



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
NOVEMBER 14, 2011 – 5:00 PM

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

NOVEMBER 1, 2011

CITY CLERK'S OFFICE

DATE 11/10/11 TIME 11:00am

SENT BY Ysabela Green

RECEIVED BY [Signature]

CONSENT AGENDA

6. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – DIGITAL ALLY IN-CAR VIDEO CAMERAS FOR POLICE VEHICLES; MHQ OF NEW MEXICO (POLICE CHIEF RAYMOND RAE)
7. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO LEGAL SERVICES AGREEMENT – PUBLIC DEFENDER SERVICES; BEA CASTELLANO LOCKHART (RICHARD MARES)
8. REQUEST FOR APPROVAL OF RENOVATION OF EXISTING ARMY AVIATION SUPPORT FACILITY ON SANTA FE MUNICIPAL AIRPORT PROPERTY; NEW MEXICO NATIONAL GUARD DEPARTMENT OF MILITARY AFFAIRS (JIM MONTMAN)
9. REQUEST FOR APPROVAL OF ASSIGNMENT OF AMENDMENT NO. 1 TO SANTA FE MUNICIPAL AIRPORT AIRLINE TERMINAL LEASE AGREEMENT – LEASE SPACE AT SANTA FE MUNICIPAL AIRPORT; CITY OF SANTA FE AND AMERICAN EAGLE AIRLINES, INC. TO AMERICAN AIRLINES, INC. (JIM MONTMAN)
10. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – 2012 WATER RATE EVALUATION SERVICES FOR COUNTY WHOLESALE SERVICES; STEPWISE UTILITY ADVISORS, LLC (BRIAN SNYDER)
11. REQUEST FOR APPROVAL OF PROPOSED CHANGE TO AVERAGE WINTER CONSUMPTION USED TO DETERMINE THE SEWER MONTHLY USAGE FEE FOR CUSTOMER AND NOT CONNECTED TO CITY WATER AND PROCEED



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WITH ORDINANCE MODIFICATION TO DECREASE MONTHLY USAGE FEE
BASED ON NEW VALUE OF 3,600 GALLONS PER MONTH (BRYAN ROMERO)

12. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE MUNICIPAL WATERSHED MANAGEMENT PROJECT; SANTA FE WATERSHED ASSOCIATION (DALE LYONS)
13. REQUEST FOR APPROVAL OF POWER PURCHASE AGREEMENT – PHOTOVOLTAIC SYSTEM AT WASTEWATER MANAGEMENT DIVISION COMPOSTING FACILITY; MLH CRIPPLE CREEK SOLAR, LLC (NICK SCHIAVO)
14. REQUEST FOR APPROVAL OF POWER PURCHASE AGREEMENT – PHOTOVOLTAIC SYSTEM AT SANTA FE COMMUNITY CONVENTION CENTER; MLH CRIPPLE CREEK SOLAR, LLC (NICK SCHIAVO)
15. RESIDENTIAL GREEN BUILDING CODE LEGISLATION (COUNCILOR CALVERT) (KATHERINE MORTIMER)
 - A. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 7-4.2 SFCC 1987 REGARDING THE ADMINISTRATION OF THE RESIDENTIAL GREEN BUILDING CODE; REPEALING EXHIBIT A TO CHAPTER VII SFCC 1987, SANTA FE RESIDENTIAL GREEN BUILDING CODE; AND ADOPTING A NEW EXHIBIT A TO CHAPTER VII SFCC 1987, SANTA FE RESIDENTIAL GREEN BUILDING CODE, TO BE CONSISTENT WITH THE NATIONAL GREEN BUILDING STANDARD
 - B. REQUEST FOR APPROVAL OF A RESOLUTION REPEALING RESOLUTION NO. 2009-42, RESOLUTION NO. 2009-73 AND RESOLUTION 2010-63 THAT ADOPTED AND AMENDED THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE; AND ADOPTING UPDATED ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE TO BE CONSISTENT WITH THE NATIONAL GREEN BUILDING STANDARD

Committee Review:

Public Works (approved)	11/07/11
City Council (request to publish)	11/30/11
City Council (public hearing)	01/11/12

Fiscal Impact – No



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16. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-8.14(E)(1) SFCC 1987 SO THAT FOR A PERIOD OF TWO YEARS, THE IMPACT FEES FOR RESIDENTIAL DEVELOPMENTS SHALL BE REDUCED BY 100%; AND MAKING SUCH OTHER NECESSARY CHANGES (COUNCILORS WURZBURGER, ORTIZ AND DOMINGUEZ) (MATTHEW O'REILLY)

Committee Review:

Planning Commission (not approved)	11/03/11
Public Works (not approved)	11/07/11
City Council (request to publish)	11/30/11
City Council (public hearing)	01/11/12

Fiscal Impact – Yes

17. REQUEST FOR APPROVAL OF A RESOLUTION JOINING SANTA FE COUNTY TO STRONGLY URGE THE NEW MEXICO STATE LEGISLATURE TO AMEND THE LOCAL LIQUOR EXCISE TAX ACT TO INCLUDE NEW MEXICO COUNTIES WITH A POPULATION AND NET TAXABLE VALUE SIMILAR TO SANTA FE COUNTY THE OPTION TO IMPOSE A LOCAL LIQUOR EXCISE TAX, UPON APPROVAL BY SANTA FE COUNTY VOTERS; AND TO AUTHORIZE THE USE OF THE TAX PROCEEDS TO FUND SOCIAL SERVICE PROGRAMS TO SERVE PERSONS IMPACTED BY ALCOHOL AND DRUG ABUSE (COUNCILOR BUSHEE) (TERRIE RODRIGUEZ)

Committee Review:

Business & Quality of Life (approved)	11/08/11
City Council (scheduled)	11/30/11

Fiscal Impact – No

18. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 2-3.3 SFCC 1987 REGARDING THE QUALIFICATIONS AND SALARY OF THE MUNICIPAL JUDGE (MAYOR COSS) (JUDGE ANN YALMAN)

Committee Review:

City Council (request to publish)	11/30/11
City Council (public hearing)	01/11/12

Fiscal Impact – Yes

END OF CONSENT AGENDA



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
NOVEMBER 14, 2011 – 5:00 PM

DISCUSSION

19. (PUBLIC HEARING)

PROPOSED BOND ISSUES (COUNCILOR DOMINGUEZ) (ROBERT ROMERO)

- A. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING A TWENTY MILLION DOLLAR (\$20,000,000) GROSS RECEIPTS TAX REVENUE BOND ISSUE FOR MUNICIPAL CAPITAL PROJECTS THAT WILL CREATE JOBS, DESIGN AND IMPROVE INFRASTRUCTURE, PROVIDE FOR ECONOMIC DEVELOPMENT OPPORTUNITIES; IMPROVE WATER SECURITY; ENHANCE PUBLIC SAFETY; AND PROMOTE A HIGH QUALITY OF LIFE FOR THE RESIDENTS OF THE CITY OF SANTA FE

Committee Review:

Public Works (postponed)	09/26/11
Public Works (no action)	10/18/11
Public Works (approved)	10/24/11
Finance Committee (postponed)	11/01/11
Business & Quality of Life (approved)	11/08/11
City Council (scheduled)	11/30/11

Fiscal Impact – Yes

- B. REQUEST FOR APPROVAL OF A RESOLUTION CALLING ON THE CITY OF SANTA FE AND THE COMMUNITY TO SUPPORT FUNDING IN THE AMOUNT OF THIRTY MILLION DOLLARS (\$30,000,000) FOR MUNICIPAL CAPITAL PROJECTS THAT WILL CREATE JOBS, PROVIDE FOR ECONOMIC DEVELOPMENT OPPORTUNITIES, IMPROVE WATER SECURITY, ENHANCE PUBLIC SAFETY, AND PROMOTE A HIGH QUALITY OF LIFE FOR THE RESIDENTS OF THE CITY OF SANTA FE; AND PROPOSING A \$30,000,000 GENERAL OBLIGATION BOND ISSUE FOR APPROVAL BY THE VOTERS OF THE CITY OF SANTA FE AT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN CONJUNCTION WITH THE MARCH 6, 2012 REGULAR MUNICIPAL ELECTION

Committee Review:

Public Works (postponed)	09/26/11
Public Works (no action)	10/18/11
Public Works (approved)	10/24/11
Finance Committee (postponed)	11/01/11
Business & Quality of Life Committee (approved)	11/08/11
City Council (scheduled)	11/30/11



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Fiscal Impact – Yes

C. REQUEST FOR APPROVAL OF GENERAL OBLIGATION BOND
QUESTIONS (ISAAC PINO)

20. **(PUBLIC HEARING)**

PRESENTATION AND DISCUSSION OF CHAPTER 14 REWRITE (GREG SMITH
AND MATTHEW O'REILLY)

REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING ARTICLES 14-1
THROUGH 14-4 SFCC 1987 AND ADOPTING NEW ARTICLES 14-1 THROUGH
14-4 SFCC 1987; REPEALING SECTION 14-5.1 SFCC 1987 AND ADOPTING A
NEW SECTION 14-5.1 SFCC 1987; REPEALING SECTIONS 14-5.3 THROUGH 14-
5.5 SFCC 1987 AND ADOPTING NEW SECTIONS 14-5.3 THROUGH 14-5.5 SFCC
1987; REPEALING SECTIONS 14-5.7 THROUGH 14-5.10 SFCC 1987 AND
ADOPTING NEW SECTIONS 14-5.7 THROUGH 14-5.10 SFCC 1987; REPEALING
ARTICLES 14-6 THROUGH 14-7 SFCC 1987 AND ADOPTING NEW ARTICLES
14-6 THROUGH 14-7 SFCC 1987; REPEALING SECTIONS 14-8.1 THROUGH 14-
8.9 SFCC 1987 AND ADOPTING NEW SECTIONS 14-8.1 THROUGH 14-8.9 SFCC
1987; REPEALING 14-8.11 THROUGH 14-8.16 SFCC 1987 AND ADOPTING NEW
SECTIONS 14-8.11 SFCC 1987 THROUGH 14-8.16 SFCC 1987; AND MAKING
SUCH OTHER CHANGES AS ARE NECESSARY

Committee Review:

Public Works (Part I – approved)	09/26/11
Public Works (Part II – approved)	10/11/11
City Council (request to publish)	11/09/11
City Council (public hearing)	11/30/11

Fiscal Impact – Yes

21. REQUEST FOR APPROVAL OF SOUTHWEST ACTIVITY NODE PARK MASTER
PLAN (MARY MACDONALD)

22. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO
PREPARE AMENDMENTS TO LOCAL PREFERENCE SECTION 15.4 OF 2011
EDITION OF THE CITY OF SANTA FE PROCUREMENT CODE (COUNCILOR
DOMINGUEZ AND WURZBURGER) (ROBERT RODARTE)

Committee Review:

Public Works (approved)	11/07/11
City Council (request to publish)	11/30/11

Fiscal Impact – No



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FINANCE COMMITTEE MEETING
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23. UPDATE ON PARKS BOND AND REQUEST FOR APPROVAL OF REALLOCATION OF BOND FUNDS (FABIAN CHAVEZ AND ISAAC PINO)
 24. REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS (ROBERT ROMERO)
 25. OTHER FINANCIAL INFORMATION
 26. MATTERS FROM THE COMMITTEE
 27. 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, November 14, 2011

<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 -4
APPROVAL OF MINUTES: NOVEMBER 1, 2011	Approved [amended]	4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO LEGAL SERVICES AGREEMENT – PUBLIC DEFENDER SERVICES; BEA CASTELLANO LOCKHART	Approved [amended]	4-5
REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 2-3.3 SFCC 1987, REGARDING THE QUALIFICATIONS AND SALARY OF THE MUNICIPAL JUDGE *****	Moved forward w/o recommendation	5-7
END OF CONSENT CALENDAR DISCUSSION *****		
<u>DISCUSSION</u>		
<u>PUBLIC HEARING</u>		
PROPOSED BOND ISSUES		
REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING A TWENTY MILLION DOLLAR (\$20,000,000) GROSS RECEIPTS TAX REVENUE BOND ISSUE FOR MUNICIPAL CAPITAL PROJECTS THAT WILL CREATE JOBS, DESIGN AND IMPROVE INFRASTRUCTURE, PROVIDE FOR ECONOMIC DEVELOPMENT OPPORTUNITIES; IMPROVE WATER SECURITY; ENHANCE PUBLIC SAFETY; AND PROMOTE A HIGH QUALITY OF LIFE FOR THE RESIDENTS OF THE CITY OF SANTA FE	Approved [amended]	8-27

ITEM**ACTION****PAGE**

REQUEST FOR APPROVAL OF A RESOLUTION CALLING ON THE CITY OF SANTA FE AND THE COMMUNITY TO SUPPORT FUNDING IN THE AMOUNT OF THIRTY MILLION DOLLARS (\$30,000,000) FOR MUNICIPAL CAPITAL PROJECTS THAT WILL CREATE JOBS, PROVIDE FOR ECONOMIC DEVELOPMENT OPPORTUNITIES, IMPROVE WATER SECURITY, ENHANCE PUBLIC SAFETY AND PROMOTE A HIGH QUALITY OF LIFE FOR THE RESIDENTS OF THE CITY OF SANTA FE; AND PROPOSING A \$30,000 GENERAL OBLIGATION BOND ISSUE FOR APPROVAL BY THE VOTERS OF THE CITY OF SANTA FE AT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN CONJUNCTION WITH THE MARCH 6, 2012, REGULAR MUNICIPAL ELECTION

To Council w/o recommendation 8-33

REQUEST FOR APPROVAL OF GENERAL OBLIGATION BOND QUESTIONS

To Council w/o recommendation 33

UPDATE ON PARKS BOND AND REQUEST FOR APPROVAL OF REALLOCATION OF BOND FUNDS

Approved [amended] 33-35

REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PREPARE AMENDMENTS TO LOCAL PREFERENCE SECTION 15-4 OF 2011 EDITION OF THE CITY OF SANTA FE PROCUREMENT CODE

Approved with amendments 36-37

REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS

Approved 37

ITEM**ACTION****PAGE**

(PUBLIC HEARING)

PRESENTATION AND DISCUSSION OF CHAPTER
14 REWRITE

REQUEST FOR APPROVAL OF AN ORDINANCE
REPEALING ARTICLES 14-1 THROUGH 14-4
SFCC 1987 AND ADOPTING NEW ARTICLES 14-1
THROUGH 14-4 SFCC 1987; REPEALING SECTION
14-5.1 SFCC 1987 AND ADOPTING A NEW SECTION
14-5.1 SFCC 1987; REPEALING SECTIONS 14-5.3
THROUGH 15-5.5 SFCC 1987, AND ADOPTING NEW
SECTIONS 14-5.3 THROUGH 14-5.5 SFCC 1987;
REPEALING SECTIONS 14-5.7 THROUGH 14-5.10
SFCC 1987 AND ADOPTING NEW SECTIONS 14-5.7
THROUGH 14-5.10; REPEALING ARTICLES 14-6
THROUGH 14-7 SFCC 1987, AND ADOPTING NEW
ARTICLES 14-6 THROUGH 14-7 SFCC 1987;
REPEALING SECTIONS 14-8.11 THROUGH 14-8.16
SFCC 1987 AND ADOPTING NEW SECTIONS 14-8.11
SFCC 1987 THROUGH 14-8.16 SFCC 1987; AND
MAKING SUCH OTHER CHANGES AS ARE
NECESSARY

No quorum – Public Hearing Only 38-46

REQUEST FOR APPROVAL OF SOUTHWEST
ACTIVITY NODE PARK MASTER PLAN

No quorum – no action 46

OTHER FINANCIAL INFORMATION

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MATTERS FROM THE COMMITTEE

None 46

ADJOURN

47

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE**
Monday, November 14, 2011

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 5:00 p.m., on Monday, November 14, 2011, 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 Carmichael A. Dominguez
Councilor Rosemary Romero

MEMBERS EXCUSED:

Councilor Rebecca Wurzburger

OTHERS ATTENDING:

Dr. Melville L. Morgan, Director , 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

Chair Ortiz said Item #16 needs to be removed from the Agenda and rescheduled as a public hearing at the Finance Committee meeting of December 5, 2011.

MOTION: Councilor Romero moved, seconded by Councilor Dominguez, to approve the agenda, as amended.

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

4. APPROVAL OF CONSENT AGENDA

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

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

CONSENT AGENDA

6. **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – DIGITAL ALLY IN-CAR VIDEO CAMERAS FOR POLICE VEHICLES; MHQ OF NEW MEXICO. (POLICE CHIEF RAYMOND RAE)**
7. ***[Removed for discussion by Chair Ortiz]***
8. **REQUEST FOR APPROVAL OF RENOVATION OF EXISTING ARMY AVIATION SUPPORT FACILITY ON SANTA FE MUNICIPAL AIRPORT PROPERTY; NEW MEXICO NATIONAL GUARD, DEPARTMENT OF MILITARY AFFAIRS. (JIM MONTMAN)]**
9. **REQUEST FOR APPROVAL OF ASSIGNMENT OF AMENDMENT NO. 1 TO SANTA FE MUNICIPAL AIRPORT AIRLINE TERMINAL LEASE AGREEMENT – LEASE SPACE AT SANTA FE MUNICIPAL AIRPORT; CITY OF SANTA FE AND AMERICAN EAGLE AIRLINES, INC., TO AMERICAN AIRLINES, INC. (JIM MONTMAN)**
10. **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – 2012 WATER RATE EVALUATION SERVICES FOR COUNTY WHOLESALE SERVICES; STEPWISE UTILITY ADVISORS, LLC. (BRIAN SNYDER)**
11. **REQUEST FOR APPROVAL OF PROPOSED CHANGE TO AVERAGE WINTER CONSUMPTION USED TO DETERMINE THE SEWER MONTHLY USAGE FEE FOR CUSTOMER AND NOT CONNECTED TO CITY WATER AND PROCEED WITH ORDINANCE MODIFICATION TO DECREASE MONTHLY USAGE FEE BASED ON NEW VALUE OF 3,600 GALLONS PER MONTH. (BRYAN ROMERO)**

12. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE MUNICIPAL WATERSHED MANAGEMENT PROJECT; SANTA FE WATERSHED ASSOCIATION. (DALE LYONS)
13. REQUEST FOR APPROVAL OF POWER PURCHASE AGREEMENT – PHOTOVOLTAIC SYSTEM AT WASTEWATER MANAGEMENT DIVISION COMPOSTING FACILITY; MLH CRIPPLE CREEK SOLAR, LLC. (NICK SCHIAVO)
14. REQUEST FOR APPROVAL OF POWER PURCHASE AGREEMENT – PHOTOVOLTAIC SYSTEM AT SANTA FE COMMUNITY CONVENTION CENTER; MLH CRIPPLE CREEK SOLAR, LLC. (NICK SCHIAVO)
15. RESIDENTIAL GREEN BUILDING CODE LEGISLATION (COUNCILOR CALVERT). (KATHARINE MORTIMER)
 - A. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 7-4.2 SFCC 1987, REGARDING THE ADMINISTRATION OF THE RESIDENTIAL GREEN BUILDING CODE; REPEALING EXHIBIT A TO CHAPTER VII SFCC 1987, SANTA FE RESIDENTIAL GREEN BUILDING CODE; AND ADOPTING A NEW EXHIBIT A TO CHAPTER VII SFCC 1987, SANTA FE GREEN BUILDING CODE, TO BE CONSISTENT WITH THE NATIONAL GREEN BUILDING STANDARD.
 - B. REQUEST FOR APPROVAL OF A RESOLUTION REPEALING RESOLUTION NO. 2009-42, RESOLUTION NO. 2009-42, RESOLUTION NO. 2009-73 AND RESOLUTION 2010-63, THAT ADOPTED AND AMENDED THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE; AND ADOPTING UPDATED ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE TO BE CONSISTENT WITH THE NATIONAL GREEN BUILDING STANDARD.

Committee Review: Public Works (approved) 11/07/11; City Council (request to publish) 11/30/11; and City Council (public hearing) 01/11/12. Fiscal Impact – No.
16. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-8.14(E)(1) SFCC, SO THAT FOR A PERIOD OF TWO YEARS, THE IMPACT FEES FOR RESIDENTIAL DEVELOPMENTS SHALL BE REDUCED BY 100%; AND MAKING SUCH OTHER NECESSARY CHANGES (COUNCILORS WURZBURGER, ORTIZ AND DOMINGUEZ). (MATTHEW O'REILLY) Committee Review: Planning Commission (not approved) 11/03/11; Public Works (not approved) 11/07/11; City Council (request to publish) 11/30/11; and City Council (public hearing) 01/11/12. Fiscal Impact – yes.

This item was removed from the agenda, to be scheduled as a public hearing at the Finance Committee Meeting of December 5, 2011.

17. REQUEST FOR APPROVAL OF A RESOLUTION JOINING SANTA FE COUNTY TO STRONGLY URGE THE NEW MEXICO STATE LEGISLATURE TO AMEND THE LOCAL LIQUOR EXCISE TAX ACT TO INCLUDE NEW MEXICO COUNTIES WITH A POPULATION AND NET TAXABLE VALUE SIMILAR TO SANTA FE COUNTY THE OPTION TO IMPOSE A LOCAL LIQUOR EXCISE TAX, UPON APPROVAL BY SANTA FE COUNTY VOTERS; AND TO AUTHORIZE THE USE OF THE TAX PROCEEDS TO FUND SOCIAL SERVICE PROGRAMS TO SERVE PERSONS IMPACTED BY ALCOHOL AND DRUG ABUSE (COUNCILOR BUSHEE). (TERRIE RODRIGUEZ) Committee Review: Business & Quality of Life (approved) 11/08/11; and City Council (scheduled) 11/30/11. Fiscal Impact – No.

18. *[Removed for discussion by Chair Ortiz]*

END OF CONSENT AGENDA

Councilor Bushee arrived at the meeting

5. APPROVAL OF MINUTES: NOVEMBER 1, 2011

The following corrections were made to the minutes:

Page 9, paragraph 7, line 3, correct as follows: "... on ~~Unpaid~~ Unpaved Rehabilitation..."

Page 13, paragraph 3, line 6, correct as follows: "... just last week..."

Page 13, paragraph 3, line 8, correct as follows: "... PTAG POSAC ...

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to approve the minutes of the Regular Finance Committee Meeting of November 1, 2011, as amended.

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

CONSENT CALENDAR DISCUSSION

7. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO LEGAL SERVICES AGREEMENT – PUBLIC DEFENDER SERVICES; BEA CASTELLANO LOCKHART. (RICHARD MARES)

Chair Ortiz said his concern is that this is the 4th amendment, commenting he would support a 6 month extension with direction to staff to issue an RFP for these services in the interim.

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to approve the request, but with only a six month extension, with direction to staff to issue an RFP for these services.

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

18. **REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 2-3.3 SFCC 1987, REGARDING THE QUALIFICATIONS AND SALARY OF THE MUNICIPAL JUDGE (MAYOR COSS). (JUDGE ANN YALMAN) Committee Review: City Council (request to publish) 11/30/11; and City Council (public hearing) 01/11/12. Fiscal Impact – YES.**

Chair Ortiz said he pulled this item because the Judge has requested an 18% increase at a time when we have been accused by several members of the collective bargaining unions of taking resources away from the members. He said the Mayor is carrying this bill, noting it was "introduced at a time when no one else who would otherwise apply for this position, had a chance to nominate." He said he understands she is running opposed.

Judge Yalman said that is what she is hearing, but she doesn't know that, but that was before the petitions were submitted.

Chair Ortiz said this is the first Committee to hear this bill. He said while it was introduced during the time petition signatures could be obtained, it was never heard until now, when petition signatures cannot be obtained. He said her salary was increased previously at the time the bill was there to require that the position must be filled by a lawyer. He said in 2008, she ran opposed.

Judge Yalman said she came before the Council in January/February, prior to the election in March, requesting an increase. She said at the time the position was not required to be filled by a lawyer.

Chair Ortiz said at the time the Council had approved a Charter amendment which was on the ballot in March 2008.

Judge Yalman said it was on the ballot, but nobody knew whether or not it would pass. She said at the time the current salary was set, there was no requirement that the Judge be a lawyer, and when she ran last time there was no such requirement, although it did pass, so it is a requirement now.

Chair Ortiz said he can't support a bill giving a salary increase to someone who is at the top of the hierarchy in an environment where we are asking all employees to sacrifice. He said he isn't willing to change the statute to give such an increase in these economic times, so he is against this request.

Councilor Dominguez asked from what fund the Judge is paid and Chair Ortiz said the General Fund.

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

DISCUSSION: Councilor Bushee said she understands the motion and the concerns and the timing. However, she believes this Judge has saved "this City inordinate sums of money through her good works." She said it makes her a little sad because there has been a mess at the Municipal Court for years, and we

are lucky to have Judge Yalman. She said she hopes Judge Yalman will stay on in any event if this motion is approved.

Councilor Romero said, to her, it isn't about the merits of the job and thanked Judge Yalman. She said Councilor Bushee is absolutely right. However, she is concerned about how this came forward, and the reason she is moving to deny. She wants it to be equitable, and said she too hopes Judge Yalman will run again.

Judge Yalman said, in defense of the way this was brought forward, the Council has an obligation every 4 years to review the Municipal Judge's salary, noting this is in Statute. She said she isn't bring this forward because she would benefit from it. She said she brought it forward earlier than the last time, before anybody is on the ballot. She said the last time this Council heard this was in the year in which she was elected. She didn't realize they wanted it brought forward even earlier. Secondly, this salary cannot be changed, once the person is in office, so it is a 4-year salary. She said what you are saying is that the person who is the Judge who has had the same salary for the past 4 years, if she is elected, will have the same salary for the next 4 years, so that is 8 years without an increase.

Chair Ortiz said what we should do, to be fair to the current Judge who he believes to be running unopposed again, and to the public in terms of the review of the Court and the Judge's salary, is to have the review come as a part of the budget process in the year preceding the municipal election in which we elect the municipal judge. He said that way, we would have a clear understanding of the Judge's activities vis a vis the budget process, because this is a budgetary matter.

Councilor Bushee asked why you would review the salary every budget year.

Chair Ortiz reiterated it would be reviewed in the budget year preceding the next election of a Municipal Judge.

Judge Yalman said, then you're saying it doesn't matter whether the Judge is a lawyer, because this is the salary which was selected when the judge was not required to be a lawyer.

Chair Ortiz said he selected the salary knowing she was a lawyer, that she was the incumbent Municipal Judge and was running unopposed. He said his perspective was that \$85,000 was an amount which was close to what Child Support Officers earn which is \$89,000, noting they also are required to be lawyers. He said Domestic Violence Hearing Officers are also required to be lawyers and they are paid about \$88,000.

Judge Yalman said they are at 80%, as opposed to 90%.

MOTION TO AMEND: Councilor Bushee moved, seconded by Councilor Romero, to amend the motion to set the salary at \$95,000, instead of \$101,000.

DISCUSSION ON THE MOTION TO AMEND: Councilor Bushee said it is about performance, because she wouldn't vote for an increase for someone who wasn't performing as well as she believes this Judge

is. She said, in comparison, Judge Yalman sits as the Judge full time and supervises a staff of 17 people, so she is a manager as well. She said there was a gentleman managing the Convention Center who earned about \$150,000, which she believes was too high. She believes this Judge deserves a salary of \$95,000.

Chair Ortiz said he can't speak to whether this Judge is entitled to or deserves this raise, when you can see public safety people who also deserve the same kind of raise, for the same kind of job or more, and we told them no because of our General Fund.

VOTE ON THE MOTION TO AMEND: The motion to amend, failed to pass on a voice vote, for failure to get a majority vote, with Councilor Bushee and Councilor Romero voting in favor of the motion and Chair Ortiz and Councilor Dominguez voting against the motion.

VOTE ON THE MAIN MOTION: The motion failed to pass on a voice vote, for failure to get a majority vote, with Councilor Bushee and Councilor Romero voting in favor of the motion and Chair Ortiz and Councilor Dominguez voting against the motion

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to move this item forward, suggesting that an amendment be prepared when this goes to the Council, for a salary of \$95,000.

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

END OF CONSENT CALENDAR DISCUSSION

MOTION: Councilor Romero moved, seconded by Councilor Dominguez, to move Item #23 on the Discussion Agenda after Item #19, to be a part of the public hearing process under Item #19, and to approve the agenda as amended..

DISCUSSION: Chair Ortiz noted that Item #23 isn't noticed as a public hearing on the agenda.

FRIENDLY AMENDMENT: Councilor Dominguez suggested that Item #23 be renumbered as Item #20 and be heard with Items #19(A), (B) and (C), and to renumber succeeding agenda items. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

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

DISCUSSION

PUBLIC HEARING

19. PROPOSED BOND ISSUES (COUNCILOR DOMINGUEZ). (ROBERT ROMERO):

- A. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING A TWENTY MILLION DOLLAR (\$20,000,000) GROSS RECEIPTS TAX REVENUE BOND ISSUE FOR MUNICIPAL CAPITAL PROJECTS THAT WILL CREATE JOBS, DESIGN AND IMPROVE INFRASTRUCTURE, PROVIDE FOR ECONOMIC DEVELOPMENT OPPORTUNITIES; IMPROVE WATER SECURITY; ENHANCE PUBLIC SAFETY; AND PROMOTE A HIGH QUALITY OF LIFE FOR THE RESIDENTS OF THE CITY OF SANTA FE (COUNCILOR DOMINGUEZ). Committee Review: Public Works (Postponed) 09/26/11; Public Works (No action) 10/18/11; Public Works (Approved) 10/24/11; Finance Committee (postponed) 11/01/11; City Business & Quality of Life (Approved) 11/08/11; and City Council (Scheduled) 11/09/11. Fiscal Impact – Yes.
- B. REQUEST FOR APPROVAL OF A RESOLUTION CALLING ON THE CITY OF SANTA FE AND THE COMMUNITY TO SUPPORT FUNDING IN THE AMOUNT OF THIRTY MILLION DOLLARS (\$30,000,000) FOR MUNICIPAL CAPITAL PROJECTS THAT WILL CREATE JOBS, PROVIDE FOR ECONOMIC DEVELOPMENT OPPORTUNITIES, IMPROVE WATER SECURITY, ENHANCE PUBLIC SAFETY AND PROMOTE A HIGH QUALITY OF LIFE FOR THE RESIDENTS OF THE CITY OF SANTA FE; AND PROPOSING A \$30,000 GENERAL OBLIGATION BOND ISSUE FOR APPROVAL BY THE VOTERS OF THE CITY OF SANTA FE AT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN CONJUNCTION WITH THE MARCH 6, 2012, REGULAR MUNICIPAL ELECTION. Committee Review: Public Works (Postponed) 09/26/11; Public Works (No action) 10/18/11; Public Works (Approved) 10/24/11; Finance Committee (postponed) 11/01/11; City Business & Quality of Life (Approved) 11/08/11; and City Council (Scheduled) 11/30/11. Fiscal Impact – Yes.
- C. REQUEST FOR APPROVAL OF GENERAL OBLIGATION BOND QUESTIONS. (ISAAC PINO)

Items 19(C), (B) and (C), and Item 20 (old Item 23) were combined for purposes of discussion, presentation and public hearing, but were voted upon separately.

A copy of Santa Fe Water History Park and Museum CIP request for initiation of Phase 2, is incorporated herewith to these minutes as Exhibit "1."

A copy of Unpaved Road Areas is incorporated herewith to these minutes as Exhibit "2."

Chair Ortiz noted there is additional information in the Committee packets as requested.

Robert Romero said he has no presentation, noting the information requested by the Committee is in the Committee packet, and he will stand for questions.

Prior to the public hearing, the Committee asked questions as follows:

- Chair Ortiz since this was first heard at Finance, all items regarding Affordable Housing seemed to have disappeared from the G.O. and CIP bonds, and asked for an explanation in this regard.

Mr. Romero said he understands we can't use G.O. bond proceeds to do Affordable Housing, and since there was not a motion to move it to the CIP bond, it wasn't added.

- Chair Ortiz said Question #3 is whether to issue up to \$3.8 million to acquire, install, construct, upgrade and improve sustainable environmental projects, including renewable energy, arroyo drainage and watershed security projects. He said on the attachments, we only see drainage improvements and solar energy, and asked if the arroyo drainage are watershed security issues, or if it is a placeholder.

Mr. Romero said the drainage improvements are for security.

- Chair Ortiz said he asked for a location of the dirt roads which are proposed to be improved, but instead, he received a calculation on how the number was derived. He asked if information is available on the 41 miles of road which are proposed to be improved.

Mr. Romero said yes, and believes Mr. Pino has something to pass out in this regard [Exhibit "2"].

- Councilor Romero said the issue of watershed safety has arisen, and asked Mr. Pino to clarify this issue and the numbers prior to the public hearing, and to talk about the working group that worked on this. She would like Wendy Blackwell to talk about the watershed projects which are separate from "the watershed that we always talk about."
- Chair Ortiz asked if Mr. Pino is saying the amount is less than the \$3.8 million which was being discussed.
- Councilor Romero said originally it was \$6 million, and wound up being a very small number.

Mr. Pino said the original list was \$6 million, and asked if the \$2 million list is in the Committee packets, and Councilor Romero said it is. He said the \$2 million list was derived from the \$6 million list, taking the top priority items right off the \$6 million as he understood them to be to get to the \$2 million. He said there were questions as to whether we were creating an environment like some of the projects in the Santa Fe River. He said, in fact, a lot of these projects were created to protect investments such as those. He said upland drainage and erosion threatens the Santa Fe River and other tributaries, so this is a combination of all those considerations which protect what we already have invested, that protects other infrastructure from being over-run by drainage as we

have so many times in the past. He said these are "areas we've had to hit many times after major storms in routine maintenance that follows rainstorms."

- Councilor Romero said she knows these areas were prioritized. However, the thinking of the working group was that the problems will still exist, whether or not the G.O. bond is passed, and at some point we're going to have to deal with the drainage and arroyos which are throughout Santa Fe. She said a priority list was worked on to be honed down to the \$2 million, but these are City problems and they wanted to be sure the list didn't get lost between land use and drainage. She asked Ms. Blackwell to speak briefly to this issue.

Wendy Blackwell said a small discussion group has been working on this for about 1½ years – staff involved in river management and arroyo issues in addition to some private sector, non-profit people involved in this kind of work. The group developed a list of 60 projects in areas throughout the City where, for example, a trail might be undermined which isn't on a capital improvement list, but in a location where we're concerned about life safety issues. She said the list of 60 was narrowed down when it was understood that \$2 million might be allotted if the bond is approved.

Ms. Blackwell said the group felt it was important to have a City-wide approach to drainage and management, and the idea was to come up with a management plan to integrate what everybody's working on – Public Utilities, Public Works, Land Use – and then integrated into the hazard mitigation plan. She said the City received a grant to do the hazard mitigation plan, and will be hiring someone soon to work on that. She said the overarching plan would be developed over the next two years or so, but hopefully would be able to take care of some of the more urgent, major life safety-type issues with proceeds from the G.O. bond if it is approved.

- Councilor Bushee said she attended the last MPO meeting and work was beginning on Paseo de Peralta, noting a visiting engineer said if we had \$200,000, the work needed to be done could be continued beyond Washington toward Otero. She said "I wanted to throw that into the mix and try and figure out, and in fact Keith Wilson forwarded to me an email, but that was about 200 emails ago. So, I don't have the specifics, but I do recall there was an engineer from the State, you know, the Mayor was chairing that committee, so you could ask him about that."

Councilor Bushee continued, "With regard to the question.... you know, it's interesting. I reread the minutes and I don't see one of the City attorneys here, but maybe they are here and hiding... Geno's here. Okay, Geno, in the minutes, I had specifically asked about affordable housing and whether or not we got cross-wise with the anti-donation clause, and so maybe you can explain what was just told to us – that it couldn't be included in the G.O. Bond. You used the same logic in saying that was allowed for because we had changed the ordinance. And as well, Project 2 out of solar energy which was to leverage city funds to buy down interest rates. You had used similar logic in the minutes, and I can find those if you would like, to allow similar language in the G.O. Bond. It seemed peculiar to me, and maybe you can explain how it is... what we just learned tonight."

- Chair Ortiz said it was removed and maybe they can correct our understanding of that.

Mr. Zamora said it's all out.

- Chair Ortiz said it's all out because....

- Councilor Bushee said, "Yeah, but I had asked and got a specific explanation that whatever we had done with the Legislature to make sure that we had an Affordable Housing Trust Fund, I think you used for the justification. And I just want to be clear, because as we moved forward, we got a little convoluted in the last discussion I think, in terms of what was allowed and what wasn't allowed under each type of bond."

Mr. Zamora said the point is now moot, because the affordable housing and those solar projects have been removed. The only thing that remains in the G.O. Bond regarding solar is capital infrastructure for the City.

- Councilor Bushee said then you went back and took another look.

Mr. Zamora said, "The look remained the same, but I think the question was whether or not we wanted to risk invalidating the bond if the language wasn't as solid as can be. So, that's one question, but I don't know ultimately as to why the projects were pulled out. It's just no longer an issue."

- Councilor Bushee said, "Were there any other decisions made in terms of wording of language. I know Councilor Romero had referenced the previous meeting there had been some polling or language review done in terms of the questions as they're pose. Are there things you are going to suggest we know about before we have a public hearing as to how we're going to word these. Are the projects going to be separated. Are there any other things your office has been, maybe, in discussion of that you can tell us about."

Mr. Zamora said, "There has been drafted the resolution, which contains the 5 questions. Those 5 questions have been reviewed, not only by legislative staff but legal staff. So, the language in this Resolution is what has been drafted and put before you, and those 5 questions."

Councilor Romero said, "If I said polling, I'm not going to look back in any minutes, but just to be clear, it's a vetting. And that's what our City Attorney has just discussed, is the vetting which has gone through the gauntlet of legal and other review in order to make sure that when it does go to the ballot, if it does go to the ballot, it is language which will stand the scrutiny of what the Affordable Housing one says. So, if there was any indication I said polling, I didn't mean that. I meant... let us just say the gauntlet, which is what we put everything else through. Now is that fair Geno."

- Mr. Zamora said, "The language that is contained in the Resolution has been vetted through Bond Counsel."

- Councilor Bushee said, "Back to the arroyo thing. Still doesn't satisfy my, I guess, curiosity. How was this working group that put together this... it's a big piece of the bond on the arroyos. Was it something that was authorized by Public Works as a working group. Were these held as public meetings. What non-profits were involved. It really.... I still... I kind of have my own memory of work done on arroyos. Was that the Santa Fe Watershed Association. Who did you mean, Wendy, maybe you can give me a little more background on that."

Ms. Blackwell said the working group that initially was put together were City staff who were involved with arroyo and drainage issues, so we had Public Works, Streets and Maintenance folks, the Stormwater Management folks, the River Coordinator, myself as the Flood Plain Administrator, and then the Santa Fe Watershed Association, Earthworks who are doing restoration work along the River. Then there was also several private sector folks that had been involved in arroyo stabilization and watershed management plans and programs. Maybe those didn't get funded, but they created those. The group continued to evolve. She said, "The members of the group would make recommendations as to else maybe should be included. I don't have the list with me, but maybe there were 15 people."

- Councilor Bushee asked if there are minutes that can be read.

Ms. Blackwell said there are no formal minutes, but "we did take some informal meeting notes. I do have those."

- Councilor Bushee said she asks this because she is concerned that any of the groups, private or non-profit who worked on this would then be bidding on some of this work if this were to pass. She still raises this point and would like more information on this. She said, "So, if you did keep minutes, you know, again I want to get the history of this and really understand where this is going to go."
- Councilor Dominguez would like to get together whatever kind of legislation that was formed by the groups that were working on some of these issues and items.

Ms. Blackwell said there was no legislation in particular about the arroyo drainage infrastructure, that she knows of. She is certainly happy to provide the meeting notes if that would be helpful.

- Councilor Bushee said that would be helpful.

Public Hearing

Chair Ortiz said there are two issues here. There is a \$20 million CIP Bond issue where there is a list of particular projects to be funded. The CIP Bond is funded from the GRTs. There is also a proposed \$30 million G.O. Bond which comes from the property taxes, for specific projects, with 5 particular questions. There is a G.O. Public Safety Bond for \$5 million to renovate a Police Station and build a Fire Station, a G.O. Bond question of up to \$14 million for parks, trails and open space, a \$3.8 million G.O.

bond question for environmental projects – a solar project on top of or next to GCCC. There are also funds for improving certain arroyos and a G.O. Bond Question of up to \$2 million to design, equip and install high speed internet infrastructure at the Railyard, St. Michael's corridor and on Airport Road. The last question is a \$3 million G.O. Bond to issue for the design, construction, equipment and improvement of a multi-modal transportation and visitors center at the Railyard. These are the issues before us this evening.

Speaking to the Request

Chair Ortiz gave each person 2 minutes to speak to the request. He said persons needing longer than 2 minutes, will need to get someone to cede their time to you. He asked each person to state their name and address prior to speaking.

Orlando Romero, 1048 Alto Street, said Items 19()A and (B), make reference to the creation of jobs and to provide for economic development. He asked if there is anything the City has currently which details the number of jobs which would be created, and asked if these are City jobs, private sector jobs, temporary jobs, permanent jobs.

Chair Ortiz said, typically, the Committee doesn't answer questions from the public. He said, in the packet they received an estimate of the number of jobs created under the \$30 million bond, and he doesn't have the allocation for the \$20 million bond – additional jobs created.

Mr. Romero said his question goes to the kinds of jobs. Are these City staff jobs, private sector jobs, and said these need to be distinguished, noting this is common boiler plate language, and he has not seen anything which supports the number of jobs and whether those are monitored or created..

David Copher, 41-A Bisbee Court, said he is here on behalf of Rodeo de Santa Fe Property Board, and thanked everyone for including them in the bond issue. He said Rodeo de Santa Fe has a charter with its non-profit to do the best we can to help our community. He said building an indoor, multi-use facility will help the community in many ways. He said the Rodeo de Santa Fe has been here for 62 years, and has given back to the community in many ways. He said they would be creating 493 jobs during the 18-24 months of construction, and following that creating about 70 permanent jobs. He said every time there is an event at the facility, they create on average 70 temporary jobs.

Jim Harrington, 1588 Cerro Gordo, said he is a member of the On Road Subcommittee of the Bicycle and Trails Advisory Committee. He is here this evening to ask for a specific line item in the CIP bond for deteriorated sharrows around town. He was a member of the original On-Road Subcommittee of BTAC which studied and recommended the installation of these marking, based on hard evidence of before and after video surveillance on various Santa Fe streets. He said these markings specifically reduce 4 kinds of motorist's behavior which contributes to accidents. He said they have been shown by "impeccable evidence" to increase bicycle safety on the road. He said the City spent over \$100,000 installing sharrows, and they just completed a survey showing that ½ are in poor condition, or missing. He said it would be a shame to waste this investment. He said after the survey, he and Ms. Grogan, a

member of BTAC, met with Mr. Pino and we were told there were inadequate funds in the maintenance budget to maintain those. He said Mr. Pino recommended that "we get a specific line item for this purpose, for sharrows in particular, included in the CIP budget, so that's what I'm asking."

Stephen Newhall, 601 W. San Mateo #92, said he is the manager of Rob and Charlie's Bike Shop and the Treasurer of Bike Santa Fe, the local advocacy organization. He here is to talk about the Sharrows, and to tell you that Tim Rodgers and Keith Wilson have put together a wonderful plan to improve the bicycle infrastructure of Santa Fe over the next few years. He said it is an essential thing for him, because he rides his bicycle everywhere. He said Santa Fe has the potential to be a world-class bicycle city, and we're on our way, but this is the next step. He said he is on the Citizen Advisory Group that Tim put together, and this is a really wonderful plan.

Stephen Mayes, Coordinator of Move On Santa Fe, said here is here to represent thousands of people in Santa Fe that belong to their organization. He said they strongly urge the Committee to vote yes on the bond issues and allow the public to vote for them. He said they strongly support our firefighters, the police and the creation of southside parks where we don't have enough recreational opportunity.

Randy Sadwick, 2276 Calle Pulido, said he is the president of Positive Energy, a solar installation company, and also belongs to other solar organizations. He is here to voice his support for the bond for renewable energy. He said the City has the ability to carry this out with a local supplier. He said, "This is in the face of PNM trying to reduce our incentives in New Mexico which would strain future opportunities, so this is an important step to take. We are also concerned that the \$200,000 Homewise incentive was taken out which was originally in this when I was here the last couple of weeks... couple of sessions. It is an important bond that would support and leverage lower interest loans which would make a good economic deal for those people who are earning under \$100,000 in income, and it definitely helps boost our economy."

Miguel Acosta, 15 Camino Largo, said he lives, works and recreates to some extent on the south side. He works as a family advocate and community organizer. He said the funders with which he is working, and the staff, encourage this Committee to support both the CIP Bond and the G.O. Bond, both of which are essential to build a more positive and healthy community City-wide, and not just on the south side. He said it is a good time to invest in people, and this is exactly the time we need to be investing in the 99%.

Bette Booth, 1317 Ferguson Lane, Chair of POSAC, said she put a letter in everyone's box and she wants to summarize its content so it is in the public record. She said the POSAC recommendations came from a 9 month participatory process, where they spoke with a wide diversity of constituents – Mayor's Youth Advisory Board, Warehouse 21, youth leaders, MPO Bicycle Committee and staff. The effort included a sports survey with the 26 organized sports team. She said the recommendations really

are a synthesis of what they heard from this diversity of constituencies. She said POSAC worked with staff on a preliminary budget for the unfunded budget or unfunded projects from the last bond, commenting the budget was about \$13 million which they were asked to "whittle down to a smaller amount." She said they did that looking at four priorities as follows:

1. The first is to bring the Southside to minimum City standards, commenting that we have to build the park on the Southside. We also need to build a second park that is Colonia Prisma which is designed and needs to be funded. She said she isn't going into the details of complete parks which were under-funded in the Bond, but those are in the letter, and Fabian Chavez has all the details on those. .
2. Improve and build new multi-use fields, noting soccer teams are really struggling. She said there is funding to improve Monica Lucero and to build a new multi-use field in Las Acequias which is bursting at the seams
3. To make Santa Fe more wheel friendly. POSAC does support the \$6 million for trails to connect our parks, trails and people. Ms. Booth said the Parks portion of the budget is really focusing on skate parks which was the most under-funded sport in Santa Fe in the last bond. She said only \$80,000 out of the \$30 million is obligated to skate parks. She said BMX and skateboarding are two of the fastest growing sports in the City, and there are "two almost unsafe skate plazas," and the minimum amount of money they request, \$250,000, be used for skate parks.
4. Finally, POSAC's top priority recommendation is to establish a permanent source of funding for the maintenance and operations of Santa Fe's parks, trails and open spaces. They are concerned about how we can continue to build and renovate parks without a funding base to increase parks maintenance staff and operations.

Mr. Booth said she looks forward to discussing all of this with the Committee in 2012, and thanked them for this opportunity to serve Santa Fe.

Joe Lehm, member Parks and Open Space Advisory Commission, said he is here to support the skateboarders, and they have collected 250 signatures on a petition, and they will be providing a copy of those to the Council at a later time. He said the signatures of those signing range in age from 12 to 80, and live in all four districts. He said they are excited at the possibility of getting the skate parks "up to speed, and perhaps get a new one on the Southside."

Alan Watson, 1517 Canyon Road, said he has a handout for the Committee [Exhibit "1"]. He apologized that the top of the handout is mis-labeled as a request for CIP funds, noting "the game has changed since I wrote this." He is here to request a very slight funding for the continuation of the work on Santa Fe's Water Park and History Museum. He said the project is a collaboration between the Santa Fe Watershed Association, the City of Santa Fe and the Canyon Road Association. He said the collaboration

indicates this is a city-wide project and a subject which is of interest to the entire City, and is focused on the River and the history of the River. It is an unusual project. He said Phase 1 was completed in 2010, and presently is unfunded and incomplete, and intended to be ongoing. He said the request of funds is fractional in comparison to the size of the question to be voted on at the March election.

Shelley Robinson, 122 Barranca Drive, said she is here as a member of BTAC, as a bicycle commuter and a member of a large and growing community of bicyclists in Santa Fe. She said their recommendations are on page 2 of the Committee packet, and read those into the record, from Robert Siqueiros' Memorandum of November 11, 2011. She said they are proud that the City of Santa Fe has been awarded a Bronze Certificate by the League of American Bicyclists, after very hard work by the Committee, City staff and the Governing Body. She hopes they can achieve more funding so we can continue to improve and apply again for a Gold Award.

Gretchen Grogan, 2677 Chelsea Lane, and is also a BTAC member, said she would echo Mr. Harrington's comments with regard to the 400 sharrows which were installed on City streets and which are now in poor condition. She asked if the CIP Bond could include a separate item for the repair and replacement of the sharrows, identification of other streets which need sharrows and for the improvement of on-road facilities. She said Tim Rogers has spent a lot of time identifying on-road facilities which are critical to keeping Santa Fe's bike friendly designation, as just designated by the League of American Cyclists. She requested that the CIP include a separate item for on-road bicycle facilities, including sharrows, bicycle striping, signage, bicycle racks and such. She said the International Mountain Bicycle Conference will be holding its annual summit in Santa Fe next year, which will bring almost 1,000 cyclists to Santa Fe to explore our trails and riding on City streets. She said we have a lot of energy toward bicycle tourism, and having funds for on-road bicycle facilities would be very important.

Liz Vlaming, 704 Gonzales Road, said they have been working for the past 3-4 years on pedestrian trail on Gonzales Road to help with the increasing traffic, bicyclists, hikers and walkers on Gonzales Road. She said Gonzales Road is one of the few feeders from Hyde Park Road and to the to Dale Ball trail. She said they have worked long enough now that the planning is done, it is shovel ready and they have half the funding, about \$250,000, toward the project. She and her husband have lived there for 24 years and the increase in pedestrians and bicyclists has been phenomenal. She expects this to continue to increase every year. She said, "It's almost as much a public safety issue as it is anything else. We have a two-lane road as you all know, even though it is paved, so I'm here tonight to ask that you give us support to complete the project after the years of devotion to trying to get it done. Thank you."

Jane Robinson, 147 Gonzales, said she echoes everything Ms. Vlaming had to say. She said they moved here in 2004, and she was stunned that there is no safe place for pedestrians to walk on the east side of Gonzales Road. She said she watches a 90-year old man navigate Gonzales Road fairly regularly. She said she is an older person who loves to walk, but she won't walk on Gonzales Road at night. She said this is a wonderful connection from the Santa Fe River Trail which is due to be completed

pretty soon, which is funded Gonzales Road to Hyde Park and the Dale Ball Trail. She said, "I urge you to give us the money. We're shovel ready and we're an inexpensive one-mile trail. Thank you."

David McQuarie, 2997 Calle Cerrado, said he has a quick question on 19(A). He said there is a section under Rehabilitation – overlay of roads. He said, "You are required by federal regulations to address each intersection any time you do an overlay. In the past, it's been a haphazard approach and every single bond cycle they don't do them all, and the reason I'm given over and over again is: 'We lack the funding. Council did not give us enough funding.' Well, according to various court decisions, that is no excuse. I'm just waiting for somebody to take you to Court."

Mr. McQuarie continued, "Second item. On the CIP bond, miscellaneous categories, under that they have construction of sidewalks and intersection curb ramps on the overlay. You have 4 per set. I think that should be increased. The way you can increase it is look at the item for Arts. It says 2%. Reduce that to 1½% and give more money for curb ramps so the City can meet the federal guidelines."

Mr. McQuarie continued, "The second item, the \$30 million bond for quality of life. My question is who's life. That's not persons of disability. There's not a single item in there that assesses much for persons of disability. Currently, there is tied up in the front office, an item Barrier Assessment. You have put out \$170,000 to hire a consultant, with the staff supposed to pick up the slack. The staff has not done a damned thing in 3 years. On the \$30 million bond, I advise the public to vote no. It's going over our budget. It's excessive property tax and you won't have any buffer. Thank you."

Houston Johansson, 514 Rio Grande Avenue, said he is very supportive of this bond issue and urges this Committee, and later will urge the entire Council, to pass on it and let us vote on it in March. He said his support for the bond comes from two issues. First, it helps to get people back to work today, noting things are difficult out there and people need jobs, well paying jobs and need help. He said, "As a community, I say let's come together and help out our fellow, hard-working citizens." The second reason he supports the bond issue comes from the investments it makes in our future, and lays the groundwork for long-term prosperity, well being and safety. It does that by making much needed investments in our Fire and Police Department, broadband internet access expansion to new parts of the City, offering opportunities for businesses to grow. Additionally, the bond invests in alternative energies which will reduce our overall carbon footprint, the cost of doing business and create jobs. He urges the Committee to approve this Bond so we can vote on this. He said the time to do this is now, because we need help and this bond helps to do that.

Ray Baca, Executive Director for the New Mexico Building and Trades Council, said although he doesn't live in Santa Fe, he represents hundreds of construction works that live in Santa Fe and the Santa Fe area. He said they strongly support the efforts to push these bonds forward. He said as everyone knows, the employment rate in New Mexico is at a staggering 9%, and in the construction industries it is upward of 30% for unemployed or under-employed workers in some crafts. He said they

feel this is a very Important issue for the City to jump start some of the construction projects which are needed in the area and in putting people to work on a track that will give them family-sustaining jobs.

Matthew Miller, 5 Camino de Vecinos, said he is a father of 3 boys, 5, 14 and 17, and they, and he and his wife, all skateboard. He said they believe that the state of the skateboard parks in Santa Fe are pretty pathetic, as well as regionally and nationally. He said this is a world class City and we deserve world class skate parks. He said this is the fastest growing sport nationwide.

Luke Gonzales, 1285 Este Lane, said he is supporting skateboarding and skate parks, and "just wanted to say we really need a new skate park or skate parks. Our skate parks are really bad, so yes. It is a big sport in Santa Fe and all over the world. So, I think it's good to have new skate parks. Thank you."

Tomas Rivera, 109 Quapaw Street, said he is here with an organization called Chainbreaker Collective, which is a membership based organization with more than 200 dues paying members in Santa Fe, most of whom are bicyclists or transit dependent bus riders. He said the Collective is here to speak in favor of both bonds, and particularly are encouraged to see funds to support infrastructure which needs to be replaced. He said our aging buses start to become a safety issue, as are the aging roads. He said these are on-going maintenance issues, and addressing these is a good first step in building a first class City and transit system where people aren't completely dependent on cars as a way to get around. They also are encouraged to see movement toward ongoing operations funding for some of these issues. He said it is unfortunate to see the Affordable Housing piece pulled from the bonds, commenting that in these times, Santa Fe needs more affordable housing. He said some of their members say they're spending 1/3 of their income on transportation costs, because they're moving farther out of the City. He said we don't want to see more people pushed out which would require more infrastructure in the City. He said he hopes there is a way to push for Affordable Housing through this or other measures.

David Jenkins, 1530 Taos, said he is a member of the Santa Fe Fire Department. He is speaking in favor of the bond for public safety as a fireman and as a resident. He said there are many good reasons to support the bonds. He said, from a public safety perspective, the call volume is increasing every year, and this bond will help provide a lot of the stations and equipment they need to keep pace with growth, especially on the south side, as well as to keep Santa Fe safe. He asked Committee support for this bond, and at Council if it moves forward.

Chris Rivera, 4504 Cedar Crest Circle, said he lives in Tierra Contenta, which is in the fastest growing part of the City, and he is in favor of this bond, specifically for parks and trails which would be built on the south side of the City. He said he has children aged 16, 14, 12 and 10, and there isn't much room on the south side for them to go and "kick a soccer ball around or run around with the dogs or just play around, so I'm in favor of the parks this bond would fund." He said, "As a member of this community, it

would be an honor for me to support and vote for any improvements we can make to public safety. So, I urge you to vote for both the CIP Bond as well as the General Obligation Bond, and I thank you for your time."

Stefanie Beninato, 604-604 ½ Galisteo Street, said she speaks in opposition to both the CIP Bond and the G.O. Bond. She said we have the highest GRT rate in the state, and this will continue to maintain it at the high level. She said we talk about wanting affordable housing, but that is what is driving "people out of the City because of that." She said we had a bond for parks which was supposed to have been given to south side parks 3 years ago, and asked, "What happened to that money. Why isn't there money. Why did we do a little park by the Chavez Center which nobody uses, when that money could have been spent on the park at Tierra Contenta." She said, "I'm also opposed because we have the head of Land Use putting in a proposal to do away with Impact Fees, and the Impact Fees are supposed to be paying for the upkeep and development of parks, and the same thing for the fire station and the expansion of the police station on the south side. It would be impact fees that helped pay for that. So, why do away with those and ask for raises in property taxes. The Planning Commission did vote against that as a recommendation, but I understand it's going to come to City Council. And again, these impact fees usually represent less than 1% of a project, and so really are not "significant in keeping it out."

Ms. Beninato continued, "In terms of the bond, I have asked Dominguez now 3 times what is the actual percentage that our property taxes would be raised if the stated million dollar bond goes through. I don't want somebody else's math telling me it's \$70 when it's probably really \$700 per year. I'd like to see the percentages. I don't know why anybody would vote if they didn't have that kind of information. And again, going this way, allowing peoples' property taxes to increase, is counter-productive. Also people speaking for this are members of non-profits that don't pay GRTs, or property taxes. In terms of recreation, when the City wants to start having a differential for County users of City recreational facilities, wants to have a discounted rate for City workers and wants to actually impose the graduated fees on the youth, as was voted for a year and a half ago, rather than just raising Senior rates at 600%, I might be more supportive of that. Again, the internet to St. Michaels corridor sounds like it's going to the University which already has a \$15 million bond for improvements on that campus, and it clear that the privately run college there is at 75% of what the College of Santa Fe was at during its last year when it had gone downhill. These are some of the reasons I am opposed to these proposals. Thank you."

Marilyn Bane, 622 B ½ Canyon Road, said she is here on behalf of the Old Santa Fe Association, noting they received a letter from Mr. Dressman, and members of the Merchant's Association downtown. She said they would like to say, "As much as we are in favor of the development of the parks in the south of town, and maintaining the quality of our lives in Santa Fe, we also are extremely interested and concerned about the box on the Plaza. There are many worthwhile efforts and suggestions tonight, and they would like to remind this Committee that money hasn't been available for that, and when there are funds available, whether it is this, or down the line, we would like to go on record as saying the box needs to go."

Jack Stamm, 355 Hillside Street, said he hates to bring up the subject of property taxes. However, he would like the Committee to consider the impact of property taxes. He said every dollar of which the property owner is deprived is a dollar that doesn't go into the economy. He said that multiplier effect is about \$3 to \$5 for every dollar withheld from the economy. He said there hasn't been a lot of discussion on the impacts of property tax as the result of the bond issue, and "I would urge the Committee to really take that into very careful consideration.

The Public Hearing was closed

Chair Ortiz noted we have Items 19(A), (B) and (C), as well as Item 20 on which there was no discussion.

Councilor Dominguez said on page 4 of the packet, there is an attachment, and we are going to hear the issue of Parks reallocation as well.

Chair Ortiz said this is correct.

Councilor Dominguez asked staff to review this attachment, so it's clear to the Committee what this is about.

Robert Romero asked Fabian Chavez to explain this information.

Responding to the Chair, Councilor Dominguez said he would like Mr. Chavez to review the spreadsheet so that he understands this more thoroughly, because some of what happens here may impact how or where we allocate some of the CIP funds, and perhaps even the G.O. Bond.

Fabian Chavez, Parks Division Director, reviewed the information on page 4 of the packet, noting this spreadsheet shows all the Parks bonds, open space and trails projects, provides the totals for all of these projects, and provides two options for reallocation. The first allocates funds to take care of the labor maintenance, construction and project management staff for all previous and current projects through the life of the Bond in June 2013. If the Governing Body was to allocate CIP funding they could utilize to cover labor in these projects beginning July 2012 through June 2013, the fiscal year, by placing \$750,000 in the labor pool the request is reduced by \$1.5 million in labor reallocation to \$4.337 and that frees up about \$750,000 in the Parks Bond from labor that could be used for other aspects of the project.

Councilor Dominguez said, in response to a question from a member of the public regarding where these jobs will go, part of the discussion tonight is a Resolution directing staff to start looking at how we can make sure these jobs stay in Santa Fe, via the local preference. He said there are amendments regarding veteran's preference as well as workforce agreements.

Motion to approve Item 19(A)

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve this request, and to include additional funding of \$250,000 for Sharrows and \$230,000 for paving, and include \$1 million for Affordable Housing bringing the bond to about \$21 million.

DISCUSSION: Councilor Bushee said she would like to be clear that the \$250,000 for Sharrows would also include facilities and bicycle racks.

SUMMARY OF THE MOTION BY THE CHAIR: Chair Ortiz said this motion is to approve Item 19(A) with the addition of \$1 million for Affordable House, \$250,000 for Sharrows which builds on the recommendations of the BTAC subcommittee and \$230,000 for the Paseo de Peralta improvements, and asked if this is correct, and Councilor Dominguez said this is correct. .

Councilor Bushee wants to be clear that the \$1 million is for down payment assistance, and we are able to use it out of the bricks and mortar portion of the CIP GRT, or can we break that down and include funds for solar. She said the attorney has her stumped as to how they make the distinctions.

Chair Ortiz said the question is whether we can spend \$1 million of CIP funds for down-payment assistance for affordable housing.

Mr. Zamora said, "The short answer is yes, and that is because, one, it is in the CIP bond, and it is allowed for in the use of the proceeds for the GRT."

Councilor Bushee said, "Even if it is for capital improvements, it can be down payment assistance."

Mr. Zamora said, "That is correct, through the use of the CIP bond."

Councilor Bushee said he gave her the short answer as yes to the G.O. Bond, the last time, so she is asking this question again.

Mr. Zamora said, "Yes, and we have much more flexibility in the CIP Bond than we do in a G.O. Bond."

Councilor Bushee said, "But it will not come out of the CIP operational portion, it will be straight out of the capital improvement, bricks and mortar piece of the GRT bond."

Councilor Bushee asked, "And I want to know from the lawyer if that is something that also can be allowed for in this bond, the CIP Bond."

Mr. Zamora said, "The short answer to that is it's more of a policy question, that is yes."

FRIENDLY AMENDMENT: Councilor Bushee asked to amend the motion to put back the \$200,000 which was "nixed out of the other bond, either out of the \$1 million, or to find another \$200,000 elsewhere for the solar loan program."

Chair Ortiz asked if this is a request by Councilor Bushee to the maker to include the \$200,000 within the million, or is this an additional \$200,000, and Councilor Bushee said it is included in the \$1 million.

Responding to Councilor Bushee, Chair Ortiz said the bond is now over \$20 million.

AMENDED FRIENDLY AMENDMENT: Councilor Bushee asked if she can amend the motion to take \$200,000 from the \$1 million for down payment assistance and offer it separately.

Chair Ortiz said Councilor Bushee wants to use the \$1 million for two things, down-payment assistance and for the solar retrofits.

Councilor Dominguez asked we can use these funds for the solar rebate program.

Mr. Zamora said, "Through the use of the CIP bond and the proceeds of the gross receipts taxes, as a Home Rule entity, you can use the monies in the CIP bond for any public purpose, and therefore, the short answer is yes, but it's a policy decision whether or not you do that.

THE AMENDMENT WAS FRIENDLY TO THE MAKER AS LONG AS IT IS ADMINISTERED AS PART OF THE AFFORDABLE HOUSING INITIATIVE.

Chair Ortiz asked if the amendment is friendly to the second.

Councilor Romero asked Mr. Schiavo if there are other opportunities for the solar site, because there are none in affordable housing which has been indicated as a priority.

Mr. Schiavo said, "The idea is to use the \$200,000 to buy-down interest rates. So you would actually be doing about \$1.2 million in loans for renewable energy. The homeowners would still be able to go after their federal tax credits. The barrier has been getting low-interest rates, and where we've seen the greatest impact, the greatest incentive for people. To answer your question, I don't know of any other funds that the City would have to do something like that.'

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

Councilor Bushee said we'll have two years to spend the \$800,000, noting we have had a harder time qualifying people in this economy. She said, "So perhaps some of the same homeowners that could afford to get this down payment assistance could also now make it be a solar home with a retrofit, so I think it goes well together. So I like that."

Councilor Bushee said, "The other thing I had hoped to include in this CIP Bond, and I'm not quite sure the Committee wants to look at the rearranging of it at this point, but I really believe that \$1 million in broadband infrastructure should be placed in the CIP bond. I think it's actually misplaced in the \$30 million G.O. Bond, and I do believe that \$1 million would be sufficient. I know that the additional money was sought to put broadband conduit out to the Airport, but that's not necessarily helping business as much as

\$1 million, and I would love to find a way..... and then my other question is really directed at our new Finance Director."

Councilor Bushee asked Dr. Morgan if he is comfortable in going beyond \$20 million on the CIP Bond.

Dr. Morgan said yes, we are still comfortable with the raise that you've submitted.

Councilor Bushee asked Dr. Morgan if he would be comfortable with a \$22 million CIP Bond, and Dr. Morgan nodded yes..

FRIENDLY AMENDMENT: Councilor Bushee asked to amend the motion to put \$1 million for broadband in the CIP Bond, perhaps taking the \$1 million from the G.O. Bond and rearrange that, but wants to see it in this bond. **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.**

Responding to the Chair, Councilor Bushee said she won't present this as a separate motion to amend.

Responding to Councilor Bushee, Chair Ortiz said, "We have to do some big time rearranging, but I don't know if it is there."

Councilor Bushee asked if he is going to bring this up tonight, and Chair Ortiz said, "I am. I'm going to talk about rearranging."

Councilor Bushee said, "Great. Well then maybe that will land in this bond somehow, inadvertently."

Chair Ortiz said, "So my request on the motion is, while the Finance Director will say that he is comfortable with going upwards to \$23.8 million or \$23.9 million comfortably, what that does, however, by committing ourselves to a CIP agenda of upwards of \$19 million, it places increased pressure on the fiscal year, because there is that much less of General Fund revenues to which we can budget, because we have to allocate a bigger portion of our General Fund to the CIP project. And so, I'm a lame duck, so I can say it's not going to be my decision.... I'm not going to have to make that tough decision, but some of you are going to have to do that. And that is a question. I see, both in the CIP, but certainly in the \$30 million, a fair amount of "float." And by float, I mean vague and ambiguous support for the dollar amounts that are being presented. If we are, in fact, to put in about two and a half million, assuming the broadband goes in, we're looking at \$2.5 million of additional requests in the CIP."

Chair Ortiz continued, "I think we can only be responsible by looking at the CIP budget and taking out an equivalent amount. I will say that if we were doing things in a way that was cognizant of the budget pressures that we have as a City, we would have had more discussion and more detail about how we can get some of those projects that I think the vast majority of the public would support, and get it out of what we have been doing, which is cobble together CIP and General Fund, and put it out for the public, like Public Safety, like libraries, like parks. But we didn't do that. Instead, we came up with an amount, \$30 million in the G.O. Bond case, that sort of matches what we did with the Parks Bond, and really, we just sort of floated numbers. And I don't think we've done a service to our CIP for just coming up with, for example, a round number of \$4 million for paved street rehabilitation. I'm sensitive to the fact of the

Mayors Committee on Disabilities, that we have not paid the kind of attention to them that we could have in these paved streets. The same goes for unpaved, it's \$2 million for unpaved. I think out of that \$6 million we could shave \$1 to \$1.5 million out of there. I know there was a request by certain members of the public that asked for increased funding for security cameras, especially on the trailheads, from \$20,000 to \$120,000. We could look at that."

Chair Ortiz continued, "And as I understand it, the... well it speaks to both Gonzales Road and Botulph Road, I have been here long enough to remember that we initially funded those projects out of CIP, we had a fair number of people on both of those streets who didn't want to see any improvements on those projects. At least on Botulph Road, I don't know why or where we came out with the \$250,000. Now, as I understand Gonzales Road, from the testimony of the people who came forward, they're looking for about \$200,000 because it's shovel ready, and yet we have \$300,000 allocated. So, it seems to me like we could squeeze some money out of there as well."

Chair Ortiz continued, "As it relates to the bus replacement, this is one of those questions, where I think we have not been fair to the public. If we are going to propose a question regarding multi-modal transportation and visitors center, then we should pose a question to the public, 'Do you want to support an expenditure of moneys to pay for these buses.' And let the public decide yes or no if the transit system is going to be expanded or not. Why we continue just to fund the transit system....."

Councilor Bushee said it is for replacement, not expansion.

Chair Ortiz said, "Well, but shouldn't it be the same. If we had a more thoughtful consideration of the G.O. Bond, we could have had the transportation plan, the transit plan, put into place so we could have the public decide if there is sufficient public support for transit. We continue to fund transit to the tune of about 12% of our annual budget, because we get 10-12 people every time that come in and say we need buses and we need transit. And really, we have not done a service to the public by letting some of these capital expenditures out to the public and allow the public to vote on those. And so, if I had my way, I would shave off \$1.5 from roads. I'd take the whole \$2 for bus replacements and put it in the G.O. Bond question on transportation, and that would free-up about \$3.5 million in the CIP budget, of which then you could tuck in some of the amendments that were being proposed by the Committee. That's my general comments on it."

Councilor Bushee said we were provided figures from Mr. Romero, Mr. Pino and the Public Works Committee, and perhaps they've had more discussion, but she doesn't know "where the round numbers come from." She asked Mr. Romero if the \$4 million for Paved Street Rehabilitation catches us up for two years or...

Mr. Romero said, "We could probably spend \$30 million on roads and not catch up, but I think the \$4 million is a good start."

Councilor Bushee said she wouldn't be amenable for taking funds from paving, commenting there are lots of unpaved roads on which we've been deferring maintenance for a long, long time because there has been no funding. She said there are lots of things in the bond for which there are no funds, ranging from

traffic calming to sidewalks. She said Gonzales Road has a lot to do with the staff and with ADA requirements, and the source of the \$300,000 price tag for Gonzales Road.

Mr. Romero said he believes the \$300,000 is the current estimate to build the trail, and if it comes in lower, those monies could be reallocated.

Councilor Bushee, "So I can explain to the Chair... What you thought was perhaps some people not wanting that trail, was that staff didn't want to allow just a dirt walking path due to ADA, due to long term maintenance, so it grew to a 6 foot sidewalk which now has a price tag of \$300,000.

Councilor Bushee said, "I would agree to some degree on the bus replacement if it really was expansion, but I don't see it as expansion, I see it... and given that federal dollars are not forthcoming, with regard to those replacements... when was the last time we replaced the buses."

Mr. Romero said, "We have about 30 buses. We have a 10 year replacement plan, so we try to replace 3 every year, and 3 costs about \$1 million, so this would replace 3 next fiscal year and 3 the following fiscal year."

Councilor Bushee said, "Ironically, unfortunately in this economy, this bus system is more necessary than ever, and so I think... I don't want buses breaking down, and the time frame between buses gets worsened... one thing I do question though, and I wonder, the \$1 million for ITT software network upgrades, is that really a necessary expense."

Mr. Romero asked Dr. Morgan to speak to this.

Dr. Morgan said the quote he has right now is \$982,000.

Councilor Bushee asked Dr. Morgan if he could get by for another two years without upgrading IT, and Dr. Morgan said, "No ma'am."

Councilor Bushee said where we are continually short of funds are the ADA improvements, and \$300,000 probably won't "catch us up close."

Mr. Romero said any time the City paves a road, funds are included for the programs and we catch up quickly after the roads are paved. He said, "Any road we pave we do come in and do the curb ramps, and I don't know the exact number, but we are spending millions of dollars on ADA with every project we build. Every project we build that is on this list will have to meet ADA. Every existing project or road that we touch, we have to bring into ADA compliance."

Chair Ortiz said, "You can't say that for all of the slurry projects being proposed.... slurry is when you don't actually repave a road. You don't tear up the asphalt. You actually just put a coat of oil over it to cover the cracks and fill the cracks. Whenever we do that on any particular road, we don't go in and retrofit for ADA, for curbs and sidewalks. I know that didn't happen in Villa Caballero when there was a request to do it there."

Mr. Romero said he doesn't believe slurry is considered an alteration, although repaving is an alteration.

Chair Ortiz said the \$4 million for roads doesn't contain a large percentage of redoing, repaving of streets. He said, "Robert is right. If we actually had the ability to actually look at our roads and improve them, it comes in at \$20 million. That's the kind of question the public can decide on. 'Do you want to have all of your roads redone. Public, yes or no.' ADA responsibilities. If that amount is about \$7 million, those are the kinds of questions that can go out to the general public. 'General Public, do you want to see all of your sidewalks be ADA compliant. Here's the cost. Yes or no.' We didn't do that in the case of the G.O. Bonds. What we did is we came up with some number and we came up with some projects that were meant to make us feel good."

Councilor Bushee said she thinks the general public thinks they pay taxes to the City and we use that money, and now we can leverage it further for bonds to maintain our roads. She doesn't believe they think we would go out and ask them to increase their property taxes to maintain roads which are in need of maintenance and improvement.

Councilor Bushee said, "I really believe this nebulous Parks and Medians of \$2 million... I think you're right. Unless the \$400,000 is park maintenance staff, which I don't think it is, I would really take that out and I would put some more money in for security cameras at trails. And, you've got \$1.5 million of that for labor for park improvements, so maybe you can explain the distinction and how much of this.... because we are increasing our parks at a regular clip and we are not increasing the staff level to maintain that."

Mr. Romero said, "Of the \$2 million, \$1.5 would be for maintenance to pay labor for two years, \$750,000 per year. And the other \$500,000 is day-to-day buying fertilizer, port-a-potties."

Councilor Bushee said, "Out of the Parks Bond, and could we have taken any of that out of the last Parks Bond."

Mr. Romero said these costs used to be in the General Fund, and then we started paying for them from the CIP bonds, just like other things.

Councilor Bushee asked if there are funds left over from the last Parks Bond which could be used for this purpose

Mr. Romero said, "As you heard earlier, if you chose Option #1, the one that would leave \$750,000 available, you know, I think that's a policy question for the Council tonight – do you want to use \$750,000 of Parks Bond money or \$750,000 of CIP Bond money, so you could do either."

FRIENDLY AMENDMENT: Councilor Bushee would like to amend the motion to increase funds for security cameras to \$120,000, and the funding for Park Improvements be \$300,000 instead of \$400,00. **THE MAKER SAID HE IS WILLING TO USE FUNDS FROM THE PARKS BOND REALLOCATION FOR SECURITY CAMERAS. THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

Councilor Bushee asked about the Botolph Road shoulders and such, and said perhaps the Councilor from that District can shed light on that, and whether the project is still needed.

Mr. Romero said this is the stretch just south of St. Michaels, where it is very narrow and there are no sidewalks, and there are lots of kids walking to school and riding their bicycles to school. He said, "So we think it's a very important project to provide enough space for a shoulder or a sidewalk, so it's a real safety issue for students. He reiterated it is the stretch from St. Michael's to Siringo and there are parts that are very narrow at the bottom of the hill, and they would widen it there for a shoulder or sidewalk."

Councilor Romero said, "I did know about it and people have contacted us, and as Robert indicated it was a safety issue, similar to the Bishop's Lodge safety issue.... and Robert I did know about it, and I didn't mean to indicate I hadn't heard from people about it, but it is a safety issue with several schools around there and bicycles, so it was access and safety as I recall."

Councilor Bushee said then it needs \$250,000, and Mr. Romero said this is correct.

Councilor Bushee said we've seen no movement from any of these categories, and sees nothing outlandish in the list of basic maintenance. She said there's nothing extravagant on the list.

Councilor Dominguez thanked the Public Works Committee on the work they've done to get us to this point where the CIP is intended to be maintenance and the G.O. Bond is intended to be somewhat expansion.

CALL FOR THE QUESTION: Councilor Dominguez called for the question, seconded by Councilor Romero.

VOTE ON CALL FOR THE QUESTION: The call for the question was approved unanimously on a voice vote.

SUMMATION OF THE MOTION, AS AMENDED, BY CHAIR: Chair Ortiz said there is a motion to approve, with amendments of \$2.5 million added to the CIP, so the total CIP Bond would be \$20.970 million.

VOTE: The main motion, as amended, was approved unanimously on a voice vote.

Motion to approve Item 19(B)

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve Item 19(B) as it was sent to the Finance Committee by the Public Works Committee.

DISCUSSION: Councilor Bushee said she has concerns as to how this is sent to voters, and wants it to have a greater chance for success. She said, "I would like to understand how we got to \$3 million on the multi-modal transportation and visitors center."

Mr. Romero said at one time, it was thought that we would build commercial space to do the bicycle sharing, the zip cars and other things, and we didn't know we would have the depot. Now that we have the depot, the \$3 million would make the improvements as outlined in the study done by Mack Watson and it would create the "kiss and ride" for the bus system on Guadalupe and improve the entire entry going from Guadalupe to

Councilor Bushee said she understands that. She said there is a thick piece of information in the packet about the SWAN park, lots of public input and good understanding of how it got to \$5 million, but she doesn't have that kind of information for this project.

Mr. Romero said he can get that information for her.

Councilor Bushee said, "It feels like you pulled the number out of the air."

Chair Ortiz said the Finance Committee will be meeting 5 times before the election on the bond question. He said we can have an information item at every Committee meeting for a public discussion of each and every question, if each question passes – about exactly what is the question, the amounts, how did staff get these numbers – to educate the public. He said if Mr. Romero is saying he needs time to get us that information, we can have this item on each Committee agenda with public comment on each question to get to exactly what's going on.

Councilor Bushee said this a recipe for rejection if we don't rephrase and separate these questions, or restructure them differently. She needs to know the details and the price tag, and to see the economic benefit, commenting she is 100% in favor of the multi-modal center. She would lump Trails and the Multi-Modal Center together as one question because it's all transportation. She said if you look at what BTAC has recommended, a lot are on-road improvements and connections that makes it easier to transport yourself on a bicycle.

Chair Ortiz said that would give some justification for the \$3 million, and Councilor Bushee said she still needs more information.

Councilor Bushee said she likes the Park question, noting POSAC has done all the work.

Chair Ortiz said BTAC also did work to come up with redoing the sharrows and the on-street improvements which would be a legitimate item to be voted upon in the \$14 million bond.

Councilor Bushee said if you don't define and redefine some of these questions and items for the public, "then I think you really don't want it to pass." She said, "I like the Public Safety question on its own, but I really... I raised that question last meeting and I still don't see a number. I saw some [something] in the minutes of \$1.9 million. It might be to staff that."

Councilor Bushee continued, "I still think we have to come up with a way, and I know we can't do it in this G.O. Bond and we didn't attempt to do it in the CIP Bond, but we've got to find a way to tell the voters that we're going to build that fire station, which is needed in that part of town, but we've got to explain that

we're not staffing it as we pose this question. You're putting a truck and some buildings together and you're not staffing it. So, unless there's a plan to do that, people need to understand that's what they're getting. You've just got to frame it right."

Councilor Bushee continued, "I think the solar energy probably is pretty good. I need to separate that out. I'm not going to vote for those drainage improvements until I have a lot more detail."

Councilor Bushee continued, "And, I think the SWAN Park has done a good job of justifying itself. And, you know, broadband..... Again I have a sense that it doesn't need to be \$2 million, and going out to the Airport... can you break those down for me a little bit."

Chair Ortiz said, "Councilor Bushee, would you accept as a friendly suggestion, that the fact that you moved \$1 million or are thinking of moving \$1 million over to CIP would negate the question being offered to the public."

Councilor Bushee said that didn't make it into the bond as he will notice.

Chair Ortiz said that's because she didn't want to do the amendment at this Committee.

Councilor Bushee said she wants to whittle broadband to \$1 million, so there would be more money to put something else in here, reiterating that her question is how this is broken down. She said "There are 3 locations, the St. Michael's Corridor, the Railyard and the Airport and that is for business. She doesn't see the economic benefit of running this to the Airport.

Councilor Dominguez said it isn't only for businesses, noting there are a number of schools out there who could use that infrastructure to help with their educational opportunities as well, but he does agree that business could take advantage of it, but reiterated that it is not only for business.

Councilor Bushee said it is putting in conduit, and Mr. Schiavo said this is correct.

Councilor Bushee said in the estimate there are three locations, and she presumes we are going to phrase the question in a way the voters will want to vote for it. She reiterated that she needs a cost ratio or an economic benefit, commenting it is a long way to the Airport.

Mr. Schiavo said the cost is about \$40 per linear foot for the conduit. He said the idea is that you'd provide that at the Railyard and this way you could have more than one vendor who would be able to provide broadband capability. He said a limited amount would be needed at the Railyard, as well as at the College. He said it would serve the University of Art and Design as well as the project the Community College is planning to put in. He said she is correct it would be a little more expensive because of the distance to run it to the Airport.

Councilor Bushee asked if \$1 million would pay for the first two locations, with another \$1 million needed to run it to the airport, and Mr. Schiavo said that is a safe estimate.

Councilor Bushee said the question was raised earlier about the economic benefit, and "I see we have an item tonight that talks about trying to adjust the procurement, although I don't know if we'll be successful or not, and I've totaled up.... it wasn't much of a memo. It was just slipped in there that these are construction jobs. And again, I think these alone as quality of life items will be maybe how the voters will look at them. So that we're clear in terms of the.... I forget the other name of this.... Opportunity Bond, I've totaled up 173 construction jobs and maybe this is Kate Noble that gets me the answers to these questions, because I assume you did this calculation Kate. So, I've got construction jobs over two years, three years, what's the duration."

Kate Noble said, "The duration would basically be however long it takes to expend that amount of funding. It's around the amount of funding and a formula based on the type of project, so a couple of years. Yes."

Councilor Bushee said her hope is these jobs will be filled by Santa Feans, and asked if anybody did a calculation of how much we spent on the last Parks Bond, the number of jobs generated and the number of job generated here in Santa Fe. She wants to be clear what we're putting this out to the voters and she wants real, quantifiable numbers – how many of these 173 construction jobs might be for Santa Feans over the two years.

Ms. Noble said no calculation has been done, but all of these jobs will be available in Santa Fe. She said to be clear about the 173 jobs, it is a Full Time Equivalent [FTE] for all of the projects over the life of the expenditure of that funding.

Councilor Bushee said, "I don't think this bond is ready to go prime time. I think there's still some clarification or refining and redefinition of the questions that get put to the voters, so I won't be voting for it the way it's proposed this evening."

Councilor Romero said, "As a reminder, I recall at Public Works, looking at the questions that were put before us – the questions that were in legalese and the questions which could be palatable. So, those two sets of questions, if you could just describe that process. Because we're looking at those that have been vetted and gone through what I call the gauntlet, but certainly from a legal perspective where we had the two mergings of the questions." She asked Mr. Zamora to describe those again, because she thinks they are making sense.

Mr. Zamora said, "Going back a few weeks and testing my memory slightly, what you had before you, were the primary drafts of the bond questions, based on in-house staff, both legal and non-legal staff working on this. What resulted from just putting that first draft together, was a legal examination by bond counsel who deal with this on a day to day basis, rather than a periodic basis. At which time, they pointed out, bond counsel pointed out, that you had too many projects of too many different types bunched together which is called log-rolling. You try to get a question passed by putting multiple, unrelated projects together. And so, as the result of that vetting process, we narrowed it down to these 5 questions, rather than 2 questions, where bond counsel felt that we weren't susceptible to a lawsuit based on log-rolling, and therefore, we would not be jeopardizing the projects."

Mr. Zamora continued, "And so again, taking two questions, slowly filtering them into the relevant topics which became the 5 that are before you now."

Councilor Romero asked if it was the direction of bond counsel that 5 questions were better than 10, and if there is a "magic number which the voters prefer." She said they went from 2 to 5 questions, but it's less than...

Mr. Zamora said, "Bond counsel wasn't really consulted on the policy questions of what will pass, what will not, but what, based on the projects put before the Governing Body up for consideration, what were the proper number of categories necessary to go to the public."

Councilor Dominguez said, "As the maker of the motion, I just wanted to make a couple of comments and make a few statements. I guess part of the intent of the G.O. bond, as I stated before and it isn't something I haven't stated before, is to somewhat stimulate the economy. Because it's obvious that we can't count on the feds or the State, the intent is just that, to start taking care of things ourselves and not relying on those two agencies any more. So, as far as I'm concerned, the numbers of jobs... it's not even about the numbers of jobs that are created. It's about trying to create an opportunity for our local people to work and spend their money in this economy or in this community."

Councilor Dominguez continued, "The other thing I wanted to say is that I certainly appreciate the fact that there's different ways to do things. There's different ways to propose these bills. There's different ways to ask these questions. We have the discretion as to whether we want to do fewer questions than more questions. My concern with the numbers of questions that are being proposed, is that there is somewhat of a 'political powers at play.' I don't know how else to put it. And what it comes down to is a matter of equity, because there is no doubt that there are certain parts of our community that are stronger than other parts of our community. For instance, BTAC is a strong committee in a community. They are influential, they do their work, they have a lot to say about those things that are important to them, and so, if we, say put the SWAN Park in by itself, there may be a chance that could fail, because in that part of the community, you don't have the same numbers of voters that you have in other sectors of our community. And so, essentially, you're asking a District 1 or 2 voter, who would otherwise support a BTAC project, to support also a park that may not be in their part of the community, and so it sets it up to fail."

Councilor Dominguez continued, "And I guess the other thing is, when it comes to the difference between expansion and maintenance, I see these projects as being expansion projects, like broadband. And part of the job we're going to have, assuming this gets put on the ballot, is to educate the public on the details, why it is that they should support some of these projects, and the attempt here is simply to get these on the ballot and then the hard work begins, educating people about what broadband really does and what it means to them begins. Because, there is certainly benefit to everyone in all of these questions, and that's the statement I wanted to make Mr. Chair, and I suppose there's many things that can be rebutted on this, and that's really my statement and my rationale."

Chair Ortiz said, "I appreciate your rationale, but I do want to say, as this was being vetted publicly by the Mayor and by the administration, the purpose was for economic generation, and it was for re-investment and they were following language that was being drafted, I think out of Washington, D.C. And while this

had not hit any committee, while it was not in front of us for review or for changes, this was being circulated publicly. And as I see this, because we're talking about our property taxes at work, this should be as clear and distinct and precise as a project can be, so that voters can make a decision, much like they did when they passed the Parks Bond. We had a vetting process where we had projects that were listed. The public knew that when they were voting for it, we'll get to Item 20 in a minute, they thought they were voting for all these projects, and by and large we built all these projects."

Chair Ortiz continued, "On some of these projects, I will say, on 3 of the 5 questions, the public is not going to know what they're buying with their property taxes. I do not support questions 3, 4 and 5 at all, and I can see the rationale, potentially, for not supporting Item 1, because, again, we have these issues where we can spend these monies for construction, but we're not going to be able to spend the money for actual operation. That's going to come somewhere else. I really think the only item we can talk about is Question #2. If we were being responsible to the public, we would only issue Question #2, and we would say on Question #2, like we did with the Parks Bond issue, we would say, at the end of the sentence, as outlined in attachment A, and so we would have that attachment. An attachment that POSAC worked on, that BTAC worked on, that we would have those particular projects identified."

Chair Ortiz continued, "The rest of these questions, the rest of what we're asking the public to decide upon, is a sort of shot in the dark, and I'm not making that shot. You are and the Mayor are, and other people who have signed on potentially to this, are. I will say that some of the arguments that you made were arguments in favor of log-rolling, and that, we cannot do. And so, I can only support Question #2 at this time. I'm not going to support any of these other questions even going out to the public. But I understand there is a motion with a second. I will offer that if these questions actually pass the Council at the end of the month, that we can have as an agenda item, an informational item on each of the questions, to go through and get the detail that is lacking now, so that at least the public can be informed in advance of them having to vote on them. We can do that as a function of this Committee for the 5 meetings that we've got."

Councilor Dominguez said he has a question for Legal staff. He said, "One of the concerns I have, and we've kind of seen this in other cases in New Mexico, is that many times, if you get down to certain levels of detail in the question itself, then that really ties your hands in terms of what you can and can't do with that funding. So, these questions are being proposed really with some flexibility and exactly how it is that money gets spent. Is there any case where you can cite that has done that to other communities. Is there one here in Santa Fe."

Mr. Zamora said, "Bond questions are drafted to encompass the projects that you seek to fund and engage in, but they are not drafted to be so specific that if something comes up in a project, an unforeseen delay, an unforeseen expense, a change in design, that it would cause the entire question to fail. So the level of detail is up to the Governing Body to adopt, approve, as far as falling within the realm of the question. But you do not write a question so specifically that any change in the project would cause the question and the bond issue to fail."

Councilor Dominguez asked if that has happened before.

Mr. Zamora said, "That's a broad enough question to say yes without being able to give a cite. The reason bond law has evolved to the place it has is because of those types of failures in the past."

Councilor Dominguez said he thinks about Santa Fe Public Schools whose bonds are \$160 to \$180 million, and dealt with some very specific information, and he thinks there is some challenge to it because of the specificity. It really tied their hands and didn't give them the needed flexibility to make some improvements which were substantial and benefitted the School District community. He said, "I will say, I really respect the specificity that is being asked for by some Councilors. I understand that. The devil sometimes is in the details, but again, if the devil is in the details, that really ties our hands in being able to do what is well intended. There's no intentions other than good intentions with this. That's what I believe anyway, and the way I've been proposing it and advocating for it. So the intent is not to somehow take money that has been identified as being used for broadband, for the sake of argument, and use it for something else. The intent is to use it for those purposes, and that's what... as long as I'm at the Council, one of the things I'm going to be supporting and looking for."

VOTE: The motion failed to pass on a voice vote, for failure to get a majority vote, with Councilor Romero and Councilor Dominguez voting in favor of the motion and Chair Ortiz and Councilor Bushee voting against the motion.

Responding to a question from the Committee, Chair Ortiz said, "The Chair can vote to either break a tie or create a tie, as I understand it when we changed the Governing Body Rules."

Motion to approve Item 19(C)

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve Item 19(C) as presented.

DISCUSSION: Councilor Bushee said she really hopes before this gets to the public that we reconfigure, redefine, make this "you know."

Chair Ortiz said, "We're not going to."

Councilor Bushee said, "I guess not. The votes are in."

VOTE: The motion failed to pass on a voice vote, for failure to get a majority vote, with Councilor Romero and Councilor Dominguez voting in favor of the motion and Chair Ortiz and Councilor Bushee voting against the motion.

23: 20. UPDATE ON PARKS BOND AND REQUEST FOR APPROVAL OF REALLOCATION OF BOND FUNDS. (FABIAN CHAVEZ AND ISAAC PINO)

Chair Ortiz said once we got the additional detail, what we did with the Parks Bond was to take the

10% float, the 10% that was allocated, and we reallocated it through budget processes to pay for staff. He said it is the staff that made this Parks Bond work. He said we've never had a project to go significantly over budget, and the most was one at 15%. He said he believes the Parks Bond has been a success, and the funds allocated have been successful.

Chair Ortiz said, "That being said we have, as a matter of budget, shifted these peoples' salaries to the bond proceeds." He said that was done during the budget, and we need to reallocate some portion of the Parks Bond to account for these shiftings. He said, "The question before us is: Are we going to take some of the money from the next CIP or the next bond, and allow that to free up the \$750,000 that I think Councilor Dominguez was going towards."

Responding to Councilor Bushee, Chair Ortiz said it can be done out of either Bond, which is the option being offered to us by staff.

Councilor Bushee asked how he plans to free up the \$750,000.

Fabian Chavez asked Councilor Bushee to look at the spreadsheet in the packet. He said Option #2, column 3, would take \$75,000 from the CIP bond, currently being considered, and move it to be utilized in the Parks Bond project to pay for salaries only. He said that would reduce the amount of money the City currently is spending and projected to be spent by \$750,000 for the next fiscal year.

Chair Ortiz said then we plan to continue to use internal City staff, which amounts to \$750,000 in personnel costs, and use that current staff for the closure of the old Parks Bond as well as for whatever projects are approved in either the G.O. Bond or the CIP Bond.

Mr. Chavez said this is a correct summary for the next fiscal year.

Councilor Bushee asked how this impacts the CIP Bond where funds are included for maintenance and there is nothing for expansion.

Mr. Chavez said the proposal is to allocate this through the next CIP allocation.

Councilor Romero said this isn't clear to her.

Mr. Romero said, "Let me be real clear about this. In this Parks Bond, we're using staff to do some maintenance type work which was approved to be used from the Parks Bond because it actually is improving the Park. In the CIP Bond, we're putting in \$1.5 million, which is \$750,000 a year to pay for those 29 men and women who do this work in the Parks. So, if you approve this.... pick up, clean-up, construction and replace trees... it's very similar to what we're doing for the Parks Bond. So we can either pay for those 29 men and women to work out of the Parks Bond which would mean we need to get \$1.5 million out of the Parks Bond. Or, since the CIP Bond was already approved by this Committee, we would use \$750,000 from the CIP Bond to pay these people."

Councilor Bushee said, "I really don't think we should take these adm positions, in particular, out of the CIP Bond that the voters voted for, just to shore up confidence that we're going to spend money the way..."

Mr. Romero said the administrative positions still will be funded from the Parks Bond, and will be part of the \$4.4 million that is left. The administrative positions – Ben, Leroy all those who are building Parks Bond Trails and Trails Projects – will still be paid from the Parks Bond. This is to cover the approximately 29 people who work on parks and trail every day "to keep them up."

Councilor Bushee said, "Are you saying then, we will take the \$750,000 out of this Parks Bond for Jackie and those kinds of things, the way you have it set up now. Okay."

Mr. Romero clarified that the \$750,000 is for the approximately 29 people who help us keep our parks looking the way they do.

Responding to the Chair, Mr. Romero said if you look at page 14, you will see the administrative people who are paid from the Parks Bond. It says \$384,000, \$478,000, \$559,000 which probably adds up to a little less than \$2 million. He said we built about 29 of these projects with our own labor, and we've hired people to do that. He said of the \$5.1 million, only \$2 million is being used to pay for administrative staff, which really isn't all that high to do the project management and administrative that we've done. So the \$5 million is composed of 3 things: administrative staff, construction people actually building the parks and the other 29 people who are replacing trees and doing other things in the parks.

Chair Ortiz said, "Robert you understand that on the \$14 million to go to the public, that there needs to be some clarity with some information that goes to the public which actually explains how the \$14 million is utilized in building the parks, and for trees and grass and for the trail, and also pays internally for the workers who actually [inaudible]." He said that's where people started to go crosswise at the last meeting.

MOTION: Councilor Romero moved, seconded by Councilor Dominguez, to approve Option #2 for the reallocation which is listed as Payroll reduced by \$750,000 in CIP.

DIRECTION: Chair Ortiz asked the maker if she would like to give direction to staff at this time, that if this is successful, that out of the additional amount, that \$100,000 be allocated for security cameras.

The maker and second said they would like to wait until this goes to the City Council.

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

Chair Ortiz departed the meeting and asked Acting Chair Bushee to Chair the rest of the meeting

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to move amend the agenda, as amended, to move Items #23 [old Item #22] and #24 to be heard next on the Agenda, and to approve the amended agenda, as amended.

DISCUSSION: Councilor Romero apologized that she isn't feeling well, noting she already has spent a lot of time on Chapter 14.

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

22: 23 REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PREPARE AMENDMENTS TO LOCAL PREFERENCE SECTION 15-4 OF 2011 EDITION OF THE CITY OF SANTA FE PROCUREMENT CODE (COUNCILOR DOMINGUEZ AND WURZBURGER). (ROBERT RODARTE) Committee Review: Public Works (approved) 11/07/11; and City Council (request to publish (11/30/11). Fiscal Impact – No.

A copy of *Proposed Amendments to Substitute Resolution No. 2011- ____ (Procurement Code Amendments)*, submitted by Councilor Rebecca Wurzbarger, is incorporated herewith to these minutes as Exhibit "3."

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve this request with the amendments proposed by Councilor Wurzbarger [Exhibit "3"].

DISCUSSION: Acting Chair Bushee asked Dr. Morgan the parameters for this issue, commenting she thought we had gone as high as possible on the local preference, and is really in favor of the veteran's exemption.

Dr. Morgan asked Mr. Rodarte to address this specific question.

Councilor Dominguez said part of it was to explore ways to provide opportunities for local subcontractors to take advantage of the local preference as well.

Acting Chair Bushee asked Mr. Rodarte to give a two minute summary of what this is going to do for the City us in terms of our local contractors."

Mr. Rodarte said, "Several things are going to happen here. One, to start off, the threshold of \$50,000 and "down, from up to \$5,000," will greatly affect the amount of business we'll keep here in town. I'm working on that now. Based on what I'm seeing now, with the amount of business we're doing, the percentage in there for quotes, will greatly help the local economy or the local contractor. That's going to be one of the main focuses that I'm going to bring forward. I think of the majority of the P.O.s that we're seeing now are basically under \$50,000, and I'm seeing a lot of it go away from this area. There are cities that already have this implemented. You're looking at the original. Past that yellow copy there is a rewrite, and this discussion took place at Public Works recently and we kind of tweaked it from there."

Acting Chair Bushee said this is really a threshold more than a percentage increase, and asked how it helps subcontractors.

Mr. Rodarte said, "The idea right now is to basically educate our subcontractors in this area that can team up with some of the larger contractors that may not be from this area. But, we have a lot of subcontractors in the area that definitely need that help. We're looking at ways to offer to the primary contractor, the ability to have a percentage built into the bid or RFP that would give the opportunity to get an advantage over someone else that is not using our local subcontractors."

Acting Chair Bushee said people who rent an office here, but who do not live here, or have any operations here, are able to get the local preference.

Mr. Rodarte said the local preference has been rewritten to prevent this from happening, noting he has been able to disqualify several people that have tried to do this. He said since it was changed, the companies that capitalized on that provision previously, are still coming back, but they aren't getting the advantage.

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

Acting Chair Bushee asked to be added as a cosponsor. Councilor Dominguez said Councilor Calvert also had asked to be a cosponsor of this bill.

24. REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)

Mr. Romero said we've cut 200-250 positions, and all he is bringing forward at this point are positions he believes are critical. He said if positions become vacant he doesn't think are critical, he won't be bringing those forward. He said regarding the Mechanical/Structural/Supervisor, there are over 60 buildings, and this position is critical to keep those maintained. He said, regarding the Equipment Service Worker, our fleet is still large and growing, and the Counter Technician is very important in Land Use, as is the Children & Youth Commission Project Manager.

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

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

*Councilor Romero departed the meeting
There was no longer a quorum of the Committee in attendance.*

20: 21 (PUBLIC HEARING)

PRESENTATION AND DISCUSSION OF CHAPTER 14 REWRITE (GREG SMITH AND MATTHEW O'REILLY)

REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING ARTICLES 14-1 THROUGH 14-4 SFCC 1987 AND ADOPTING NEW ARTICLES 14-1 THROUGH 14-4 SFCC 1987; REPEALING SECTION 14-5.1 SFCC 1987 AND ADOPTING A NEW SECTION 14-5.1 SFCC 1987; REPEALING SECTIONS 14-5.3 THROUGH 15-5.5 SFCC 1987, AND ADOPTING NEW SECTIONS 14-5.3 THROUGH 14-5.5 SFCC 1987; REPEALING SECTIONS 14-5.7 THROUGH 14-5.10 SFCC 1987 AND ADOPTING NEW SECTIONS 14-5.7 THROUGH 14-5.10; REPEALING ARTICLES 14-6 THROUGH 14-7 SFCC 1987, AND ADOPTING NEW ARTICLES 14-6 THROUGH 14-7 SFCC 1987; REPEALING SECTIONS 14-8.11 THROUGH 14-8.16 SFCC 1987 AND ADOPTING NEW SECTIONS 14-8.11 SFCC 1987 THROUGH 14-8.16 SFCC 1987; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY. Committee Review: Public Works (Part I - Approved) 09/26/11; Public Works (Part II - Approved) 10/11/11; City Council (request to publish) 11/09/11 and City Council (Scheduled) 11/30/11. Fiscal Impact – Yes

A copy of a proposed Ordinance repealing Section 14-8.6(B)(7) SFCC 1987, and creating a new Section 14-8.6(B)(7) SFCC 1987, regarding accessible parking spaces for persons with disabilities, submitted for the record by David McQuarie, is incorporated herewith to these amendments as Exhibit "4."

Mr. O'Reilly said Greg Smith will give a brief presentation, noting Chris Graeser, the City's consultant is here to answer any questions you may have.

Prior to Mr. Smith's presentation, the Committee moved, seconded, and approved unanimously, to move items #23 [old #22] and #24 to be heard prior to hearing this item. Councilor Romero left immediately after Item #24 was approved, and there was no longer a quorum of the Committee for conducting official business.

Acting Chair Bushee posed a question to the City Attorney as to whether this Committee should move forward with this Item.

Geno Zamora, City Attorney said, "The answer is you can conduct the public hearing. You can have discussion. You cannot take final action. So, you can have a discussion about additional information needed, you can make recommendations to the full Committee, but you can't take final action. The last item, Madam Chair, is this Committee's inaction does not necessarily prevent the matter from going forward, that's just the process that the Council has, so this matter may still continue to move forward, it just will not have action by this Committee.

Acting Chair Bushee said we will have the public hearing and we will then adjourn.

Mr. O'Reilly asked Acting Chair Bushee if she would like to have a short presentation.

Acting Chair Bushee said, we will have the public testimony first, and if questions are raised, we can have a small discourse. She said, because it is advertised as a public hearing, those people speaking should state their name, address and any particular affiliation on whose behalf they are speaking.

Public Hearing

Signe Lindell, 147 Gonzales Road #20, thanked the Committee members for proceeding with the public hearing. She has served on the Planning Commission for the last number of years, and for the past 2 years, they met every other Tuesday night working on this Chapter 14 rewrite. She thanked Land Use Department Director Matthew O'Reilly, Greg Smith and Chris Graeser the consultant. She thanked the public that participated. She said they had good public participation. She said this is a document which guides what happens in Santa Fe, and this Committee put in a lot of work with a huge amount of public input. She said the only thing that has come to her, after they made the recommendations, was about the BDC-DRC with suggestions that perhaps those cases could be heard by the Historic Design Review Committee, rather than the Planning Commission. She said, speaking as a citizen, and not as a member of the Planning Commission, she would not be opposed to that, noting this is her opinion from the kinds of cases she's seen and heard.

Dr. Lindell said members of the real estate community participated in this process, as well as neighborhoods, all of which attended meeting after meeting. She commented it is astounding the amount of time people volunteered to this effort, noting "it's a grinder," to go through it line-by-line and just hash it out. She said it was a long, tedious process. She said staff and the committee did a wonderful job on the rewrite.

Dr. Lindell said she hopes this will go to Council, and expects there will be some small changes here and there, commenting that a lot of "eye hours" have been spent to get this to this point.

David McQuarie, 2997 Calle Cerrado, said he wants to call the Committee's attention to page 6, of the Agenda which says, "Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520 five (5) working days prior to meeting date." He said he did that and requested a hands free microphone and a place to put the comments. He said he is fed up with the damned overhead projector which is placed on the shelf with the symbol for disability on it. He said they got it from him. He said this is set up for persons with needs.

Acting Chair Bushee said Mr. O'Reilly is moving the overhead and setting up a microphone for him, and apologized for the inconvenience.

Mr. McQuarie said he is requesting that the City repeal Section 14-8.6(B)(7) [Exhibit "4"] specifically, which has to do with accessible parking, which is based on ADA. He said ADA is the civil rights umbrella law, and when you eliminate 14-8.6(B)(7) as it is currently, it is restricting access of the basic civil rights of people with disabilities. He thinks it's a case of [inaudible]. He said there is a definite

fiscal impact. He said Land Use isn't enforcing the current provisions, which mean our judges have to dismiss an inordinate amount of citations, so monies from these citations are not going to the Parking Division to supplement their income, so there definitely is a fiscal impact of non-enforcement of required things.

Mr. McQuarie said he wants to speak to the impact of repealing other sections of Chapter 14. He said when you approved the Lensic underground parking facility, there is a 8.2 ft. clearance which is absolutely required. It is 8 ft. 2 in. not 10 ft. like your enforcement code is now. He said check your federal regulations for accessibility of vans, and it says specifically 98 inches, not 84 inches.

Mr. McQuarie said there are so many things of misinformation. Another one is [inaudible]. He said there was a complaint in 2004 on the DOT and the City made an agreement for the driveway at Delgado Street house to build a certain accessibility. He doubts seriously if it has been done. He said there was a [inaudible] outstanding the City was supposed to address, but it "hasn't been done as of yet."

Mr. McQuarie said he passed out a proposed bill for the updating of Chapter 14-8.6 which covers a lot of things. He said he offered this and it was typed up by Jeanne Price before she left. He said there is a revision which goes to 2006, another in 2007, another in 2008, another in 2010 and this one which updates two minor points which he's marked in red in the copy he provided [Exhibit "4"]. He said he highly suggests that we update the current guidelines and regulations. He said there is a part in the new regulations where they say parking for disabled persons and the liability of the City. He said the law is ADA, Americans with Disability, and not DA, Disabled Americans.

Mr. McQuarie said he reviewed the bill for etiquette of language, but doesn't think this has been done by the City. He said the City spent almost \$20,000 on the parking signs. If you do not update the current regulations that affect us, then the City is cheated out of an honest endeavor. He said we embarrassed all these people because there's times after these are replaced. Right now, the State law says it will be towed away. He said Bill Hon of Parking thought this was very negative, and the reason they came up with plates and placards are required, but not "Violators will be towed away."

Mr. McQuarie said Bill Hon didn't like it because it took so long for people to be towed. He understands it's over 24 hours. Therefore, if you start towing, it means people's cars have to set there for 24 hours before the City will enforce the regulations. I don't recommend that, because I don't want to sit there. Do you."

Acting Chair Bushee asked Mr. McQuarie if he can give a copy of the bill to the Land Use Director.

Mr. McQuarie said a copy was given to Greg Smith and he told me that staff would take an interest. He said at that time he raised the question of whether they are contacting the disabled community, such as the Mayor's Committee on Disability, and was told that staff reviewed this. He said [inaudible something about talking with the ADA coordinator] and he has repeatedly asked Joe Lujan, the ADA Coordinator, if he has been consulted, and his answer has always been, "Not yet."

Mr. McQuarie said federal guidelines state you must consider comments and input in development from all parties. He said 20% of the population of Santa Fe County is disabled, and that's a pretty big block to say, you don't count.

Acting Chair Bushee said this is just one public hearing, and there will be another at the City Council meeting, and asked Mr. O'Reilly where this goes next.

Mr. O'Reilly said on November 30, 2011, the Chapter 14 rewrite will be considered by the City Council..

Acting Chair Bushee said this will be heard at the last Council meeting this month, on November 30, 2011. She asked Mr. McQuarie to be sure he contacts Joe Lujan to work with Greg Smith and make sure his items are recorded and to come to the Council on November 30, 2011.

Mr. McQuarie said, "Madam Chair. I will be here with bells on. I've been trying for 5 years to get that through."

Acting Chair Bushee expressed appreciation to Mr. McQuarie for coming down tonight.

Marilyn Bane, 622 ½-B Canyon Road, said she is representing the Old Santa Fe Association. She really thanked the City, commenting this has been an inclusive process, and although everyone always hasn't been in agreement, the public has been encouraged to participate. She said this should continue to be the model for matters which are this is important to the public.

Ms. Bane said she has an issue with regard to the BCD DRC, and she is speaking on behalf of the Old Santa Fe Association about their distress of losing this body. She said it is a specific district downtown, and it does go between the responsibilities of the Planning Commission and the responsibilities of the Historic Design Review Board. She said the Association's preference is that it be maintained as a Committee, acknowledging those combined efforts. She said if the City is going to get rid of the BCD and the DRC, then it is only logical that these issues be heard by both the Planning Commission and the Historic Design Review Board.

Ms. Bane said the other thing which was discussed at length and they worked very hard to achieve, was a matrix of the changes. She said a chart of sorts was provided to the Committee, but it isn't as thorough a matrix as they wanted to see. She said, by saying that, she would include the Neighborhood Law Center and the Neighborhood Network. She said she and Fred Rowe attended fairly consistently for a long period of time, along with Donna Reynolds and others from the community. She said this isn't an effort that gets everyone excited, and it is very tedious work. She said she is here representing the public, but she doesn't feel she has the knowledge to be able to definitively agree or definitively disagree with the changes.

Ms. Bane said she thinks this Committee needs a study session on the Chapter 14 rewrite. She said if any member of the Committee could say "you're read it all and you get it, and you know the

difference between what are housekeeping items and what are policy changes, then my hat's off to you, because I think it is very very difficult, and I thought you were going to have a study session. I thought that was going to be on the agenda at some point, but it isn't. And so now, you are going to vote on it tonight or you're going to vote on it at Council. And I would lay odds, if I was a betting person, that there are a lot of people up here who will not have read it. And, because there are some issues in there that they are considering, I would urge you to take a step, if not before the Council meeting, after the Council meeting for a more thorough investigation. And Chris or Matt or Greg can say to you, here are the 3 most important changes, or here are the policy changes, and don't worry about the housekeeping, because I don't care about the housekeeping, I trust you all. But, when it comes to policy, I think you should make sure that you've been made aware of and thought through what the implications are. And with that, I would just like to end up where I started, and thank them for including the public to such a great degree. Thank you."

The public testimony portion of the public hearing was closed

Mr. O'Reilly said he started this process when he was chairing the Planning Commission, and then stayed on to run the Committee since I was Land Use Committee. He publicly thanked all the people who put in yeomen's work on this effort – Marilyn Bane, Fred Rowe, Donna Reynolds. He said it wasn't easy, commenting that 35 separate meetings is tough, especially if they're not being paid to do it.

Mr. O'Reilly said, in terms of having a study session, he would remind everyone that through this process, everyone was invited to the meetings, and all meetings were public meetings. He said they had meetings at the Planning Commission where testimony was taken from the public, and then it went to Public Works, and it is now here at the Finance Committee. He said staff was prepared this evening to give you a 10-20 minute presentation on all the things Ms. Bane just talked about, the most important policy issues in Chapter 14 and distinguishing those from the housekeeping items. He said that presentation was made at the Public Works Committee, and it was done piece by piece at the Planning Commission. He said, "I just wanted everyone to know that did happen and it was presented to the public. And we will intend to do it again at the Council, given the chance to actually present."

Acting Chair Bushee asked Mr. O'Reilly if he has the presentation in writing. She said she has read the matrix which is in the packet, noting there are only two Committee members in attendance, one of which serves on Public Works, and she hates to make him go through this again.

Mr. O'Reilly said the staff report really does an excellent job on this. He said the packet has 3 levels of information: A staff report, the matrix and the Code itself. He said if Greg Smith could have made his presentation this evening, he would have expounded on, and amplified those points he thinks are most important. He said this can be done right now, or it can be done at the Council meeting on November 30, 2011.

Acting Chair Bushee said she doesn't know what kind of time the chair will give at the Council meeting, and doesn't know how full the agenda is. She reiterated she hates to see Councilor Dominguez go through this again. She said what she would like personally, other than a visit with Mr. Smith, is what he would say if he had one minute – what would be the main thrust or the most improved part of Chapter 14, where does it make it more user friendly, does it make it less of a public process, does it make it more

of an administrative approval in one particular place. These are the kinds of things on which she would like a summary.

Mr. O'Reilly said staff is willing to meet with her at her convenience, one-on-one, to go through these things if she has specific questions, noting this has been done with a number of Councilors. He said, with regard to the most important thing in this endeavor, his answer would be if asked that question would be the cleanup and fixing of the 350 conflicts and errors identified by staff over the past 15 years, which taken as a unit, is the most important thing we've done here.

Mr. O'Reilly said this truly is a cleanup of Chapter 14, and it does have shifts in some items which are more significant. It increases the number of projects that will be heard in public hearings.

Acting Chair Bushee asked for an example of something which stood out, whether a subdivision approval.

Mr. O'Reilly said there is a perfect example, and what staff refers to as the Taco Bell example. He said the Taco Bell recently approved near the Casa Linda Neighborhood on Cerrillos Road, is right next to a residential district. Under current Code, that approval was done through a simple building permit. Under the new Code, projects like that which are within 200 feet of a neighborhood go for a public hearing before they can be approved. He said this is a huge, significant change which increases public involvement, and was widely accepted at the Planning Commission Subcommittee meeting.

Mr. O'Reilly said, along with that, the current Code requires that people send out notice in a 200 foot radius around their property, and we are proposing to increase that to 300 feet, and asked Mr. Smith if this is correct.

[Mr. Smith's response here was completely inaudible because he was away from the microphone.]

Mr. O'Reilly said another major change involves institutional uses located inside residential districts, meaning schools, museums, churches and things like this now have to go to a public hearing, and you can't just build a school or a church inside a residential district which is another big change.

Acting Chair Bushee asked if they have a zoning category for schools.

Mr. O'Reilly said they would be classified as institutional, but right now, those can be approved administratively with a building permit if they meet the criteria of the Code and don't require a public hearing, so that's another big change.

Mr. O'Reilly asked again if Acting Chair Wurzbarger would like for Mr. Smith to make a 15 minute presentation and hit some of the highlights, or if this can be individually.

Acting Chair Bushee said no, not this evening.

Councilor Dominguez said at Public Works they encouraged members to meet individually with staff to get answers to questions such as whether this rewrite actually constitutes amending Chapter 14, commenting he believes it does, because of some of the changes which have been identified.

Acting Chair Bushee said she will take time to meet with Land Use staff.

Acting Chair Bushee said on page 10 or 34, it deletes several sections of the BCD DRC and recommends phasing out the Committee. She said she would agree that the majority of the cases they heard had to do more with styles than with planning, so at the very least it would make sense to split the hearings between the Planning Commission and the Historic Design Review Board.

Acting Chair Bushee said it then says that "Major and minor procedures will be replaced by Development Plan Review Requirements in 14-3.8 and Community Impact Statements replaced by ENN requirements." She asked him to play out a scenario of some sort, El Castillo or the Drury Hotel, and tell her how this Chapter 14 rewrite changes those.

Mr. Smith said the Drury Hotel is in the Historic District and would be subject to review by the H-Board with regard to the H-District standards. He said, "The Drury would remain, in effect, the design standard for that particular subdistrict which would be applied, rather than at a hearing before the BCD DRC. It would be applied in front of the Planning Commission, staffed by our Department, as is currently the case."

Acting Chair Bushee asked wouldn't it be streamlining in this case for it just to go to the Historic Design Review Board.

Mr. O'Reilly said, "The BCD DRC is a different animal. Most of the projects in the Historic District that are also in the BCD DRC, have to go to both the Historic Design Review Board and the BCD, so there are two hearings there. It would certainly be streamlining if those projects only went to the Historic Design Review Board, but I would say that the Historic Design Review Board is tasked with reviewing the Historic Preservation Code of the City. It is not tasked with reviewing other parts of the Code. And the real issue staff has with taking things to the BCD is that we've had 5 cases in the past two years."

Acting Chair Bushee said, "Okay Matt. I'm not questioning the elimination of the BCD DRC and just so I can make this shorter, let me give you an example. The demolition of Santa Fe Clay, because it doesn't have to go to the Historic. It's in the Railyard. And that's really where a lot of movement had happened. And granted there have been quorum problems and all of that, but the people that serve on the BCD DRC, what we tended to review were Styles kinds of things more than Planning Commission kinds of things. And so, what I'm asking at this point is that you take that small example, and don't worry about the pros and cons of eliminating the BCD DRC. I'm not making an argument there. I'm saying it says 'major or minor project procedures will be replaced by development plan review requirements and community impact statements will be replaced by ENN requirements.'"

Acting Chair Bushee said, "So, okay give me an example of this now. Instead of going to the Planning Commission and/or... I don't necessarily want to make them go to all of them, but if it went to... that question had a lot more to do with use, so then maybe it wants to go to the Planning Commission, but either way, disregard that because maybe we'll have a change to this. But, how does this work now with development plan review requirements that would go to the Planning Commission anyhow."

Mr. O'Reilly said, "Yes. Instead of going to the BCD DRC it would go to the Planning Commission. If I could just add, very briefly, I served on the BCD DRC for 8 years, the last 4 as the Vice-Chair, and when we were on it, we did see a lot of stuff from the Railyard and other things. There was a lot of planning and engineering type things that happened, and it wasn't just styles at that time. I think you're right. In recent times, maybe that's what you've seen at the BCD."

Acting Chair Bushee said, "I'm trying to make it so it's not overly complicated, but a small tweak that says if it's got to do with the design review part of the BCD DRC, it goes to the Historic, and maybe tweak the Historic Ordinance to encompass that. That's all I'm saying. But the other is how is the community ENN now – so, there'll be an ENN where there wasn't one."

Mr. O'Reilly said, "I believe we were holding ENN's for BCD meetings, so that won't change. ENNs will still be required."

Acting Chair Bushee said, "Then you just eliminate the community impact statement."

Mr. O'Reilly said, "Yes."

Mr. Smith said, "The community impact statement parallels and precedes many of the ENN statement requirements."

Acting Chair Bushee said, "If anything comes to mind Greg, before the thirtieth, of something that is of substantive change that one should be aware of, because obviously you all did the work and none of us want to get into the picky details, even though this is an important set of changes for the City. So really, it's more like, so that we're not blindsided later when we say, thank you everybody, and then say what, we approved that. Those are the kinds of things we want to hear about. Granted, we hired great people to do these things and we have great in-house staff and we have great volunteers. And I've read the matrix and the summary and I'm then going, 'Hmm. What are the major changes.' "

Mr. Reilly reiterated they welcome the opportunity to sit with her as soon as she wants.

Acting Chair Bushee said she is asking that staff have this information at their finger tips for the Council meeting, and Mr. O'Reilly said, "We are ready with that."

Acting Chair Bushee said she would like a one-page summary saying, "Note this change. Read."

Mr. O'Reilly said it is more than one page, but they have that information.

Acting Chair Bushee asked Mr. O'Reilly to provide a copy of that information to all of the members of this Committee and to the rest of the City Council by email and/or hard copy.

Mr. O'Reilly said they already have met with most of the Councilors one-on-one. He said, "Again the Staff Report really hits the highlights and the most important things, and you might want to begin, starting with the Staff Report, because it really hits the highlights. The matrix doesn't distinguish between an important change or a minor change, but the Staff Report does."

[Councilor Dominguez's and Councilor Bushee's remarks here are inaudible because they had their microphones turned off.]

Councilor Dominguez said the red flags are in there.

Acting Chair Bushee said, "I'll just combine it with the matrix and hope it percolates up."

Mr. O'Reilly, again reiterated, that they would love to meet with Councilor Bushee if they could.

Acting Chair Bushee thanked everyone for "sticking around" for the hearing.

Acting Chair Bushee said the Public Hearing was held and discussion took place, but no action was taken.

**24- 22. REQUEST FOR APPROVAL OF SOUTHWEST ACTIVITY NODE PARK MASTER PLAN.
(MARY MacDONALD)**

There was an absence of a quorum at the time this item came up on the agenda, so no action was taken.

25. OTHER FINANCIAL INFORMATION:

A copy of *Lodging Tax Report for the month of October 2011*, is incorporated herewith to these minutes as Exhibit "5."

26. MATTERS FROM THE COMMITTEE

There were no Matters from the Committee.

27. ADJOURN

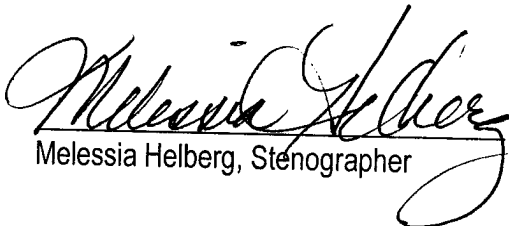
Acting Chair Bushee said she is sorry the SWAN park wasn't heard, and said it now just goes to the City Council.

There was no further business to come before the Committee, and the meeting was adjourned at 8:25 p.m.

Matthew E. Ortiz, Chair

Reviewed by:

Department of Finance



Melessia Helberg, Stenographer