

Rescheduled to Wednesday-December 7, 2011

City of Santa Fe



5:00 pm

# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
DECEMBER 5, 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 14, 2011

CITY CLERK'S OFFICE

DATE 12-2-11 TIME 11:15 am

SERVED BY Yolanda Green

RECEIVED BY [Signature]

## INFORMATIONAL AGENDA

6. UPDATE ON AFFORDABLE HOUSING STATISTICS (MELISA DAILEY)

## CONSENT AGENDA

7. REQUEST FOR APPROVAL OF DONATION OF ONE (1) FIRE DEPARTMENT VEHICLE (TYPE 1 FIRE ENGINE) TO THE PENASCO VOLUNTEER FIRE DEPARTMENT (ROBERT RODARTE AND FIRE CHIEF BARBARA SALAS)
8. REQUEST FOR APPROVAL OF AMENDMENT NO. 8 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE TRAIL PROJECT AT CAMINO ALIRE TO NM 599; WESTON SOLUTIONS, INC. (FORMERLY RESOURCE TECHNOLOGY, INC. OR RTI) (BRIAN DRYPOLCHER)
  - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND
9. REQUEST FOR APPROVAL OF BUDGET INCREASE FROM RAILYARD GRT FUND INTO SANTA FE RAILYARD (BOB SIQUEIROS)
10. REQUEST FOR APPROVAL OF LEASE AGREEMENT – PARKING AREA ON LOT 33, BLOCK 43 OF N.L. KINGS OFFICIAL MAP LOCATED WITHIN THE 700 BLOCK OF PASEO DE PERALTA; PASEO PARKERS, LLC (EDWARD VIGIL)
11. REQUEST FOR APPROVAL OF CRITERIA FOR EVALUATING ALTERNATIVES UNDER THE TREATED EFFLUENT MANAGEMENT PLAN UPDATE (CLAUDIA BORCHERT)



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12. REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – ONE (1) BACKHOE AND ONE (1) HD LOADER FOR WASTEWATER DIVISION; ADOBE TRUCK AND EQUIPMENT (BRYAN ROMERO)
  - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – WASTEWATER FUND
13. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – RESERVOIR INFRASTRUCTURE IMPROVEMENTS - PHASE I FOR WATER DIVISION; SANTA FE ENGINEERING CONSULTANTS, LLC (ROBERT JORGENSEN)
14. REQUEST FOR APPROVAL OF DEVELOPMENT OF OLD LAS VEGAS PLACE AND TRANSFER OF CIP/AFFORDABLE HOUSING TRUST FUND MONEY USAGE TO RINCON DEL SOL AT TIERRA CONTENTA AND TRANSFER TEN (10) REMAINING FEE WAIVERS (MELISA DAILEY) (Postponed at Finance Committee meeting of November 1, 2011)
15. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FIRST QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2011/2012 ENDING SEPTEMBER 30, 2011 (CAL PROBASCO)
16. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE CITY OF SANTA FE UPDATED ADA TRANSITION PLAN AND SELF EVALUATION (MAYOR COSS AND COUNCILOR CALVERT) (JOSEPH LUJAN)

**Committee Review:**

Public Works (approved)

11/28/11

City Council (scheduled)

12/14/11

Fiscal Impact – No

17. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 18-1.4 SFCC 1987 REGARDING LICENSE APPLICATION SUBMITTAL REQUIREMENTS FOR ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES; AMENDING VARIOUS SECTIONS OF ARTICLE 20-5 SFCC 1987 REGARDING ALARM SYSTEMS AND FALSE ALARM REDUCTIONS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR CALVERT) (DEPUTY POLICE CHIEF FOLMAR-ALESSIO)



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**Committee Review:**

Public Safety Committee (approved)	11/15/11
Public Works (approved)	11/28/11
City Council (request to publish)	12/14/11
City Council (public hearing)	01/11/12

Fiscal Impact – No

18. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 25-1.3 SFCC 1987 TO EXEMPT STATE EDUCATIONAL INSTITUTIONS FROM BEING REQUIRED TO COMPLY WITH CHAPTER 14 SFCC 1987 (LAND DEVELOPMENT LAWS) WHEN APPLYING FOR CITY WATER AND MAKING OTHER SUCH CHANGES AS ARE NECESSARY (COUNCILOR ROMERO, MAYOR COSS, COUNCILORS TRUJILLO, CALVERT AND DOMINGUEZ) (MATTHEW O'REILLY AND BRIAN SNYDER)

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19. REQUEST FOR APPROVAL OF AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX (SUBORDINATE LIEN)/WASTEWATER SYSTEM REFUNDING REVENUE BONDS, SERIES 2012B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,500,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX (SUBORDINATE LIEN)/WASTEWATER SYSTEM VARIABLE RATE REVENUE BONDS, SERIES 1997B; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE NET REVENUES OF THE CITY'S WASTEWATER SYSTEM AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT IN CONNECTION WITH THE BONDS; PROVIDING FOR REDEMPTION OF THE SERIES 1997B BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS (DR. MELVILLE MORGAN)



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**Committee Review:**

City Council (request to publish)

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***END OF CONSENT AGENDA***

**DISCUSSION**

21. **(PUBLIC HEARING)**  
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) (Postponed at Finance Committee meeting of November 14, 2011)



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Public Works (not approved)	11/07/11
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Fiscal Impact – Yes

22. REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS (ROBERT ROMERO)
23. OTHER FINANCIAL INFORMATION:
  - A. UPDATE ON CITY'S INVESTMENT PORTFOLIO AS OF SEPTEMBER 30, 2011 (HELENE HAUSMAN)
24. MATTERS FROM THE COMMITTEE
25. ADJOURN

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## Committee Review:

City Council (request to publish)

12/14/11

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## END OF CONSENT AGENDA

## DISCUSSION

### 21. (PUBLIC HEARING)

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Fiscal Impact – Yes

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SUMMARY OF ACTION  
FINANCE COMMITTEE MEETING  
Monday, December 7, 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 14, 2011	Approved	4
<u>INFORMATIONAL AGENDA</u>		
UPDATE ON AFFORDABLE HOUSING STATISTICS	Information/discussion	4-7
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FIRST QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2011/2012, ENDING SEPTEMBER 30, 2011	Approved	7-8
REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 18-1.4 SFCC 1987, REGARDING LICENSE APPLICATION SUBMITTAL REQUIREMENTS FOR ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES; AMENDING VARIOUS SECTIONS OF ARTICLE 20-5 SFCC 1987, REGARDING ALARM SYSTEMS AND FALSE ALARM REDUCTIONS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY	Postponed to 01/03/11	8-10
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<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
<b><u>DISCUSSION</u></b>		
<b><u>PUBLIC HEARING</u></b>		
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REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS	Approved [amended]	15-20
<b><u>OTHER FINANCIAL INFORMATION:</u></b>		
UPDATE ON CITY'S INVESTMENT PORTFOLIO AS OF SEPTEMBER 30, 2011	Information/discussion	20-21
MATTERS FROM THE COMMITTEE	Information	21
ADJOURN		22

**MINUTES OF THE  
CITY OF SANTA FE  
FINANCE COMMITTEE**  
Wednesday, December 7, 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 Wednesday, December 7, 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  
Councilor Rebecca Wurzbarger

**OTHERS ATTENDING:**

Dr. Melville L. Morgan, 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**

Dr. Morgan said staff recommends removing Item #11 from the Agenda, and postponing and restating Item #14 at the next meeting.

Chair Ortiz said the Committee previously heard Item #11 at Council and it was put on this agenda by mistake.

Councilor Ortiz said the reason Item #14 has to be removed is because we don't have the correct language on the title and we can't hear this item as titled.

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Romero, to approve the Rescheduled Agenda, as amended.

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

#### **4. APPROVAL OF CONSENT AGENDA**

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

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

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#### **CONSENT AGENDA**

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7. REQUEST FOR APPROVAL OF DONATION OF ONE (1) FIRE DEPARTMENT VEHICLE (TYPE 1 FIRE ENGINE) TO THE PENASCO VOLUNTEER FIRE DEPARTMENT (ROBERT RODARTE AND FIRE CHIEF BARBARA SALAS)
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11. REQUEST FOR APPROVAL OF CRITERIA FOR EVALUATING ALTERNATIVES UNDER THE TREATED EFFLUENT MANAGEMENT PLAN UPDATE. (CLAUDIA BORCHERT)  
THIS ITEM WAS REMOVED FROM THE AGENDA BECAUSE IT WAS PUT ON BY MISTAKE.
12. REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – ONE (1) BACKHOE AND ONE (1) HD LOADER FOR WASTEWATER DIVISION; ADOBE TRUCK AND EQUIPMENT. (BRYAN ROMERO)
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THIS ITEM WAS REMOVED FROM THE AGENDA TO BE RECAPTIONED AND TO BE HEARD AT THE NEXT MEETING OF THE FINANCE COMMITTEE.
15. *[Removed for discussion by Councilor Bushee]*
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19. REQUEST FOR APPROVAL OF AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX (SUBORDINATE LIEN) WASTEWATER SYSTEM VARIABLE RATE REVENUE BONDS, SERIES 2012B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,500,000, FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX (SUBORDINATE LIEN)/ WASTEWATER SYSTEM VARIABLE RATE REVENUE BONDS, SERIES 1997B; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE NET REVENUES OF THE CITY'S WASTEWATER SYSTEM AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT IN CONNECTION WITH THE BONDS; PROVIDING FOR REDEMPTION OF THE SERIES 1997B BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND RELATED MATTERS. (DR. MELVILLE MORGAN) .  
Committee Review: City Council (request to publish) 12/14/11; and City Council (public hearing) 01/11/12. Fiscal Impact – No.

20. REQUEST FOR APPROVAL OF AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 2012A IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$40,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF (1) PUBLIC PROJECTS RELATED TO PUBLIC UTILITIES, PUBLIC WORKS, PARKS AND RECREATION AND COMMUNITY SERVICES AS AUTHORIZED BY LAW AND THE CITY'S HOME RULE POWERS, AND (2) REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2004; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND AN ESCROW AGREEMENT; PROVIDING FOR REDEMPTION OF THE SERIES 2004 BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (DR. MELVILLE MORGAN) . Committee Review: City Council (request to publish) 12/14/11; and City Council (public hearing) 01/11/12. Fiscal Impact – No.

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#### END OF CONSENT AGENDA

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#### 5. APPROVAL OF MINUTES: NOVEMBER 14, 2011

**MOTION:** Councilor Dominguez moved, seconded by Councilor Wurzbarger, to approve the minutes of the Regular Finance Committee Meeting of November 14, 2011, as presented.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Dominguez and Wurzbarger voting in favor of the motion, no one voting against and Councilor Romero abstaining.

#### INFORMATIONAL AGENDA

#### 6. UPDATE ON AFFORDABLE HOUSING STATISTICS. (MELISA DAILEY)

Chair Ortiz noted there is a Memorandum in the packet in this regard.

Chair Ortiz said he would like to know how much we have paid to the Housing Trust and Homewise during this period of time, noting he would like that summary as well.



Ms. Dailey said she doesn't have that total for 3 years, but the second page of the Memorandum shows the total, "and you can pretty much guess that's going between Homewise and the Housing Trust, with a small amount going to Habitat."

Chair Ortiz said the reason he asks is that in our discussion on the bond issue, the Mayor made the point that to show how the money would be spent in this next bond issue, we would could just go back and see what we've done in affordable housing over the past 3 years. Chair Ortiz wants to see those numbers and compare that to the number of units being reported for the current year.

Ms. Dailey said she can get that information for the Committee.

Councilor Bushee asked if there is any money in the Trust Fund.

Ms. Daily said currently there is approximately \$130,000 in the fund which is money that has trickled in through payment of infrastructure liens, or a few people buying out their liens. She said the first HOP home built was sold, although we didn't receive that money. She said there have been 10-15 of these types of payments which account for the \$130,000.

Councilor Bushee said we were experimenting with an attorney out of Albuquerque on foreclosure counseling.

Ms. Daily said we have done two things. The Housing Trust is doing foreclosure counseling on an as-needed basis when people call them, and this year, beginning July 1, CDBG funded someone who is doing foreclosure counseling as well, but the legal process. She said this person is a lawyer in Santa Fe, working out of Santa Fe and working under United South Broadway in order to receive the non-profit status required to receive CDBG funds.

Councilor Bushee said she thought we weren't funding the Housing Trust and were now funding the other one.

Ms. Bailey said the Housing Trust was funded through the Affordable Housing Trust Fund in 2009, so that funding is on-going. She said typically through CDBG we don't have much history with the Trust Fund, and we will renew a contract if they haven't spent the money out.

Councilor Bushee wants to know how effective this has been, and how it is working with the attorney. She wants to know which works better, in terms of future funding.

Ms. Dailey said the Housing Trust had money to help people catch up as long as they were no more than 3 months behind and still had a job. She said these are somewhat different programs. The United South Broadway is to help the person through the legal process, and hopefully if they contact the Housing Trust they won't have to go through the legal process. She said before they funded South Broadway, there was nowhere for locals to go for the next step for a foreclosure that was going to go through. They would refer people to a national 1-800 number previously, while there is someone local whom they can counsel if they have to go through foreclosure.

Councilor Bushee said, in addition to the information requested, she would like more detail on the mortgage payments, and said she thought it was just for counseling type advice. She was concerned at the time, and so was Councilor Ortiz, that the Housing Trust didn't have the background needed. She wants to know how effective this has been under the Housing Trust, how many people they've counseled, the approach taken as opposed to what the new program under the Santa Fe lawyer has been able to do.

Councilor Romero said she understands United South Broadway and the local lawyer are working in Santa Fe. She said we are looking for information on the foreclosure counseling, and asked if it is too soon to request an update and if information is available.

Ms. Dailey said it was approved on July 1, 2011, and they do have numbers on the foreclosure counseling for the Housing Trust, but would have only the first quarter data for the United South Broadway lawyer.

Councilor Romero asked that the information from United South Broadway be broken out as well when it comes back to this Committee – out of the 58 homeowners assisted, break out between South Broadway and the Housing Trust.

Councilor Wurzbarger said she would like a matrix showing the correlation between the Housing Trust and South Broadway showing all of the services provided and to correlate those with the actual result of getting a home or renovations to homes. She said she believes she could understand the numbers better if there were a matrix of services for each provider by functions and actual deliverables.

Responding to Ms. Dailey, Councilor Wurzbarger said she has looked at the numbers in the Memorandum, and she needs all of that information pulled together in a matrix, broken down by each provider showing the total dollars spent, the services provided and the number of people who have been assisted for 2009-2010 and 3/4 of 2011.

Councilor Dominguez asked where the \$830,000 has been spent within the City – geographical location of the homes

Ms. Dailey said when they receive an invoice requesting down-payment assistance, it will have the address of the home, the AMI, etc., but that is confidential, and they don't advertise individual home addresses.

Councilor Dominguez would like that information by District, even if it is a general geographic location. He said part of our intent is to distribute affordable housing funds throughout the community, and he would like to track that a little bit.

Councilor Dominguez asked the number of affordable homes which have been foreclosed and turned back for affordable homebuyers.

Ms. Dailey said the only program we had was the Neighborhood Stabilization Program, and there were 6 in 2011 for a grand total of 18 with the \$1.86 million. She said those aren't homes which were part

of the Santa Fe Homes Program or Affordable Housing, and those were homes which were foreclosed on the market.

Councilor Dominguez asked the number of affordable homes in the City's program which have been foreclosed.

Ms. Dailey said it is only a handful – less than 10 of which she is aware

Councilor Dominguez said he expected a higher number, and in that event he wanted to know what wasn't working, but that seems to be unnecessary now in view of the low number.

Chair Ortiz said this can be rescheduled again on a future agenda when we hear Item #14 at the next meeting, and Ms. Dailey can present the additional information requested.

### **CONSENT CALENDAR DISCUSSION**

#### **15. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FIRST QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2011/2012, ENDING SEPTEMBER 30, 2011. (CAL PROBASCO)**

Councilor Bushee said she presumes the CDBG is not receiving additional funding, noting on page 16 of the Memorandum it is shown as an increase.

Mr. Probasco said that is carry-forward funds.

Councilor Bushee asked about the ½% GRT income fund decrease of \$400,000 on page 16, and asked if those funds were allocated.

Mr. Probasco said he doesn't recall, but he can get that detail and get it to her.

Councilor Bushee asked about the Sewer Line Rehab on page, and asked if it was done.

Mr. Probasco said it is a work in progress.

Councilor Bushee said something she read said it went into reallocation, and she would like that information from staff before it goes to Council.

Brian Snyder said the sewer line rehabilitation is a Wastewater Division CIP, and not a General Fund CIP, so it is within the approved finance plan for the Wastewater Division, noting it currently is under construction.

Chair Ortiz asked if the Council recently allocated \$1 million for this in the last CIP Fund bond.

Mr. Snyder said each year in Wastewater there is a line item for sewer line rehabilitation, and if the funds aren't expended, they are carried forward to the next year. He said currently there is a contractor under contract for \$750,000, to do Sewer Line Rehabilitation which will be spent out of this fund.

Councilor Bushee said, "The one right below it, 54688 is the same amount of money, \$1,688,639, and I wondered if you decided not to do one and do the other. I just can't understand. Do you see that."

Mr. Snyder said, "I see that, the \$1.688 million. My understanding is that these are two different projects and the sewer line rehabilitation is in the field and the wastewater modifications are equipment within the plant."

Councilor Bushee reiterated, "They have the same exact dollars."

Unidentified staff from Finance said, "The reason they are the same number is because it represents a transfer from Fund 5460 the Sewer Line Rehabilitation Fund into the Wastewater Management Fund. This is a project fund, but it actually, for certain reasons related to fixed asset accounting, has to be expended out of the Wastewater Management Fund. So that's why we call it a reallocation, because it's the same project, but reallocating the funding."

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

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

- 17. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 18-1.4 SFCC 1987, REGARDING LICENSE APPLICATION SUBMITTAL REQUIREMENTS FOR ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES; AMENDING VARIOUS SECTIONS OF ARTICLE 20-5 SFCC 1987, REGARDING ALARM SYSTEMS AND FALSE ALARM REDUCTIONS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR CALVERT). (DEPUTY POLICE CHIEF FOLMAR-ALESSIO) . Committee Review: Public Safety Committee (approved) 11/15/11; Public Works (approved) 11/28/11; City Council (request to publish) 12/14/11; and City Council (public hearing) 01/11/12. Fiscal Impact – No.**

Councilor Bushee said she was hoping for a Memo, noting she is removing this for discussion because she hears from constituents that get bills of \$1,000 for repeated false alarms, but she doesn't understand how it could get that large. She said she has forwarded those emails to staff, but she has never had a response from anyone in this regard.

Deputy Chief Folmar-Alessio said they are dealing with those bills, and there are issues which they address weekly with the fines. She said they have researched the large bills, noting one of the \$1,000 bills was refunded.

Councilor Bushee asked Deputy Chief Folmar-Alessio to follow-up with her when she sends an email.

Deputy Chief Folmar-Alessio asked to whom Councilor Bushee is forwarding those emails.

Councilor Bushee said she sends them to the City Manager's Office "and they send it out somewhere, but I've had about like 4." She said has never heard back with regard to what needed to be changed so we weren't having people being charged \$1,000 for false alarm fees.

Deputy Chief Folmar-Alessio said part of the amendments are the training requirements that are in the original ordinance and making them stricter. She said a lot of the fines coming through are related to instructions or alarm problems by the users and they don't know how to operate the alarm. She said it is training installers and to get verification from the alarm company that it has provided some level of instruction to the users, so we can eliminate that part of the problem.

Councilor Bushee said the change makes the alarm company responsible for the fines assessed on the alarm user, noting that change is on page 9 of the Ordinance. She said she also hears from the alarm companies, and asked the Deputy Chief to give a quick version of how these changes will stop people from hating our alarm ordinance.'

Deputy Chief Folmar-Alessio said, "I think that it is going to... I think that a lot of our fines and fees and a lot of the complaints we received are because these people don't understand the ordinance or why we have it. They don't understand the fiscal impact on the City in terms of the Police response and that it takes two officers in 98 percent of the calls. I think that's an educational piece we can convey. But the actual alarm installation and how to work that alarm will cut down on the just basic errors that we receive. We go to alarms where someone is house sitting and her never been trained to use the alarm and why it's important and why we are doing this. I think that will cut out about 80% of the problems we have and some of the frustration on the part of the public, that they're seeing fines and not seeing information being reciprocated."

Councilor Bushee said, "Not having the complaints before me, I thought there was an additional complaint that we have a fine and an additional fee if people want to appeal."

Deputy Chief Folmar-Alessio said, "We took care of that in this, and what we did with that... that was a biggie. People were charged \$50 up front." She said it's a back end administrative fee like the Courts only if it is upheld – the Hearing Officer upholds the fine as legitimate.

Councilor Bushee said, "Do you feel like you caught most of the problems with the original ordinance."

Deputy Chief Folmar-Alessio said they caught a lot of them, and they have had several meetings with the Department Alarm Administrator and Cry Wolf, and with the alarm companies themselves. She said, "I think we're going to have a few more with the alarm companies. We've caught most of them. They don't like the idea of paying the fines, and they've actually been working on these with us."

Deputy Chief Folmar-Alessio said, "I need to get together with Sam one more time and say, okay, this is what we've done ya'll, what do you think about this."

Councilor Bushee asked if this is ready to go, reiterating again she's heard from several of the alarm companies in her District and asking her to make changes, and she doesn't know if those have been done.

Deputy Chief Folmar-Alessio said, "According to the meetings we've had with them, we've tried to incorporate changes and listen to them. Now some of them they don't like. They don't like the fees if you don't provide the certification that you've trained them, because it's additional. They don't like Cry Wolf at all, but we've been working with Cry Wolf to try to tighten up some of the administrative difficulties we're having. We're working with our alarm administrators to try to tighten up some of the obvious flaws in the administrative system itself. So we're doing that."

Deputy Chief Folmar-Alessio said, "So is this ready to go is what you've asked me. I would like one more chance to sit with the alarm companies themselves."

Councilor Bushee said the alarm companies told her they were still working with Deputy Chief Folmar-Alessio and the reason she is asking.

Deputy Chief Folmar-Alessio said she would feel more comfortable getting this to them one more time.

Councilor Bushee asked if she would have adequate time if they postpone this to the next meeting.

Deputy Chief Folmar-Alessio said it would give her plenty of time, but she would hate to interrupt Councilor Calvert's schedule, commenting that she thinks a postponement would be a good thing to do.

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Romero, to postpone this item to the next meeting of the Committee on January 3, 2012.

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

18. **REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 25-1.3 SFCC 1987, TO EXEMPT STATE EDUCATIONAL INSTITUTIONS FROM BEING REQUIRED TO COMPLY WITH CHAPTER 14 SFCC 1987 (LAND DEVELOPMENT LAWS), WHEN APPLYING FOR CITY WATER AND MAKING SUCH CHANGES AS ARE NECESSARY (COUNCILOR ROMERO, MAYOR COSS, COUNCILORS TRUJILLO, CALVERT AND DOMINGUEZ). MATTHEW O'REILLY AND BRIAN SNYDER. Committee Review: Public Works (approved) 11/28/11; City Council (request to publish) 12/14/11; and City Council (public hearing 01/12/11). Fiscal Impact – No.**

Councilor Bushee said understands this is geared toward the Community College and its future higher education. She wants to make sure nothing falls through the cracks. She said in this instance, you say it does not apply to State educational institutions, and asked if this means "where they want to build themselves," or when they are involved in the development of properties as fundraising or revenue stream development. She said, for example, the Ghost Ranch facility at Paseo de Peralta/Old Taos Highway is for sale and people are looking into it, noting it was a non-profit, educational facility. She said if people want to develop condos from that facility, we need to be sure affordable housing is required and believes we need more specific language.

Councilor Wurzbarger began to talk about what the language could be to address the issue, and Councilor Bushee said she wants the lawyers to write that, or the Housing staff.

Councilor Romero asked Mr. O'Reilly to speak to this, saying the language isn't as broad as it is construed to be, and actually is very narrow. She said one small piece was all that was changed, and it involves a higher learning center which is nobody else but the Community College. She said the SFCC isn't immune from everything.

Councilor Bushee would like to accept that language – higher learning center. She quoted from the bill, "This section does not apply to State educational institutions." She said, "It's plural and it's general, so I'm going to offer that up as an amendment."

**MOTION:** Councilor Bushee moved, seconded by Councilor Wurzbarger, for conceptual approval to amend the language in the bill so that it applies only to State educational institutions constructing facilities, specifically "the higher learning center" being constructed by the SFCC, and for the City Attorney's staff to come up with the appropriate amending language by the time this goes to the City Council which addresses the concerns expressed by this Committee.

**FRIENDLY AMENDMENT:** Councilor Bushee would like to amend the motion to direct legal staff to amend the bill title to match whatever language is proposed prior to the request to publish at the Council Meeting on December 14, 2011. **THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

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

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**END OF CONSENT CALENDAR DISCUSSION**  
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## **DISCUSSION**

### **PUBLIC HEARING**

21. **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). (Postponed at Finance Committee meeting of November 14, 2011). Committee Review: Planning Commission (not approved) 11/02/11; Public Works (not approved) 11/07/11; Finance Committee (postponed) 11/14/11; Capital Improvements Advisory Committee (scheduled) 12/08/11; City Council (request to publish) 12/14/11; and City Council (public hearing) 01/11/12. Fiscal Impact – Yes.**

Matthew O'Reilly, Director, Land Use Department, said he has nothing to add prior to the public hearing on this matter.

### **Public Hearing**

#### **Speaking to the Request**

Chair Ortiz gave each two minutes to speak to the issue.

**Karl Sommer, Land Use Lawyer**, welcomed Dr. Morgan, noting he worked with him at the Santa Fe Public Schools.

Mr. Sommer said he is here to support this request. First, the City is considering this policy in difficult economic times. He said the general policy is whether or not the City can do something which will help spur employment activity in the community for the sake of those that live and work in Santa Fe. He doesn't see this as a philosophical no growth/anti growth issue. It is the issue of whether the City, in difficult economic times, should do what it can to spur employment, and said "I believe that this does do that, or may help do that." He said at the very least it is a no lose proposition for the City. He said if this doesn't achieve the desired result, the City has lost nothing.

Mr. Sommer spoke about two projects which are marginal, and anything the City can do will make those projects more of a reality. These are development projects which will employ construction workers and will employ people long-term in the maintenance projects. He said there is potential upside to this action. He spoke about a large apartment project which went elsewhere because of the regulatory structure of this City versus another, in addition to the impact fees. He said it had to do with affordable housing fees, UECs, etc. He said regulation and fees do have an impact. He urged the Committee to approve this legislation, and "let's see how it goes."



**Mark Roman, Branch Design and Development**, said they currently have a large construction project which they are "way down the road on," with an invitation from HUD and January 19, 2012 is their final letter and they're ready to go. He said there is approximately \$2 million in fees for the project, including more than \$1 million in GRTs if this happens, and 176 market rate apartments which are needed in San Isidro. He said it has been more than 12 years since an apartment building has been built in Santa Fe, and this project will bring much needed housing for people that can't qualify for the 60% affordable housing. He said this ordinance will help them move this project "over the top," and urged the Committee to approve this request.

**Coleen Deering, Santa Fe Association of Realtors**, said the Governing Body has received a letter supporting this legislation from the Association. She said they congratulate the Governing Body on any attempt it makes to jump start development/building/jobs in Santa Fe and want to speak in support.

**Scott Hoeft, Santa Fe Planning Group**, said he is in support this ordinance. He said Karl Sommer did an excellent job of summarizing it from a macro standpoint. He said currently they are running the numbers for a 360 unit apartment project. He said Mr. Sommer is correct that they are building no market rate apartments right now, and asked why when nationwide apartments are booming. He said people are turning to this kind of project because it is difficult for people who can't afford to get into housing, but who can afford an apartment. He said they have no apartment project coming out of the ground right now, and they should. He said they are running numbers on these projects and there are significant comparisons with Albuquerque. He said in Albuquerque on an apartment project of 360 units, it costs \$700,000 for impact fees and UECs and in Santa Fe, it is more than \$2 million. He said these numbers make a huge difference in the bottom lines of these projects. He said they also ran a market study on apartments in Santa Fe, and Mr. Roman is correct, nothing is coming out of the ground right now. He said if anything, there is a flood right now of the affordable product that's coming out of the ground. He said their study indicated that 18 market rate units have been built since 2002. He said they are in support of the ordinance and anything which can be done to reduce the fees to make the projects more palatable "is beneficial to us." He said also, they can't get lending on a project if it is zero at the bottom line.

#### **The Public Hearing was closed**

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

**DISCUSSION:** Councilor Bushee said the last two speakers spoke about hook-up fees and not impact fees, and asked Mr. Hoeft to speak to that.

Mr. Hoeft said he was looking at the total numbers for the fees, and there are UEC fees, and impact fees and those two combine for \$2 million for a project of 360 units, noting he was comparing the cost with Albuquerque, noting there were zero impact fees charged in Albuquerque, while the impact fees on this project were about \$1 million.

Councilor Bushee said one of the things we have done is to waive impact fees for commercial, such as for the Railyard LLC. She said we are allowed to do that.

Councilor Wurzbarger said she doesn't recall doing that.

Councilor Bushee said she remembers specifically when we waived the impact fees for the Railyard LLC on a buildout. She asked Judith Amer, Assistant City Attorney, under what conditions the City is allowed to waive impact fees.

Ms. Amer said there is a provision in the Ordinance which allows us to do this.

Councilor Bushee asked if that can be done for both residential and commercial, reiterating that we have done this. She asked where in the ordinance is this permitted. She said we have considered waiving impact fees for a future project at the malls, and talked about being able to use the waiving of those impact fees as leverage.

Ms. Amer said she will need to study a copy of the Impact Fee Ordinance to be able to answer that question.

Councilor Bushee said she wants this information by the time this goes to the City Council. She is glad we aren't looking at commercial fees, although it is allowed in residential. She said she is unsure this is a jump-start, but she understands the intention. She said she looks at the categories – road, signals, parks, fire, police and wastewater – and then looks to what we are asking in an upcoming G.O. Bond we are asking the voters to approve. She said many of the categories are similar from parks to fire and police, and neighborhood parks. She is concerned and would like to do this on a case-by-case basis, commenting she would rather proceed in this manner, so she won't be voting in favor of this motion. She said she believes the impact fees imposed currently aren't covering costs of growth, and she doesn't want to have to pass those costs forward to the public.

Councilor Wurzbarger said this goes back to the basic premise of stimulus – if you don't try it can't work. She said this industry has been struggling over the past 3 years, including the workers in Santa Fe who have no job at all. She said if we don't do something like this, projects won't happen. She said if we continue to wait for projects to come back to us on a case-by-case basis, we're looking at 3-4 months processing. She said it is time for us to take a position on this now so we can have some projects built.

Councilor Romero said she will be voting against this for similar reasons. She said this isn't sufficient time to make a big difference, and somebody pays somewhere along the line. Said she doesn't believe our fees cover what they are designed to cover, whether it is fees for alarms or other fees, and she would prefer to look at these on a case-by-case basis. She said there is an infrastructure fee that somebody at some point along the line will pay in one way or another, so she will be voting against this.

Councilor Dominguez said, as a cosponsor, for him it is the difference between the revenue we generate from impact fees versus what this may do to increase GRTs and other things the industry brings with it. He said the reality is we can't rely solely on impact fees, especially in this day and age. He said this is really

about looking at the bigger picture and doing what we can. He said, "With great risks, come great reward," and at this time, we're not getting much of reward, so we need to take some sort of action. He will be voting in favor of the motion.

**VOTE:** The motion was approved on a voice vote, with Councilor Wurzbarger and Councilor Dominguez voting in favor of the motion, and Councilor Bushee and Councilor Romero voting against. The result of the vote was a tie, and Chair Ortiz voted in favor of the motion.

*Councilor Wurzbarger departed the meeting*

## **22. REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)**

Robert Romero reviewed his Memorandum of November 28, 2011 to Finance Committee Members which is in the Committee packet, with regard to the positions and the need to fill these positions. Please see this Memorandum for specifics of this presentation.

Mr. Romero said Item (5) the request to reestablish and reclassify two Crime Scene Technician positions to one exempt Police Captain position is off the table for now, because they were unable to meet with the union prior to the meeting.

Mr. Romero said Item (6) reclassifies Lieutenants from classified to exempt, and they can go into that exempt position with a contract that says if it doesn't work out, they can go back to their pay and previous position, noting the reasons this is important are outlined in the Memorandum.

Chair Ortiz asked if this is done for any other department in any other context, where we say you're going to be exempt with a pay raise, but if you don't like it for any reason, you have the ability to drop down into a classified position. He asked if we have ever done this before.

Mr. Romero said he believes what has happened in most cases has been in reverse where management asks them to step down, or in the case of a person who is in an acting position. He said he can think of very few times other than in the Police Department where an exempt person can go back to their old classified position. It has happened when a person is in an acting position where they go back to their classified position. He said this has been happening with Police Captains for many years, and what has happened is that Captains and Deputy Chiefs were moved back to their previous position, but he doesn't think they have moved back voluntarily.

Chair Ortiz said this request only applies to future Lieutenant positions, because you don't want to reclassify existing Lieutenant positions, and asked the reason, commenting it creates a tier – 1<sup>st</sup> Lieutenant and 2<sup>nd</sup> Lieutenant.

Mr. Romero said the Lieutenants came in under the premise that they wouldn't go back because they're classified, and he doesn't believe we can take away their classified status.

Chair Ortiz said a classified position can be reclassified and you can give them more money, and then let them decide if they want to take the classified position. He said there is no collective bargaining agreement for Lieutenant positions.

Mr. Romero said they can look at that, commenting that the intention was that existing Lieutenants would stay classified, and the new Lieutenants would come in with the understanding that they are exempt, but they could go back to their previous positions, similar to how the Captains are now.

Chair Ortiz asked the budget impact with the Lieutenants.

Mr. Romero said they would make the same pay. He said they're not in exempt positions like others where they can be terminated. They go to the position, and if it doesn't work out, they go back to the previous position and pay, so there is some safety.

Chair Ortiz said then they're not classified nor exempt, they are in a special category.

Councilor Bushee asked what the Information Specialist at the CVB does.

Mr. Romero said this person provides information to the public on request, both at the CVB and the Depot. He said Reggie Cox is retiring and this is the replacement for her position, and he wants the authority to fill that position, noting there are only two Information Specialists.

Councilor Bushee said, with regard to the request on the Lieutenant positions, the memo indicates it is a straight-up reclassification, and asked where it says they can go back.

Mr. Romero said the way it has worked in the past, when someone becomes a Captain they sign a letter saying they understand they are exempt and work at the will of the Chief and the City Manager, and they could be sent back to their previous position at the previous pay – if they accept that promotion, they sign that letter of agreement. He said they use the term "exempt," because the person works at the will of the Chief and the City manager, and by the time they get to Lieutenant they have a minimum of 10 years experience. However, some don't get to be a Lieutenant until 15 years.

Councilor Bushee asked if this is a way to give them more money.

Chair Ortiz said the reason they want to make them exempt is so the City Manager and Police Chief can pick and choose their command without going through a merit selection process.

Chief Rael said that is, in part, one of the reasons, but there are additional reasons for the recommended change. He said the Lieutenant's job has evolved over the years, from when it was the backup to the Captains who were running the shift, and have moved to a higher level of management. He said an individual has to be qualified to be selected for this position. He said they are finding that long term Sergeants are refusing to take the Lieutenant's exam for two reasons. One, they say they lose money

because they are no longer eligible for overtime, and two, they no longer are eligible for benefits that members of the Police Officers Association receive. He said we either have a very small pool or no pool whatsoever in terms of these positions.

Chief Rael said he would like these to be exempt positions, so if we have that situation, we can also fill the positions from outside the Department and bring in an individual to the position which is fully exempt. He said traditionally, if someone has been promoted into an exempt position, they have been allowed to revert back to their last classified rank for whatever reason.

Councilor Bushee asked if the Fire Department has this policy as well.

Chief Rael said he doesn't know, but he believes they are totally exempt.

Councilor Bushee asked if this policy is written somewhere in Human Resources.

Mr. Romero said when he became City Manager, all of the Captains had these letters in their files, and two of the Deputy Chiefs had letters as well, noting he is unsure when this practice started, but it was in place when he became City Manager.

Councilor Bushee asked who writes the letter.

Mr. Romero said Human Resources or the City Manager and City Attorney.

Councilor Bushee said this seems to bend the H.R. Rules.

Chief Rael said what we've had in the Police Department are people who are within 15 years of retirement on a 20 year retirement program, and people are now reluctant to accept a position where there is a possibility that something would change and end their career prematurely before reaching retirement. He said to make it attractive they insist on a revision clause to be able to reach the end of their retirement. He said currently the only positions they can fill from outside the Department are the Captains and Deputy Chief positions.

Responding to Councilor Bushee, Chief Rael said people don't want to move into the exempt positions because they make more money as a Sergeant with overtime, incentives, benefits, and extra leave. He said they may get a 10% raise, but they lose all the other incentives and either take a pay cut or break even for all of the additional responsibility and work.

Chair Ortiz said however, they get a higher rate of pay at retirement, because overtime doesn't count toward the PERA.

Councilor Bushee asked if it is really necessary to distinguish between a Sergeant, Lieutenant and a Captain.

Chief Rael said yes, reiterating that the Lieutenant position is a solidly management position and has many responsibilities, including developing policy, managing patrol shifts and serving as the representatives of the City.

Councilor Bushee asked if they can work overtime once they are management.

Chief Rael said the proposal doesn't include paying more money, it just allows us to fill the positions internally or externally.

Chair Ortiz said this would allow the Chief to bring in Lieutenants from outside the Department, if no one within the Department wants the position.

Councilor Romero congratulated Chief Rael on his recertification.

Councilor Romero asked about the position for Youth Commission Director, and Mr. Romero said that position has been before the Committee and the Council, was approved, and that position is in the process of being filled.

Councilor Dominguez asked if there is a shortage of Lieutenants at this time.

Chief Rael said not now but there will be in the near future.

Councilor Dominguez asked how soon that will be.

Chief Rael said it is difficult to tell, but at this time, there are Lieutenants who are within a few months of retirement and could choose to retire.

Mr. Romero said those Lieutenants are not exempt.

Chief Rael said that is correct, noting currently, the Lieutenant is a classified position, and all of the Captains are exempt, but can be removed, but they all have letters authorizing them to revert to their previously held rank to finish their retirement. Responding to the Chair, Chief Rael said all Captains and Deputy Chiefs have the letter in their file and can revert to the previous rank.

Chair Ortiz asked how this policy was approved.

Mr. Romero said this was a past practice, and presumes he has the authority to approve these letters. Responding to the Chair, Mr. Romero said he doesn't know if the Chiefs and Battalion Chiefs in Fire are exempt, and none of the other exempts have anything like that in their file.

Chair Ortiz suggested that staff ask the City Attorney's Office, particularly Mark Allen, to advise how this practice/authority came about.

Vickie Gage said it has been a practice of the command staff at the Police Department to have the letters of reversion on file, and she believes the practice goes back 20 years. She said the City Manager at the time has signed these letters. She said, "In current history, the City Attorney's Office has been consulted as far as the propriety of doing that."

Councilor Dominguez said Chief Lennen worked at one time to get all Police Department Captains classified as exempt. He sees and understands the rationale for wanting to do this. He asked if Lieutenants get any officer incentive pay that has to be negotiated.

Mr. Romero said he recalls that management got about \$30,000 in incentives, and the Lieutenants get some sort of shift differential.

Councilor Dominguez asked if they get an incentive for being bilingual for example, saying he seems to recall discussing officer incentives during the budget process.

Mr. Romero said he believes there is a Lieutenant incentive, which was set up for the reasons the Chief discussed. He said some of the Sergeants were making \$100,000, with overtime, although Lieutenants don't get overtime, and they get a one-time \$175 incentive.

Chief Rael said Lieutenants wouldn't be eligible for the benefits because they aren't members of the Santa Fe Police Officers Association. He reiterated that people make more take-home money by staying in the lower position, and the pay range differential isn't sufficient to make someone want to take the risk to become a member of management. Responding to the Chair, Chief Rael said it is the overtime, combined with some of the other incentives.

Chair Ortiz asked if the Lieutenants with APD are covered under the collective bargaining agreement.

Chief Rael said no, but there is a 15-20% range difference in pay between a Sergeant and a Lieutenant.

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

**DISCUSSION:** Councilor Bushee asked how many Lieutenants there are and Chief Rael said there are 8.

Responding to Councilor Bushee, Chief Rael said he is trying to keep this request revenue neutral.

Councilor Bushee asked Chief Rael if he is concerned that any of these people might want to revert back to Lieutenant. [The rest of Councilor Bushee's remarks here are inaudible because her microphone was turned off.]

Chief Rael said if this request is not approved, and there is no differential pay, he will have a difficult time filling the positions.

Chair Ortiz asked the fiscal impact to reclassify all of the Lieutenants to exempt, even those currently classified, and giving them a 10-15% "bump."

Chief Rael said he doesn't know, because he was trying to keep this revenue neutral, given the current financial situation, so he didn't research that possibility.

Chair Ortiz said he would support all of the positions requested by the City Manager in general, with the exception of the Police Department positions. However, he would like Chief Rael to research the fiscal impact to reclassify all Police Lieutenants to exempt, with a raise commensurate with that reclassification.

**MOTION TO SEVER:** Councilor Bushee moved, seconded by Councilor Dominguez, to sever the request to (1) reestablish and reclassify two Crime Scene Technician positions to one exempt Police Captain position in the Police Department; and (2) convert future Police Lieutenant positions from classified to exempt.

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

#### **CONTINUATION OF DISCUSSION ON THE MAIN MOTION, AS AMENDED.**

**FRIENDLY AMENDMENT:** Councilor Dominguez would like to amend the motion to provide that the Police Department requests will come back to the Finance Committee at the next meeting January 3, 2012, with direction to staff to bring back a written legal opinion and rationale with regard to the practice of putting a letter in the file when a policeman is promoted to an exempt position, that the policeman can return to his previous rank at his option; and the fiscal impact to reclassify all Police Lieutenants with a raise commensurate with that reclassification. **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

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

#### **23. OTHER FINANCIAL INFORMATION:**

##### **A. UPDATE ON CITY'S INVESTMENT PORTFOLIO AS OF SEPTEMBER 30, 2011. (HELENE HAUSMAN)**

Helene Hausman reviewed the information in her Memorandum of December 5, 2011, to the Finance Committee. She said the State Employees Credit Rating was increased from a 3 to a 4 star as of June 30<sup>th</sup>. She said, unfortunately, First National Banks rating was dropped from a 5 to a 4, and had more to do with the sluggish construction industry than any failure on the bank's side. She said these are the only four-star banks in Santa Fe.

Chair Ortiz asked if we can deposit City monies in a State Credit Union.

Ms. Hausman said yes, but only up to the limit of their credit association, noting she has two City CD's, one at State Employees and one at Guadalupe Credit Union for \$250,000 each which is the maximum.



Ms. Hausman said the City still has \$121,000 sitting in a reserve contingency fund in the Local Government Investment Pool which we can't touch, which will be used to determine the City's liability for the loss due to the failure of Lehman's.

Ms. Hausman said our interest rates on investments are continuing to slide which is not unexpected, noting last week Fitch changed the U.S. rating to a AAA with a negative watch because they were disgusted with the failure of the Federal committee to go over the debt issue and make any decisions. She said we also have problems with the European Union trying to resolve its financial issues and come to terms as to whether the members can agree to certain fiscal constraints being imposed on them. She said the "Euro will either sink or swim on this decision." She said on Monday, Standard & Poors downgraded 15 European countries which will put more pressure on the situation and drives a lot of foreign countries into buying U.S. Treasuries which continue to have all time low rates.

Ms. Hausman said she is uncomfortable with the \$1.5 interest budgeted for this year, noting we earned \$300,000 less in October and November than she expected, and she will keep the Committee informed as to what happens through the end of the fiscal year.

Chair Ortiz said because of this, we have a lower cost to finance and refinance bonds. He asked if there is a net savings or positive we can see from that.

Ms. Hausman said this is correct, and we are hoping the rates stay low so we can take advantage of those, and the interest rates paid for the term of the bonds, and talked about the impact on refunding bonds in the current market which is impacted by what is happening in Europe.

Chair Ortiz asked if there is any possibility the State will seriously consider the idea of pooling our resources for a sort of Bank of New Mexico which has been floated by some Legislators, and if so, could the City participate in such an endeavor.

Ms. Hausman said she would have to look at the structure and the requirements. She said the City has very little funds in the Local Government Investment Pool because it is paying less than she can earn at Wells Fargo. She said she hasn't seen enough information on the idea to really form an opinion at this time.

Chair Ortiz thanked Ms. Hausman for her report.

Dr. Morgan thanked Ms. Hausman for the work she does on behalf of the City and said she does an excellent job in managing the investment of City funds.

## **24. MATTERS FROM THE COMMITTEE**

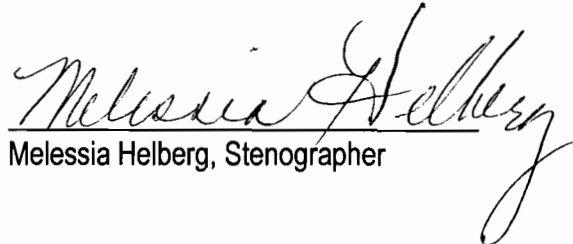
Chair Ortiz noted that Yolanda Vigil emailed the approved meeting schedule for the Finance Committee for 2012 to the members of the Committee, and thanked her for that information.

**25. ADJOURN**

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

  
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Matthew E. Ortiz, Chair

Reviewed by:

  
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Dr. Melville L. Morgan, Director  
Department of Finance  
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Melessia Helberg, Stenographer