



Agenda

DATE 7/22/09 TIME 9:00a
SERVED BY Beth Morrison
RECEIVED BY [Signature]

**PUBLIC WORKS/CIP & LAND USE COMMITTEE
MEETING
CITY COUNCIL CHAMBERS
MONDAY, JULY 27, 2009
5:15 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM JULY 6, 2009 PUBLIC WORKS COMMITTEE MEETINGS

INFORMATIONAL AGENDA

6. SFRTC BROADBAND FIBER INFRASTRUCTURE PROJECT UPDATE (FABIAN TRUJILLO/JUAN TORRES)

CONSENT AGENDA

7. CIP PROJECT #621 – MUNICIPAL COURT RENOVATIONS
 - REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT (#GS-28F-0016N) WITH CREATIVE INTERIORS TO PROVIDE RENOVATIONS TO COURT ROOM, ADJACENT OFFICES, BREAK AREA AND NEW RECEPTION IN THE AMOUNT OF \$63,775.83 (CHIP LILIENTHAL)
8. 2007 GENERAL FUND GRANT AGREEMENT AMENDMENT NO. 4
 - REQUEST FOR APPROVAL OF AMENDMENT NO. 4 WHICH DELETES PROJECT NO. 07-5530 FOR \$150,000 FOR AN INDOOR ARTS MARKET FACILITY IN SANTA FE. NO EXPENDITURES WERE MADE ON THIS GRANT (DAVID CHAPMAN)
9. SANTA FE WAYFINDING SIGNAGE PROJECT 2009
 - REQUEST FOR APPROVAL AND AWARD OF BID RFB 09/40B TO AAC CONSTRUCTION LLC OF SANTA FE IN THE AMOUNT OF \$157,820.82 INCLUSIVE OF NMGR
 - REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST IN THE AMOUNT OF \$210,260 (RICK DEVINE)
10. CIP PROJECT #697
 - REQUEST FOR APPROVAL OF THE AWARD OF RFP 09/20/P FOR THE MASTER PLAN/FINANCIAL FEASIBILITY ANALYSIS FOR SILER ROAD PROPERTY AND THE DOWNTOWN CITY HALL AREA AND APPROVAL OF THE PROFESSIONAL SERVICES AGREEMENT WITH AUTOTROPH IN THE AMOUNT OF \$308,823.17
 - REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST (BAR) MARTIN VALDEZ)

11. SANTA FE MUNICIPAL AIRPORT

- REQUEST FOR APPROVAL OF EAST APRON RECONSTRUCTION RFP 09/38/B BID AWARD TO ALBUQUERQUE ASPHALT, INC. IN THE AMOUNT OF \$1,546,736.37 AS CORRECTED
- REQUEST FOR APPROVAL OF AN APPLICATION FOR A FEDERAL AIRPORT IMPROVEMENT PROGRAM GRANT IN THE AMOUNT OF \$1,666,541 FOR THE PURPOSE OF RECONSTRUCTION OF THE EAST APRON
- REQUEST FOR APPROVAL FOR THE AIRPORT MANAGER TO ACCEPT THE FEDERAL GRANT ONCE FORMALLY OFFERED IN ORDER TO MEET FEDERAL AIRPORT IMPROVEMENT PROGRAM DEADLINES **(JIM MONTMAN)**

12. SANTA FE MUNICIPAL AIRPORT

- REQUEST FOR APPROVAL OF SUBMISSION OF A STATE GRANT APPLICATION FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR RUNWAY 2-20 STRIPING IN THE AMOUNT OF \$127,000
- REQUEST FOR APPROVAL FOR THE AIRPORT MANAGER TO ACCEPT THE GRANT ON BEHALF OF THE CITY WHEN OFFERED **(JIM MONTMAN)**

13. REQUEST FOR APPROVAL FOR CONSIDERATION OF THE 2009-2010 ANNUAL ACTION PLAN FOR A RECOMMENDATION TO THE CITY COUNCIL OF SANTA FE TO APPROVAL AN AMENDMENT TO THE PLAN FOR REALLOCATION OF CDBG FUNDS **(MELISA DAILEY)**

14. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO CONDUCT THE NECESSARY TRAFFIC STUDY TO DETERMINE IF MID-BLOCK CROSSWALKS ARE APPROPRIATE ON CALLE ATAJO AND IF SO, DETERMINE THE APPROPRIATE FUNDING AND INSTALL THE CROSSWALKS AS PER TRAFFIC ENGINEERING STANDARDS **(COUNCILOR DOMINGUEZ) (CHRIS ORTEGA)**

15. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO COLLABORATE WITH THE YOUTH OF OUR COMMUNITY TO IDENTIFY AN ALTERNATIVE, TEMPORARY LOCATION FOR THE MEMORIAL CURRENTLY AT CATHEDRAL PARK HONORING THE FOUR YOUTH WHO RECENTLY WERE KILLED IN A VEHICULAR ACCIDENT; AND TO COLLABORATE WITH THE YOUTH, FORMER MEMBERS OF THE CUARTOCENTENARIO CATHEDRAL PARK MONUMENT COMMITTEE AND NON-PROFIT ORGANIZATIONS TO IDENTIFY A LOCATION AND CREATE POLICIES FOR A PERMANENT MEMORIAL TO HONOR ALL SANTA FE YOUTH WHO HAVE DIED **(COUNCILOR DOMINGUEZ) (SEVASTIAN GURULE)**

16. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE CITY OF SANTA FE FIRE DEPARTMENT AND ITS EFFORTS IN PREPARING FOR THE OPENING OF THE CITY OF SANTA FE FIREFIGHTER HISTORY MUSEUM **(MAYOR COSS) (BARBARA SALAS)**

PUBLIC HEARING

17. COLLEGE OF SANTA FE BOND PROVISIONS

- **BILL NO. 2009-35: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO COLLEGE OF SANTA FE LEASE/SUBORDINATE LIEN GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2009 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING LAND, BUILDINGS AND OTHER PROPERTY FROM THE COLLEGE OF SANTA FE; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM LEASE AND INSTALLMENT PAYMENTS FROM THE LESSEE/PURCHASER OF THE PROJECT AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISPOSITION OF THE RECEIPTS DERIVED FROM LEASE AND INSTALLMENT PAYMENTS FROM THE LESSEE/PURCHASER AND THE GROSS RECEIPTS TAX REVENUES; ESTABLISHING THE FORM, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, AN OFFICIAL STATEMENT AND A CONTINUING DISCLOSURE UNDERTAKING IN CONNECTION WITH THE BONDS; PROVIDING THAT CERTAIN TERMS AND DETAILS OF THE BONDS WILL BE PROVIDED IN A SUBSEQUENT RESOLUTION OF THE COUNCIL; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY**
- **BILL NO. 2009-36: AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND AMONG THE CITY OF SANTA FE AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING LAND, BUILDINGS AND OTHER PROPERTY FROM THE COLLEGE OF SANTA FE; PROVIDING FOR THE PAYMENT OF THE LOAN AGREEMENT FROM LEASE AND INSTALLMENT PAYMENTS MADE BY THE LESSEE/PURCHASER OF THE PROJECT AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISTRIBUTIONS OF GROSS RECEIPTS TAX REVENUES FROM THE TAXATION AND REVENUE DEPARTMENT TO BE REDIRECTED TO THE NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS PURSUANT TO AN INTERCEPT AGREEMENT FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT; PROVIDING FOR THE FUNDING OF LOAN AGREEMENT RESERVE ACCOUNT; PROVIDING FOR MAXIMUM NET EFFECTIVE INTEREST RATE; PROVIDING FOR A SUPPLEMENTAL RESOLUTION TO BE SUBSEQUENTLY ADOPTED SPECIFYING DETAILS OF THE LOAN AGREEMENT, INCLUDING THE NET EFFECTIVE INTEREST RATE; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND INTERCEPT AGREEMENT; AND DECLARING AN EMERGENCY (DAVID MILLICAN)**
- **REQUEST FOR APPROVAL OF AN ORDINANCE AUTHORIZING A LEASE OF APPROXIMATELY 61 ACRES OF LAND AND APPROXIMATELY 499,000 SQUARE FEET OF RENTABLE AREA LOCATED WITHIN THE BUILDINGS, TOGETHER WITH ALL IMPROVEMENTS, BUILDING SYSTEMS EQUIPMENT AND PERSONAL PROPERTY LOCATED AT 1600 ST. MICHAEL'S DRIVE, SANTA FE NEW MEXICO (THE COLLEGE OF SANTA FE) (MAYOR COSS) (LEE DEPIETRO)**

DISCUSSION

18. REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH ENTERPRISE FOUNDATION IN THE AMOUNT OF \$39,950 INCLUSIVE OF GROSS RECEIPTS TAX **(TED SWISHER)**
19. REQUEST FOR FINAL APPROVAL OF SALE OF REAL ESTATE AND VACATION OF RIGHT OF WAY DESIGNATION OF PARCEL CONTAINING 695 SQUARE FEET LOCATED ALONG THE NORTHERLY BOUNDARY OF 644 W. SAN FRANCISCO ST. BY JAMES A. SLEEPER **(EDWARD VIGIL)**
20. REQUEST FOR AMENDMENT NO. 1 TO SUBLEASE AGREEMENT BY AND BETWEEN SANTA FE RAILYARD COMMUNITY CORPORATION (LESSOR) AND THE CITY OF SANTA FE (LESSEE) REGARDING RECONFIGURATION OF LEASED PARCEL AS PER PROVISION OF SUBLEASE AGREEMENT DATED MARCH 30, 2005 BY RICHARD CZOSKI, EXECUTIVE DIRECTOR OF SFRCC **(EDWARD VIGIL)**
21. MATTERS FROM STAFF
22. MATTERS FROM THE COMMITTEE
23. NEXT MEETING: AUGUST 10, 2009
24. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date

SUMMARY INDEX

PUBLIC WORK, CIP & LAND USE COMMITTEE

July 27, 2009

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2. ROLL CALL	Quorum Present	1
3. APPROVAL OF AGENDA	Approved as published	1
4. APPROVAL OF CONSENT AGENDA	Approved as amended	2
5. APPROVAL OF MINUTES - July 6, 2009	Approved as presented	2
INFORMATIONAL AGENDA		
6. Broadband Project Update	Informational only	2-3
CONSENT AGENDA LISTING	Listed	3-4
DISCUSSION AGENDA		
9. Santa Fe Wayfinding Signage	Approved with condition	4-5
17. College of Santa Fe Bond Provisions	Approved	5-12
18. College of Santa Fe Lease	Approved	12-13
19. Real Estate Sale to Mr. Sleeper	Approved	13
20. Sublease at Railyard	Approved	13
21. Matters from Staff	None	14
22. Matters from the Committee	None	14
23. Next Meeting	Set for August 10, 2009	14
24. Adjournment	Adjourned at 7:02 p.m.	14

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

MONDAY, JULY 27, 2009

1. CALL TO ORDER

A regular meeting of the Public Works/CIP & Land Use Committee was called to order on the above date by Chair Patti Bushee at approximately 5:15 p.m. in City Council Chambers, City Hall, 200 Lincoln, Santa Fe, New Mexico

2. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBER PRESENT:

Councilor Patti Bushee, Chair
Councilor Christopher Calvert
Councilor Miguel Chávez
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

MEMBERS ABSENT:

OTHER COUNCILORS PRESENT:

Councilor Rebecca Wurzbarger

OTHERS PRESENT:

Mr. Robert Romero, Public Works Director
Ms. Bobbi Mossman, Public Works Staff

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

3. APPROVAL OF AGENDA

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

4. APPROVAL OF CONSENT AGENDA

Councilor Calvert requested discussion on Item #9.

Councilor Calvert moved to approve the Consent Agenda as amended with #9 removed for discussion. Councilor Romero seconded the motion and it passed by unanimous voice vote.

5. APPROVAL OF MINUTES FROM JULY 6, 2009, PUBLIC WORKS COMMITTEE MEETING

Councilor Romero moved to approve the July 6 2009 minutes as submitted. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

INFORMATIONAL AGENDA

6. SFRTC BROADBAND FIBER INFRASTRUCTURE PROJECT UPDATE (FABIAN TRUJILLO/JUAN TORRES)

Mr. Trujillo said SFRTC was the Santa Fe Regional Telecommunications Coalition among the City, the County and the Community College. It was established in 2008. She shared a Power Point to update the Committee on their work to provide a broadband ring for 5 times more speed for businesses, fire and police, libraries, schools and hospitals. He read from the PPT script that was distributed to the Committee.

They would apply for stimulus funding by August 14th. The Fiber Design had all the equipment and technology needed to make the connections. The study had operating costs projected out for seven years with a positive cash flow beginning the first year. He showed a map of phase 1 Fiber Ring Proposal. The County would invest a million dollars for the Santa Fe Studios and gateway for the supercomputer. Santa Fe Indian School wanted to be part of the coalition. The counties of Rio Arriba, Los Alamos, Taos and Santa Fe would each be applying for the stimulus funds for the project. The stimulus funding would make \$4.2 billion available through ARRA, National Telecommunications and Infrastructure Administration. Infrastructure could be accomplished in one year.

Chair Bushee asked if there was any way to track this. She was not against broadband but wanted to be able to calculate the jobs created.

Mr. Torres said this request was part of moving along the studio and they needed that to finalize the agreement.

Chair Bushee cautioned them about touting that it would create 731 jobs. She asked how it would help 911 service.

Mr. Trujillo said it would incorporate the wireless into the interconnect for public service; but the rest

would be hard wired. It would be available in remote areas of the city.

Councilor Chávez asked if there would be a franchise fee.

Mr. Torres said the County and SFCC would own the infrastructure but a private company would operate it through a contract. The other counties would fall under a different funding stream. So they would develop their loop within their area and once they were all physically built, they would connect. Coordination would be done as part of the staff function and it all would be according to federal guidelines. There would be significant reporting requirements as part of the grant.

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Mr. Devine presented the request.

Councilor Calvert asked if this had been reviewed by the HDRB yet.

Mr. Devine was sure that it had. He had emailed David Rasch.

Councilor Calvert moved for approval with direction to make sure it was reviewed by HDRB.

Chair Bushee thought they needed a meeting of Public Works Committee with the HDRB in the near future to work out how they could mesh.

Mr. Romero said this was a project that was under the direction of Tom McGwire and it never got off the ground. And then was handed to him a couple of weeks ago.

Councilor Romero seconded the motion and asked that it include not only the HDRB but also the Railyard regarding the signage to make sure it did not violate the conservation easement. Councilor Calvert accepted it as friendly.

Mr. Devine said they had worked with the Railyard during the past two weeks. He submitted all their information to them and they came back with comments.

Councilor Chávez noted this project had been in motion since 2006 and it was unfortunate that staff did drop the ball. He considered the HDRB review a minor thing in light of the economic benefit for tourism. He asked if the delay might cause the City to lose the interest on the funds for it.

Mr. Millican had not gotten the answer back yet. He needed to refer to the state grant on it. No city funds would be forfeited.

Mr. Romero said they received \$400,000 and spent \$200,000 on design so that was the State's grant money for it. He did not think they would lose any of the money for construction. Mr. Millican agreed.

Councilor Chávez said the studies conducted would have been sensitive to the HDRB. He thought historic preservation had to go beyond the environment. In today's age, this wayfinding program would help in the future. It would be good to move forward.

The motion passed by unanimous voice vote.

Councilor Calvert moved to approve the budget request for the project. Councilor Chávez seconded the motion and it passed by unanimous voice vote.

PUBLIC HEARING

17. COLLEGE OF SANTA FE BOND PROVISIONS

- **BILL NO. 2009-35: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO COLLEGE OF SANTA FE LEASE/SUBORDINATE LIEN GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2009 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING LAND, BUILDINGS AND OTHER PROPERTY FROM THE COLLEGE OF SANTA FE; PROVIDING THAT THE BONDS would BE PAYABLE AND COLLECTIBLE FROM LEASE AND INSTALLMENT PAYMENTS FROM THE LESSEE/PURCHASER OF THE PROJECT AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISPOSITION OF THE RECEIPTS DERIVED FROM LEASE AND INSTALLMENT PAYMENTS FROM THE LESSEE/PURCHASER AND THE GROSS RECEIPTS TAX REVENUES; ESTABLISHING THE FORM, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, AN OFFICIAL STATEMENT AND A CONTINUING DISCLOSURE UNDERTAKING IN CONNECTION WITH THE BONDS; PROVIDING THAT CERTAIN TERMS AND DETAILS OF THE BONDS would BE PROVIDED IN A SUBSEQUENT RESOLUTION OF THE COUNCIL; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY**

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- **REQUEST FOR APPROVAL OF AN ORDINANCE AUTHORIZING A LEASE OF APPROXIMATELY 61 ACRES OF LAND AND APPROXIMATELY 499,000 SQUARE FEET OF RENTABLE AREA LOCATED WITHIN THE BUILDINGS, TOGETHER WITH ALL IMPROVEMENTS, BUILDING SYSTEMS EQUIPMENT AND PERSONAL PROPERTY**

LOCATED AT 1600 ST. MICHAEL'S DRIVE, SANTA FE NEW MEXICO (THE COLLEGE OF SANTA FE) (MAYOR COSS) (LEE DEPIETRO)

Mr. Millican said he didn't have a lot of news but they were making progress. One of the concerns of the Finance Committee and the Council generally was the ownership of the art and rare books. Laureate agreed the ownership would be transferred to the City and housed on the campus but both City and Laureate would be able to borrow for special events like 400th anniversary. That was resolved last week.

Laureate was also anxious to get indemnification on existing environmental conditions. They agreed the City would cover that under existing policies and Laureate would be named as an additional insured.

For the electrical agreement a \$1.6 million fund for electrical repairs was approved. After that was exhausted, the City and Laureate would come up with sharing of maintenance and repair and at year five all costs would go to Laureate. None of that money was for expansion, merely to keep the existing electrical at the code standards.

Ms. Brennan said the purchase agreement was in the Council packet now.

Councilor Calvert said it was available Friday.

Ms. Brennan said there was an outstanding issue at Finance regarding the lease/purchase option. The minimum purchase price was all of the City's costs, even if the appraisal came in under that. She didn't think that would happen. They were working out the difference and they would get some credit for value of things put in including some economic development. The difference would be split between the two parties.

Chair Bushee asked about use restrictions if it was sold.

Ms. McCormick said Laureate were reluctant to do it because it would require a lien or deed restriction. They said they were reluctant to have that but were willing to share a 50/50 share on anything above costs.

Chair Bushee asked her if she was okay with that.

Ms. McCormick acknowledged it was a trade off. The City needed reasonable assurance that they would use it for education.

Councilor Calvert asked if there was any other legal way to do that.

Ms. McCormick said all the City had was a letter it was probably not binding. Ms. Brennan agreed.

Ms. Brennan said they looked carefully at Laureate's background and thought they did want to operate education. But if there was nothing on the record, it would be hard to enforce. She agreed to see if there was any room there to put something in. The permitted use under the lease was enforceable. But when sold, they become the owners.

Councilor Calvert thought a deed restriction didn't seem too restrictive to him. They were an education company and their business was education.

Ms. Brennan said the City would certainly continue to press the issue but a deed restriction might not be different from the lease.

Councilor Chávez asked what guarantee the City had that it would continue. The expectations of the public were pretty high for it continuing as a 4-year institution with in-state tuition for liberal arts and other degree programs. He asked if the accreditation would stay in place until 2010 when Laureate would take over. That was one of the components they were waiting on.

Ms. Brennan said regarding the deed restriction that it was the City's land and the City might end up owning it again and you never want to over-restrict your own land.

Mr. Millican said on accreditation that he talked to the team last week and reviewed a letter late last week that would be in the packet later.

Chair Bushee asked if he could make it available.

Mr. Millican said he would get a copy from my desk and make copies. The conversation with the team was that they were reviewing it. The team said they would recommend that accreditation would transfer with change of ownership and they would recommend teach out accreditation to their board Oct 27th. But only returning students could come in September and only in October could other students come in. The returning students would be able to receive degrees while being taught at the CSF - including seniors - regardless of board action in October. But the recommendation was that Laureate receive the accreditation. It would be provisional and the Board could call out for reviews of some kind. The degree was liberal arts with focus on arts. Laureate hired about a dozen current faculty members to run the program. Dr. Allen, former VP would coordinate it. It was on their website. Like all programs, it might adapt to changing needs.

Chair Bushee asked if it was a policy of Laureate not to offer tenure. Mr. Millican agreed.

Chair Bushee asked if the new language on early termination payment had been accepted.

Mr. Millican said they were talking about that today.

Ms. Brennan explained that the City staff realized that Laureate could turn off the lights and walk away at the end of the term without an early termination notice. So they revised the commitment letter. In the revision, Laureate had a \$20 million commitment if they defaulted early to cover operating losses and start up costs. If they decide to leave the remaining portion of that \$20 million would go to the City to cover the lease payments and any expenses the City would have. The first year would be \$5 million.

Chair Bushee said she wanted to see the legal document that indicated when the commitment was

made and when the City could collect on it. A commitment letter was very different.

Ms. Brennan said that Section 25.01 of the lease document provided for the early termination and the same language would be included in the default section, Section 14.05 Paragraph E.

Ms. McCormick said their plan was to have one more conversation on Friday with final changes to the lease.

Councilor Chávez asked about increases in tuition.

Mr. Millican said the first 26 years didn't have CPI - but after that, it would.

Chair Bushee asked about any updates on State involvement.

Mr. Millican said the MOA in the packet had the Governor's signature on it.

Mr. Millican said their financial statements were confidential but he had been allowed to review them and noted that the statements reflected a strong organization.

Chair Bushee asked if they could hear something in executive session. Mr. Millican agreed.

The Committee briefly talked about the Higher Education Center and the collaboration with UNM, Highlands and NMSU.

Mr. Millican explained that they wanted to do complementary programs and not compete against each other.

PUBLIC COMMENT

Ms. Alicia Shaw, 2215 Rancho Siringo Road, a member of most recent graduating class at CSF and was on the legislative advocacy team. Her reason for speaking was that she wanted to live in Santa Fe and wouldn't be able to if Santa Fe didn't have a 4 year college. She was watching some incredible professors leaving Santa Fe because there was no place for them to work. She urged the Committee to carefully weigh the costs of acquiring vs. the costs of losing it. If it worked, the bonds would be paid off in 26 years. Laureate had committed \$20 million; the State wanted to commit \$10 million and the CSF creditors had negotiated down the debt to \$11 million so the City would only need \$19.5 million for the purchase.

She asked them to think for a moment about what would happen if the City didn't acquire it. The campus could be mired in legal battles and who knew what would happen to the Santa Fe Art Institute or the St. Michael's district. The College of Santa Fe had contributed millions of dollars into the Santa Fe economy and the youth that needed it. She hoped they would act with courage.

Ms. Kris Swedin thanked the Committee for the chance to speak. She read a written statement.

Keeping CSF to support creative arts in Santa Fe was important and the loss would mean a significant gap. The cultural economy was more than just arts - it was all the knowledge the workers use to build jobs. Entrepreneurship was one of the skills used.

She noted this was the 5th anniversary of the City's adoption of the Economic Development Plan and the report with target industries. Keeping the college would meet four of those targets in the plan. This was a serious endeavor and required serious oversight. It comes with risks but people have done a good job in mitigating those risks.

This city seized big opportunities before when it acquired land for Tierra Contenta; purchased the Railyard, developed a living wage and built a beautiful convention center. For 20 years, Santa Fe has led the country in cultural economy but it was now slipping. The City needed a way to attract artists and artisans to this community. She thanked them for considering this.

Ms. Elaine Alexander, 248 Railroad said you wouldn't buy a house with no appraisal and the bank wouldn't loan the money to you. Now that paperwork was in place, the City needed to proceed. She was recently was made aware of the St. Michael's Revisioning project. This would help revitalize St. Michael's. This could make a more walkable neighborhood. With more traffic - more businesses. It would ease traffic congestion. But if not allowed to go forward - one of the main hazards was bankruptcy. There were lots of movies in bankruptcy so you won't see them. If CSF goes into bankruptcy - it would mean blight and ruin the neighborhood. We would have trouble here with bankruptcy. It was not artists vs. locals. And Santa Fe could actually have a middle class.

Ms. Donna Karp, 939 Don Cubero and Director of Santa Fe Arts Institute. It was more than just CSF. It was the heart - the center of the City now. She wanted to see that center become the creative center of the City. With St. Michael's Revisioning, it would be a bump up. And with all the collaborations of CSF and other institutions, the Revisioning would carry us forward into the future and help Santa Fe remain a creative city. She knew it was complex and they needed to understand this was not a usual college system - Laureate was clear and transparent about what they wanted to do.

Ms. Casey Gallegos said she was speaking on behalf of the students. She wanted to see if she could continue to pursue his degree at CSF. She was looking for history and something that went deep into where it was from and found it in CSF. The City itself was very important. A small college offering what she wanted was hard to find. She was not satisfied with UNM. CSF was what she needed. She was due to graduate in December and it was really stressful for her. She decided to stay in Santa Fe to keep track of what was going on. People called her as far away as Germany. To let it go would cause much damage.

There were no other speakers from the public at this hearing.

President Cook was invited to speak. He said right now they had hired chairs for the major departments. Last year CSF had about 60 FT faculty and a great number of adjuncts who taught single courses. If Laureate said they planned to hire a hundred people, it was for all positions. He guessed at present it would be 40-50 persons.

Chair Bushee asked Mr. Millican if he had said that Laureate hired a hundred faculty members

Mr. Millican said they hired 12 professors. They could grow to 250 in 4-5 years but that would be as enrollment grew.

President Cook said they terminated everybody in the spring and had started hiring people back. The faculty would grow as the student body grew. He explained there would be a new governing board composed of nine members with three from Laureate and the rest would be outstanding people from the arts worldwide. There would be a local advisory board totally of local people.

Chair Bushee asked if he would be continuing in his position.

President Cook said it was not appropriate to discuss his position until this was complete

Councilor Romero hoped that when the College looked at expansion, the programs at SFCC would not be duplicated. SFCC had a culinary arts program so she hoped CSF would not have one. Many of the teachers at CSF were also at SFCC. She asked if he saw any overlap.

President Cook said he was aware that some of the faculty last year taught at both institutions. He said they had heard from a number of students who had 40 hours or less to complete their work but he could not talk with any of them until he got the letter that Mr. Millican talked about. They got it Wednesday afternoon and had phone calls from 80 as well as emails.

Chair Bushee asked about the Brothers.

Ms. McCormick said there were four left and looking to move to St. Mikes, maybe into a duplex. She assured them there was no hurry since they didn't expect the State to move very quickly.

Councilor Wurzbarger said their concern was that they could still have access to the shed. They would be at Council on Wednesday night. That was the central part of their life. Rome disbanded their order which was very sad. Most of them would go to St. Mike's.

Ms. McCormick said they would have the commitment letter to the Councilors tomorrow and would discuss the restriction for education with Laureate tomorrow.

Councilor Chávez asked if the Teach Out agreement would go through next year. President Cook agreed.

Councilor Chávez asked about the student enrollment target.

Mr. Millican said Laureate's target was 4,000 students with about 2,300 by the end of the seventh year. They planned to build dorms for first and second year students by year 4 and 5. They expected to have 2000 living there and 2000 living off campus. For many of them it would be a commute to the other institutions. All of those institutions needed classrooms and computer access.

Councilor Trujillo's biggest concern was with the curriculum. It never got expanded. CSF had a reputation for many years that it was inaccessible to northern New Mexico students because of cost. He didn't think there was much outreach to the local populations. Laureate was looking at a 10% discount.

Ms. McCormick clarified that it would be 20% twenty percent off in state tuition for locals and would have the Mayor's Scholarships and the Governor's Scholarships for locals.

Councilor Trujillo asked what percentage of New Mexico students attended CSF.

President Cook estimated it was 60-70% of all students.

Councilor Trujillo thought the goal of making it the best liberal arts college in the world was lofty. But access was the important thing. The chance to study engineering or architecture, etc. was not available here. There was only a certain curriculum offered now and it needed to be expanded.

Councilor Romero said she did attend CSF and didn't graduate there. But liberal arts was the focus. She thought the other partner schools would come in. Her hope was that the Higher Education Center would include a planning school, engineering, social work with partners; it would offer a great opportunity to be the vessel to house the best of the best. She also anticipated that at the end of 26 years there would be some great changes to St. Michael's Drive.

Councilor Calvert asked Mr. Millican to explain the one item not discussed at all: the loan agreement of City with New Mexico Finance Authority.

Mr. Millican indicated there was a memo in the council packet. Their plan was to use their own resources to loan the money to the City. The staff would make a recommendation to their board for a value of \$400,000 and forego a bond debt reserve.

The City also wanted to see an interest rate concession but they could not do that or even a rate lock. The rate would likely be 6.3%.

Mr. Millican announced an open house for people to learn more tomorrow at the Southside Library from 4-7 p.m.

Councilor Calvert moved to approve the ordinance authorizing the bonds. Councilor Romero seconded the motion and it passed by unanimous voice vote.

Councilor Calvert moved for authorization of the loan arrangement. Councilor Romero seconded the motion and it passed by unanimous voice vote.

Councilor Calvert moved to approve of the lease with clarifications and instruction to staff to clarify all those issues. Councilor Romero seconded the motion and it passed by unanimous voice vote.

DISCUSSION

- 18. REQUEST FOR APPROVAL OF AN ORDINANCE AUTHORIZING A LEASE OF APPROXIMATELY 61 ACRES OF LAND AND APPROXIMATELY 499,000 SQUARE FEET OF RENTABLE AREA LOCATED WITHIN THE BUILDINGS, TOGETHER WITH ALL IMPROVEMENTS, BUILDING SYSTEMS EQUIPMENT AND PERSONAL PROPERTY LOCATED AT 1600 ST. MICHAEL'S DRIVE, SANTA FE NEW MEXICO (THE COLLEGE OF SANTA FE) (MAYOR COSS) (LEE DEPIETRO)**

Ms. McCormick said there was some concern on the cover memo. They cleaned up the scope of work to reflect what they would do.

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

- 19. REQUEST FOR FINAL APPROVAL OF SALE OF REAL ESTATE AND VACATION OF RIGHT OF WAY DESIGNATION OF PARCEL CONTAINING 695 SQUARE FEET LOCATED ALONG THE NORTHERLY BOUNDARY OF 644 W. SAN FRANCISCO ST. BY JAMES A. SLEEPER (EDWARD VIGIL)**

Mr. Vigil presented the request for the real estate sale to Mr. Sleeper.

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

- 20. REQUEST FOR AMENDMENT NO. 1 TO SUBLEASE AGREEMENT BY AND BETWEEN SANTA FE RAILYARD COMMUNITY CORPORATION (LESSOR) AND THE CITY OF SANTA FE (LESSEE) REGARDING RECONFIGURATION OF LEASED PARCEL AS PER PROVISION OF SUBLEASE AGREEMENT DATED MARCH 30, 2005 BY RICHARD CZOSKI, EXECUTIVE DIRECTOR OF SFRCC (EDWARD VIGIL)**

Mr. Vigil presented the request and explained that Exhibit C was the agreement.

Chair Bushee asked who would use it.

Mr. Richard Czoski said there were 3 parcels and they were merely reflecting the as built condition.

Chair Bushee asked if it would be charge parking. Mr. Czoski agreed. He said it had been paved and striped in 2007.

Councilor Chávez asked if this was just to finalize the jurisdiction over it.

Mr. Czoski said the jurisdiction had not changed.

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

21. MATTERS FROM STAFF

None.

22. MATTERS FROM THE COMMITTEE

None.

23. NEXT MEETING - AUGUST 10, 2009

Mr. Romero announced that the Municipal League meeting date was moved so the Committee could have its meeting on August 24.

Councilor Romero said she would be out of the country on that day and asked to be excused.

24. ADJOURN

Having completed the agenda and with no further business to come before the Committee the meeting was adjourned at 7:02 p.m.

Approved by:

Patti J. Bushee, Chair

Submitted by:



Carl Boaz, Stenographer