



Agenda

Finance Committee Meeting
City Council Chambers
October 5, 2009 – 5:15 pm

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

CITY CLERK'S OFFICE

DATE 10-2-09 TIME 1:55

SERVED BY Yolanda Green

RECEIVED BY [Signature]

SEPTEMBER 21, 2009

INFORMATIONAL ITEM

6. UPDATE ON CITY BUDGET PROCESS (DAVID MILLICAN)
 - A. PROPOSALS TO IMPLEMENT BUDGET BALANCING MEASURES FOR FISCAL YEAR 2009/2010
 - B. STATUS UPDATE ON THREE (3) CONDITIONS FOR NEW BUDGET MEASURES FOR FISCAL YEAR 2010/2011 INCLUDING FURLOUGH PLAN

CONSENT AGENDA

7. BID OPENINGS:
 - A. BID NO. 10/05/B – CITY-WIDE SEWER LINE SPOT REPAIR CONTRACT FOR WASTEWATER MANAGEMENT DIVISION; ADVANTAGE ASPHALT AND SEAL COATING, LLC (STAN HOLLAND)
8. REQUEST FOR APPROVAL OF CHANGE ORDER NO. 2 – POLICE DEPARTMENT RENOVATIONS PHASE II; LOCKWOOD CONSTRUCTION COMPANY (CHIP LILIENTHAL)
9. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – ON-CALL PAVEMENT RESURFACING PROJECT; ADVANTAGE ASPHALT AND SEAL COATING, LLC (DAVID CATANACH)
10. REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – ANNEXATION PHASE I ROADWAY IMPROVEMENTS PRIOR TO ANNEXATION FOR ENGINEERING DIVISION; COUNTY OF SANTA FE (CHRIS ORTEGA)



Agenda

11. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – INCREASE PROJECT APPROPRIATIONS FOR PLAN, DESIGN AND CONSTRUCTION OF MULTI-PURPOSE COMMUNITY CENTER FOR SANTA FE CIVIC HOUSING; SANTA FE CIVIC HOUSING AUTHORITY (DAVID CHAPMAN)
 - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND
12. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO 2006 GENERAL FUND GRANT AGREEMENT – SANTA FE RAILYARD PARK AND PLAZA FOR ARTS IN PUBLIC PLACES; SANTA FE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION (DAVID CHAPMAN)
 - A. REQUEST FOR APPROVAL OF BUDGET DECREASE – RAILYARD PARK AND PLAZA FUNDS
13. REQUEST FOR APPROVAL OF 2009 NEW MEXICO LEGISLATIVE GENERAL FUND AGREEMENTS – PROJECTS FUNDED BY THE 2009 NEW MEXICO STATE LEGISLATURE; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION (DAVID CHAPMAN)
 - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND
14. REQUEST FOR APPROVAL OF 2009 NEW MEXICO LEGISLATIVE SEVERANCE TAX GRANT AGREEMENTS – PROJECTS FUNDED BY 2009 NEW MEXICO STATE LEGISLATURE; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION (DAVID CHAPMAN)
15. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROJECT MANAGEMENT AND FISCAL SERVICES AGREEMENT – RAISE PROJECT MANAGER AUTHORITY FOR BUCKMAN DIRECT DIVERSION PROJECT FOR CONSISTENCY WITH CITY AND COUNTY; BUCKMAN DIRECT DIVERSION PROJECT BOARD, COUNTY OF SANTA FE AND SANGRE DE CRISTO WATER DIVISION (RICK CARPENTER)
16. REQUEST FOR APPROVAL OF REVISED AMENDMENT NO. 1 TO LEASE AGREEMENT – PARCEL CONFIGURATION AND USE OF CITY SILER YARDS; KITCHEN ANGLES, INC. AND FOOD DEPOT (EDWARD VIGIL)
17. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – LOBBYIST SERVICES FOR CITY OF SANTA FE (RFP #10/06/P); MARK A. DURAN & ASSOCIATES (SEVASTIAN GURULE)
18. REQUEST FOR APPROVAL OF EVALUATION REPORT BY PUBLIC UTILITIES COMMITTEE FOR PRESSURE REDUCING VALVE REMOTE MONITORING PROJECT FOR WATER DIVISION (ROBERT JORJENSEN)



Agenda

19. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE *ANTI-GRAFFITI TASK FORCE RECOMMENDATIONS* DATED APRIL 15, 2009; IMPLEMENTING THE RECOMMENDATIONS OF THE ANTI-GRAFFITI TASK FORCE THAT HAVE NO OR MINIMAL FISCAL IMPACT; DIRECTING THAT A POSITION OF COORDINATOR FOR ANTI-GRAFFITI PROGRAMS BE CREATED IN THE POLICE DEPARTMENT; AND DIRECTING THE CITY ATTORNEY TO REVIEW THE CITY CODE AMENDMENTS RECOMMENDED BY THE TASK FORCE (Councilor Dominguez) (Police Chief Aric Wheeler) (Postponed at Finance Committee meeting of September 21, 2009)

Committee Schedule

Public Safety Committee (no quorum)	August 18, 2009
Public Works Committee (move to Finance)	September 8, 2009
Finance Committee (Postponed)	September 21, 2009
City Council (scheduled)	September 30, 2009

Fiscal Impact – No

20. REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING SECTIONS 18-8.1 THROUGH 18-8.8 SFCC 1987 REGARDING PUSH CART VENDORS; AND CREATING A NEW SECTION 23-5.5 REGARDING PLAZA PUSH CART VENDORS (COUNCILOR CHAVEZ) (SEVASTIAN GURULE)
- A. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING AN APPLICATION FEE FOR PERSONS WHO APPLY FOR A LICENSE UNDER THE PLAZA PUSH CART ORDINANCE, §23-5.5 SFCC 1987 (COUNCILOR CHAVEZ) (SEVASTIAN GURULE)

Committee Schedule

Public Works Committee (Approved)	September 29, 2009
City Council (Request to Publish)	October 14, 2009
City Council (Public Hearing)	November 10, 2009

Fiscal Impact – Yes

21. REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING ORDINANCE NO. 2009-36 WHICH AUTHORIZED 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 (DAVID MILLICAN)

Committee Schedule

City Council (Request to Publish)	October 14, 2009
City Council (Public Hearing)	November 10, 2009

Fiscal Impact – No



Agenda

22. REQUEST FOR APPROVAL OF AN ORDINANCE AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO WATER UTILITY SYSTEM/GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2009 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$77,000,000 FOR THE PURPOSE OF PROVIDING FUNDS FOR (I) THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF THE BUCKMAN DIRECT DIVERSION PROJECT AND THE WATER UTILITY SYSTEM, (II) FUNDING A DEBT SERVICE RESERVE FUND FOR THE BONDS, AND (III) PAYING THE COSTS OF ISSUANCE OF THE BONDS; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE NET REVENUES OF THE WATER UTILITY SYSTEM AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE TERMS, FORM AND 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; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS (DAVID MILLICAN AND HELENE HAUSMAN)
- A. REQUEST FOR APPROVAL OF A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF SANTA FE, NEW MEXICO DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF A FUTURE TAX-EXEMPT BORROWING FOR CAPITAL EXPENDITURES PAID TO ACQUIRE, CONSTRUCT AND IMPROVE THE BUCKMAN DIRECT DIVERSION PROJECT; IDENTIFYING THE CAPITAL EXPENDITURES AND THE FUNDS TO BE USED FOR SUCH PAYMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH (DAVID MILLICAN AND HELENE HAUSMAN)

Committee Schedule

City Council (Request to Publish)
 City Council (Public Hearing)

October 14, 2009
 November 10, 2009

Fiscal Impact – No

23. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW ARTICLE 23-8 SFCC 1987 REGULATING STREET PERFORMERS ON BUSINESS LICENSE FEES (COUNCILOR BUSHEE) (SEVASTIAN GURULE)

Committee Schedule

Public Works Committee (Approved)
 City Council (Request to Publish)
 City Council (Public Hearing)

September 29, 2009
 October 14, 2009
 November 10, 2009

Fiscal Impact – Yes



Agenda

24. REQUEST FOR APPROVAL OF AN ORDINANCE AUTHORIZING LEASES FOR THREE TRACTS OF LAND TOTALING 9.5692 ACRES CONSISTING OF: TRACT 1/PHASE 1 (3.9587 ACRES LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND SOUTHWEST OF WEST SAN FRANCISCO STREET; TRACT 1/PHASE 2 (3.7370 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND SOUTHWEST OF WEST SAN FRANCISCO STREET AND EAST OF TRACT 1/PHASE I; TRACT 2 (1.5235 ACRES) LOCATED NORTH OF WEST ALAMEDA, WEST OF CAMINO DEL CAMPO AND SOUTH OF WEST SAN FRANCISCO STREET; AND TRACT 3 (0.3500 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF CAMINO DEL CAMPO AND SOUTH OF WEST SAN FRANCISCO STREET (SANTA FE CIVIC HOUSING AUTHORITY/VILLA ALEGRE PROJECT) (MAYOR COSS) (LEE DEPIETRO)
- A. REQUEST FOR APPROVAL OF GROUND LEASE – VILLA ALEGRE HOUSING PROJECT; SANTA FE CIVIC HOUSING AUTHORITY
1. MULTIFAMILY
 2. SENIOR
 3. WORKFORCE

Committee Schedule

Public Works Committee (Approved)
City Council (Request to Publish)
City Council (Public Hearing)

September 8, 2009
October 14, 2009
November 10, 2009

Fiscal Impact – Yes

END OF CONSENT AGENDA

DISCUSSION

25. REQUEST FOR APPROVAL OF CONSIDERATION TO RE-ESTABLISH POSITIONS IN FY 2009/2010 BUDGET (KRISTINE KUEBLI)



Agenda

26. OTHER FINANCIAL INFORMATION:

- A. UPDATE ON BDD PROJECT O&M BUDGET CREATION FOR FY 2010/2011
(RICK CARPENTER)

27. MATTERS FROM THE COMMITTEE

28. 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 OF ACTION
FINANCE COMMITTEE MEETING
Monday, October 5, 2009**

<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 21, 2009	Approved	5
<u>INFORMATIONAL ITEM</u>		
UPDATE ON CITY BUDGET PROCESS	Postponed to 10/19/09	5
PROPOSALS TO IMPLEMENT BUDGET BALANCING MEASURES FOR FISCAL YEAR 2009/2010	Postponed to 10/19/09	5
STATUS UPDATE ON THREE (3) CONDITIONS FOR NEW BUDGET MEASURES FOR FISCAL YEAR 2010/2011, INCLUDING FURLOUGH PLAN	Postponed to 10/19/09	5
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – ANNEXATION PHASE I, ROADWAY IMPROVEMENTS PRIOR TO ANNEXATION FOR ENGINEERING DIVISION; COUNTY OF SANTA FE	Approved [amended]	6-8
REQUEST FOR APPROVAL OF EVALUATION REPORT BY PUBLIC UTILITIES COMMITTEE FOR PRESSURE REDUCING VALVE REMOTE MONITORING PROJECT FOR WATER DIVISION	Approved [amended]	8-9
REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE <i>ANTI-GRAFFITI TASK FORCE RECOMMENDATIONS</i> DATED APRIL 15, 2009, IMPLEMENTING THE RECOMMENDATIONS OF THE ANTI-GRAFFITI TASK FORCE THAT HAVE NO OR MINIMAL FISCAL IMPACT; DIRECTING THAT A POSITION OF COORDINATOR FOR ANTI-GRAFFITI PROGRAMS BE CREATED IN THE POLICE DEPARTMENT; AND DIRECTING THE CITY ATTORNEY TO REVIEW THE CITY CODE AMENDMENTS RECOMMENDED BY THE TASK FORCE	Approved	9-11

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<p>REQUEST FOR APPROVAL OF AN ORDINANCE AUTHORIZING LEASES FOR THREE TRACTS OF LAND TOTALING 9.5692 ACRES, CONSISTING OF: TRACT 1/PHASE 1 (3.9587 ACRES LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND SOUTHWEST OF WEST SAN FRANCISCO STREET; TRACT 1/PHASE 2 (3.7370 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND SOUTHWEST OF WEST SAN FRANCISCO STREET AND EAST OF TRACT 1/PHASE I; TRACT 2 (1.5235 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF CAMINO DEL CAMPO AND SOUTH OF WEST SAN FRANCISCO STREET (SANTA FE CIVIC HOUSING AUTHORITY/VILLA ALEGRE PROJECT)</p>	Approved w/conditions	11-15
<p>REQUEST FOR APPROVAL OF GROUND LEASE – VILLA ALEGRE HOUSING PROJECT; SANTA FE CIVIC HOUSING AUTHORITY.</p>		
<p>1. MULTIFAMILY 2. SENIOR 3. WORKFORCE</p>	Approved w/conditions	11-15

END OF CONSENT CALENDAR DISCUSSION		

<u>INFORMATIONAL ITEM</u>		
<u>DISCUSSION</u>		
<p>REQUEST FOR APPROVAL OF CONSIDERATION TO RE-ESTABLISH POSITIONS IN FY 2009/2010 BUDGET</p>	Approved [amended]	15-16
<p>OTHER FINANCIAL INFORMATION UPDATE ON BDD PROJECT O&M BUDGET CREATION FOR FY 2010/2011</p>	Postponed to 10/19/2009	16
MATTERS FROM THE COMMITTEE	Information/discussion	17-18
ADJOURNMENT		18

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE**
Monday, October 5, 2009

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 Monday, October 5, 2009, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

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

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

A Memorandum dated October 5, 2009, with attachment, to the Finance Committee from David Millican, Finance Director, regarding Revision to the Sizing of the Buckman Direct Diversion Project Bond Issue, is incorporated herewith to these minutes as Exhibit "1."

David Millican said there is a request from Rick Carpenter to postpone Item #26 to the meeting of October 19, 2008, so he can provide full set of information.

Mr. Millican said, with regard to Item #22 on the Consent Agenda, the Resolution in the packet is at a higher level, and that has been reduced to \$61 million, noting he handed out a copy of a Memorandum

with a copy of the amended resolution attached, requesting a reduction of the principal amount from \$77 million to \$61 million, and that the Committee approve the actions requested in the staff report enclosed in the Committee agenda package [Exhibit "1"].

Councilor Chavez asked, regarding the 2003 Settlement Agreement between the City and Las Campanas, for an update on how the new agreement between the County and Las Campanas will affect that agreement.

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 Wurzbarger, to approve the following Consent Agenda, as amended.

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

CONSENT AGENDA

7. BID OPENINGS:

- A. **BID NO. 10/05/B – CITY-WIDE SEWER LINE SPOT REPAIR CONTRACT FOR WASTEWATER MANAGEMENT DIVISION; ADVANTAGE ASPHALT AND SEAL COATING, LLC. (STAN HOLLAND)**
- 8. **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 2 – POLICE DEPARTMENT RENOVATIONS PHASE II; LOCKWOOD CONSTRUCTION COMPANY. (CHIP LILIENTHAL)**
- 9. **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – ON-CALL PAVEMENT RESURFACING PROJECT; ADVANTAGE ASPHALT AND SEAL COATING, LLC. (DAVID CATANACH)**
- 10. ***[Removed for discussion by Councilor Calvert]***
- 11. **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – INCREASE PROJECT APPROPRIATIONS FOR PLAN, DESIGN AND CONSTRUCTION OF MULTI-PURPOSE COMMUNITY CENTER FOR SANTA FE CIVIC HOUSING; SANTA FE CIVIC HOUSING AUTHORITY. (DAVID CHAPMAN)**
 - A. **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

12. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO 2006 GENERAL FUND GRANT AGREEMENT – SANTA FE RAILYARD PARK AND PLAZA FOR ARTS IN PUBLIC PLACES; SANTA FE, STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION. (DAVID CHAPMAN)
 - A. REQUEST FOR APPROVAL OF BUDGET DECREASE – RAILYARD PARK AND PLAZA FUNDS.
13. REQUEST FOR APPROVAL OF 2009 NEW MEXICO LEGISLATIVE GENERAL FUND AGREEMENTS – PROJECTS FUNDED BY THE 2009 NEW MEXICO STATE LEGISLATURE; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION (DAVID CHAPMAN)
 - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
14. REQUEST FOR APPROVAL OF 2009 NEW MEXICO LEGISLATIVE SEVERANCE TAX GRANT AGREEMENTS – PROJECTS FUNDED BY 2009 NEW MEXICO STAT LEGISLATURE; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION. (DAVID CHAPMAN)
15. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROJECT MANAGEMENT AND FISCAL SERVICES AGREEMENT – RAISE PROJECT MANAGER AUTHORITY FOR BUCKMAN DIRECT DIVERSION PROJECT FOR CONSISTENCY WITH CITY AND COUNTY; BUCKMAN DIRECT DIVERSION PROJECT BOARD, COUNTY OF SANTA FE AND SANGRE DE CRISTO WATER DIVISION. (RICK CARPENTER)
16. REQUEST FOR APPROVAL OF REVISED AMENDMENT NO. 1 TO LEASE AGREEMENT – PARCEL CONFIGURATION AND USE OF CITY SILER YARDS; KITCHEN ~~ANGLES~~ ANGELS, INC., AND FOOD DEPOT. (EDWARD VIGIL)
17. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – LOBBYIST SERVICES FOR CITY OF SANTA FE (RFP #10/06/P); MARK DURAN. (SEVASTIAN GURULE).
18. *[Removed for discussion by Councilor Calvert]*
19. *[Removed for discussion by Councilor Calvert]*
20. REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING SECTIONS 18-8.1 THROUGH 18-8.8 SFCC 1987, REGARDING PUSH CART VENDORS; AND CREATING A NEW SECTION 25-5.5, REGARDING PUSH CART VENDORS (COUNCILOR CHAVEZ). (SEVASTIAN GURULE)
 - A. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING AN APPLICATION FEE FOR PERSONS WHO APPLY FOR A LICENSE UNDER THE PLAZA PUSH CART ORDINANCE, § SECTION 23-5.5 SFCC 1987 (COUNCILOR CHAVEZ). (SEVASTIAN GURULE)

Committee Schedule: Public Works Committee (Approved) September 29, 2009; City Council (Request to Publish) October 14, 2009; and City Council (Public Hearing) November 10, 2009. Fiscal Impact – Yes.

21. REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING ORDINANCE NO. 2009-36, WHICH AUTHORIZED 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. (DAVID MILLICAN) Committee Schedule: City Council (Request to Publish) October 1, 2009; and City Council (Public Hearing) November 10, 2009.
22. REQUEST FOR APPROVAL OF ~~AN ORDINANCE~~ AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO WATER UTILITY SYSTEM/ GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2009 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED ~~\$77,000,000~~ \$61,000,000 FOR THE PURPOSE OF PROVIDING FUNDS FOR: (I) THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF THE BUCKMAN DIRECT DIVERSION PROJECT AND THE WATER UTILITY SYSTEM; (II) FUNDING A DEBT SERVICE RESERVE FUND FOR THE BONDS; AND (III) PAYING THE COSTS OF ISSUANCE OF THE BONDS; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE NET REVENUES OF THE WATER UTILITY SYSTEM AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE TERMS, FORM AND 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; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS (DAVID MILLICAN AND HELENE HAUSMAN)
- A, REQUEST FOR APPROVAL OF A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF SANTA FE, NEW MEXICO, DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF A FUTURE TAX-EXEMPT BORROWING FOR CAPITAL EXPENDITURES PAID TO ACQUIRE, CONSTRUCT AND IMPROVE THE BUCKMAN DIRECT DIVERSION PROJECT; IDENTIFYING THE CAPITAL EXPENDITURES AND THE FUNDS TO BE USED FOR SUCH PAYMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH (DAVID MILLICAN AND HELENE HAUSMAN.
- Committee Schedule: City Council (Request to Publish) October 14, 2009; and City Council (Public Hearing) November 10, 2009. Fiscal Impact – No.

A copy of a Memorandum dated October 5, 2009, to the Finance Committee from David N. Millican, Finance Department Director, with attached amended Resolution, requesting action to reduce the amount to be bonded from \$77 million to \$61 million and for the Committee to approve the actions requested in the Staff Report, enclosed in the Committee agenda package, is incorporated herewith to these minutes as Exhibit "1."

23. **REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW ARTICLE 23-8 SFCC 1987, REGULATING STREET PERFORMERS ON BUSINESS LICENSE FEES (COUNCILOR BUSHEE). (SEVASTIAN GURULE). Committee Schedule: Public Works Committee (Approved) September 29, 2009; City Council (Request to Publish) October 14, 2009; and City Council (Public Hearing) November 10, 2009. Fiscal Impact – Yes.**

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

END OF CONSENT AGENDA

5. APPROVAL OF MINUTES – SEPTEMBER 21, 2009

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the minutes of the Regular Finance Committee Meeting of September 21, 2009, as presented.

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

INFORMATIONAL ITEM

6. UPDATE ON CITY BUDGET PROCESS. (DAVID MILLICAN)

Chair Ortiz said he thought most of this information would be presented at the next meeting of the Committee on October 19, 2009.

Galen Buller, City Manager, said the update he has is on the restructuring process. He said the Committee has been meeting, and has been meeting with members of AFSCME as well. He said he is in the process of preparing a Memorandum for the next Finance Committee Meeting. He said, rather than giving an interim report, he will finish that report and put it in the Committee packet for the next meeting.

Chair Ortiz said one of conditions on the restructuring is that we were going to deal with public safety all together. He said there was a request that the Fire Department come before the Police Department because it has some consensus that the Police Department doesn't have.

Mr. Buller said he will schedule that accordingly on the next meeting agenda.

- A. PROPOSALS TO IMPLEMENT BUDGET BALANCING MEASURES FOR FISCAL YEAR 2009/2010.**
- B. STATUS UPDATE ON THREE (3) CONDITIONS FOR NEW BUDGET MEASURES FOR FISCAL YEAR 2010/2011, INCLUDING FURLOUGH PLAN.**

CONSENT CALENDAR DISCUSSION

10. REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – ANNEXATION PHASE I, ROADWAY IMPROVEMENTS PRIOR TO ANNEXATION FOR ENGINEERING DIVISION; COUNTY OF SANTA FE. (CHRIS ORTEGA)

A one page handout with a series of photographs indicating issues on the roads which are to be taken over by the City under the Annexation Settlement Agreement – Lopez Land, Richards Avenue, Ocate Road and Governor Miles, is incorporated herewith to these minutes as Exhibit "2"

Councilor Calvert said he understands there has been some feedback from County that they don't agree with the improvements and maintenance which need to be done. He said in looking at the proposed MOA, \$300,000 seems to be a fairly paltry sum.

Chris Ortega said he had a conversation with the County today, and the County felt the asphalt treatments were capital improvement rather than routine maintenance. He said the City considers these kinds of items to be maintenance.

Councilor Calvert said \$300,000 for some of the areas for which we are assuming responsibility doesn't seem to be a very large amount of money for these roads since we are taking them over "forever." He would hope the County could get these roads in some sort of usable shape which would last 2-5 years before requiring major expenditures.

Mr. Ortega agreed, saying the City consider treatments which preserve the facilities from failing or to maintain them in their existing condition. He said you can tell from the photos [Exhibit "2"] that some of the roads in Phase 1 annexation need attention.

Councilor Calvert said this was a condition of the Annexation Settlement Agreement, and several Councilors expressed concern about what the City was taking over, and he thought the MOU would allay some of our concerns about what we were inheriting and reach a compromise with the County. He said if the County is reluctant at this level of expenditure he is concerned.

Councilor Chavez agreed that sometimes the inheritance is hard to accept, but it is our inheritance and this is what we inherited through a joint public planning process at EZC and the EZA. He said, "The Settlement Agreement is what it is. And, you can accept that Settlement Agreement, or you can reject it or you can unravel it if you want to." He said we have always been on the short end of the stick when it comes to the County. He believes Councilor Calvert has a valid concern, but much of this "is water under the bridge and we're going to have to move forward and we're going to have to accept this." He pointed out that this is in perpetuity, so we will have a lot of catching-up to do.

MOTION: Councilor Chavez moved, seconded by Councilor Wurzbarger with the intention of amending the motion, to approve this request.

FRIENDLY AMENDMENT: Councilor Wurzbarger would like to amend the motion to approve the MOA, and to remove the alternative. She said she has a clear understanding of the agreement, which is the first point which provides, "Prior to the recording of the Annexation of Phase 1, the County shall perform the roadway improvement and maintenance activities identified in "Annexation Phase 1 – needed Roadway improvements." She is concerned that the County is balking at the \$300,000. **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.**

MOTION TO AMEND: Councilor Wurzbarger moved, seconded by Councilor Dominguez, to amend the motion to approve the MOA, and to remove the alternative.

DISCUSSION ON THE MOTION TO AMEND: Councilor Dominguez said then the intent is to get them to actually do the improvements.

Councilor Chavez said the City is still making those improvements to County standards, and not our future State roads. He said the staff worked long and hard to get to this point, and asked staff what does going back to the table mean in regards to the whole Annexation Settlement Agreement.

Robert Romero said the City's intent, when this agreement was made, that we would get these roads in such condition that the City wouldn't immediately have to expend its funds. He said this is the reason this was prepared, so that if we annex this first phase that the County does its part. He said picture #4 indicates a real hazard, with a huge hole next to the road. He said it sounds like what the County is telling us now, "Too bad. So sad. Take these roads." He reiterated that the City's intent was to get the road in condition to last for 10 years. He said we have to do something immediately, noting we are having a difficult time maintaining our own roads. He said all we are asking at the roads be in a condition which is acceptable so the City doesn't have to spend its resources immediately.

Councilor Chavez said there is a real difference between the County standards and the City standards.

Mr. Romero said we could go even further, and we could require a paved shoulder and sidewalk if that is the County standard. We aren't asking for that, and what we are asking is that these roads be in a condition which is acceptable, so as to not begin day one with a string of complaints. He said it is hoped the County would, at the least, do standard maintenance, and that's all we're asking. We're not asking them to bring them to the City standard with curb, gutter, sidewalk, shoulders and such..

Councilor Chavez asked if the County provides those services in lieu of the \$300,000, will we still get the \$300,000 from the County, and if the City will inspect the work that the County would do.

Mr. Romero said if the County is making these improvements, we would look at them to see if we think they are done adequately or not. He said staff prefers not to have to touch the roads, and to let the County do the work and once done, then we will inspect and say they have addressed this adequately and we are willing to "take it on." He said you can see by the pictures that these roads are in horrible shape.

Councilor Chavez said then there is some understanding the City will have project oversight, and inspection authority.

Mr. Romero said the way we wrote the agreement is that the City won't do the annexation until these improvements are done satisfactorily. He said it would mean before the annexation paperwork could be filed, that they would have to get a letter from the City that these improvements have been made to our satisfaction, noting it is on page 2 of the Agreement. He said we won't do the first phase of the annexation until these improvements are made. He said once the roads are transferred legally to the City, the County will never touch the roads.

Responding to Councilor Chavez, Mr. Romero said the City should have specified clearly what is maintenance, but this is bigger than maintenance. Right now, the City has not received anything in writing, but we did send them this agreement.

Councilor Calvert said this is just Phase 1, and if we don't get this cleared up right now, we will inherit more and more of these bad situations as we go through the process.

VOTE ON THE MOTION TO AMEND: The motion was approved unanimously on a voice vote.

Explaining his vote: Councilor Chavez explained he is changing his position, and he will support the motion since staff has oversight.

VOTE ON THE MAIN MOTION, AS AMENDED: The motion was approved unanimously on a voice vote.

18. REQUEST FOR APPROVAL OF EVALUATION REPORT BY PUBLIC UTILITIES COMMITTEE FOR PRESSURE REDUCING VALVE REMOTE MONITORING PROJECT FOR WATER DIVISION. (BRIAN SNYDER)

Councilor Calvert said he pulled this item to make one clarification. In the Memorandum, it says that the Public Utilities Committee directed that, "Telephone telemetry and underground electric service will be utilized for all Phase 1 sites." He said he believes the Committee directed staff to use it for both Phases 1 and 2 City-wide for the reasons enumerated. He said the PUC Action Sheet provides that the Committee "recommended telephone telemetry." He said the Committee was recommending telephone telemetry for both Phase 1 and Phase 2.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve this request, with the modification that telephone telemetry is being recommended for Phase 1 and Phase 2.

DISCUSSION: Councilor Chavez asked the total dollar amount, or if it will be broken into two separate phases.

Councilor Calvert said the dollar amount will be broken into two separate phase. He said staff estimated an approximate shortfall of \$40,000 having to do with this arrangement. He believes staff is comfortable to make this up in the project, or redefine some of their priorities and work plans to fund the shortfall.

Mr. Snyder said the \$40,000 shortfall was estimated for the Phase 1 project, and staff will then evaluate Phase 2. He said in Phase 2 they would need to look at each site to determine if it is necessary or not, and then estimate the cost.

Councilor Calvert said in Phase 2 some sites, as in Phase 1, would be eliminated as well, although perhaps not as many.

Councilor Chavez said then we are approving Phase 2 without any funding.

Councilor Calvert said no, he proposes to add a condition that telephone telemetry will be the arrangement in Phase 2 as well as in Phase 1. He said the Committee spent a lot of time debating this issue in the public hearing at the meeting. He said this can be done without much extra resources, and make the project move forward more expeditiously and effectively.

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

- 19. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE ANTI-GRAFFITI TASK FORCE RECOMMENDATIONS DATED APRIL 15, 2009, IMPLEMENTING THE RECOMMENDATIONS OF THE ANTI-GRAFFITI TASK FORCE THAT HAVE NO OR MINIMAL FISCAL IMPACT; DIRECTING THAT A POSITION OF COORDINATOR FOR ANTI-GRAFFITI PROGRAMS BE CREATED IN THE POLICE DEPARTMENT; AND DIRECTING THE CITY ATTORNEY TO REVIEW THE CITY CODE AMENDMENTS RECOMMENDED BY THE TASK FORCE (COUNCILOR DOMINGUEZ). (POLICE CHIEF ARIC WHEELER). (POSTPONED AT FINANCE COMMITTEE MEETING OF SEPTEMBER 21, 2009). Committee Schedule. Public Safety Committee (no quorum) April 18, 2009; Public Works Committee (move to Finance) September 8, 2009; Finance Committee (Postponed) September 21, 2009; City Council (scheduled) September 30, 2009. Fiscal Impact – No.**

Councilor Calvert said he doesn't disagree with what is proposed, but it says there is no fiscal impact, noting this certainly will have a fiscal impact and there is an FIR in the Committee packet.

Chair Ortiz said then Councilor Calvert pulled this item to note that there is an FIR in the Committee packet and Councilor Calvert said yes.

Councilor Chavez asked how this will work structurally within the Police Department [PD].

Officer Anaya said they have told this Committee previously that one of the main break-downs in the system has been the coordination and communication between the PD and Parks and other divisions in terms of graffiti. He said this will be a position within the PD which will be a central intake position which will receive all graffiti complaints in the Department, whether from dispatch or the DWI Buster Line, or constituent services. Everything will come to the same person who can now gather, track and identify all of the graffiti and it then will go to two separate departments – to Parks for maintenance and cleanup and to the PD gang unit for further investigation, tracking and prosecution.

Councilor Chavez asked Officer Anaya to speak to the fiscal impact.

Officer Anaya said, like other City departments, the PD has experienced civilian personnel cutbacks, and the remaining person has been doing double duty. He said they would be hard pressed to find someone who would have the available time to receive the information coming from multiple agencies, as well as to sort the information, disseminate it and do educational pieces. He said the request is for one new position, Anti-Graffiti Coordinator, and the total cost is \$69,000 for salary, benefits and associated capital purchases – desk, computer, etc.

Councilor Chavez said then the vehicle and equipment will be provided by the department and the total cost is \$69,000, and Officer Anaya said this is correct.

Councilor Chavez asked Parks Division Director Fabian Chavez how he sees the new structure interfacing with what needs to be done in Parks.

Mr. Chavez said it already is working. He said the main difference currently is that Parks Division still is the first response, and will go to the site, make notations. If it appears to be very serious, Steve will call DEA to go to the site immediately before anything is touched, and then it is picked up by the PD for follow through with enforcement and prosecution.

Councilor Chavez said then they are issuing citations and prosecuting to the extent possible.

Officer Anaya said yes, this is the whole intent for this position. He said this person will be responsible for the education and communication between the Parks Division as well as the City Attorney's office. He said they have found several cases which are linked to a single person, and they will start the civil process restitution, which is happening now. He said four cases have been completed and have been sent to the City Attorney's office.

Councilor Dominguez said part of this is to incorporate the mural component. He said the things he saw missing is that there was a severe lack of communication between Parks and the PD, and the PD wasn't engaged in some of that activity, and so the communication was "forced" on them in this resolution. Secondly, there didn't seem to have been any way to address and attack graffiti in a comprehensive manner. He said each department had different pieces and the reason for the coordinator is to bring everything together in one place. He said he is unsure if the funding source has been identified or if that will be absorbed by the PD. He said at some point we need to account for this position in the budget.

Councilor Calvert quoted from page 2 of the Memorandum which provides, "To further facilitate improved communication, an updated graffiti reporting form will be created. He said he hopes that will be an electronic form.

Officer Anaya said yes, because in addition to communication between Parks and the PD, they want to be able to involve the State Police, Sheriff's Office, Probation & Parole, Juvenile Probation Office and anybody who deals with gangs, gang graffiti or who is going to be interested in trends..

Councilor Calvert asked, with regard to the loss of civilian personnel, if these personnel were totally eliminated from the budget, or if the positions became vacant but had been authorized in the budget.

Officer Anaya said these are positions which became vacant which were eliminated from the PD budget..

Councilor Calvert thought some were positions which may have become vacant and not filled, but were included in the budget, and some of the funds for those positions could be used to fund this vacant. However, if they were never in the budget, that is another matter.

Councilor Calvert asked the Finance Director to double check in this regard.

Mr. Millican understands these are positions which were never filled. He said these are previously filled positions which the PD gave up to meet the reductions in the budget.

Officer Anaya said this is correct.

Mr. Millican said this could be a position which the Council prioritizes as a position which needs to be filled.

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

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

24. REQUEST FOR APPROVAL OF AN ORDINANCE AUTHORIZING LEASES FOR THREE TRACTS OF LAND TOTALING 9.5692 ACRES, CONSISTING OF: TRACT 1/PHASE 1 (3.9587 ACRES LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND SOUTHWEST OF WEST SAN FRANCISCO STREET; TRACT 1/PHASE 2 (3.7370 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND SOUTHWEST OF WEST SAN FRANCISCO STREET AND EAST OF TRACT 1/PHASE 1; TRACT 2 (1.5235 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF CAMINO DEL CAMPO AND SOUTH OF WEST SAN FRANCISCO STREET (SANTA FE CIVIC HOUSING AUTHORITY/VILLA ALEGRE PROJECT) (MAYOR COSS). (LEE DEPIETRO).

A. REQUEST FOR APPROVAL OF GROUND LEASE – VILLA ALEGRE HOUSING PROJECT; SANTA FE CIVIC HOUSING AUTHORITY.

- 1. MULTIFAMILY**
- 2. SENIOR**
- 3. WORKFORCE**

Committee Schedule: Public Works Committee (Approved) September 8, 2009; City Council (Request to Publish) October 14, 2009; and City Council (Public Hearing) November 10, 2009. Fiscal Impact – Yes.

Councilor Calvert said he wants to make it clear that he is not trying to “torpedo” this item, and he wants it to move forward. He said he immediately offered, when the Planning Commission first voted this down, to appeal it to the City Council. He said his only concerns are with the energy plan which is being

proposed for the project. He said one of the reasons the City kept this as a lease, is so the City would have some oversight on what happens in this project, as opposed to just selling the land outright.

Councilor Calvert said the City has a lot of priorities involving energy conservation and reducing greenhouse gas emissions, as major elements in our strategic plan. He said he is pulling this item because he wants to work with the applicant to come up with the best plan possible, in view of their constraints and our goals.

Chair Ortiz asked Councilor Calvert if he has specific suggestions.

Councilor Calvert said he would like to impose a condition to ensure that greenhouse emissions are being kept to the minimum possible.

Chair Ortiz asked Councilor Calvert to make his motion and impose this condition on approval.

Councilor Calvert would like to hear comments from staff and the applicant. He said he isn't trying to design the project, but he is trying to come up with a result which meets both our objectives in moving this project forward.

Councilor Wurzburger asked, for clarification, if this would be similar to the criteria for affordable housing which is place, where we have priorities and laws attached, in terms of making it a condition of the lease.

Councilor Calvert said this isn't in a binding ordinance, and the reason he wanted to make it a condition for the project.

Responding to Councilor Wurzburger, Councilor Calvert said he will make a motion eventually, but he first wants to hear from the applicant to see if he has something to offer, rather than imposing a condition he might not like. He said, although the Green Code applies only to single family residential, The City will be moving forward in the spirit of that Code with multi-family and commercial to do these same things in other projects, noting the City formally has stated its position to reduce energy conservation and greenhouse gas emissions. He said this is the reason he has been fairly "dogged," on this particular issue on this project.

Councilor Wurzburger asked Councilor Calvert if he has presented an option which has been rejected by the applicant.

Councilor Calvert said we are discussing various things. The problem is, "we ask questions at the other Committee meetings and we get certain answers and then the answers have changed, and I don't think we're getting consistent answers or information from the applicant. And so, I guess that's why I'm a little frustrated.." He reiterated that he wants this project to move forward, but he also "wants it to be the best project we could have." He said Mr. Schiavo has some commentary and he would welcome that.

Chair Ortiz said he is not necessarily in the mood for taking commentary.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dominguez, to approve the lease and move this item forward, with hope and the direction for staff to work further with the proponent to try to address this in a form of a motion that we can present at Council.

DISCUSSION: Councilor Wurzbarger said she is making a motion to move this item forward until we have the time to work out the issues that Councilor Calvert is discussion around which he appears not to have a consensus.

CLARIFICATION OF MOTION: Chair Ortiz clarified that the motion is to approve the lease, with direction to staff to work out some of the issues on which Councilor Calvert has commented.

DISCUSSION: Chair Ortiz said if Councilor Calvert would like to amend the motion, it probably would be in Exhibit B, the addendum to the ground lease, in one of the paragraphs contained there. He said once we have that amendment, we can ask the applicant to come forward to get his opinion on whether or not he agrees with the amendment.

Councilor Calvert said he believes it is more appropriate to have these kinds of discussion here, rather than at the Council level.

Chair Ortiz agreed, saying he will note for the record that this item was before Public Works, and Councilor Calvert is a member of that Committee, and Councilor Calvert was talking about imposing conditions which are public works and land use related in nature. However, on the Committee Action Sheet there is not discussions of those particular conditions, nor are there conditions coming forward from the Public Works Committee.

Councilor Calvert said this is partly because he is trying to consistent information and answers from the applicant. He said he doesn't want to design this project for them at the last minute, but he wants to make sure that it is the best job that can be done.

Chair Ortiz commented for the record that Councilor Calvert doesn't want to design the project for the applicant, but is willing to consider or have discussion on additional conditions which are outside the scope of what is currently authorized under City Code, and to ask for commentary from the application on those particular conditions.

Councilor Calvert said it may be true that it is outside of the City Code in the strictest form, but he believes it would work if one of our strategic goals is to reduce greenhouse emissions. He doesn't see that as being outside our purview in the discussion of this project..

Chair Ortiz asked Councilor Calvert if he has amendments to the motion.

Councilor Calvert said he can make some.

Chair Ortiz said the use of the Committee process on this particular application is exactly what see on this appeal, and we use the Committee conditions as concessions from the application, which are not

memorialized in Exhibit B. This is the specific addendum to which this applicant has specifically agreed to as the result of the committee process. He said if there are other conditions Councilor Calvert would like to impose, this Committee needs to see those conditions, and the applicant needs to be able to respond to those. He asked Councilor Calvert what conditions he is considering imposing on this application.

Councilor Calvert said when we attached Addendum B, we didn't have the design from which to comment. He said we have since tried to get the information as it went through the Planning Commission about how this would play out in this project. He understands what Chair Ortiz is saying, but he has been frustrated, and suggested we can ask questions of the applicant, and if we can get the answers from the applicant, then we can move forward, or we can impose conditions.

Councilor Wurzbarger asked the applicant if this plan addresses in any way the issues that have been raised with respect to zero emissions, if he has taken a "stab at it," and if there is anything in the plan which addresses this.

Ed Romero, Executive Director, Santa Fe Civic Housing, said, "In terms of the plan addressing zero emissions, no. In terms of us building the best possible, green as possible, development within our [inaudible] yes. In terms of where we've tried to go, we followed the City's development process. We negotiated out lease that said we want 70% affordable, 30% market. We negotiated out separate things, in terms of relocation of residents. We followed the rules that are in place today. My commitment is, yes we did get money for green, but we will be as green as we can. This appears to be a last minute, additional requirement, but what we did get was a lease. And we have a lease right now, but what we're asking is that lease be separated into three different leases."

Mr. Romero continued, "Perhaps we're better off with the current lease that we have if there are going to be continuous discussions and additional requirements placed on the Authority. We have federal requirements already. We're building a highly, very intensive, low income site here, 70% affordable. And we have to make the numbers work. I'm reluctant to get commitments on it, because all of the other apartment complexes that are around us have modeled in a less green manner that we have shown. And, I'm a little puzzled why we are being singled out at this point. Because, again, we did negotiate our lease, you know, two years ago."

Councilor Wurzbarger said her sense is that if you can't get to zero emissions, perhaps you can do 10%, or 20% or 50% better. She said perhaps he could make a commitment to try to do it, and perhaps he can work with staff in this regard.

FRIENDLY AMENDMENT: Chair Ortiz asked if Councilor Wurzbarger and Councilor Calvert would consider adding a condition of approval on Exhibit B, to the effect, "That the applicant shall agree to abide by, and use the best practices of the Resolution that we adopted, where the City committed itself to reducing greenhouse emissions." He said there are certain standards in that Resolution. He asked Councilor Calvert if it would satisfy his concerns which the Chair believes are legitimate, if the applicant is willing to abide by those principles. Councilor Wurzbarger said, as the maker of the motion, it is satisfactory to her, because of the intention, and because of where the City is in the process, having not operationally defined this ourselves as the City. She said she would be comfortable with this. **THE**

AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.

Chair Ortiz again asked Councilor Calvert if he is comfortable with this.

Councilor Calvert said when this started we wanted to make sure everyone was relocated. He said some of those people were relocated to a certain project at the corner of St. Francis and St. Michaels. He said that project has an energy plan which is similar to this project, i.e. all electric, and basically assuming an all electric utility setup. He has gotten feedback from some of those people who were relocated that they are having to pay exorbitant utility bills because of that utility situation. He said in the spirit of this being affordable house, in addition to the greenhouse issue, he wants to make sure this project is affordable to the people who are going to be living here, and he is unclear this is the basis. He said if this is the best we can do now, referring to Chair Ortiz's suggestion, he is willing to accept it as a condition and perhaps work with the applicant and the staff, and staff and the applicant work together, to define this by the time it goes to the City Council.

Councilor Chavez asked if the Tishman project, which is being compared to this project by Councilor Calvert, has solar features.

Councilor Calvert said it does. He said if you want to get into the details of the project design, a lot of the solar won't be very effective because it will be shaded by pitched roofs.

Councilor Chavez said it appears that Councilor Calvert is designing the project, and called for the question.

Councilor Wurzbarger reiterated that Chair Ortiz's suggestions are acceptable to her and further refine her suggestion and intention of the original motion to take time between now and the Council meeting to further clarify what do we mean by having "zero emission," and having that addressed by the Council meeting, including the option of "I can't," to make it clear.

Chair Ortiz said he offered a paragraph in concern to the legitimate concern raised by Councilor Calvert that the City have best practices when it comes to green building and carbon emissions. However, the consumer equity issue, regarding the electric bill is a separate issue and paints it in a different way

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

END OF CONSENT CALENDAR DISCUSSION

INFORMATIONAL ITEM

DISCUSSION

25. REQUEST FOR APPROVAL OF CONSIDERATION TO RE-ESTABLISH POSITIONS IN FY 2009/2010 BUDGET. (KRISTINE KUEBLI)

Chair Ortiz noted this was postponed at the previous meeting, and we have received information in the packet.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dominguez, to approve the custodial position, and to postpone consideration of all of the other positions until the next meeting of the Committee, when we will get the information on restructuring and the information on GRTs received in October, and the status of the GRTs.

DISCUSSION: Councilor Chavez asked if all of the positions listed are funded.

Mr. Buller said he believes so, noting the Memorandum indicates which ones are funded.

Councilor Chavez said then these are funded positions with the source of funding identified.

Mr. Buller said this is his understanding, and Mr. Millican agreed.

Councilor Chavez asked Councilor Wurzbarger if we can include the River and Watershed Coordinator as well as the Custodian.

Councilor Wurzbarger said no, because the River and Watershed Coordinator comes out of the General Fund. She said the only place we will be able to cut in the budget are positions which aren't filled, noting we have a very clear history of not wanting to remove people from existing positions. She said we may be in the situation to do that, but we don't know that yet. She said this is the reason she is making this proposal.

Mr. Buller clarified that the Memorandum indicates that the Custodian position is a new position and not previously budgeted.

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

26. OTHER FINANCIAL INFORMATION:

A. UPDATE ON BDD PROJECT O&M BUDGET CREATION FOR FY 2010/2011 (RICK CARPENTER)

This item was postponed to the October 19, 2009, Finance Committee meeting.

27. MATTERS FROM THE COMMITTEE

Councilor Chavez asked about the 2004 Settlement Agreement with Las Campanas regarding the effluent line, and asked if that is being honored.

Chair Ortiz directed staff and the City Attorney to check on the status of all Settlement Agreements between the City and Las Campanas, and place the report on the agenda as a special item at the first Committee meeting in November.

Councilor Chavez said Robert Rodarte and Fabian Trujillo met with the publishers regarding the printing and publishing which is done out of the City and State.

Councilor Chavez reiterated that the City is awarding contracts and the contractors are contracting out of State, including the Santa Fe Alliance, the Museum of New Mexico and others, and reiterated the issues with the Museum of New Mexico.

Mr. Rodarte said there are a lot of factors involved, and said the City has nothing in place which would prohibit this practice, but he can provide draft language in this regard.

Chair Ortiz said this can be changed easily.

Councilor Chavez said this is reverse economic development, and we are creating jobs, based on our history and culture, not here, but out of state.

Councilor Chavez said he understands the Employee Benefit Committee is planning its party at Buffalo Thunder, instead of the Convention Center, and asked if this is true.

Chair Ortiz responded that he doubts that the Governing Body or the PUC has any dealings with the Employee Benefit Committee, saying he raised this issue in regard to the 150th Anniversary Celebration of St. Michael's School which was held at Buffalo Thunder.

Chair Ortiz said this can be added as an information item on the agenda for the meeting of October 19, 2009. Mr. Millican suggested that probably should be done at the first meeting in November because of the restructuring presentation at the next meeting.

Responding to the Chair, Councilor Chavez said he is asking to change the Procurement Code to provide that contractors are to subcontract with local firms.

Mr. Rodarte said it will be an impossible request to get all of the contracts. However, he can provide the language to address this issue.

Responding to Councilor Chavez, Chair Ortiz said the third condition on the budget was to have staff to contact existing contractors above a certain dollar amount, and to work to reduce the contract by a certain percentage. He asked if we will be getting an update on this issue.

Mr. Millican said the department has been working on this, and he will provide an update to the Committee on the status of this effort.

Councilor Chavez spoke about the issues regarding the City contract awarded through the Economic Development Department, and asked for an update on contract compliance.

Chair Ortiz said this will be on the agenda for the meeting of November 2, 2009.

Responding to Councilor Chavez, Mr. Rodarte said he would like to bring the proposed language before the Committee.

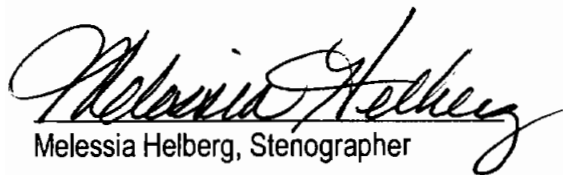
28. ADJOURNMENT

There was no further business to come before the Committee, and the meeting was adjourned at approximately 6:30 pm.

Matthew E. Ortiz, Chair

Reviewed by:

David N. Millican, Director
Department of Finance



Melessia Helberg, Stenographer