will be allowed to buy a home at the higher rate. This is consistent with the Housing Trust as well.

Councilor Calvert said on the last page, there are suggestions for the City, and he asked Ms. McCormick her thoughts on page 5 of 5.

Ms. McCormick said there should be a standard income certification template, which was embraced by the Housing Trust as well. She would like to work with the agencies on standard underwriting practices, and we want to be sure there are conforming loans, and people get into the homes and aren't cost burdened. She noted there have been very few foreclosures.

Councilor Calvert said he understands, however times have changed. He wants to be sure when we incorporate these things into this PSA, without making it too complicated, that everyone is operating under the same understanding – the two agencies, the City and the clients.

Ms. McCormick said everyone agrees, and we are including as part of our policy, that the income used to qualify for the loan is the income which is reported under program, noting there are no stated income loans. She said tax returns were used for one and a stated income requirement for another, and we are going to stop this practice.

MOTION: Councilor moved, seconded by Councilor Chavez for purposes of discussion, to approve the PSA for Homewise and the PSA for the Housing Trust, with the attachment of the best practices and the recommendations from the audit as items to be incorporated or followed as a part of that, and for staff to incorporate page 5 into both PSAs as best as possible.

DISCUSSION: Councilor Chavez said then we're approving both PSAs and some sort of template which would work for the underwriting portion to be applied to both agencies as appropriate. He said this discussion has taken us full circle, and he believes there needs to be checks and balances and accountability on all agencies and all points, commenting that he believes this is taking us in the right direction.

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

30. REQUEST FOR APPROVAL AND CONSENT FOR SOLID WASTE MANAGEMENT AGENCY TO ACCEPT WASTE FROM NORTH CENTRAL SOLID WASTE AUTHORITY AND LOS ALAMOS COUNTY. (RANDALL KIPPENBROCK AND LAWRENCE GARCIA)

Chair Ortiz said Bill DeGrande wanted this removed, but it is back on the agenda for consideration by the Committee. He said the direction we gave staff was to come back and make sure recycling was part of the MOU, and there was a suggestion to look at the rates with an eye to an increase.

Councilor Chavez recalled there was a discussion about monitoring to be sure we know what we are accepting and the source. He said all of us have had questions about the content of this material. Councilor Chavez said it is a two part question: how are we going to monitor and the volume from Los Alamos. He would like a breakout of the volume as to how much is household solid waste and how much is other waste.

Chair Ortiz asked Mr. Garcia to answer Councilor Chavez's questions, noting the Committee has heard the presentation on this matter.

Lawrence Garcia said, with regard to radioactive waste coming into the Caja del Rio, it just isn't the case. The LANL has radioactive detection equipment at all of its facilities, and before waste leaves the Lab it is screened. Once it arrives at the transfer station it is screened once again going into the landfill, so the material is screened twice with radioactive monitoring before it enters the Caja del Rio.

Randall Kippenbrock said we are looking to receive 20,000 tons from Los Alamos County, of which 2,100 is from LANL. The LANL waste breaks out to 256 tons of office/restaurant waste, and 880 tons of construction and demolition waste.

Chair Ortiz said then 80% of the waste from LANL will be construction and demolition waste [C&D], and asked "construction and demolition" of what.

Mr. Kippenbrock visited the LANL landfill on Wednesday, and inspected two loads originating from

LANL. One of the loads was C&D and was mostly pallets and plywood, etc. The other load could be classified under municipal solid waste [MSW] as office and restaurant waste. He saw a lot of office paper and food waste as well as typical MSW.

Councilor Chavez asked if the construction material could go into the green waste.

Mr. Kippenbrock said Los Alamos elected not to grind the wood waste because of the amount of nails and metals it has, and they prefer to keep their green waste clean.

Responding to Councilor Chavez, Mr. Kippenbrock said we are grinding pallets.

Councilor Chavez wants to do everything possible to reduce the waste stream going into the landfill as much as possible. He asked about the individual household waste.

Mr. Kippenbrock said the balance of the 20,000 tons from Los Alamos, 17,900 tons, is Los Alamos County residential and business. He said the C&D and office and restaurant waste is 256 tons and 880 tons, and is part of the 2,100 tons from LANL.

Councilor Chavez asked about the "double filter," which is a detector or some sort of system to detect radioactive materials from the lab, and asked if we have a method at our end to screen that same material, and asked if it comes in separate loads and if any of this is commingled.

Mr. Kippenbrock said based on his visit and his conversation with Regina Wheeler, the waste is mixed with the other waste. He understands the LANL is screened at their facility prior to going to the Los Alamos County Landfill, and there is gate monitoring for radioactive material. He said the trucks come in separately from LANL.

Chair Ortiz said then once the material come out of the Lab and passes through the gate, it is commingled with the waste that comes in from the rest of Los Alamos County and is deposited in the Los Alamos County landfill.

Mr. Kippenbrock said this is correct.

Chair Ortiz said under the proposed agreement, the commingled waste, Lab waste and County waste, will be deposited at Caja del Rio.

Mr. Kippenbrock said it comes in separate trucks, and after January, it will come to the new transfer station and be deposited on the concrete floor and there will be a visual screening there. He said there is a gate screen for every load. He said the reason it is commingled is because it is loaded on the large truck to be taken to the designated landfill. He said 880 tons of the waste from LANL is C&D.

Chair Ortiz asked what is the percentage of Lab waste versus other Los Alamos County waste.

Mr. Kippenbrock said the lab waste is 10% of the 20,000, and 90% is the other waste.

Chair Ortiz said he assumes Los Alamos receives federal funds via a contract with LANL to dispose of its waste.

Regina Wheeler, Environmental Services Manager, said LANL pays tipping fees like all of the other customers at the landfill. However, they are a special partner because the facility is on land owned by the Department of Energy. She said they are treated like all other customers.

Chair Ortiz then the County doesn't receive any additional funds for taking LANL waste other than the tipping fees, and Ms. Wheeler said this is correct.

Responding to Councilor Calvert, Ms. Wheeler said the monitors are extremely sensitive. She reiterated that since she has been there they detected a cat that had been treated with radioactive medicine in a gigantic 30 cubic yard packer truck of residential waste. These are the kinds of things that they detect. She said they monitor each and every vehicle that comes into their facility.

Councilor Calvert asked if there is a certain threshold of radiation which is considered okay.

Ms. Wheeler said no, and any detection is a situation to be investigated. She said in 1998 there was a case where a LANL truck triggered the detectors and the vehicle was pulled to the side and the Laboratory Responders inspected the load.

Councilor Calvert asked by commingling the waste if we could lessen the radioactivity of a load to get it below a certain threshold.

Ms. Wheeler said no, saying they are screened on the way into the facility. She said there is an additional requirement that LANL vehicles must have a pass from their waste processing facility which said the waste is appropriate for municipal solid waste disposal or it has to have a waste profile form completed by Lab people that the material is eligible for disposal in a solid waste landfill, based on chemical testing of the material.

Councilor Calvert asked if we approve this request, if every vehicle coming into the landfill from Los Alamos would be monitored, and Mr. Kippenbrock said no.

Councilor Calvert said Mr. Kippenbrock said there is double screening.

Chair Ortiz clarified that Mr. Kippenbrock is speaking of the LANL screening.

Mr. Kippenbrock said it is first screened at LANL. He said he is required by Solid Waste Bureau Regulation to inspect 1% of all vehicles, which is a visual screen for any unauthorized waste. He said there is no radiation detection system at the landfill, and the only other facility with that system is Wagon Mound.

Councilor Calvert said then Mr. Kippenbrock is not planning to any monitoring of waste once it has gone through LANL screening and sent to us.

Mr. Kippenbrock said, "I did not have that in mind." He understands a gate monitoring system is about \$10,000 which would monitor all trucks coming into the landfill, but it doesn't indicate the specific kind of radioactive material. He said a hand held device, which is slightly more expensive, could then tell what type of material it can be.

Councilor Chavez said \$10,000 doesn't seem like a lot to invest if we want to set up another station with a detector system. He asked the chances that the C&D waste would be radioactive.

Ms. Wheeler said that material has gone through the double screening.

Councilor Chavez said a further breakdown of the C&D material and the office and restaurant waste would be more helpful.

Ms. Wheeler reiterated that of the 2,100 tons of waste from LANL, 800 tons is classified C&D and 256 tons is office and restaurant, noting they bring a lot of brush and clippings in the balance. She said all of the wood waste is used in biosolids composting, so they really have to keep metal and nails out of the finished compost product. They would be interested in considering a partnership with Caja del Rio to recycle pallets if that is an option.

Chair Ortiz asked if there was further examination on whether the tipping fees for the North Central Solid Waste Authority and Los Alamos County reflect the proposed operating budget as well as some component for capital investment.

Mr. Kippenbrock said the price he presented does include both the operating cost and the capital. He said if we do not accept outside waste, including North Central and Los Alamos County, the rate could increase to \$41 per ton which includes all the costs associated with the landfill.

Responding to the Chair, Mr. Kippenbrock said the tipping fee proposed to be charged to the North Central Solid Waste Authority and Los Alamos County is \$30 per ton, noting the current rate is \$25 per ton. Starting next fiscal year it will be \$30 per ton and the following fiscal year all commercial haulers, including Los Alamos and North Central will be \$33 per ton, while the City and County residential rates will stay at \$30 per ton.

Chair Ortiz said then if we don't accept the proposal it will go to \$41 per ton.

Mr. Kippenbrock said the second scenario is that if we don't accept Los Alamos County waste but do accept North Central Solid waste, then it would jump to \$36 per ton for commercial and North Central.

Chair Ortiz asked if revenue projections were done if we were to set the initial rate for Los Alamos at \$33 or \$35 per ton.

Mr. Kippenbrock said at \$33 per ton for Los Alamos and North Central it would produce \$1.5 million per year.

Chair Ortiz said then the difference between \$30 per ton and \$33 per ton will only generate an increase of \$50,000.

Mr. Millican said it would produce an additional \$150,000.

Chair Ortiz asked if we raise the fee to \$33 would we will have someone who would be willing to put their waste in, or would that have to back to Los Alamos County for approval.

Ms. Wheeler said Los Alamos County already has contracts to dispose its waste at the Waste Management landfill in Valencia County and Rio Rancho. The tipping fee in Rio Rancho is \$24 per ton, and the tipping fee in Los Lunas is \$15 per ton. She said at \$30 per ton, Caja del Rio would be their most expensive option now and for some years to come with the escalation in fuel. However, they feel it is a good option to consider because it would be a much smaller carbon footprint. It is part of the County's goal to be hydrocarbon independent, and they want this opportunity to make gains. She said they already bring their curbside recycling to BuRRT, and they committed their materials so they could have a regional facility. They would like to partner with Santa Fe continuously on solid waste opportunities would really be interested in looking at that. She said at \$33 per ton this year it would be significantly more expensive, and they will bring their trucks and see how long it would take, how much it would cost, and try the different landfills and choose the one that works best for Los Alamos.

Chair Ortiz said then once the contract is delivered, Los Alamos will test the market for disposal to determine the best option. He asked Mr. Kippenbrock if his revenue projections at \$30 per ton were based on the assumption that all of the waste currently shipped elsewhere will come to Caja del Rio.

Mr. Kippenbrock said yes, and he would have an objection, because the financial model is based on the assumption that we receive all Los Alamos County waste and North Central. It can't be one way or the other.

Chair Ortiz said it makes sense that they want to make the best deal, but it places us in a whole other set. We are being told that we need to accept this so we don't have to pass a significant rate increase to the public, and given as an either/or proposition. Now, we're finding out that the either/or proposition is based on revenue projections which may or may not come true because there is a possibility that not all of your waste will come to us.

Ms. Wheeler said this is correct, however, at \$30 it would be their first choice based on the reasons she stated. However, \$33 and \$35 per ton is a different "ball game" for them. If the Caja del Rio is competitive and meets the County Council goals, she will take this agreement to the Council for their approval as soon as the concept is approved by Santa Fe, reiterating the \$30 per ton is the option which meets their goals.

Chairman Hall, Los Alamos County Chair, said the County has a 40-year plan to become carbon free, and piece by piece is moving toward this plan. He said this is part of that plan. They believe the policy has to balance the goals. He said another goal they have is to try to buy services locally if possible. He said this would build on a very successful regional partnership for recycling which has worked well for

everyone concerned. He said he can't speak for the Council, but these are the kinds of things they can support because it fits with their policies.

Councilor Calvert said he had asked Mr. Kippenbrock to include language in the MOU about the commitment to recycling, and asked if that has been done.

Mr. Kippenbrock said that is something that has to be done.

Councilor Chavez believes we do need a stronger commitment for recycling, and would like to have stronger expanded language about who's responsible for monitoring and certifying that the waste for disposal is not hazardous. He said there has to be a strong statement about monitoring and being careful about what we're accepting. He would like to expand the MOU in this area as well.

Chair Ortiz said then there are two expansions to the MOU which need to come in the form of amendments with Los Alamos County in particular. There needs to be language in the agreement to clearly and specifically spell out the recycling, or refer to an exhibit to be done later. He said the second amendment is a clarity focusing on the monitoring of the waste coming down from LANL.

Councilor Chavez said the MOU, under Program Requirements, provides, "Los Alamos will be responsible for certifying that all waste for disposal is not hazardous." He believes it first has to be monitored before it is certified. Councilor Chavez said there needs to be language in the MOU about monitoring and not just certification, and detailing the system, how it would be done, where it would be done, etc.

MOTION: Councilor Calvert moved, seconded by Councilor Chavez, to approve this request with the amendments.

DISCUSSION: Councilor Chavez said this fits with the regional planning concept, and he is now able to support it with the safeguards in place.

Chair Ortiz said this will go to Public Works on Monday.

Councilor Calvert said this approval will cause the cells to be used more quickly, so he wants to ensure that the "extra revenue" is going to offset that cell development which will be required in the future to compensate for that.

Mr. Kippenbrock said this is correct.

Chair Ortiz said he is against this proposal. He said staff is making revenue projections based on something and giving the same deal to North Central and Los Alamos that the citizens of Santa Fe County paid for building this project. He said the rate we're offering to an out of county entity is the same as we're giving to ourselves. This doesn't make sound financial sense to him. He said at a higher price point, the entities may have to readjust, reexamine and consider what is the best alternative, which would "blow" the staff model completely which staff has presented as justification for no new rate increases. He said we

shouldn't give the same bargain or discount which the City pays to outside groups. They should pay more to compensate for the capital investment we made and future capital investments we must make. He said the monitoring still needs to be fleshed out.

Councilor Calvert said he understands the price points, but there is uncertainty in the future for Los Alamos and North Central. He said theirs will go to \$33 while ours will stay at \$30, and asked when the increase to \$33 will impact those entities, and Mr. Kippenbrock responded that will be in two fiscal years.

Councilor Calvert asks how that fits with their plan, and at that point, will they be weighing their alternatives, or does this fit with the long term strategy.

Mr. Kippenbrock said he hopes it will work long term with them. He said the MOU provides that each January we will look at the need for a price increase or cost adjustment, and he has to give six months notice of that increase. If the entities decided to opt out, they must give us at least one year's notice.

Chair Ortiz said there is nothing in the language which compels them, once they enter into the MOU, that we become their exclusive agent for their waste, and they can ship any part of their waste to us, but they aren't required to do so.

Mr. Kippenbrock said we can work on the language in MOU. He said Los Alamos is trying to lock in a long term agreement of eight years at a certain price, but he is reluctant to do that, because it all depends on North Central and our waste plus Los Alamos.

Responding to Councilor Calvert, Mr. Millican said he has reviewed the cost which has been imposed on the City, but he hasn't looked at the detail of the SWMA proposal.

Councilor Calvert suggested Mr. Millican might do that, based on staff representations.

Councilor Chavez said as we are finding markets for recyclables, we are taking those from the waste stream, and asked if this is part of the plan, both short and long term.

Mr. Kippenbrock said this is correct, noting Los Alamos County began bringing its recyclables to SWMA beginning in March 2006, and North Central began in June 2007.

Councilor Ortiz reiterated he wants movement to look at a tipping fee which includes the O&M as well as the capital investment, and which is a lesser fee to residents. He suggested that the Finance Director look at the financials.

FRIENDLY AMENDMENT: Councilor Calvert would like to amend the motion to give direction to staff to examine the financials of the proposal as suggested by Chair Ortiz. **The amendment was friendly to the second.**

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

31. UPDATE ON CARETAKER HOUSING IN CITY PARKS. (LEE DE PIETRO)

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

32. REQUEST FOR APPROVAL OF 2009 LEGISLATIVE PRIORITIES (ROBERT ROMERO)

Robert Romero said the Councilors' capital outlay priorities are the same, asking Councilors to let him know of any changes they want made. This will go to Public Works next Monday and the Council the following Wednesday.

Mark Duran, Lobbyist, spoke about previous funding, noting there are limited capital outlay funds available from the State. He said this is a good package with which to move forward to the Legislature.

Councilor Chavez asked about the Tierra Contenta Effluent line which has history, and we are now looking for construction funds.

Mr. Duran said this will be part of the package.

Councilor Chavez asked why this project wasn't approved by the Water Trust Board.

Mr. Duran said he is unsure a formal application was made, and he doesn't know why it isn't appropriate, but he will look into this.

Councilor Chavez asked the sources identified for the balance of the construction funds for this project. Mr. Duran said that would be capital outlay funds. Councilor Chavez would like to pursue funds with the Water Trust Board.

Mr. Duran said the applications are due the first of November, and we would need to move quickly on that.

Councilor Chavez said this line is important for the entire southwest sector, and asked about expanding the scope and title of this project, and asked Mr. Duran if this would help.

Mr. Duran said there is still the limited funds, but if the expanded scope makes a better argument it could be argued that it could help a little bit.

Chair Ortiz asked if a developer wants to put in the line to expand the scope, would it be considered by the Legislature as a contribution by the City.

Mr. Duran said he doesn't know how this would be viewed, but on the application you have the opportunity to discuss leveraging and other sources of funds which would be a positive.

Mr. Romero said they like phasing, and the more we can leverage the better off we'll be. He said if

we could get to \$600,000, we might be able to get the balance of \$400,000. He noted Councilors Trujillo and Dominguez would be interested in this as well.

MOTION: Councilor Chavez moved, seconded by Councilor Calvert, to approve this request, with the option to look at an expansion of the scope of services on the effluent line.

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

33. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS FOR PROJECT COSTS OF ORACLE/J.D. EDWARDS "ENTERPRISE ONE," ENTERPRISE RESOURCE PLANNING SYSTEM (E-1 ERP) UPGRADE. (DAVID MILLICAN)

Mr. Millican said the J.D. Edwards software being installed is significantly different from the one which was first installed. He said it is a new billing system, because the old one wasn't designed to function in a web based application. He said he is advising the Committee that this new system is on the horizon and he will be coming to Committee very soon to talk about expenditures related to the system, noting the cost estimates are still rough. He said the funding is coming from an enterprise facility.

Chair Ortiz said he didn't want to patch an old system which was giving us problems. He complimented the staff's diligence and hard work in running the old "patchwork" system, noting it was their efforts which made it work.

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

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

34. REQUEST FOR APPROVAL OF GRT ALLOCATION ADJUSTMENT, STAFF RECOMMENDATION FOR CAPITAL PROJECTS AND CONVENTION AND VISITORS BUREAU BUDGET. (DAVID MILLICAN)

Responding to the Chair, Mr. Millican said there will be one more session to discuss the nonprofit organizations, but this is the last of the capital items.

Councilor Chavez asked where the Streets & Sidewalks portion is.

Chair Ortiz said the allocation on the \$1.6, the first bullet item under recommendations, has been discussed and acted on by the Public Works Committee, and the street and road maintenance work comes out of the \$1.6. He believes there is a proposed plan for those expenditures, if the recommendation is approved.

Mr. Romero said this is correct.

Responding to Councilor Chavez, Mr. Romero said \$800,000 total is allocated to complete the Parks, \$500,000 of which is to complete the portion of the Plaza on the southwest side of the tracks. He said they also need to do signage and fund part of the irrigation system. He said this is the request TPL made to the Council. He said the remaining \$300,000 isn't for maintenance, but to build a maintenance building.

Mr. Millican said the maintenance would be paid from the operating budget.

Mr. Romero said Parks was expanded by five positions this year.

Responding to Councilor Chavez, Mr. Romero said when TPL let the contract they were \$2 million short. He said we are now at the end, and what is left to finish will cost \$500,000, and this is how these funds will be used. He said the breakdown of the \$800,000 is: \$600,000 will be coming from Impact Fees and \$200,000 from the RPA. He said \$300,000 will go for the maintenance building and \$500,000 will be used to finish the park.

Councilor Chavez said he made a small request of approximately \$60,000 for the Community Gallery in the new Community Convention Center.

Mr. Millican said that will be coming as part of the operating costs, which are one time expenditures and not large enough for capital projects. He will bring that set of recommendations to the Committee on November 3, 2008.

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

DISCUSSION: Chair Ortiz said, given the uncertain times, if we approve this request, it will be very hard for us to approve anything else at the meeting on November 3, 2008. These funds are committed for capital projects for useful public endeavors.

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

Chair Ortiz moved to Items #36 and #37.

36. OTHER FINANCIAL INFORMATION:

A. UPDATE ON LODGERS' TAX REPORT FOR SEPTEMBER 2008 AND GROSS RECEIPTS TAX REPORT FOR SEPTEMBER 2008. (DAVID MILLICAN)

Chair Ortiz asked how we can have these numbers for 2008, noting he just attended a Sustainable Cities conference in Houston, and the financial outlook is worse than bleak. He said many communities are talking about taking drastic, draconian steps. He asked if we are an aberration, or if the storm just hasn't hit us yet.

Mr. Millican said the storm was definitely hitting for the numbers in August. He said this reflects the resilience and balance of the Santa Fe economy and its strength as a tourist destination. He said we are seeing a ½% overall increase in GRTs for this year so far.

Responding to the Chair, Mr. Millican said we aren't ½% above our forecast, we are ½% above last year, noting the growth was projected at 4%, so we're on track for a lower number. He said in his last Memorandum, he advised that in years worse than this, the end tax gain was better. However, he is taking this as a caution that this tough economy will affect us and we won't suddenly reach the 4% and more, which is the historic pattern. He said even though the growth is low, it is much better than he expected, given the national economy. He said this is our major revenue source, so it's good we're not seeing a more steep decline. He said we just have to watch carefully and stay balanced.

Responding to Councilor Calvert, regarding the Lodger's Tax, Mr. Millican said the revenue depends on when people file their returns, and the revenue can bounce around a lot. He said this increase isn't reflected in the GRT, so it indicates it is an issue of timing rather than an underlying strength.

Responding to Councilor Chavez, Mr. Millican said we have to rely on private industry to determine the hotel occupancy rate.

Councilor Chavez suggested talking with Mr. Toler to come up with a figure.

Mr. Millican said we could approach lodging properties to see if they are willing to participate, and it would be necessary to get a sample from the whole spectrum of lodging types.

37. MATTERS FROM THE COMMITTEE

A. NOVEMBER FINANCE COMMITTEE MEETINGS. (DAVID MILLICAN)

Chair Ortiz said there is a request from the Finance Director for a second Committee meeting on November 17, 2008, which would be dedicated to a particular subject, which he thinks is a good idea. It would be a study session, and all Councilors would be invited to attend. It was the consensus among the Committee to schedule the second Committee meeting on November 17, 2008.

Councilor Chavez would also like a full status update and report on the Creative Cities Conference.

MOTION: Councilor Calvert moved, seconded by Councilor Chavez, to amend the agenda, to remove the Executive Session upon the presentation of a written product by the City Attorney, and to approve the agenda as amended.

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

EXECUTIVE SESSION

35. DISCUSSION OF ALL PENDING CASES CURRENTLY FILED IN STATE OR FEDERAL COURT IN NEW MEXICO; PURSUANT TO §10-15-1(H)(7) NMSA 1978. (FRANK KATZ)

This item was removed from the agenda.

38. ADJOURNMENT

There being no further business to come before the Committee, and the Committee having completed its Agenda, the meeting was adjourned at 7:45 p.m.

Matthew E. Ortiz, Chair

Reviewed by:

David N. Millican, Director
Department of Finance



Melessia Helberg, Stenographer