



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
OCTOBER 18, 2010 – 5:00 PM

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

OCTOBER 4, 2010

CITY CLERK'S OFFICE

DATE 10-14-10 TIME 3:10

SERVED BY Yolanda Yager

RECEIVED BY [Signature]

CONSENT AGENDA

6. BID OPENINGS:
 - A. BID NO. 11/12/B – TWO (2) HOT/COLD DELIVERY VEHICLES FOR SENIOR DIVISION; DON CHALMERS FORD (RON VIALPANDO)
7. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT – MARY ESTHER GONZALES SENIOR CENTER (MEG) – BACKUP GENERATOR AND ELECTRICAL PANEL UPGRADES; DTS, INC. (CHIP LILIENTHAL)
8. REQUEST FOR APPROVAL OF SERVICES AGREEMENT – 2011 PARATRANSIT SERVICES FOR CITY AND COUNTY RESIDENTS; CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER (JON BULTHUIS)
9. REQUEST FOR APPROVAL OF CHANGE ORDER NO. 5 – ST. FRANCIS CROSSING FROM ACEQUIA TRAIL TO RAILYARD; A.S. HORNER, INC. (LEROY PACHECO)
10. SANTA FE MUNICIPAL AIRPORT (JIM MONTMAN)
 - A. REQUEST FOR APPROVAL OF BUDGET INCREASE FOR FEDERAL GRANT 34 APPLICATION AND AWARD OF MATCHING FUNDS
 - B. REQUEST FOR APPROVAL OF BUDGET DECREASE FOR FEDERAL GRANT 35 APPLICATION AND AWARD OF MATCHING FUNDS



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11. REQUEST FOR APPROVAL OF BUDGET INCREASE FOR RED LIGHT PROJECT FUND FOR HEARING OFFICERS AND FUNDS OWED TO STATE (POLICE CHIEF ARIC WHEELER)
12. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – FISCAL YEAR 2010 AFFORDABLE HOUSING SERVICES (RFP #10/32/P) (MELISA DAILEY)
 - A. SANTA FE COMMUNITY HOUSING TRUST
 - B. HOMEWISE
13. REQUEST FOR CONSIDERATION OF AMENDMENT TO 2010/2011 ANNUAL ACTION PLAN FOR REALLOCATION OF CDBG PROGRAM INCOME (KYM DICOME)
14. REQUEST FOR APPROVAL OF REAL ESTATE PURCHASE AGREEMENT – SALE OF TRACT O (APPROXIMATELY 8 ACRES) AT SANTA FE UNIVERSITY OF ART AND DESIGN (FORMERLY THE COLLEGE OF SANTA FE); STATE OF NEW MEXICO PROPERTY CONTROL DIVISION (LEE DEPIETRO)
15. REQUEST FOR APPROVAL AN ORDINANCE AMENDING SECTION 23-4.2 SFCC 1987 REGARDING SOLICITATION ON PUBLIC PROPERTY; CREATING A NEW ARTICLE 20-2 SFCC 1987 REGULATING PANHANDLING ON PUBLIC PROPERTY; CREATING A NEW ARTICLE 20-3 SFCC 1987 REGULATING PANHANDLING ON PRIVATE PROPERTY (COUNCILOR TRUJILLO) (ABRAM ANAYA)

Committee Review;

Public Safety (postponed)	7/20/10
Public Safety (approved)	8/17/10
Public Works (scheduled)	10/25/10
Finance Committee (remand to PSC)	8/30/10
Business and Quality of Life (removed from agenda)	8/31/10
Public Safety (approved)	9/21/10
City Council (request to publish) (scheduled)	10/27/10
City Council (public hearing) (scheduled)	12/8/10

Fiscal Impact - No



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
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16. REQUEST FOR APPROVAL OF A RESOLUTION NAMING THE NEW PUBLIC ACCESS TRAIL FROM OLD SANTA FE TRAIL TO THE TOP OF SUN MOUNTAIN “THE SUN MOUNTAIN COMMUNITY TRAIL” (COUNCILORS ROMERO AND WURZBURGER) (FABIAN CHAVEZ)

Committee Review:

City Council (scheduled)

10/27/10

Fiscal Impact – No

17. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING RULE 18, EXHIBIT A OF CHAPTER 25 SFCC 1987 REGARDING WATER METERS FOR MULTI-FAMILY DWELLING UNITS (APARTMENTS AND CONDOMINIUMS) (COUNCILOR ROMERO) (BRIAN SNYDER)

- A. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING REQUIREMENTS FOR MASTER WATER METERS FOR MULTI-FAMILY DWELLING UNITS (APARTMENTS AND CONDOMINIUMS) (COUNCILOR ROMERO) (BRIAN SNYDER)

Committee Review:

Public Utilities (approved)

10/6/10

Water Conservation (scheduled)

10/14/10

City Council (request to publish) (scheduled)

10/27/10

City Council (public hearing)

12/8/10

Fiscal Impact -

END OF CONSENT AGENDA

DISCUSSION

18. REQUEST FOR APPROVAL OF 2011 FINANCE COMMITTEE MEETINGS (KATHRYN RAVELING)
19. UPDATE ON YEAR-END CLOSEOUT FOR FISCAL YEAR 2009/2010 (KATHRYN RAVELING)
- A. REPORT/RECOMMENDATIONS FROM CITY MANAGER/FINANCE DIRECTOR ON STATUS OF FISCAL YEAR 2011 BUDGET (KATHRYN RAVELING AND ROBERT ROMERO)



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
OCTOBER 18, 2010 – 5:00 PM

20. OTHER FINANCIAL INFORMATION:

- A. UPDATE OF GROSS RECEIPTS TAX REPORT RECEIVED IN OCTOBER 2010 (FOR AUGUST 2010 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN SEPTEMBER 2010 (FOR AUGUST 2010 ACTIVITY) (KATHRYN RAVELING)

21. MATTERS FROM THE COMMITTEE

22. 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 18, 2010

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-3
APPROVAL OF MINUTES: OCTOBER 4, 2010	Approved	3
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – FISCAL YEAR 2010 AFFORDABLE HOUSING SERVICES (RFP #10/32/P) SANTA FE COMMUNITY HOUSING TRUST HOMEWISE	Postponed to 11/1/10	3-4
REQUEST FOR CONSIDERATION OF AMENDMENT TO 2010/2011 ANNUAL ACTION PLAN FOR REALLOCATION OF CDBG PROGRAM INCOME	Approved	4-5
REQUEST FOR APPROVAL OF REAL ESTATE PURCHASE AGREEMENT – SALE OF TRACT O (APPROXIMATELY 8 ACRES) AT SANTA FE UNIVERSITY OF ART AND DESIGN (FORMERLY THE COLLEGE OF SANTA FE); STATE OF NEW MEXICO PROPERTY CONTROL DIVISION	Approved	5-8
REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 23-4.2 SFCC 1987, REGARDING SOLICITATION ON PUBLIC PROPERTY; CREATING A NEW ARTICLE 20-2 SFCC 1987, REGULATING PANHANDLING ON PUBLIC PROPERTY; CREATING A NEW ARTICLE 20-3 SFCC 1987, REGULATING PANHANDLING ON PRIVATE PROPERTY	Approved	8-10

END OF CONSENT CALENDAR DISCUSSION		

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<u>DISCUSSION</u>		
REQUEST FOR APPROVAL OF 2011 FINANCE COMMITTEE MEETINGS	Approved	10
UPDATE ON YEAR-END CLOSEOUT FOR FISCAL YEAR 2009/2010	Information/discussion/direction	10-19
REPORT/RECOMMENDATIONS FROM CITY MANAGER/FINANCE DIRECTOR ON STATUS OF FISCAL YEAR 2011 BUDGET	Information/discussion/direction	10-19
OTHER FINANCIAL INFORMATION: UPDATE OF GROSS RECEIPTS TAX REPORT RECEIVED IN OCTOBER 2010 (FOR AUGUST 2010 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN SEPTEMBER 2010 (FOR AUGUST 2010 ACTIVITY)	Information/discussion	19-20
MATTERS FROM THE COMMITTEE	Information	20
ADJOURN		20

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE**
Monday, October 18, 2010

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 18, 2010, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Councilor Matthew E. Ortiz, Chair
Councilor Patti J. Bushee
Councilor Rosemary Romero
Councilor Carmichael A. Dominguez

MEMBERS EXCUSED:

Councilor Rebecca Wurzburger

OTHERS ATTENDING:

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

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

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

3. APPROVAL OF AGENDA

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to approve the agenda, as presented.

VOTE: The motion was approved on a voice vote, with Councilor Romero, Councilor Bushee and Chair Ortiz voting in favor of the motion, no one voting against and Councilor Dominguez absent for the vote.

4. APPROVAL OF CONSENT AGENDA

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

VOTE: The motion was approved on a voice vote, with Councilor Romero, Councilor Bushee and Chair Ortiz voting in favor of the motion, no one voting against and Councilor Dominguez absent for the vote.

CONSENT AGENDA

6. BID OPENINGS:

A. BID NO. 11/12/B – TWO (2) HOT/COLD DELIVERY VEHICLES FOR SENIOR DIVISION;
DON CHALMERS FORD. (RON VIALPANDO)

7. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND
PROFESSIONAL SERVICES AGREEMENT – MARY ESTHER GONZALES SENIOR CENTER
(MEG) – BACKUP GENERATOR AND ELECTRICAL PANEL UPGRADES; DTS, INC. (CHIP
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ACEQUIA TRAIL TO RAILYARD; A.S. HORNER, INC. (LEROY PACHECO)

10. SANTA FE MUNICIPAL AIRPORT. (JIM MONTMAN)

A. REQUEST FOR APPROVAL OF BUDGET INCREASE FOR FEDERAL GRANT 34
APPLICATION AND AWARD OF MATCHING FUNDS.

B. REQUEST FOR APPROVAL OF BUDGET DECREASE FOR FEDERAL GRANT 35
APPLICATION AND AWARD OF MATCHING FUNDS.

11. REQUEST FOR APPROVAL OF BUDGET INCREASE FOR RED LIGHT PROJECT FUND FOR
HEARING OFFICERS AND FUNDS OWED TO STATE. (POLICE CHIEF ARIC WHEELER)

12. *[Removed for discussion by Councilor Ortiz]*

13. *[Removed for discussion by Councilor Bushee]*

14. *[Removed for discussion by Councilor Bushee]*

15. *[Removed for discussion by Councilor Bushee]*
16. REQUEST FOR APPROVAL OF A RESOLUTION NAMING THE NEW PUBLIC ACCESS TRAIL FROM OLD SANTA FE TRAIL TO THE TOP OF SUN MOUNTAIN "THE SUN MOUNTAIN COMMUNITY TRAIL" (COUNCILORS ROMERO AND WURZBURGER). (FABIAN CHAVEZ)
Committee Review: City Council (Scheduled) 10/27/10. Fiscal Impact – No.
17. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING RULE 18, EXHIBIT A OF CHAPTER 25 SFCC 1987, REGARDING WATER METERS FOR MULTI-FAMILY DWELLING UNITS (APARTMENTS AND CONDOMINIUMS) (COUNCILOR ROMERO). (BRIAN SNYDER)
A. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING REQUIREMENTS FOR MASTER WATER METERS FOR MULTI-FAMILY DWELLING UNITS (APARTMENTS AND CONDOMINIUMS) (COUNCILOR ROMERO). (BRIAN SNYDER.
Committee Review: Public Utilities (approved) 10/6/10; Water Conservation (scheduled) 10/14/10; City Council (request to publish) (scheduled 10/27/10; and City Council (public hearing) 12/8/10. Fiscal impact –

END OF CONSENT AGENDA

5. APPROVAL OF MINUTES: OCTOBER 4, 2010

MOTION: Councilor Romero moved, seconded by Councilor Ortiz, to approve the minutes of the Regular Finance Committee Meeting of October 4, 2010, as presented.

VOTE: The motion was approved on a voice vote, with Councilor Romero and Chair Ortiz voting in favor of the motion, no one voting against, Councilor Bushee abstaining, and Councilor Dominguez absent for the vote.

CONSENT CALENDAR DISCUSSION

12. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – FISCAL YEAR 2010 AFFORDABLE HOUSING SERVICES (RFP #10/32/P). (MELISSA DAILEY)
A. SANTA FE COMMUNITY HOUSING TRUST
B. HOMEWISE

Chair Ortiz said both agreements reference Exhibit A which includes what services will be provided by each of the providers, but it is not attached to either contract.

Robert Rodarte said he can provide that information to the Committee at the next meeting. Responding to the Chair, Mr. Rodarte said neither contract is time sensitive.

Councilor Dominguez arrived at the meeting

Councilor Bushee said she understand the low score given to Homewise by Ms. DePietro is because they didn't break-out the cost of services, and would like that to be done in the future by this contractor, as well as by all contractors.

Mr. Rodarte said this is correct, noting that although there are two organizations, Homewise didn't break out the cost of services as requested, and the reason their score is a little lower.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to postpone this item to the next Finance Committee meeting on November 1, 2010, with direction to staff to ensure that Exhibit A is attached to the contracts at that time.

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

13. REQUEST FOR CONSIDERATION OF AMENDMENT TO 2010/2011 ANNUAL ACTION PLAN FOR REALLOCATION OF CDBG PROGRAM INCOME. (KYM DICOME)

Councilor Bushee asked Councilor Dominguez, once these funds are extended, if this will supplant what was put in originally by the City for the Airport Area Study.

Councilor Dominguez said he believes so, noting there is an additional funding source, and we will be changing the scope of the initiative.

Katherine Mortimer said the scope of the contract is being examined, and likely will be scaled back somewhat. She said this is the amount of funds available from this source, and it is possible staff will be requesting funds from a different source as well, depending on the scope and the estimates.

Councilor Bushee asked what we're getting for \$67,000, noting she is interested in "less studying and more trying to direct resources to that area." She asked if this is "sufficient or is this just studying".

Councilor Dominguez said, with regard to Airport Road, he believes it is sufficient. He said it doesn't seem reasonable to him at this point to get a lot of money allocated if we don't have a clear scope of work. He wants to be able to spend funds on actual improvements.

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

DISCUSSION: Councilor Romero said it sounds as if we're moving for approval without the \$67,184 which is allocated for Airport Road, and Chair Ortiz said it includes all of the funds.

Councilor Romero said she believes staff was preparing a matrix indicating what can be done in-house for St. Michael's Drive and College of Santa Fe, and for all of the work already done on Airport Road. She thought there was another step where we were going to see what work was done around the master plan

and to see what can be done in-house. She is still unclear of how the \$67,000 would be spent. She said she looked at the matrix and understood there would be another meeting to make decisions. She wants to see the whole picture, and wants to support this effort, but doesn't like the piecemeal way it is being done.

Ms. Mortimer said staff presented its thinking at the time and was looking to scale back the scope, but that hasn't been completed. She said they are confident that the \$67,000 isn't overstating what we would need to spend to get the kind of analysis to be able to direct future funds directly on the street for physical changes, which are concerns of Councilors Dominguez and Bushee. She said it may seem a little like putting the "cart before the horse," but she understands Councilor Dominguez will be introducing a revision to the Resolution shortly and we will have a revised and updated FIR. At that time, we will be able to say precisely how that \$67,000 will be spent. The Committee will then have an opportunity to comment.

Councilor Romero said if it's a placeholder, she is in agreement with that, but she wants to look at the entire matrix and how other planning efforts fit into it. She said, since this is just the beginning of the process, she can support the motion.

Councilor Dominguez said to be clear, he won't be "reintroducing," but he will be sure the scope of services piece goes through the committees so we can look at that. He said the hope is to do as much in-house as possible, reiterating that the scope has been changed somewhat, but the intent is the same, which is to produce and prepare a healthier and safer part of our community.

Councilor Bushee said she doesn't have a copy of the matrix, and would like that before this goes to Council. She doesn't mind spending funds for a plan which is concrete, for steps which we can achieve. She asked if this is one-time money.

Ms. Mortimer said yes, and asked Ms. Dicome to explain how the CDBG funding will work.

Councilor Bushee said she is pleased to see \$40,000 for the Youth Shelter, and asked if this can be anticipated annually.

Kym Dicome said it will be necessary for them to go through the process again in January, noting this is an unusual mid-year reallocation of income. However, they can reapply for CDBG funds for FY 2011/2012, and Councilor Bushee wants staff to work with "them," to get funds on a regular basis.

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

14. REQUEST FOR APPROVAL OF REAL ESTATE PURCHASE AGREEMENT – SALE OF TRACT O (APPROXIMATELY 8 ACRES) AT SANTA FE UNIVERSITY OF ART AND DESIGN (FORMERLY THE COLLEGE OF SANTA FE); STATE OF NEW MEXICO PROPERTY CONTROL DIVISION. (LEE DePIETRO)

A copy of a Replat prepared for the City of Santa Fe, regarding lot line adjustment plat of existing Tract O & P, is incorporated herewith to these minutes as Exhibit "1."

Councilor Bushee said in the Memorandum SHPO said it is "cool" with the demolition of the barracks, and asked if there is anything official in writing from SHPO.

Ms. DePietro said there are two items. One is a written document we received from SHPO with permission to the demolition and the asbestos remediation, and asking us to enter into a separate Memorandum of Understanding with the State, the City and EDA, if we are to receive the grant. This would provide the outline of how we would memorialize the history on Tract O for the future.

Councilor Bushee asked if there is a price per acre.

Ms. DePietro said the State is proposing to purchase 8 acres at \$4 million, which is \$500,000 per acre, or \$11.47 per square foot.

Councilor Bushee understands we are hopeful we will get the EDA grant, but if we don't get that grant, the costs will come from the proceeds. She doesn't want the City doing the remediation, and asked if we are sure there is a limit of \$1 million. She asked if staff has done the investigation, noting asbestos removal can get very expensive and asked where we will dispose of the asbestos.

Ms. DePietro said staff priced the asbestos remediation on the barracks with our own contractor, and the State has provided an updated demolition cost. She said in our application to the EDA, the City has asked the State to take the lead on both the remediation and asbestos removal, and the City will take the initiative on the master planning for the tract.

Councilor Bushee asked if the \$1 million will be adequate for remediation.

Ms. DePietro said yes, and there is a 10% contingency built into that figure.

Councilor Bushee said then, if we get \$2 million, \$1 million will be for the master plan.

Ms. DePietro said yes. She said the City has applied jointly to the EDA with the State, and they have requested the second \$1 million to be programmed for all of the parties and all of the stakeholders to work together on a master plan to create an incubator and innovation park on the 8 acres.

Councilor Bushee asked when we will get the final EDA letter.

Ms. DePietro said it will not be after the purchase, and staff is hoping to have the final EDA letter by the end of this month. The purchase agreement has to be submitted to DFA for approval in the 3rd week of November, and we can't close on the sale prior to that, estimating the closing date would be somewhere in the 2nd - 3rd week of December.

Councilor Bushee said she really would like the State to pay for the remediation and removal, given that it is buying the property, and asked if that has been broached.

Ms. DiPietro said initially, the EDA application was done by the City alone, and it wasn't a co-application, so the City always has planned to program the asbestos removal and the remediation into the EDA dollars. She said it is important to point out that if we go back to when we sold Tracts A, B, C and D to the State, we sold those tracts for \$7 per sq. ft. This sale will be \$11.47 per sq. ft., so it is substantially higher than the going rate. The total sale will provide about \$1.5 million in additional funds. So, if the asbestos removal and demolition costs \$1 million we are being paid in the \$4 million.

Councilor Bushee said the understanding always was that we were going to get \$4 million.

Ms. DePietro said yes. The condition of the MOU had 3 components: \$4.6 million for tracts A, B, C and D, \$4 million from the grant and the possibility of the \$2 million from the EDA.

Councilor Bushee asked, if the purchase isn't going to take place before the grant, if could we revisit this agreement, given that we're also taking funds from the maintenance pot to build a cafeteria.

Ms. DePietro said the City is capped at the \$15 million, and in the end it is \$15 million, and they are not asking the City for additional payment on the deferred maintenance.

Responding to Councilor Bushee, Ms. DePietro said we would all like for it to be \$4 million, and this is the reason for the attachment to the memorandum showing what happens if we don't receive the funds. She said either way "we cash flow," but not as much if we don't receive the EDA funds. She said we can go back and make the request, but we've been asked by GSD, as part of the agreement, to absorb this cost one way or another, and we are hoping for the EDA funds.

Councilor Bushee said we really don't negotiate very hard, which is how she felt about Laureate.

Ms. DePietro said it is a huge economic benefit to be able to program \$1 million into a master plan to jump-start an innovation park.

Councilor Bushee said it would have been good to agree to split the different, but "always the City absorbs, the City's got the deep pocket. I won't make the motion here."

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

DISCUSSION: Councilor Romero asked, with regard to asbestos removal, if the construction material will be going to our landfill, presuming the asbestos will go to another place. She would like staff to double-check on that.

Ms. DePietro said she would.

Councilor Romero said, for the record, when Taco Bell was built at Alta Vista and Cerrillos, our staff asked them to do watering to keep down dust. She said anything we can do to minimize the exposure of students to the dust would be greatly appreciated, commenting that it is a very fine dust.

VOTE: The motion was approved on a voice vote, with Councilors Dominguez and Romero voting in favor of the motion, and Councilor Bushee voting against.

- 15. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 23-4.2 SFCC 1987, REGARDING SOLICITATION ON PUBLIC PROPERTY; CREATING A NEW ARTICLE 20-2 SFCC 1987, REGULATING PANHANDLING ON PUBLIC PROPERTY; CREATING A NEW ARTICLE 20-3 SFCC 1987, REGULATING PANHANDLING ON PRIVATE PROPERTY (COUNCILOR TRUJILLO). (ABRAM ANAYA) Committee Review: Public Safety (postponed) 7/20/10; Public Safety (approved) 8/17/10; Finance Committee (remand to PSC) 8/30/10; Business and Quality of Life (removed from agenda) 8/31/10; Public Safety (approved) 9/21/10; Public Works (scheduled) 10/2/10; City Council (request to publish) (scheduled) 10/27/10; and City Council (public hearing) (scheduled) 12/8/10. Fiscal Impact – No.**

Councilor Bushee asked about our current panhandling ordinance.

Deputy Chief Anaya said the current ordinance permits no panhandling, and panhandling currently is a forbidden act. He said the legal interpretation of the current law is that it violates the First Amendment. The proposed ordinance is a way for the City to regulate this activity and still provide for the First Amendment right of the individual.

Councilor Bushee noted there is no attorney in attendance at the meeting. She asked if that legal interpretation is based on case law or what, and how has the Department managed panhandling in the past.

Deputy Chief Anaya said the Police issue a citation, and after the second citation will arrest the person. He said Alfred Walker made a great presentation to the Public Safety Committee, explaining the rights of freedom of speech and commerce, and told them that an outright ban is unconstitutional.

Councilor Bushee asked if case law was raised, or if the City was sued – what made this come on the radar screen.

Chair Ortiz said it was challenged in the City of Albuquerque and the Plaintiff won, and Deputy Chief Anaya said this is correct.

Deputy Chief Anaya said he doesn't know if the case was settled out of Court, or if it was a judgment, but this prompted us to look at our existing ordinance. He said our lawyers believe the proposed ordinance is constitutional and gives us the tools to regulate panhandling. And the purpose is to be sure that we do protect the First Amendment rights, by providing no predatory panhandling, or panhandling near ATM's or in traffic, for example, to protect the public. He said there were certain things that needed to be done to provide for the safety of the general public.

Councilor Bushee asked if there are exemptions.

Deputy Chief Anaya said no, noting there are exemptions for door-to-door solicitation. He said the license requirement has been eliminated. He said street corners are public property, so they can be on street corners. He said the ordinance will regulate panhandling in parking lots, noting the Police Department predominantly gets complaint calls from businesses asking the panhandlers to be removed because they are disturbing their patrons. He said written permission is required to panhandle on private property.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to approve this request.

DISCUSSION: Councilor Romero said Hank Hughes with the Homeless Coalition had issues with the ordinance, commenting that he had a list of concerns, including the license which has been removed. She said if Mr. Hughes is comfortable with the ordinance, she's comfortable.

Deputy Chief Anaya said he sits on the Task Force to End Homelessness, and has a good working relationship with Mr. Hughes. He said he sat with Mr. Hughes and Ms. Price and discussed several things. He said they discussed the licensing which they all determined "obviously didn't have much bearing with this." The other was the fee which made no sense because they are homeless and would have to panhandle to get the fee. He said the only other section he brought up is that they would like to be able to panhandle people in cars and along streets. He said these people would be darting in and out of cars in traffic which becomes a serious safety hazard to the person and the motoring public, especially if they've had something to drink or become intoxicated. He said Mr. Hughes said he understood, and backed off that provision because of safety reasons.

Councilor Dominguez said this provides that panhandling in a group of two or more persons is considered aggressive.

Deputy Chief Anaya said this is correct and they wanted to eliminate wolf packing where they surround people.

Councilor Dominguez asked if a husband and wife together is okay.

Deputy Chief Anaya said yes, and they can be together if only one is panhandling. One of the concerns was that if a husband was unsure about his wife panhandling, he might stay close for her safety and protection which is justifiable and understandable.

Councilor Dominguez said there is a 2-hour period they can be at a certain location, and asked how that will be regulated and if that is by place of business, or if they could just go across the street.

Deputy Chief Anaya said the police aren't going to sit and watch the person for two hours, because the police have better things to do.

Councilor Dominguez said what if they just move across the street after two hours.

Deputy Chief Anaya said if the police have to deal with them, and in 2-3 hours get another complaint that the person is at the same corner, then they can deal with it because there is documentation of the act.

Councilor Dominguez said then a lot of this will be complaint driven.

Deputy Chief Anaya said yes, as it is enforced today. He said, "There will be no extra bearing on police."

Councilor Dominguez said the ordinance provides, "Panhandling with a sign exceeding 4 sq. ft. is prohibited," and asked if that includes the Historic District.

Deputy Chief Anaya said he is unsure.

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

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

18. REQUEST FOR APPROVAL OF 2011 FINANCE COMMITTEE MEETINGS. (KATHRYN RAVELING)

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

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

19. UPDATE ON YEAR-END CLOSEOUT FOR FISCAL YEAR 2009/2010. (KATHRYN RAVELING)

A. REPORT/RECOMMENDATIONS FROM CITY MANAGER/FINANCE DIRECTOR ON STATUS OF FISCAL YEAR 2011 BUDGET. (KATHRYN RAVELING AND ROBERT ROMERO)

Chair Ortiz said this item will be a regular reporting/recommendation from the City Manager and the Finance Director on the status of the current fiscal year budget.

Chair Ortiz noted Mr. Romero is not in attendance and asked Ms. Raveling if she is presenting "solo," and she said yes.

Ms. Raveling said this is a new procedure to keep the Committee up to date on the status of the finances. She noted the Memorandum in the Committee packet says these are preliminary figures and she is still doing some additional close-out and the auditors will be making final adjustments as well. She said she and the City Manager will need to do additional work on the figures as well.

Ms. Raveling reviewed the information, highlighting information in the packet. Committee members commented, asked questions and gave direction to staff as follows:

- **Page 12. General Fund.** Ms. Raveling noted the cash balance for 2007-2010, noting the City has been using a lot of cash from the General Fund in those fiscal years to “balance funds out.” At June 30, 2007, there was a balance of \$18 million dollars, and we have dropped to a cash balance of \$8.974 million in 2010.

Ms. Raveling said the 2010 budget is a balanced budget, but in the prior year, \$5.5 million of cash was used to balance the budget. She said there is nothing wrong with this, but it is a worrisome trend which can't be sustained.

Councilor Bush said it appears we aren't taking cash for FY10/11, so we are reversing the trend, hopefully.

Ms. Raveling said, “Hopefully.” She said, however, as we go through some of the other funds, you will see the impact of how that was done.

- **Page 14. Lodger's Tax.** Mr. Raveling said there are four Lodger's Tax Funds, and there is the same trend here of using cash balances. She said the projected cash at June 30, 2010, is \$293,906, with current payables of \$349,878. If this trend proves to be accurate, this fund will be in the hole. She said we have to see what payables materialize, but if in the full amount, this is the picture of the fund.
- **Page 14. Special Uses Lodger's.** Ms. Raveling said this fund has used a lot of its cash, but it has a small projected cash balance of \$37,671, and that fund is stabilized, but there is very little cushion.
- **Page 15. Marketing Lodger's Tax.** Ms. Raveling said if all payables materialize, this fund has a projected shortfall of \$166,399.
- **Page 16. Economic Development.** Ms. Raveling said this fund is in good shape with a cash balance of \$1,231,791. However, if a large economic development project is done out of these funds, the money can go very fast. It probably isn't adequate funding for Economic Development, but “it is what is” in terms of funds allocated for economic development.
- **Page 19. Fire Property Tax/Safety.** Ms. Raveling said this fund has a cash balance of \$937,421. However, because of the amount of cash balance used this year, and the payables, she will have to adjust the budget by \$55,940. She said this isn't a significant amount out of this fund.
- **Page 20. Police Property Tax/Safety 2252.** Ms. Raveling said this fund looks okay.

Responding to Councilor Bushee, Chair Ortiz said the first part of Ms. Raveling's Memorandum tries to summarize the spreadsheets she is highlighting.

Chair Ortiz said Ms. Raveling's Memorandum indicates the Police Property Tax will be making expenditures of approximately \$765,000 and a transfer of \$1.3 million to the General Fund. He asked if there is a plan from the Police Department to spend that money, or if this is what is anticipated to be taken from the fund to balance the General Fund – what does that mean.

Ms. Raveling said when the Police Property Tax was enacted, additional police officers were hired, so those funds had to go to the General Fund to support the additional officers. She said, rather than putting General Fund officers and Police Property Tax officers in a different fund at that time, we said we'll just transfer the money into the General Fund. So, these funds are in the General fund to support additional police officer which were hired when the tax went into effect.

Chair Ortiz asked if the \$765,000 in Capital Outlay is for new buildings, new computers, new vehicles or what.

Ms. Raveling said she doesn't have a list of those expenditures but she can provide those at the next meeting.

Responding to Ms. Raveling, Chair Ortiz would like to go through the financials, then let the Councilors ask questions, and then the Committee will give direction to staff.

- **Pages 17-18. Municipal GRT Railyard/General Fund and Municipal GRT-GCCC/Parks.** Councilor Bushee asked why Ms. Raveling skipped pages 17-18.

Ms. Raveling said the fund on page 17 is okay. It is balanced and not in the hole, although they have no additional funds.

Councilor Bushee asked if the City no longer operates the GCCC as an enterprise fund [page 18].

Ms. Raveling said that shows the transfer that goes into the GCCC fund, and later in the presentation there will be a summary of the GCCC fund. She said it is a quasi-enterprise fund, in that it is subsidized, and said Councilor Bushee can see the amount of revenue produced by the GCCC and that it needs the subsidy to operate.

Chair Ortiz said the GCCC was changed two budget years ago to no longer be an enterprise fund, and Councilor Bushee responded, "I know."

Chair Ortiz said whether we have to tighten the reins at the GCCC and other places is a question we have had on this budget for some time. He said the numbers show we are solid in terms of the flat budget we adopted and the GRTs that we have. However, because we are taking cash balances to pay for it, we are leaving the City in a potential for the same situation *in the next fiscal year*.

Ms. Raveling said some of the funds are fine, but some are not sustainable.

Chair Ortiz asked if there are other questions on particular funds. He said it took him some time to figure out some of the spreadsheet language.

- **Page 26. Red Light Project.** Councilor Dominguez asked if this is the Red Light and Forfeiture Projects combined.

Ms. Raveling said it is just the Red Light Camera Project.

Councilor Dominguez asked what is meant by Fines and Forfeitures in the Red Light Camera Project.

Chair Ortiz said, presumably that would be the money we obtained from the sale of forfeited vehicles, and asked if we have had any sales.

Ms. Raveling said it would be for citations issued.

Chair Ortiz asked if we have had sales of forfeited vehicles.

Ms. Raveling said yes, but she doesn't believe those proceeds come into this particular fund.

Councilor Dominguez said there are Fines and Forfeitures in this fund, and Ms. Raveling reiterated that those would be for things such as citations.

- **Page 28. ½% CIP GRT.** Councilor Bushee said this fund has been declared unsustainable and asked if the City should issue a CIP Bond.

Ms. Raveling said this shows the reason she has said we can't issue a CIP Bond, because the fund is in severe deficit and it will be necessary to move expenditures around, or bring in new revenues.

General discussion

The Committee members asked questions, made suggestions and gave direction to staff as follows:

- Councilor Bushee said some of the projects we've approved are to be funded from the proceeds of a future bond. This has been her concern in reallocating the CIP funds at the last Council meeting, reiterating that Ms. Raveling is advising against issuing a CIP bond this cycle.

Ms. Raveling said she doesn't know how it can be done, given the current revenue from ½% CIP GRT.

Councilor Bushee agreed, and asked the plan for paying for something like the homeless shelter or anything else that we are projecting as necessary.

- Chair Ortiz said, before answering the question about funding additional capital projects, we need to answer the operational question about all the things tucked into the plan and if we are going to be able to make tough decisions on the MRC operations, GCCC operations, Southside Library operations, Traffic Calming Staffing and other such operations. He said we have tucked a number of operational expenses into the capital outlay plan. So, we first have to address the operational funding question, which is are we going to continue to use that source of funds just for operations. If the answer is yes, then the only conclusion is the conclusion raised by Ms. Raveling. If the answer is no, then the question is if we're willing to make cuts or shift costs or downscale, then the answer could be something else.

Councilor Bushee said this is the reason she wishes Robert Romero was in attendance

- Mr. Raveling said, "The other option is additional revenue through Gross Receipts Taxes or Property Taxes."

Chair Ortiz said he thought we were "topped out" on the GRTs.

Ms. Raveling said there is one increment of the GRTs, there is about \$14 million in property tax operational.

- Ms. Raveling said, "My suggestion, at one point, is increasing, and nobody wants to hear this, but increasing taxes, for example the property tax, for some of those items you listed and not take them out of our half-cent CIP and move them over and be funded from another source."

Councilor Bushee said she is not in favor of raising either tax.

- Councilor Dominguez said there will be a discussion about this at the November Public Works meeting, and hopes this information will be available at that time as well.
- Chair Ortiz said the reason this is coming up now, is in anticipation of the mid-year adjustments. We want to know whether the trigger points in the budget will be met, and what will happen, in terms of next year's budget, and the process going forward. Chair Ortiz said it is disappointing that Mr. Romero is absent, because he would be the one to at least address the operational side.

Ms. Raveling said Mr. Romero had another commitment.

Chair Ortiz said he would have liked Mr. Romero to be here for the discussion on this issue as well.

- Councilor Ortiz asked the timetable of the closing of the books for the previous fiscal year.

Ms. Raveling said it is approximately 95% done, but the auditors have to come in, and we always have adjustments. She said this is the reason she is calling these preliminary numbers. She said on the City side it is essentially done, subject to any audit adjustments.

- Chair Ortiz asked, regarding the previous fiscal year, if there is a shortfall or are we on target with the budgeted figures – will we need to augment last year's budget with funds from the current fiscal year, thus creating a deficit for this fiscal year.

Ms. Raveling said we need to match-up the revenues and expenditures ending June 30, 2010, which will be the financials ending June 30, 2010.

- Chair Ortiz asked if we are showing that revenues and expenses are matching, or are expenses exceeding revenues.

Ms. Raveling said this is what she is trying to explain in reviewing these financials – some of them are using substantial amounts of cash. She said we can make it through this fiscal year, but it is a bad trend to be seeing, which obviously can't be continued.

- Chair Ortiz asked, of all of these funds, how many will we be taking funds from, and Ms. Raveling said it is perhaps 10-12.

- Chair Ortiz asked the total amount which will be taken from the 12 funds.

Ms. Raveling believes, with adjustments, the deficits can be covered, but a lot of that will be by using more cash.

- Chair Ortiz asked how much cash we will be using to balance this year's budget.

Ms. Raveling said she hasn't totaled that amount, and she will come back with that analysis.

Chair Ortiz said we need that information, and if there are "holes" we need to know.

Direction to staff: Ms. Raveling said she would recommend that she bring that information to the next meeting of the Committee. Chair Ortiz agreed with this direction to staff.

Councilor Romero said that information will drive where we need to make the hard cuts. She said the idea of using cash is to be avoided. She said then at the next meeting we will have a discussion on any holes in the budget, and follow up with decisions in terms of deciding where to make the cuts.

- Ms. Raveling said a lot of cash has been used, and said we definitely will have to make those hard decisions, especially if the revenues don't recover.

- Chair Ortiz said the majority of this Committee voted against using cash to balance the budget in the previous fiscal year. He said we have given clear direction in the budget, that we have to find ways of balancing without using cash balances in the magnitude used in the previous fiscal year. He said we set a process to begin discussions now so we are in a better place than in the previous year.

Councilor Bushee thought there was specific direction not to use cash reserves.

- Councilor Bushee said in these kinds of economic times, we shouldn't raise taxes, and thought we planned to review other funding options in the interim, but she hasn't seen those.

Chair Ortiz said that won't happen now at this meeting.

- Chair Ortiz said he has had informal discussions with representatives of the bargaining units, and if we are in a hole, we need to start those discussions sooner rather than later, and we're not going to be in the position of being forced to impose conditions on our employees – and we need a full picture. He said when we use cash balances, it will be necessary to dip into reserves in the next budget cycle, or be forced to do a tax increase or take some action.

Councilor Bushee said she has not heard that to date from anyone but Mr. Pino and Mr. Romero, and now she is hearing it from Ms. Raveling.

Ms. Raveling said she isn't saying we have to raise taxes, she is just saying it is an option.

Councilor Bushee said she doesn't want to be pushed into that corner.

Ms. Raveling said a lot of the cash has been used and we can't go back and get that cash because it's gone. She said some of the funds aren't sustainable as is, so it will mean cutting programs or...

Chair Ortiz said it will mean increasing taxes or a combination thereof. He said this could be an outcome, and we need to have better information as we move forward. He said this provides the fund balances, but he still needs to see the list.

- Chair Ortiz said we need some *direction from the City Manager* on where he wants to be with these operationally. He said there are cuts which could be done in particular funds, and cuts that can be done across the board. He said all of these have to be brought before this Committee, sooner, rather than later, noting the operation is dependent on 80% personnel costs.

Direction to staff: After discussion, it was the consensus among the Committee, to give direction to staff to provide the list of funds with a grand total of the budget shortfall at the Committee meeting of November 1, 2010, and to make the hard decisions at the meeting of November 15, 2010.

Direction to staff: Chair Ortiz said if staff is unable to timely provide that information, it would be possible to schedule a single, special meeting in December 2010, on nothing but the budget, with decision points in December in anticipation of final mid-year recommendations in January 2011. He noted the only meeting he sees in December is the Public Works Committee on December 6, 2010, so we probably could schedule a meeting in December.

- Chair Ortiz said he had expected the City Manager to attend today and provide more information than just the financials.
- Councilor Romero noted DFA mandates the City to maintain its reserves at a certain level, which are untouchable.
- Ms. Raveling said she wants to make it very clear that “cash” means “reserves,” and when she is speaking of using cash she is speaking of using reserves.
- Councilor Romero said the idea of tax increases was brought up at the previous meeting, and was brought up again by the Public Works Director as another idea, which will go on a menu of options for funding – increased taxes, decreased services and personnel. She said these will be hard decisions, noting there were no personnel cuts in the previous budget year. She said this will be a difficult discussion.
- Chair Ortiz agreed, saying he still is hopeful. He said the City Manager still hasn’t spoken with him about increasing taxes, such as the one at the Public Works Committee, and would like to see his plan quickly, because time is critical. With regard to the cash balances, when we balance for last fiscal year, then we will be in the hole. He said we budgeted this fiscal year based on the previous fiscal year. He said the total shortfall in these funds will give us the number that we have to cut almost immediately, or come up with options to do something else.
- Councilor Dominguez said, with regard to a discussion about raising taxes at Public Works, he doesn’t know that the City Manager has such a plan. He said the issue was raised in the context of the financial picture. He wants to be clear that he knows of no plan to do that.
- Councilor Dominguez said, with respect to the \$1.4 million in salary savings and other cost cutting measures, he would like a list of positions that we didn’t hire, or where positions were combined for efficiencies..
- Ms. Raveling said those positions come to the Finance Committee, and she has not seen many of those turned down, so she doesn’t know there will be a lot of funds from this.
- Councilor Dominguez asked how much of the \$1.4 million is from salary savings and how much is from other costs cutting measures.
- Ms. Raveling said she can research that item, noting she hasn’t seen much cost-cutting in the last six months since she came back to the City.

- Chair Ortiz noted this year's budget was based on last year's budget and we're finding gaps, and we're still spending at the same rate, noting the GRTs remain flat.
- Councilor Bushee said she is concerned because she is not seeing a timeline for discussions of budget cuts, revenue streams and such, and is seeing only that we might have to raise taxes, but she isn't seeing a plan.

Direction to staff: Councilor Bushee said the City Manager isn't here this evening and "I am charging him with coming back with a plan," noting the message she has heard from this Committee for the last two budget cycles, which was loud and clear, is don't use reserves and make the necessary cuts, or bring them to us and we'll make the hard decisions.

Ms. Raveling said that may have been the direction, but the Committee can see by the information she has provided that we used a lot of cash in the last few years.

- Councilor Dominguez said he knows of nobody who has said we need to raise taxes, but we have said this is what it will look like if we have to raise taxes.
- Chair Ortiz said the City Manager was quoted in the newspaper as having said something about this, reiterating that he hasn't spoken with him about this. He said if there is a hole, and this is to be an option, it is better to consider it sooner rather than later. He said without a plan we are speaking about this "nebulous need to raise taxes," and he wants to hear from the administration in this regard, because they are the ones who have to bring it – sooner rather than later. He wants this on the next meeting agenda, and for this Committee to be prepared to make a decision in mid-November, and possibly to hold a special meeting in December exclusively on the budget.
- Councilor Bushee asked again if there are no plans at this time to issue a CIP bond, and Ms. Raveling said we can't do it at this time.

Direction to the City Manager: Councilor Bushee would like "all of this," to be put in a Memorandum from the City Manager indicating the issues and his plans.

Clarification of direction to the City Manager: Chair Ortiz said Ms. Raveling has presented her recommendations. It is now the City Manager's turn to come up with a Memorandum outlining the operational limitations and the operational recommendations he has developed to cover the total fund shortfalls which will be provided by Ms. Raveling at the next meeting. He said when we gave that task to Mr. Romero for the last budget, he came up with a list that forced the Committee to make decisions on some items, noting there was no consensus on some of the items.

- Councilor Romero said we need to look at the services, staffing, all possible funds, and Mr. Romero's Memorandum, noting we didn't make those hard decisions previously because we couldn't reach consensus. She is ready to consider any and all options from among what is brought by Mr. Romero and Ms. Raveling. She is open to spending more time on this than just one special Finance Committee meeting in December.

Chair Ortiz suggested, after everything is vetted by this Committee, that a Special City Council meeting could be scheduled in December specifically for nothing but the budget. He said Mr. Romero could then come back with a plan addressing just these particular funds. However, he believes the Councilors would be concerned if we look only at the troubled funds. He said it is up to the City Manager to decide how to address these issues and what options to bring to us.

Ms. Raveling said they were thinking all along that things would get better, and she understands the reason some of the tough decisions weren't made – we didn't want to overreact, slice a lot of programs and then have it get better the next month. However, it isn't getting better very quickly.

Direction to staff: Councilor Dominguez wants a history of some of the funds and why we used certain funds to subsidize the way we do. For example, he wants to know the obligations we made to the taxpayers at the time we built the GCCC.

Direction to Staff: Chair Ortiz would like for Ms. Raveling to relay to the City Manager his offer to meet regarding the issue of tax increases, but making it clear that he has to contact him in this regard.

20. OTHER FINANCIAL INFORMATION:

A. UPDATE OF GROSS RECEIPTS TAX REPORT RECEIVED IN OCTOBER 2010 (FOR AUGUST 2010 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN SEPTEMBER 2010 (FOR AUGUST 2010 ACTIVITY). (KATHRYN RAVELING)

Chair Ortiz noted the Committee should have received a spreadsheet from Helene and the charts are in the packet.

Chair Ortiz noted the GRTs are up a little, and the chart shows we're on target with the GRTs which were budgeted for this FY. He asked if there is anything which leads staff to believe that the GRTs will be higher or lower than the projections.

Ms. Raveling said one of the issues continues to be construction which is really down, and it would be a very favorable sign if we saw some recovery in construction, noting it is down 18% from last year "which was a negative."

Responding to Councilor Romero, Ms. Raveling said the specific GRTs of individual companies or where the companies' specifically are included in the different categories is confidential information which is not available to the City.

Councilor Dominguez asked the difference between pages 10 and 11.

Ms. Raveling said page 10 is October 2009 to October 2010, and page 11 is July through September 2009 and July through September 2010.

Councilor Romero thanked Helene for the information in advance, and said she would be happy to get the information on line.

Chair Ortiz said, because it is an agenda item, we have to continue to publish the packet so members of the media and the general public can have them.

21. MATTERS FROM THE COMMITTEE

Chair Ortiz reminded the members of the Committee to keep in mind that we may have a special meeting of the Finance Committee in December, noting December 13, 2010 is a potential meeting date.

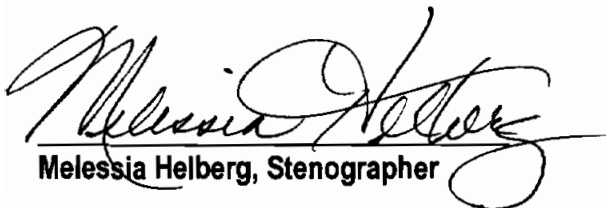
22. ADJOURN

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

Matthew E. Ortiz, Chair

Reviewed by:

**Kathryn L. Raveling, Acting Director
Department of Finance**



Melessia Helberg, Stenographer