



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
APRIL 2, 2012 – 5:00 P.M.

CITY CLERK'S OFFICE

3/30/12 TIME 4:35
Yolanda Green
Rae Lopez

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

Regular Finance Committee Meeting – March 19, 2012

INFORMATIONAL ITEMS

6. Transparency Presentation (Carla Lopez)
7. Public Safety Presentation (Police Chief Raymond Rael)
8. BBER Report Presentation (Robert Romero)

CONSENT AGENDA

9. Request for Approval of Professional Services Agreement – Engineering Design Services at the Santa Fe Depot Platform and Performance Stage Rental for the Railyard Park Performance Green and Plaza; Santa Fe Railyard Community Corporation. (Bob Siqueiros)
 - A. Request for approval of budget increase – Project Fund
10. Request for Approval of Santa Fe University of Arts and Design (SFUAD) Scholarships Section Revisions. (Sean Moody and John Griego)
11. Request for Approval of a Resolution Directing Staff to Initiate Negotiations with Santa Fe County for the Purpose of Amending that certain Settlement Agreement Between the City and County to Amend the Phasing of Certain City and County Services. (Councilors Bushee, Calvert and Wurzbarger) (Reed Liming)

Committee Review:

Public Works (postponed)	05/09/11
Public Works (approved)	03/26/12
City Council (scheduled)	04/11/12



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CITY COUNCIL CHAMBERS
APRIL 2, 2012 – 5:00 P.M.

Fiscal Impact – No

12. Request for Approval of a Resolution Supporting the Continuation of Economic Development Activities related to the Film Industry within the City of Santa Fe and Authorizing the use of City-Owned Properties, at No Cost, for Film and Television Productions that are enrolled in the New Mexico Film Production Tax Credit Program. (Councilor Wurzbarger) (Fabian Trujillo)

Committee Review:

Finance (postponed)	03/19/12
Public Works (scheduled)	04/09/12
City Business & Quality of Life (scheduled)	04/10/12
City Council (request to publish)	04/11/12

Fiscal Impact – Yes

13. Request for Approval of a Resolution Amending the Designated Funding for Interim Bridge Rehabilitation, Approved by the Governing Body on November 30, 2011, so that all such Designated Funding be used, in Conjunction with other Local, State and Federal Funding Mechanisms, to replace the Defouri Street Bridge. (Councilors Bushee and Calvert) (Isaac Pino)

Committee Review:

Public Works (approved)	03/26/12
City Council (scheduled)	04/11/12

Fiscal Impact – Yes

14. Request for Approval of a Resolution Establishing a Blue Ribbon Panel whose Sole Purpose is to develop and Recommend a Plan to end Homelessness in Santa Fe. (Mayor Coss and Councilors Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger) (Nick Schiavo and Terrie Rodriguez)

Committee Review:

City Council (request to publish)	04/11/12
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Fiscal Impact – Yes



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FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
APRIL 2, 2012 – 5:00 P.M.

15. Request for Approval of a Resolution Directing Staff to Prepare the Required Documents to Amend the Current Agreement between the City of Santa Fe and the Santa Fe Railyard Park Stewards for Continued Services to be Provided at the Santa Fe Railyard Park and Plaza for an Additional \$100,000 per Year to be Paid Over a Three Year Term (Councilors Romero, Trujillo, Wurzbarger and Calvert) (Bob Siqueiros)

Committee Review:

Public Works (approved)	01/23/12
Finance Committee (withdrawn inadvertently)	01/30/12
Finance Committee (postponed)	02/20/12
City Council (scheduled)	03/28/12

Fiscal Impact – Yes

16. Request for Approval of an Ordinance Amending Article 23-6 SFCC 1987 to Establish Regulations for Event Sponsors who have been authorized to use a City Park when the Sale and Consumption of Alcohol is Permitted. (Councilor Dominguez) (Alfred Walker)

Committee Review:

Public Works (approved)	03/26/12
City Council (request to publish)	04/11/12
Public Safety (scheduled)	04/17/12
City Council (public hearing)	05/09/12

Fiscal Impact – No

17. Request for Approval of an Ordinance Amending Subsections 14-3.10(B) SFCC 1987 and 14-3.10(C) SFCC 1987 Relating to Development in Special Flood Hazard Areas; Amending Section 14-8.3 Relating to Flood Regulations; Amending Article 14-12 SFCC 1987 to Repeal the Definition of "Floodplain" Amend Various Definitions and Establish Definitions for "Flood Insurance Rate Map" and "Waiver"; and Making any other Changes as are Necessary. (Mayor Coss) (Matthew O'Reilly)

Committee Review:

Public Works (approved)	03/26/12
Planning Commission (scheduled)	04/05/12
City Council (request to publish)	04/11/12
City Council (public hearing)	05/09/12

**SUMMARY OF ACTION
FINANCE COMMITTEE MEETING
Monday, April 2, 2012**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1-2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		3
APPROVAL OF MINUTES: MARCH 19, 2012	Approved	3
<u>INFORMATIONAL ITEMS</u>		
TRANSPARENCY PRESENTATION	Information/discussion	4-9
PUBLIC SAFETY PRESENTATION	Information/discussion	9-31
BBER REPORT PRESENTATION	Information/discussion	31-40
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENGINEERING DESIGN SERVICES AT THE SANTA FE DEPOT PLATFORM AND PERFORMANCE STAGE RENTAL FOR THE RAILYARD PARK PERFORMANCE GREEN AND PLAZA; SANTA FE RAILYARD COMMUNITY CORPORATION	Move forward to Council w/o rec.	40-41
REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND	Move forward to Council w/o rec.	40-41
REQUEST FOR APPROVAL OF SANTA FE UNIVERSITY OF ARTS AND DESIGN (SFUAD) SCHOLARSHIPS SECTION REVISIONS	Approved	41-43
REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO INITIATE NEGOTIATIONS WITH SANTA FE COUNTY FOR THE PURPOSE OF AMENDING THAT CERTAIN SETTLEMENT AGREEMENT BETWEEN THE CITY AND COUNTY TO AMEND THE PHASING OF CERTAIN CITY AND COUNTY SERVICES	Approved	43

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ACTION

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REQUEST FOR APPROVAL OF A RESOLUTION
SUPPORTING THE CONTINUATION OF ECONOMIC
DEVELOPMENT ACTIVITIES RELATED TO THE
FILM INDUSTRY WITHIN THE CITY OF SANTA
FE AND AUTHORIZING THE USE OF CITY-OWNED
PROPERTIES AT NO COST, FOR FILM AND
TELEVISION PRODUCTIONS THAT ARE
ENROLLED IN THE NEW MEXICO FILM
PRODUCTION TAX CREDIT PROGRAM

Approved [amended]

44-46

REQUEST FOR APPROVAL OF A RESOLUTION
ESTABLISHING A BLUE RIBBON PANEL WHOSE
SOLE PURPOSE IS TO DEVELOP AND RECOMMEND
A PLAN TO END HOMELESSNESS IN SANTA FE

Approved [amended]

46-48

REQUEST FOR APPROVAL OF A RESOLUTION
DIRECTING STAFF TO PREPARE THE REQUIRED
DOCUMENTS TO AMEND THE CURRENT
AGREEMENT BETWEEN THE CITY OF SANTA FE
AND THE SANTA FE RAILYARD PARK STEWARDS
FOR CONTINUED SERVICES TO BE PROVIDED AT
THE SANTA FE RAILYARD PARK AND PLAZA, FOR
AN ADDITIONAL \$100,000 PER YEAR, TO BE PAID
OVER A THREE YEAR TERM

Approved

49-52

REQUEST FOR APPROVAL OF AN ORDINANCE
AMENDING SUBSECTIONS 14-3.10(B) SFCC 1987,
AND 14-3.10(C) SFCC 1987, RELATING TO
DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS;
AMENDING SECTION 14-8.3 RELATING TO FLOOD
REGULATIONS; AMENDING ARTICLE 14-12 SFCC 1987,
TO REPEAL THE DEFINITION OF "FLOODPLAIN,"
AMEND VARIOUS DEFINITIONS AND ESTABLISH
DEFINITIONS FOR "FLOOD INSURANCE RATE MAP"
AND "WAIVER"; AND MAKING ANY OTHER CHANGES
AS ARE NECESSARY

Approved

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END OF CONSENT AGENDA DISCUSSION

DISCUSSION

REQUEST FOR APPROVAL OF CONSIDERATION
TO FILL VACANT POSITIONS

Approved

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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<u>OTHER FINANCIAL INFORMATION:</u>		
UPDATE ON BUDGET PROCESS FOR FISCAL YEAR 2012/2013	Approved	53
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**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE**
Monday, April 2, 2012

1. CALL TO ORDER

A meeting of the City of Santa Fe Finance Committee was called to order by Chair Carmichael A. Dominguez, at approximately 5:00 p.m., on Monday, April 2, 2012, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Carmichael A. Dominguez, Chair
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Peter N. Ives

MEMBERS EXCUSED:

Mayor David Coss
Councilor Ronald S. Trujillo
Councilor Rebecca Wurzbarger

OTHERS ATTENDING:

Dr. Melville L. Morgan, Director, Finance Department
Yolanda Green, Finance Division
Melessia Helberg, Stenographer.

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

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

3. APPROVAL OF AGENDA

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve the agenda, as amended.

DISCUSSION: Councilor Calvert said the materials for Items #12 and #13 are flip-flopped in the packet.

Councilor Bushee said it was stated at the last meeting that Item #15 would be reintroduced by the sponsors, and that it would be a new version because of the amendments, and "I didn't see a reintroduction so I'm surprised again that it's on the agenda."

Chair Dominguez said he put it on the agenda, because he got an explanation from the former Councilor who introduced it, and he thinks there was some miscommunication between the staff and the Councilor.

Councilor Bushee said that was explained at the last meeting, however, the way it was presented at that time, and we voted on it, it was indicated that it was withdrawn, so that at the last meeting "we indicated it would be re-introduced, but procedurally it should not appear on the agenda."

Chair Dominguez said he doesn't believe that is actually accurate.

Councilor Bushee said, "I'm raising that, because if you need to get the minutes... but if you'll recall, at the last meeting, you suggested that it had been withdrawn, we had that discussion and it was stated that we would have it reintroduced by the sponsors. Right. So, it did not get reintroduced by the sponsors, and I remember the conversation even included that there were amendments and that it would come back in a cleaned-up form, so again, not sure why it's on the agenda."

Chair Dominguez said he thought he explained the reason it is on the agenda.

Councilor Calvert said, "I think there was a misunderstanding, in terms of whether or not it was withdrawn, and I don't think it was withdrawn. I think it was postponed and I think the former Chair of this Committee confirmed that that was his understanding as well, so I don't think it needed to be reintroduced, and that was the misunderstanding. So it was moving forward. It had already passed Public Works, so I think that was the misunderstanding, and so we'll just put it back on the Agenda."

Councilor Bushee said, "No, it was withdrawn."

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

4. APPROVAL OF CONSENT AGENDA

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

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

CONSENT AGENDA

9. *[Removed for discussion by Councilor Bushee]*
10. *[Removed for discussion by Councilor Bushee]*
11. *[Removed for discussion by Councilor Bushee]*
12. *[Removed for discussion by Councilor Bushee]*
13. REQUEST FOR APPROVAL OF A RESOLUTION AMENDING THE DESIGNATED FUNDING FOR INTERIM BRIDGE REHABILITATION, APPROVED BY THE /GOVERNING BODY ON NOVEMBER 30, 2011, SO THAT ALL SUCH DESIGNATED FUNDING BE USED, IN CONJUNCTION WITH OTHER LOCAL, STATE AND FEDERAL FUNDING MECHANISMS, TO REPLACE THE DEFOURI STREET BRIDGE. (COUNCILORS BUSHEE AND CALVERT) (Isaac Pino) Committee Review: Public Works (approved) 03/26/12; and City Council (request to publish) 04/11/12. Fiscal Impact – Yes Fiscal Impact – Yes.
14. *[Removed for discussion by Councilor Bushee].*
15. *[Removed for discussion by Councilor Bushee]*
16. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING ARTICLE 23-6 SFCC 1987, TO ESTABLISH REGULATIONS FOR EVENT SPONSORS WHO HAVE BEEN AUTHORIZED TO USE A CITY PARK WHEN THE SALE AND CONSUMPTION OF ALCOHOL IS PERMITTED (COUNCILOR DOMINGUEZ). (ALFRED WALKER) Committee Review: Public Works (approved) 03/26/12; City Council (request to publish) 04/11/12; Public Safety (scheduled) 04/17/12; and City Council (public hearing) 05/09/12. Fiscal Impact – No.
17. *[Removed for discussion by Councilor Bushee]*

END OF CONSENT AGENDA

5. APPROVAL OF MINUTES: MARCH 19, 2012

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to approve the minutes of the Regular Finance Committee Meeting of March 5, 2012, as presented.

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

INFORMATIONAL ITEMS

6. TRANSPARENCY PRESENTATION. (CARLA LOPEZ)

Carla Lopez enumerated the items which are in the Committee Report. Ms. Lopez presented information from her memorandum which is in the Committee packet. She said the report is embedded in Resolution No. 2011-56, and Exhibit A, noting there is text after each item to which staff responded and the text is underlined and in italics. She said there is a lot of information in these documents. She noted a lot of the information is at the website and there is something called a Sunshine Portal so a lot of the information linked there. Please see this Memorandum and Exhibit A for specifics of this presentation. Either love it or hate it.

Councilor Bushee said she believes Carla has done what she can to the website, and her questions are for the City Manager, City Attorney and the Finance Director. She said, "I understood this to be a transparency communication, so I'm going to harken back to the resolutions that I had introduced and that we have passed here unanimously, and maybe the minutes, Carla if I get to that a little bit, but most of the minutes from when you had a presentation back on January 26, 2011, you referenced various departments that gave various reasons that they could or could not put something on the website, so for me, it's not so much that we don't publish when agendas are going... minutes are there more or less from 2011. But let me start with you, back to the meeting of January 26, 2011, when you spoke of.. It was the former Finance Director at the time, Kathryn Raveling, and we were talking about what we called a check book register. Can you explain what that is."

Ms. Lopez said, "You know, that's one thing I should have reported on, that's not in this report. The current Finance Director, Dr. Melville Morgan, has put the check register at the website the best he can for now."

Responding to Councilor Bushee, Ms. Lopez said is the first time that has been on the website, noting Dr. Morgan put very rudimentary City employees' salaries – name, position and hourly rate. She said Dr. Morgan also is working on entering the vendors so it will look like Albuquerque's Sunshine Portal.

Councilor Bushee said she introduced the Sunshine Portal Resolution in 2010, thought she would get same response she got in 2011, which is that it would take a lot of money, it's a lot of work, we can't get things done. She said the minutes suggested that "we already had a checkbook register."

Ms. Lopez said it is not searchable, it is a "big, huge, long document that is linked there, and if people want to look through a big long Excel document, it's there."

Councilor Bushee asked when the salaries and the checkbook register were posted on line, and Ms. Lopez said it was just this past week.

Councilor Bushee asked if those are searchable, and Ms. Lopez said no.

Councilor Bushee said, "Then what do we actually have."

Dr. Morgan said, "What you have is an Excel file that is sortable, so you can find things in it, you can also do a find on it. What we do not have yet, is the kind of program that will allow you to search, for instance like the Albuquerque one has, but we're working on getting that put up. Working on it means that I have initiated discussions with vendors to get quotes."

Councilor Bushee said, "Okay, then you're going to start to have contractors, sole source contractors."

Dr. Morgan said they haven't done the contracts yet, but they will.

Councilor Bushee asked when that will be done, and Dr. Morgan said, "As soon as I can get it done ma'am."

Councilor Bushee asked if that will be months, and Dr. Morgan said, "No."

Councilor Bushee asked when he will have credit card statements posted to the website.

Dr. Morgan said, "As soon as I can get it done."

Councilor Bushee asked, "Weeks, months."

Dr. Morgan said, "Weeks."

Councilor Bushee said, "Okay, weeks. So, in a couple of weeks, one could check."

There was no verbal response by Dr. Morgan.

Councilor Bushee said, "And then in the minutes of 2011, it mentioned, I'm assuming Ms. Vigil is Yolanda Vigil, and I'm not sure who initiated this, it said you spoke to Ms. Lopez about tying contracts to political contributions, and this is readily available using getting the information tying the contracts to campaign contributions. That, I don't know, this is 2011, so that's something that can be done, is going to be done."

Ms. Lopez said she didn't follow up on that but she will check on it, and check back with Councilor Bushee soon, in a few weeks.

Councilor Bushee asked how far back do the minutes go.

Ms. Lopez said the minutes are permanent records, and go back to 2006 when the website was launched.

Councilor Bushee said, "They go back that far, because in these minutes it says 2011 minutes are the only ones that are there."

Ms. Lopez said, "Those minutes that are in the packet are just for the one meeting when I was reporting. Are we communicating. I don't know what you're asking."

Councilor Bushee said, "No, it said... the voting records are another thing I was going to get into, but it talked about noting currently all of the minutes aren't on line, but it will be in 2011, so minutes how far back."

Ms. Lopez said, "Minutes back to 2006 are up and I didn't look, but I can check and see if she got them up all the way to up to date. It's real labor intensive work for the City Clerk's office."

Councilor Bushee asked if there is any information on the voting records.

Ms. Lopez said the only thing that is in there is what is part of the minutes. Whatever Yolanda does, the City Clerk, is there."

Councilor Bushee said, "Okay I'm just going to ask, Robert, if you can have Yolanda get back to us as to how that can begin to be up on the web. And then the other one, again in the minutes, because I don't have a budget, I've been told all kinds of figures, ranging from a quarter million dollars on up that it would take, but in these minutes at least, that I have here before me, it says, '...to have searchable software for contracts, Robert Rodarte would need \$76,000," and then Matt O'Reilly had said he would need \$400,000 for people to be able to get building permits on line, and that information on line. So I guess I just want to know if there's been any progress on that."

Ms. Lopez said she doesn't know whether Mr. O'Reilly has put that in his budget, and she knows it requires "big, huge screens to be able to read blueprints, and like 16 of them or something."

Councilor Bushee said, "Yes. 16 monitors... 36 inch monitors for 16 stations would be an additional 16, but that the software he would need would be \$400,000 for people to be able to be on line with regard to building permits. I'm just asking if that's something we're pursuing, and then I've got to have Robert give me an overall idea, because what I had hoped for out of both these Resolutions was an actual transparency audit, with timelines and dates as to when we were going to have various aspects of local government put on line in a more transparent way, but if I can just get the answer on... and I have one more for Dr. Morgan."

Mr. O'Reilly said, "Councilor Bushee, the \$400,000 that you are referring to is an estimate of what it would cost to implement an electronic plan submittal system for building permits. It was not money that would be spent to make those permits searchable on line, or anything like that. It wasn't related to transparency. It was related to customer service, and whether we could do all of our permits electronically, and then respond with our comments, when we review permits electronically. So that was for something called an Eplan system. We've since did check that out, and it looks like that is not going to be the proper system for us to use. With regard to whether building permits and other information are allowable, are searchable, they are now through the City's "click to gov" system. An applicant, a contractor, or an architect, or whoever is on record on that building permit, can check the status of their inspections and also the review status of any review comments of a permit right now on line. They can

also do that, using our IVR telephone system and they can get that information through the telephone system. So we're there now in terms of that."

Councilor Bushee said, "It was just in the presentation that Carla gave us back in January 2011.

Councilor Bushee said, "Then finally, just back to Dr. Morgan, the other request I have had is travel for everybody, but particularly for Councilors, to be up on the web. The other, Robert, is just overall the budget. So I presume we're going to take this bit by bit now, and we're no longer going to need a quarter million dollars to get something done, and what we'll get is a report back at some point in the future as to the areas that maybe are missions, or is there a plan to follow that Resolution, kinda what the League did with the County and actually do a transparency audit, because it's one thing to say, okay, we have some information available on our website, and I think Carla's done what she could do and I think it's been yeoman's work with one person, but really it was the holdup back in 2011, as explained to us was that there were a lot of departments that had inadequate software or staffing levels to get that information made available to the public, so is there some..."

Mr. Romero said there are two Resolutions, one is the Sunshine Portal Resolution. As you're aware, we've done a lot of work on that. We just received an award on that, because the information we have on there is what is expected, based on the guidelines for a sunshine portal. I think we heard earlier...."

Councilor Bushee said, "Except for the details of which I've just broken down, so not much was very searchable, particularly."

Mr. Romero said, "Again, the sunshine portal is up and we'll continue to work on that. The second Resolution is the Resolution that was passed on transparency, and what it says is that we are to follow the practices and policies that are attached in the exhibit. So what we've done in the Exhibit, starting on page 1, is show you what we're doing on every single one of those policies and practices. As far as the transparency audit, I didn't see anything in the Resolution, maybe I missed it, but a specific transparency audit. I believe the Resolution asked us to follow these policies and practices and that's what we've been working on for some time. And under each one, under the report portion, we talk about what we've done or what we're going to do. I think Carla went through those just a moment ago. Do you want me to go through them again."

Councilor Bushee said, "No, I understand and I've read them all. So... really, when I read through it, it came back to the specifics, most of which came out of the Finance Department. And so, anything with regard to contracts and all that I just went through. I looked at page 18 of the packet and it said we were going to have searchable.... all of those various things, and I just wrote when, and so, I'm just looking for the details as to when some of those are going to be available. The only thing I noticed in that piece of it was it said, 'The City Manager and the City Attorney will be presenting training on the Open Meetings Act, it brought an ethics ordinance, and what I wanted to just point out, is I'd had some correspondence with board members of FOG [Foundation of Open Government], and what I want to point out is they offer training, so I thought perhaps before our City Attorney and the City Manager offer our staff training, perhaps they want to avail themselves of some of the trainings that are made available through the

Foundation of Open Government. Make sure we're actually training everybody in the correct way, and really, that was it. I was really hoping though that we might have, essentially what the League did with the County, which when we put the Resolution in, was to run through all our various areas and actually say, yes, this is done, done to this level, needs to be better. You know, kind of an overall audit and so when I had asked for this to be on the agenda this last Finance Committee meeting, I had also hoped that that's what I was going to get was more or less an update on how we were doing on that audit."

Mr. Romero said he understands the City exceeds what is offered by the County, but he will look at that and present it in a better way. We can look at the County policy. He said, "Again, I think this exhibit was the result of what the County's doing and I think we've done our best to give an update with each of these issues, but we can also take a look at the County's policy and again, show where we are compared to what they do and it's my understanding that from the time we started, we were ahead, but we'll look again and bring that forward in that format if that's what you wish."

Councilor Bushee said, "Okay. I only raised that again, because I've had conversations, not at a committee level, with the City Attorney over the past months, and he was the one to indicate to me that there would be a big cost for the City to implement this. And it seems like at least with the new Finance Director we're making inroads in some of the areas that people most want, a more searchable, detailed website, and so I'm gonna hope that we'll get a report back in weeks when that information is going to be made available to the public. And please let me know if FOG can conduct the training. I know I for one would want to sit in on that."

Ms. Lopez said, "In contract negotiations with the new website contractor, which we'll bring to the next Finance Committee meeting, we've got a lot of discussions about why are there issues with a search on the existing site, and how that can be cleaned up and how that can work better, grade improvement in bids and RFP's... they're going to do just lots and lots of real custom work for us that will really make a big difference."

Councilor Bushee said, "So Robert Rodarte does not need \$76,000 worth of software to get that done."

Ms. Lopez said, "No. Not outside of the website."

Councilor Bushee said, "Again, Carla, I've had various issues over the years with our City website, not just [inaudible] in terms of how navigable it is, but I think making sure the information gets there and then we can always work on making it more user friendly."

Ms. Lopez comment that there are 2,600 pages on the website and it's really a challenge to make it searchable – how to find things. She said you have to give a name – what do you call it, how do you link it, and "so we link and cross link and do as many links as we can and in as many different forms as we can think of, and sometimes I think it's almost too much information."

Councilor Bushee said, "It could be, but it's better to be accused of having too much information than not enough, thanks."

Chair Dominguez asked Councilor Bushee if she has further questions or comments.

Councilor Bushee said, "The idea is people don't have to keep filing Inspection of Public Records Act requests and spending a lot of money and getting hard copies, when the information should be made available and put up and be searchable, so I hope we're getting there."

Chair Dominguez thanked Ms. Lopez for her presentation, saying it seems as if we've complied with the requirements of the legislation, and so we'll just keep moving forward and doing the best we can.

7. PUBLIC SAFETY PRESENTATION. (POLICE CHIEF RAYMOND RAE)

A copy of *Santa Fe Police Department Finance Committee Report*, by Raymond J. Rael, Chief of Police, is incorporated herewith to these minutes as Exhibit "1."

A copy of *SFPOA [Santa Fe Police Officers Association] Finance Committee Response*, dated April 2, 2012, entered for the record by Adam B. Gallegos, President, SFPOA, is incorporated herewith to these minutes as Exhibit "2."

Chair Dominguez asked that Committee members hold their questions until the Chief has finished the presentation, when he will open it to questions from the Committee.

Presentation by Chief Rael

Chief Rael said at the previous Finance Committee meeting, he was directed to come back to the Committee with a report identifying what our efforts have accomplished to date. Chief Rael presented the information in Exhibit "1" via power point. Please see Exhibit "1" for specifics of this presentation.

Response from the SFPOA, presentation by Adam Gallegos, President, SFPOA

Officer Adam Gallegos presented the response from the SFPOA to the Chief's presentation. He said the report is ambiguous, to say the least and there is a large disparity in the figures reported by the administration and those obtained by the POA in the IPRA requests, noting there is nothing in the report with regard to identifying the vacancy savings utilized from vacancies within the Department. Please see Exhibit "2" for specifics of this presentation.

Chair Dominguez said he plans to put Public Safety on the Finance Committee agenda on a regular basis. He asked Officer Gallegos how long he needs to come up with their own report.

Officer Gallegos said this is a preliminary report, but they can provide a more in-depth report.

Chair Dominguez said he would like to give the POA sufficient time to go through the same process as the Chief to talk about some of these issues. He said the Chief's report indicates the source of the data, and asked Mr. Romero if that information is available to the POA.

Mr. Romero said all the information has been provided.

Chair Dominguez said that's not what he asked. He said he asked if the source of data used by the Police Chief in preparing his report is available to the POA, such as in the Finance Department.

Mr. Romero said yes.

Chair Dominguez asked Officer Gallegos how much time he needs.

Officer Gallegos said he can put something together within a week.

Chair Dominguez said he will try to get this on the Finance Committee agenda at the next meeting.

The Committee asked questions and commented, and staff responded, as follows:

Councilor Dimas

- Councilor Dimas said Chief Rael talks about enhanced recruitment. He asked Chief Rael if he is going into the schools and/or making presentations to the schools on career day and such, to encourage young people to look at careers in law enforcement.

Chief Rael said he is concentrating on efforts to fill the gaps immediately. He is working with the Santa Fe Community College, Criminal Justice Program, to start tracking and filling in. He said as he moves forward, they are looking at future expansions to create a pool of officers within the City. He has assigned two officers to the recruiting and background functions to get people into the system faster. One of the possibilities they have been exploring, pending the receipt of funding, is to hire outside investigators to assist in gathering information on the background phase which seems to be one of the longest phases during hiring/testing.

- Councilor Dimas asked if there are long range plans to go into the Santa Fe Public Schools to have a career day and try to talk to people about a career in law enforcement.

Chief Rael said, "Long range yes, short range no."

- Councilor Dimas said a lot of these kids that graduated are going to be turning 18 years old and a lot of them aren't going to college, and a lot will be looking at careers outside a college degree. He would encourage him to start now in the short term to see if we can get some of these young people interested in law enforcement.

- Councilor Dimas said Chief Rael said his detectives are appearing at arraignments.

Chief Rael said they have been attending recently. He said the DA's liaison, Detective Martin was tasked with that assignment, and will be attending arraignments, and has for about a month, to provide information with reference to the individual [being prosecuted?] to the judges.

- Councilor Dimas asked if the information is going through an ADA.

Chief Rael said he understands the ADAs are made aware that she will be there, and she is present during the arraignments, and has information to provide to assist the ADA or to speak out herself.

- Councilor Dimas asked how receptive have the judges been to having a detective, rather than an ADA, making that presentation.

Chief Leyba said he has had no complaints, and in two cases the bonds have been increased.

- Councilor Dimas noted the stat sheet has no narcotic stats, and asked if there is a reason for this.

Chief Rael said the reason is that we aren't tracking this through our system. He said Region III is using a different data base to forward it, but he does have some statistics available, noting Mr. Lopez is in attendance and will provide specific numbers if you would like.

- Councilor Dimas asked if there is a possibility of restarting the Police Reserve program so we can have a few more officers on the street. He said he knows there is a liability issue and there have been other issues in the past with the program. However, when it was in existence it worked quite well. He thinks 15-20 individuals were in the program and went through the training. He said some of them were using some of the older Sheriff's units. He said the Sheriff's Department has this program, and it has worked well for them. He said this is a little food for thought for the future, if this is a program the Chief thinks would be viable sometime in the future.

Chief Rael said he will absolutely consider any help that will increase the numbers of police, but he does understand there are issues in terms of the liability and the increase in premiums for the program. He said there were about 12 people in the program, but they had no police units. He said the State Police has the Mounted Patrol, but that is covered under the statutes and that is an entirely different kind of operation.

- Councilor Dimas said Chief Rael was talking about some lateral transfers and asked where these officers live currently.

Chief Rael said they "come from all over." He said they hired one who was employed in Las Cruces, and moved to Santa Fe and decided to get back into law enforcement. He said there are two in Moriarty, one from Roswell, and several have come from the Sheriff's Office and State Police over the years.

- Councilor Dimas asked where the police officers will be living.

Chief Rael said it is his understanding that the ones hired previously will stay where they are, which is in Moriarity.

- Councilor Dimas said then there will be even more officers living out of Santa Fe.

Chief Rael said they have worked for the City for some time and already are living there, noting he was speaking of where they hired the last laterals into the Department.

- Councilor Dimas said he understands 22% of the Police officers live in Santa Fe and 78% live outside of Santa Fe, within a range of 60 miles.

Chief Rael said he is unsure of the exact figure, but a large number do live outside the City.

- Councilor Dimas said he is actively involved in getting officers back here in Santa Fe. He doesn't understand why we are concentrating on lateral hires, although he understands there is a difficulty in recruiting, and the reason he believes there needs to be a focus on local recruitment. He said our officers need to live in Santa because they spend their money here and are more community oriented than when they live in other neighborhoods such as Rio Rancho. He said the reason for the vehicle take-home program to start with, was so the police would live here and would be a presence in the neighborhoods.

- Councilor Dimas said Chief Rael reviewed the overlapping shifts, and the 5-8's and the 4-10's. He said he recalls a time when he was in the Department they were on 4-10's, which have been in existence since the later 1970's, early 1980's. His experience on the 4-10's was they didn't have the 3 shifts the Chief indicates. There were 4 shifts, and the shifts rotated, with a 2 hour overlap on each shift. He said they also had a 4th shift which would work well on the 4-10's, which was a special shift from 6:00 p.m. to 4:00 a.m., which overlapped 3 shifts, with 8 people. He said there is a possibility if he were to go back to the 4-10's, that he could initiate that special shift which would give him additional manpower.

Chief Rael said he can implement any schedule at the directive of the Council. However, over the years, in doing an objective staffing analysis any comparison always points to 5-8's being more effective, and requires less replacements, puts more officers on the street and reduces overtime. He said under a 4-10 plan, there are officers out 3 days, under 5-8, officers are working 5 days and off 2. He said that adds up over time, and the efficiency is the factor which was considered in implementing the 5-8, and he believes it is the most efficient and effective schedule with which to move forward.

- Councilor Dimas said he sees good points and bad points with the 5-8's, as well as bad points. One of the bad points is, because only 22% of the officers live in Santa Fe, the additional driving day is costing taxpayers a lot of money for gas, wear and tear and puts additional mileage on the units. He said additionally, if we are hiring more laterals living outside Santa Fe, it seems the

percentage of officers living and working in Santa Fe is decreasing even more, so that will increase the cost of vehicles and operation of vehicles as well. He said this is a rhetorical question [statement?].

- Councilor Dimas said one of the complaints from citizens is about the way some of our officers treat some of the people in Santa Fe. He believes this is a direct result many times of the officers not living here in Santa Fe. He said the problem is that you can treat people badly and not have to worry about the reaction, because you're not going to run into this person in the grocery store and such. He commented this another rhetorical question. He said this leads him to believe what is needed in the Department right now is better public relations training for the officers on how to treat people on the streets.
- Councilor Dimas said he has questions for Ralph Lopez, Program Director, Region III, Drug Enforcement Task Force ["Task Force"], noting Chief Leyba said the Task Force was doing the narcotics work in Santa Fe.

Mr. Lopez said the Region encompasses 4 counties – Santa Fe, Los Alamos, Rio Arriba and Taos. They have 6 working agents, noting most of their work is in Santa Fe and Rio Arriba counties. He said they are required to track their information through two data bases – BJA which is the performance management tool [PMT] and the other one is through their HIDA funding, which is a performance management process. He said during a one year period, 247 cases were initiated, of which 155 were in Santa Fe. There were a total of 70 arrests, 40 of which were in Santa Fe. He said the majority of the work being done by the Task Force right now is in Santa Fe. He said Santa Fe was designated as a HIDA initiative in 1999, thanks to Senator Domenici, and has remained a HIDA initiative, commenting it is based on our heroin and cocaine problems.

- Councilor Dimas asked, of the 40 arrests in SF County, how many were in the City.

Mr. Lopez said the figures aren't broken down by City and County, noting the figures are for the City and County combined. He said he isn't required to break it out that way, so he has never done that, nor is he required to break it down by calendar year or county, but he did break down that information for the City Council last week.

- Councilor Dimas said he saw a report for arrests for drug trafficking of heroin and hard narcotic drugs in Santa Fe for 2011, which isn't indicate in the report. He said he believes there were 111 burglary arrests, 15 arrests within the City for drug trafficking. He said there is a big discrepancy between burglaries and narcotics arrests. He commented that all information he has received is that 95% burglaries are drug-related in some way.

Mr. Lopez said one of the things they try to do is to move this "information up the ladder," to obtain additional funds through DEA or the FBI. He said they go for quality of cases and cases which eventually will be looked at on the federal level. He said the DEA and FBI are "gung ho" on Task Force Operations.

- Councilor Dimas asked how many of the 40 cases have been prosecuted.

Mr. Lopez said he didn't break down cases by prosecution, but of the overall 72 cases, 50 went to District Court and the balance to Federal Court, noting they try to pursue the highest level case so it will reach federal prosecution. Mr. Lopez said he sits on drug court, so he sees an awful lot of the cases that they do coming from drug court.

- Councilor Dimas asked, in the current economy, if Mr. Lopez anticipates continuing to receive Federal funding.

Mr. Lopez said right now, it appears that the Department of Public Safety may get a cut in its federal funding to some degree, but he doesn't know what that percentage might be, noting for a long time they were operating with ARRA [American Recovery and Reinvestment Act] funds. So they get a combination of funds from ARRA, JAG, HIDA, sharing equitably, noting that since 1990, lots of pots of funding are being put together to run the narcotics task force .

Chair Dominguez noted the Committee generally doesn't ask members of the public to testify in this Committee, noting the Chief did offer this testimony, and Councilor Dimas said this is the reason he asked Mr. Lopez questions.

Councilor Bushee

- Councilor Bushee thanked the Chief for the increased police presence on the west side, commenting she knows the Department is short staffed.
- Councilor Bushee said, "Chief, when you came on Board, I put you on notice that I wasn't happy with the *status quo*, and I was interested in seeing the property crime rate go down, and I don't know from this power point presentation, I feel like I need specifics as to how we're going to make that happen, but I am just trying to gather a little bit more detailed data from you.
- Councilor Bushee said she needs to understand the 5-8's and 4-10's shift issue, commenting, "I'm not someone who wants to get into, in my position up here, micromanaging your Department. I don't know enough, I don't want to, but I can tell you I did a quick *Google* search, and oddly enough, there are a lot of studies on 8 and 10 hour shifts nationally, and pretty much what I got as a summary, was that 10 hour shifts, generally speaking, officers have a better quality of life and sleep better, and that overall 8 hours shifts yield a greater overtime cost."

Councilor Bushee continued, "So I guess the trend nationally is to go to more 10 and even 12 hour shifts, again, and I guess, and you'll hear this again from Dr. Reynis, you can almost get what you want, I guess, from any study I guess you want to get, but that's what I did get from a quick *Google* search of national studies, and some of them were in regions nearby here and about similar sizes, so in the what it's worth category, that's what I got from that."

- Councilor Bushee said she wants to go through the power point, and commented that she is glad to see the citizens participation emphasis, although she wants details as to how that will happen. She said after the meeting on the West Side at the Mary Ester Gonzales [“MEG”] Center, she doesn’t know that people know where to get information on a lot of fronts. She said people are perplexed as to how to feel safer in their own homes. She said there were questions at that meeting about owning a dog, owning a gun and such, wanting to feel safe and how to get there. She said these are “good thoughts about how to be more progressive, I just haven’t seen anything about how we’re actually going to go about doing any of this, including filling vacancies.”

Councilor Bushee said one of the other issues that came up, and she would like to work with Councilor Dimas in this regard, is how we stop the revolving door of criminals who are arrested and then right back on the street. She said, “In all honesty, I don’t think it’s our job to tell you what shifts you should be having, but I think if it affects overall how you are able to run the Department, then I think we take notice and start asking questions. I would like to put that in your train of thought and see how we can try and keep folks that are arrested, and actually keep them off the streets. The aim here is to keep more of you in whatever color uniform you’re going to wear, on the streets and far less of these people in the orange suits that end up back on the street. That’s a “posing” question. I’m not even going to ask you to answer it tonight because it’s not something that’s part of your presentation, and it came up for me.”

Councilor Bushee continued, “And the other thing in the stats that I was a little unsure of how to make comparisons, but at the beginning you really just gave me 2010 to 2011, sort of the time frame of the year before you were on and the year you’re here as our Chief, and so I have no idea if the trend... because I remember 2008 being a very bad year for crime rates. And so, I’m wondering is the trend downward or, you know... you didn’t provide any stats or drafts with regard to 2008 or.... 2007, 2008 or 2009 on any of these burglary arrests and all of that. Can you say overall.... so I have no way to compare it... can you give me an idea from the very bad year of 2008, I presume we’re getting a little better each year.”

Chief Leyba said there is a chart in the presentation which compares back to 2009.

- Councilor Bushee said that was DWI yearly arrests, and “as you get further on in your presentation, you start throwing in you know, down to 2007, but I was surprised at the beginning, you start with 2010 and 2011. You have exit year comparisons and all of those, they start at 2007, but your crime rates and your burglary arrest start at 2010-2011.”
- Chair Dominguez asked Chief Leyba if he has data to provide that information to the Committee prior to 2010.

Chief Leyba said he doesn’t have that information with him, but he can develop it.

- Councilor Bushee said, “You must know if it’s trending one way or the other. I’m hopeful it’s downward.”

Chief Leyba reiterated that he didn't look back that far, noting when he came on board, there was a spike, with an effort to decrease those numbers and continue with the downward trend in the future.

- Councilor Bushee said she wants real data beginning in 2007 that shows real trending.
- Councilor Bushee said, with regard to narcotics, Chief Leyba says he plans to add 2 officers to the Region III Task Force and asked if those are from the Santa Fe Police Department, and Chief Leyba said this is correct.
- Councilor Bushee said but we can't target them solely in the City of Santa Fe, so we have the problem right here at home.

Chief Leyba said this is incorrect. He said, "I met with the Region III people back in December or January in order to discuss the options and focusing on the City of Santa Fe. I got the agreement from the Program Director and the Board members, to allow the two additional detectives to focus solely on the City of Santa Fe with a Region III funding which would provide for their equipment, their manpower, overtime, vehicles, gasoline, etc."

- Councilor Bushee said, "So they will only work on City of Santa Fe cases."

Chief Leyba said, "Unless they are needed in an emergency to go help in another location, their primary focus would be within the City of Santa Fe city limit."

- Councilor Bushee said, "So, you're trying to have this... maybe our own Narcotics Division ultimately. "

Chief Leyba said it will be our own Narcotics Unit, but it will be funded through Region III funding, with the understanding that if they need emergency assistance, backup in another case, that they are available to do so. And by the same token, the remainder of the Region Agents would be available to assist the two which we have assigned strictly with the City.

- Councilor Bushee asked, "And you are sure that if any cuts are made to funds at the state or federal level with regard to narcotics, that we will continue to have at least two officers dealing with the City of Santa Fe narcotics issue."

Chief Leyba said, "I can assure you that I will do my best to maintain a narcotics presence, now whether I can tell you that the Council will continue to fund a Narcotics Unit, I can't. That's another purview decision. But will I continue to pursue a narcotics unit working in the City of Santa Fe. Yes ma'am, I will."

- Councilor Bushee said, "When Chief Leyba speaks to the public, he always says "he lacks resources. If you could clarify that to people. I've never once seen this Council previous, or, I'm assuming current, ever deny you funding for issues that are really important to public safety in the

City of Santa Fe. So, when you are referencing the shortage of resources, I assume you mean you are down 16 officers, not that the City of Santa Fe or the Council is not funding you adequately."

Chief Leyba said he is referring to manpower. "However, I have to tell you this is my first budget cycle, and I've never experienced either a denial of funding or anything else, so this is really my first process.

- Councilor Bushee said, "I can assure you that we won't cut narcotics funding if you actually implement a narcotics team in the City of Santa Fe. I've never seen us look that way. I mean we continue to fund at whatever level.... we just need the positions filled and given direction."
- Councilor Bushee said, "I'm going to move into public intoxication. One of the things that came up at that meeting was the fact that we now have a nuisance law. I don't know how many of your officers, and even your management staff, know how to implement that, but the public is continuing to look at it as a tool. For instance, Ephriam Street where some of the persistent problem criminal elements perhaps live, on Ephriam Street, folks would like to know if they can implement the nuisance law in any way, and so I would just ask that your staff really get up to speed with this newer part of the nuisance law, and really find ways to implement it as effectively and creatively as possible for long term entrenched areas."

Chief Leyba said, "Training was provided to each shift. The officers should know how to utilize the program. Should there be a question, we have resources available to answer those questions, and our command staff has also been trained and can answer questions. If need be, I would be happy to put on a secondary training."

- Councilor Bushee said, "So that harkens back to me, to either your website or, in general how to provide information to people to be pro-active, not by arming themselves necessarily, but by arming themselves with information. So, if there is some easy way to convey how that law is helping and you know, I mean, because you have stood up in the meetings and said we always want to hear from you, please call us. So, I get back to one of the last pages where you have all of the police contacts. I just want to make sure that each and every one of these names and numbers and contact information are on your website, and that we have some way of promoting that, even in the public newspaper under the police blotter section important numbers."

Councilor Bushee continued, "You know, people really want to be positively involved. They don't want to be you know vigilantes in any way. I got the sense though, that they want information. They really want to know, you know, when we had all the helicopters flying overhead over on the west side and we'd had our second homicide, folks were just craving information. so, since you are emphasizing citizen participation and communication and progressive and community and all of those good buzz words, I just want to know actually how we're actually going to do that and how we're actually going to convey that information to folks. You don't have to answer it now, but I want more than, you know, a good power point presentation. I want actual delivery of those. I'm sure they're absolutely what you want to achieve. So I want to see how we're going to do it."

- Councilor Bushee said, “And then I also saw this bullet point that said, ‘Pursue alternatives to incarceration, can you give me any examples.’”

Chief Leyba said, “As I indicated during the presentation, right now, as an example, we are meeting with that mental health group to look at options for both intoxicated individuals and for individuals who suffer from mental health issues where, instead of taking them to jail, we have alternatives, either in terms of some kind of psychological treatment or a location, perhaps more robust in the sobering center, where we can actually allow people to stay there until they sober up, with referrals to counseling treatment, things of that nature.”

- Councilor Bushee said, “So do you think we are adequately funded for those programs.”

Chief Leyba said he honestly doesn’t know what the funding levels are. It would be speculation on his part to comment one way or another. However, he does believe resources need to be allocated in this area to provide alternatives to incarceration across the board.

- Councilor Bushee said, “Where are we going, continuation of page 45 of your presentation. Questions that came up at that general meeting. Can we use our Public Safety Aides in any better capacity. Again, all of this emphasis on an increased presence.”

Chief Leyba said, “I’m not sure what your question is on that.”

- Councilor Bushee asked, “Can we use our public safety aides in any greater capacity. Can they be the folks that patrol when I get these emails I have to forward to you about you know, broken glass, graffiti, cars parked in the wrong direction, abandoned vehicles, I don’t know however else, but a presence where they’ve got those shiny, nice, new Nissan Xterras, I think they are. Can they put to use. Can you in some way, increase the use of public safety aides.”
- Chair Dominguez asked how Chief Leyba currently is using the safety aides.
- Councilor Bushee said, “They require less training, there are different tests for them that are not as stringent. Can they also be used to bolster your presence.”

Chief Leyba said, “They are being used to bolster our presence. They do drive through neighborhoods, they do drive through locations, and they do call in when they observe inappropriate conduct or behavior. They also are being used as traffic control. They’re used to investigate minor accidents. They are used to address parking and street issues, so they serve a lot of functions. At a given point in time, our public safety aides are going from one end of town to another end of town, again addressing any number of these issues. Would it be possible to have more. Again, that’s a matter of funding and resource allocation. The individuals we currently have are, in fact being utilized in accordance with their job descriptions.”

- Councilor Bushee said, ““Maybe you didn’t understand my question. Would you like more public safety aides and could you use them in some other capacity that costs less. They have a less

stringent requirement. I only see them really.... I actually see one of them all of the time when I'm driving north to Espanola, so I presume you also give them take home cars, I don't know. But, I see them when there's an accident and they're directing traffic, but folks could perhaps see them a little along the lines of the reserve program, different, but is there some way that we could.... I mean all of this will come up in discussion during the budget cycle, but would you want more public safety aides. Could you increase your presence with that help, with the difficulty in filling positions, but could you use them in a different way."

Chief Leyba said, "Absolutely. If I had additional resources I would utilize them to the best of their ability, including assigning them to patrols, but again, at this point...."

- Councilor Bushee asked, "Are you asking for that in the next budget cycle. Do you have any new ideas of how to increase police presence in Santa Fe."

Chief Leyba said, "I was directed to maintain a flat budget with no expansions."

- Councilor Bushee said, "Where are we going with community policing. Are these just platitudes, or str these just sentiments, 'we sure wish we could.' Would you like to present a more progressive budget. Is the City Manager saying he can't do that."
- Chair Dominguez said, "Do you have a specific question, Councilor Bushee. We're going to be going through the budget process pretty soon. So, we've got a piece of legislation to actually increase the Police Department budget. If you would like, you can also propose that as well."
- Councilor Bushee said that is only for salaries. She said, "I'm asking for ideas the Chief has to change and increase Police presence in Santa Fe. If we gave you money could you fill those positions. I mean, when will we start to see some of these proposals."

Mr. Romero said, "We'll work on this and bring them forward during the budget process."

- Councilor Bushee said, "Great and can we also include in that some better way to educate the public... we have some brochures I'm sure that are around, I don't know where people find them. I saw them at the meeting. How to actually be pro-active and participate and be safe and get information and can we better promote how to help folks."

Chief Leyba said, "Absolutely. We will look into methods and mechanism for deliver that message to better educate folks, including posting those numbers on the website. We just recently mailed out the entire list of number to all of our neighborhood watch groups and we are distributing those numbers as quickly as we can."

- Councilor Bushee said, "And the COPs program, the Citizen on Patrol, will you educate them to also be your eyes and ears and go through the citizens academy which got passed, I don't know, two Chiefs ago. Are you considering that. I've got a list of folks that want to participate."

- Chief Leyba said, "I'm considering everything, but I also have to consider issues, such as liability, resources for training and priorities."
- Councilor Bushee said those are employed in other communities.
- Councilor Dominguez asked Councilor Bushee if she has additional questions.
- Councilor Bushee said, "Yes I do. So, again, sorry Chief, as much as those are lovely colored uniforms for our sunshine in this State, it's a little lighter, I have no idea why that would be the emphasis at this point in time, either the cars or the uniforms, and to be honest, I mean, I think you're moving toward what the State does, because they have the dark vehicles, but I can barely see those when I'm on 599 and they're looking for speeders, but that's just an aside. For me, the focus certainly needs to be on filling those 16 positions for the long term, because we've had trouble for a very long time. But back to the uniforms. You said you're going to use federal money or forfeiture funds. Is that DWI forfeiture."

Chief Leyba said no.

- Councilor Bushee asked, "Okay, what does that mean. Forfeiture."

Chief Leyba said that would be the revenue sharing program that Mr. Lopez discussed. He If we have a narcotics case that results ultimately in a forfeiture, there is a split as part of the regional department cooperation. He said, "In some cases, say there is a vehicle that is worth \$50,000, that \$50,000 is being forfeited via a civil process, and that money is distributed to all of the agencies that participate in that Regional Program."

- Councilor Bushee said, "Two final questions. Why, or did... or did and why our response time increased even though we added an additional shift."

Chief Leyba said, "There's no one simple, easy explanation for that. One, is that our call volumes are increasing as our population grows. The other, if you like to take a close look at the statistics, you'll see that our priority one calls, the response times have actually decreased by some. Whereas, some of our other calls, the lower priority calls, have increased, and that would indicate that we are addressing our priority one calls. Maybe the officers are staying there longer, and they're taking longer to get to get to the lower level calls, but our priority calls are being addressed within the same time period with very little difference."

- Councilor Bushee said, "Priority, meaning..."

Chief Leyba said homicides, burglaries, assaults, priorities where people lives are in danger is number one. Property becomes secondary, but lives in danger. I believe I call the assaults and the batteries response times were down. Homicide was slightly down, so again it's a matter of priorities. Do we intend to save peoples lives – it comes first in my mind as opposed to property."

- Councilor Bushee said, "Okay, in general to sort of summarize, folks ask via email. Can we use more security cameras. Can we have them in this particular area. Can we use decoy security cameras, can we use.... I mean people are also trying to get creative and contribute, so if there's some way to combine that energy that's out there for folks who would like to feel safer and participate in a positive way and our outreach, which I think hasn't been great, you know, really, for quite a while. I don't think we've any idea of what community policing is. The last time I really saw any efforts around that, you know, Debbie Jaramillo was Mayor. For what that's worth category. And, so I just would really like to see things turn around and I would like to see more concrete and specific answers as to how we're going to fill those 16 positions."

Councilor Bushee continued, "We, you know, we've put task forces together under previous Chiefs. We've given \$10,000 recruitment bonuses. Folks have moved over laterally. They have left town. As you know, we've got a resolution coming forward that looks at trying to shift the incentives to salaries rather than the take home policy, and look at housing and you know, is that going to hamper your recruitment. These are rhetorical, but they need answers down the road. They aren't rhetorical. I don't want to make it harder, I don't want your job to be harder to fill those positions, but I don't know that I've seen anything really responsive as to how to fill those yet. So, I would like to see very specifically how we hope to fill that, because there's no way we're going to increase our presence, even if we doubled your budget, if we can't fill those positions."

Councilor Calvert

- Councilor Calvert thanked Chief Leyba for the presentation. He said in Charts 12-13 Chief Leyba illustrates the increase in arrests. He said he would be interested in knowing the number of convictions as the result of arrest. He acknowledged the Chief doesn't have control over that process, but he does have control in terms of presenting the evidence the DA needs to make the case. He said there is a problem in Albuquerque for example, on DWIs, when the officers don't show up in Court and the cases are dismissed, which it isn't an effective way to do things. He said he wants to make sure we are following through to the conviction, and effectively allocating resources to do that, so conviction is the end result. He asked the Chief to comment in this regard.

Chief Leyba said there are many factors affecting the conviction rates and he will get those numbers, but it will be difficult to break down those numbers.

- Councilor Calvert said he isn't trying to impugn the Department's working of cases, but if there's not enough evidence, perhaps there is a lesson to be learned in preparing cases for the future for the DA. He wants to be sure we're doing all we can to get to the ultimate result.

Chief Leyba said, "I'll do my best to see what I can dig up in terms of a process evaluation."

- Councilor Calvert said we are adding two additional narcotics officers to the Region III Task Force, and what would then be the total.

Chief Leyba said currently there are 3 officers assigned – 1 Sergeant and 2 Detectives and the State Police has 1 Lieutenant and 2 Officers. We are looking to add 2 additional Detectives.

- Councilor Calvert said the two additional Detectives will be working within the City of Santa Fe, with the exception of emergencies. He asked if this is true of the other 3, or are they broadly assigned to Region III.

Chief Leyba said they are generally assigned and the majority of their cases are in Santa Fe. He said generally speaking, the Task Force targets mid to upper level drug dealers. The two additional Detectives he will be assigning will be working mid to lower level, so they try to squeeze it from both ends.

- Councilor Calvert said he understands that the Chief doesn't want to reduce the quality of officers we have. He heard an example where a candidate was screened out because he had student loans, under the theory that he might be persuaded to stray to help him pay off those loans. He said isn't trying to reduce the quality of the candidates, but he does think we need to look at all of the things we are screening for and make sure we're not going a little overboard in some cases. He said there are a lot of vacancies, and we need to be prudent as well as reasonable in how we screen and not go too far overboard. He doesn't know if we can still do that. He is asking that they look at the screening criteria to be sure that all of it is still necessary in moving forward to screen candidates.

Chief Leyba said he is unaware that anyone has ever been disqualified because they have a loan. Individuals are disqualified if they have collections agencies coming after them, or if they have recent bankruptcies, but never because of an outstanding loan.

- Councilor Calvert asked, with regard to the Exit vs. Hire Comparison on page 22, if we have an idea of the average years of service for the Police Force. He said we tend to have waves of retirement which seem to come upon us suddenly. He asked if we are looking at the average years of service so we can anticipate those waves and start recruitment in anticipation of those waves and not wait until they happen and then try to catch up. He would like to see a more proactive approach to this cycle.

Chief Leyba said he hasn't done this because he's been trying to address the shortages.

- Councilor Calvert said he understands, but he believes we need to start looking at this, because we could have a big retirement wave once all the positions are filled and we are back to square one. He said there were about 20 vacancies when he came on the Council, and Officer Pollock and Officer Alessio were the main recruiters. He said they were fairly successful in hiring and recruitment, and hopes we can apply what we learn about their successful activities to the current situation. He thinks they did some national recruiting, noting many cities are having to lay off officers due to financial issues, and perhaps we could hire some of those officers. He said some municipalities are disbanding their police departments and relying on the County Sheriff.

- Councilor Calvert said what the City pays cadets seems to be the lowest in the region and suggested some thought could be given to bump up those salaries somewhat. He said it's hard to pay people when they're not really productive, but hopefully they will become productive.
- Councilor Calvert noted that 5 of the 7 other municipal departments listed are on 8 hour shifts, and asked Chief Leyba if he has spoken with them about the shifts they have chosen, and if those on who are on the 5-8's agree with him.

Chief Leyba said he has spoken with two of them and the reasons are in line, noting two on the 4-10's agree the 5-8's are more efficient, but they were in a situation where it was in their best interest to go to 4-10's.

- Councilor Calvert asked the specific reasons for their preference.

Chief Leyba said, "As one Chief told me, it was due to political pressure."

- Councilor Calvert said, "On your IA Goals, I don't know if you addressed this. The last bullet you said, 'Externally hire IA investigator,' and I don't recall you elaborating or mentioning that. You kind of glossed over that one. Could you elaborate."

Chief Leyba said, "In truth, when I got here, one of the evaluations I made, I determined that there was some difficulty in the culture in that officers that grow up together through the department, in many cases, worked together for many years, watched each others kids grow up, have a difficult time making objective evaluations on other officers when it come to disciplinary and or corrective action. At the time I walked in, the Internal Affairs Division was not at peak or optimal performance, and some of these issues related directly back to that personal interaction. As one of the solutions, I am recommending that we hire an individual who is knowledgeable, who has expertise in the area, from the outside, with no connection to the Department that would allow us to run the professional standards division, professionally and objectively, with no concern about personal interaction or past relations or anything of that nature."

Councilor Ives

Councilor Ives thanked the Chief for the presentation, for being here tonight and spending this time with us that is certainly helpful in terms of the statistics he has put together. He said it appears to reflect some positive changes in terms of the numbers since Chief Leyba became the Chief.

- Councilor Ives said, regarding recruitment, the Chief remarked that he has been engaged at some level with the Community College to promote its programs relating to forensics, criminology and those programs which might lead to a career in law enforcement. He asked the Chief to speak about those efforts and what programs are available at the Community College, "with an eye toward helping me understand for our new recruits and for people coming in, what educational

levels they need to have obtained in their personal lives in order to qualify to work on the Santa Fe Police Force.

Chief Leyba said his outreach to the Santa Fe Community College ["SFCC"] started recently, when a former retired Police Officer went to work at the SFCC. He said the SFCC has a long history of working in the criminal justice program, and they have a reciprocal agreement with the New Mexico Law Enforcement Academy, where someone who graduates from the Academy can go to the SFCC and get college credit hours for a degree. At this point the conversation is ongoing in terms of what needs to be developed, but generally, an individual who has chosen a career in law enforcement, needs to be well rounded in terms of reading, writing and arithmetic which helps, especially if you're going into accident reconstruction and such. He said they need overall knowledge, physical fitness, ethics and a general understanding of the criminal justice system. The vast majority of specific knowledge required is taught at the Academy, but the ability to understand and reasonably communication is essential prior to coming in.

- Councilor Ives asked if the City hires only out of the Academy, i.e. people who have been through the Academy, discounting laterals who have significant prior law enforcement experience.
- Chief Leyba said, "No sir. We hire, generally, we advertise out, we are willing to hire cadets, individuals with no training. We put them through the Academy, and they then come out for a 10-12 week Field Officer Program, and at the end of that program the officers are "kicked loose," and monitored as officers on their own. But no, it's open to those who meet the minimum requirements, a high school education, clear background, ability to pass physical fitness tests, psychological tests, polygraph tests and a background investigation."
- Councilor Ives said, "On the face of it, it seems good we are able to leverage funding through the Regional Task Force to address narcotics issues specifically in the City of Santa Fe. That seems a wise and prudent use of limited resources and leveraging what we can do here with the funds available. I do have some familiarity with the Organized Crime Strike Forces that were organized back, primarily in the 1960's, and I believe are still in operation in various portions of the country. Many of those were created, because dealing with issues such as Organized Crime, necessitated a look that was broader than a specific jurisdiction, a specific locality. Do you know if that was the theory behind the Narcotics Regional Task Force and will you talk a little bit about that dynamic."

Chief Leyba said this is exactly the theory behind pulling together all the resources of a general community in order to be more effective. He said, "In and of itself, at most, the Santa Fe Police Department could field, at any given point in time, with the funding, maybe 3, or if a larger commitment for funding is made it goes from there, but cost become comparative. If you look at several agencies, ourselves providing 3 people, the Santa Fe Sheriff's Department providing 2, and the State Police providing 3 or 4, we pool a large number of resources that are more effective in covering the entire area, and also expanding our ability to go higher through the chain, as opposed to getting the individual who has a half bag of marijuana."

- Councilor Ives said Mr. Lopez mentioned that there are 6 agents on the Task Force, and we're now talking 8-9. He said Mr. Lopez mentioned there is a breakdown of the arrests that had been made by that Task Force, but he hasn't seen that report, but would like to see it. He asked to have those statistics sent to him if those exist.
- Councilor Ives said, "Chief, you've heard a number of Councilors here tonight mention looking at means and ways of increasing community involvement in your efforts, and I know from my own experience in Sol y Lomas, a neighborhood I live in, we've seen a significant increase in Police presence there in response to property based crimes, which I know many folks in that neighborhood certainly have been very thankful for. I know the robberies, nonetheless continue in different areas, and so I think you hear a strong voice from all of us inviting you to tell us the means, that we might be able to support you in seeking further community involvement. Of course, taking due account for liability issues and the like which we realize are not insignificant."
- Councilor Ives continued, "Finally, just a quick question on prosecutions, and I realize that that is not a decision that the Police Force gets to make. It's really one that's bumped-up to the DA's office and others. If there were statistics available on arrests and prosecutions, and results from prosecutions, in other words, taking these issues through the whole cycle, it probably would be helpful. And if there was any indication, and I don't know if there is, that prosecutions weren't pursued because of some failure by the Police Force to deliver information, that would be of significant concern, I know, to you, and to us as we look at trying to ensure that our Police Force has the staffing, the training and the resources you need to do the job that you do."

Councilor Trujillo

- Councilor Trujillo said, "Chief, going back to recruiting and dealing with the standards, you said you won't deviate from what the standards are right now. You know, my concern is, is there a certain standard that maybe these people that are wanting to become police officers, that that's what's not allowing them. An example, I have spoken to people who wanted to be police officers here, and this is not this administration, but past, one thing kept them from doing that, and that was they got caught smoking pot back in their teens and that's something that followed them throughout their lives. And they were productive citizens the rest of their life, they still are. Should we go back and look at these things. I too want to have the best Police Officers on the force, but at the same time are we penalizing this person for something they did at 12 years old, and now they're 30. I don't know that Chief, and you would know it better than I would."

Chief Leyba said, "The answer to that, is there is a drug policy in place, but it's reasonable. If an individual smoked marijuana when he was in high school at 17, and the individual is now 25 years and shows no recent history, that's not held against him. Now if the individual admitted to, or tested positive for, cocaine usage, that is an absolute disqualifier – cocaine usage within the prior three years. There's a lot of factors that come into play, but one-time youthful experimentation or even a little more frequent youthful experimentation, isn't sufficient...."

- Councilor Trujillo said, “Like I said, it’s not you, it’s a past Police Chief, and I just want to make sure about these things. Going back also, I want to hit on what Councilor Dimas said. I truly believe that it is imperative that the Santa Fe Police Department set something up where we go talk to Capital High students, Santa Fe High students, St. Mike’s students, you know all these high schools. I think it is imperative, because you have a lot of these children that are 18 years old, a lot of them aren’t going to college, and we have all of the outreach to elementary schools for drugs and such. As Councilor Dimas said, we want to keep those people living here in Santa Fe, so I think it’s very imperative that we look at putting a task force together, even if it was just for one day, I’m sure you’d like to get all the high school Seniors there, anyone interested in law enforcement, to come and meet the Chief, meet the Lieutenants, the Sergeants – this is what it’s all about. I’m sure the Police can give a good spiel and make these kids think, ‘Hey, this is probably a career I want to do.’ So, I think it’s imperative that we do look at recruiting from that aspect, because I’ll bet we’ve got a lot of graduates that would like to be part of the Santa Fe Police Department.”
- Councilor Trujillo said, “You had also discussed having a telephone number people could call if they see something. I know we wanted to do this a few years back with the Gang Unit, and I know that never got implemented, so I would see not only for crimes, but for graffiti. We have the Graffiti Unit, but we had also discussed a Gang Unit. So I really want us to look at that.”
- Councilor Trujillo continued, “Another thing, we have 10 hour shifts, we talk about the 8 hour shifts. Did we ever throw out 9 hour shifts, meet in the middle. I don’t know. You’ve got the data and all that, so it’s just a question.”
- Councilor Trujillo asked Robert Romero the status of the negotiations with the unions.

Mr. Romero said, “We came up with a mediated agreement. The agreement was not ratified by the POA, and we had arbitration scheduled for the fifth. I understand there was a conflict – the POA thought there was a conflict with the arbitrator. They’ve stricken the arbitrator, I believe last Friday. Our attorney is working with their attorney to come up with a new arbitrator. At the same time, I had met with the POA president, he mentioned they’d like to figure out something.”

- Councilor Trujillo asked if there is a chance of coming back to the table to discuss this.

Mr. Romero said, “At this point what we agreed is that we would, because of the... again, I don’t want to negotiate with him one-on-one. We’ve agreed to have our attorneys work together to see if there’s something we can figure out instead of going to arbitration.”

- Councilor Trujillo said then we are looking at something else between the attorneys.

Mr. Romero said they had this discussion on Friday, and his direction from the Council so far, “is to mediate an agreement, and if they were to come back with something else in between, again, it’s difficult, because the way I understand it is there’s really not a mechanism to go back to the table at this point, but maybe there’s something we can work out through the attorneys.”

- Councilor Trujillo asked, "Are the Police able to go to their court dates, because I saw that same report last night. Lawyers will "play the cards" that police officers don't show up, or else they are called to testify at another hearing, and there goes the case. Councilor Bushee, that's the reason the people in orange uniforms are back on the street – because of the way the system works. I know we're allowing our Police Officers to make those court dates. I just want to make sure our Police Officers are making those dates, and there's no conflicts, and I'm not a lawyer, but I know how some lawyers will do. And that's nothing against this lawyer here, because he's a good man."

Mayor Coss

- Mayor Coss thanked Chief Leyba for this report and all the work that went into it, and your command staff for all the work that went into it, and thanked the POA for their report.

Mayor Coss said, "I kind of wanted to go through this very quickly and make some of my own observations. And I want to thank all the public that's been here waiting, because I know a lot of you are here on other issues, but I think you see how important this is to the community, and how important this is to the Governing Body. And just as a general observation, at the meeting that Councilor Bushee led at MEG, there was one citizen who asked what can you as elected officials do about the revolving door, about bringing down property crime. If it's a problem with judges, or it's a problem with laws, or it's a problem with treatment, the Chief can't address that, and I think that resonated with me, because we haven't made a big effort at the Legislature. One that Councilor Bushee supports and I think the whole Council supports, is an excise tax on alcohol so we can have more treatment programs. And Councilor Ives says he supports that too."

Mayor Coss continued, "And let me go through this very quickly, because I think it's around community policing and how we are doing that. I think it's that recruitment question, and Councilor Calvert pointed out that when we first got on the Governing Body, there were 26 vacancies, now there are 16. But, we also increased the size of the Police Force by 5 officers with ARRA funds through the COPs program. So we now today have at least 15 more officers, even with 16 vacancies, we have 15 more officers on duty than we did a few years ago."

Mayor Coss continued, "And then, the relationship between the Chief and the Police Officers Association. I just want to talk about our role as elected officials in that, but I wanted to make a few observations on burglary, and that's where I think the Governing Body can really get involved, because I don't think you can arrest your way out of this property crime problem, any more than we could drill our way to lower gas prices. The two are related, but there's so much more complication of the picture."

Mayor Coss continued, "But I think that one thing that really helps is Neighborhood Watch. And I see that you've had 72 meetings last year, which is a meeting every 5 days for your officers to do on average, which I think is a very very significant effort. And we've gone under you and Chief Wheeler and Chief Johnson, we've almost doubled the number of active neighborhood watches in the City, so I want to commend you on that work. We've gone from 45 to 60 – 45 in 2009 to 60 in

2012. I'll come back to that on recruitment. And I guess that's it on the community effort."

Mayor Coss continued, "I think there's a role for us to really identify what changes we need, if any. What changes do we need, if any, in our relationships with the judges, and our relationship with the District Attorney, and our relationship with the corrections system – the whole criminal justice system. It can't just be on the Police Officers, and so I'd be interested in how we could help with that. I know I've met with the judges, I've met with the District Attorney in the past, but what can we do with the other branches of government that'll have a role in this, I think is very very important."

"Mayor Coss continued, "And then looking at that community effort, I think maybe we'd want to look at in the budget, what is the funding... if you go to the trouble of organizing a neighborhood watch and you have a good block captain, and you say, well we need more video cameras, and just saying well, it's not in the budget. Because if we provide budget to those 70 Neighborhood Watches they can defray some of their costs. And if their neighborhood says we'd like to try video cameras, we don't have to stumble and say, well we've got to wait for the next bond issue. We just have that in the budget to do things like that, and that might be just an example. And there are decoys that don't cost anything."

- Mayor Coss continued, "And on the matter of cars and uniforms. I like the new uniforms, and I think one of the reasons they become such an issue is because the unions made them an issue. It's not necessarily a big cost item, and I appreciate moving forward on that. If you like black and white cars because they're more visible, I like that too. I just got a ticket in Texas and I never saw that guy. If he had a black and white car, I might have seen him. It wasn't a speeding ticket, it was a... but anyway. That's going to go into Julie Ann's report, I know. But, I like black and white cars."
- Mayor Coss continued, "Then we're going on to recruiting and I think that's basically a financial issue, and I want to work with Councilor Dimas, and I think Councilor Bushee is a cosponsor. If we are going to set a parameter that you have to live in Santa Fe, then I would say let's not make it the City limits. Let them live in Rancho Viejo or Eldorado or around us here. But it's essentially going to be a cost thing. And I want to work with you. I think we have the best POA contract in the State. I think overall we have the best wages in the State, the best benefits in the State, but I want to look and make sure we're the best and we're the best by enough that we can say we want them to be in Santa Fe and we want them to stay in Santa Fe. And that may be 15%, which is about a \$1 million impact to the Police Department, but maybe it's not, but I know it's going to be complicated. Because you have compaction, you've got union negotiations, you've got so many things, but I'd like to work on that with you."

Mayor Coss continued, "Your data shows that the Police Department, not just under your leadership, but about the past 5 years, has hired 72 officers. So about 14 officers a year recruitment which I think is a pretty good effort, considering essentially that there's a 20 year retirement. So if we hire 16 this year, we know in 20 years, some Chief is going to have to replace 16 officers. And this last year, we had a particularly high turnover, because this Council, and this

is where I was going with some of this, we gave them a super-rich sick-leave buyout program and then we took it away. And we had 7 retirements of officers that said before that goes away, I'm going to go ahead and retire. So, actions taken by this Governing Body directly affect police recruitment and retention and the reason it is important to work on the best salary and benefits, but consistent salary and benefits across the board for our Police Department."

- Mayor Coss continued, "Some of the other friction we've caused. Last year when we did the budget, we asked all the unions to give up around \$200,000 each in benefits and that has been resolved with the Firefighters Union. That has been resolved through arbitration with AFSCME. A whole year later, that is not resolved with the Police Officer's Union. And I think that that direction from management, from the Governing Body when we were faced with declining revenues. I proposed a property tax increase that went nowhere. We used some reserves. We asked our employees to give up a little bit. Two out of three unions have. One union has not given up anything."

Mayor Coss continued, "But I would look at that on the other side too, in that you claim you saved \$109,000 in overtime just this year on the shift changes. I know previous chiefs that have dealt with this going into the recession. We're probably saving more like \$300,000 in overtime, compared to what we used to spend in overtime. So that's \$300,000 or so, and I would ask for those figures that are out of the officers' pockets. That's overtime pay they used to get, that they're not getting any more. But some of these directions from the Council – reduce overtime \$100,000, reduce overtime \$200,000. Ask for \$200,000 worth of concessions. That causes issues between the Police Chief and the POA. And the 4-10's is now one of those issues. And I would hope we retain the management right for the Police Chief to decide the shifts. He has to bargain over it with the union, but it is a management right to set those shifts. And I think you ought to hold onto that Chief through this, and I commend you for working on that."

Mayor Coss continued, "And I think I've talked long enough, but I just wanted to then turn that to the POA. Because I want to thank them and all the officers that are here for all their work. But I want to say, Mr. Chairman, rather than say here's the Chief's report, now here's the POA rebuttal, here's the Chief's Report, here's the POA rebuttal. I think some of what is in here is just factual data that we ought to be able to agree on, and I would ask Mel to work with the POA President and the Chief to resolve those numbers. Because it bothers me when we start questioning integrity and who's what got what information. And they're just numbers. Really, it's just adding and subtracting. It's not even physics or anything. We should be able to at least resolve that piece as we go forward. But I would say let's hold onto management rights to set the shifts, but let's make sure we have the best paid Police Force with the best reasonable benefits, but be cognizant that we asked them to go out and get \$200,000 worth of concessions. We asked them to save \$300,000, I think is the number, of overtime costs during this recession. They haven't got the \$200,000 in concessions yet. Maybe we don't want to get them because maybe it hampers recruitment, even though we took them from the other two unions."

Mayor Coss continued, "But some of this work has to be done at the Governing Body. We can't arrest our way out of these crime problems. And this issue with the POA, we do some of that

work. The last thing I'll just say about that, when I first... I am opening up the debate, it's going to be an ongoing discussion. When I first ran for office in 2000, Councilor Chavez won that election, I went to the POA and the question they asked me was, will you fire the City Manager. That was in 2000. Since then, we've had a vote of no confidence on every Police Chief and the City Manager."

Mayor Coss continued, "I would say hiring 72 officers is not as many as retired under that 20 year retirement. That's a pretty good record, let's see how we can make that better."

Wrap-Up

Councilor Dominguez thanked everyone for their patience, and thanked the Chief for his presentation, commenting we have had "a long list of questions and a long list of speeches along the way as well. He thanked the Committee members for their patience. He said a lot has been said. He said, "For me, it seems to be that 4-10's seems to be a big issue, and some way to do a variety of shifting. I think Councilor Trujillo talked about it. So that's one of the things I'd like to see as well as maybe – if 5-8's isn't the answer, and 4-10's isn't the answer, is there a hybrid we can look at to maybe get that done. I guess, as the Mayor said, a lot of this is resource allocation and budget issues, and you're going to need the help of the Governing Bod to really make sure that we provide those resources where they're needed in an effective way as well. So you know, we'll just continue to put this on the agenda as often as we can and to try to get down to some of the nitty-gritty on this. And I want to thank staff for their patience as well. We're going to keep moving forward."

Councilor Dimas said in all the years he was on the bench, there were a lot of officers that appeared before him over the years, a lot of officers, that did their own prosecutions without ADAs. He said, "And what I will tell you is the Santa Fe Police Department was always the most professional, the most prepared, department that ever went before me on the bench. And I say that sincerely, and that's a compliment to the Santa Fe Police Department, because they were always well prepared and their cases always went very well. They knew what they were doing when they went in, so that tells me they were trained very well somewhere along the line. That's the only comment I wanted to make."

Councilor Bushee, "And I had just wanted to respond to the Mayor's speech in that the overtime issue, when we asked for that, we had made those shifts changes to the 8 hour shifts, and that was supposed to save a lot of money and that's really what this agenda started out being all about, to see if that was effective, if that was working. And I think that's a sticking point right now with the union. And you know, again I don't think it's our job up here to determine that, but if it's going to be, you know... the bottom line for me is just more officers on the street, and increased presence, whatever it takes. So, if, you know, and if we also weren't down 16 officers when we made that request on those items, so I don't think it's fair to put it all on the union or all on the Council in any way. I think this, and when I asked, even on the revolving door, I asked that we just sit down with our attorneys, with the Police Chief and brainstorm about if there were any things we could do legislatively, and I certainly want to see initiatives and creative ideas put forward with price tags so we can debate them during the budget cycle. I don't want it to be just this flat budget, stick to that and you know and not address the problem. I mean, I think you have to be responsive. And we're asking them to be more responsive. We're asking the Chief to be more pro-active

than reactive, you know and it's going to take an effort, but I do think, rather than an us versus them sort of you know summary, Mayor, I think it means that POA and the management need to agree on some critical basic functions and how they function and processes and I would like to see that happen, and I can't force that to happen but I think that we can make that happen, you know, and make sure that folks sit down together and get those things resolved and I don't think you know that has taken place."

Councilor Ives said, "I would merely add that, while I do not practice and have not practiced in the area of labor law, my understanding of that area of law, is that it is designed to make the sides sit down and talk together, but what it doesn't guarantee is any particular result, so I would commend them for the efforts both sides have made to sit down and try and find common ground, and I know there's a structured process for resolving that. It sounds like we're in the midst of that and I certainly urge everybody to continue to do what they think is right in that process."

Councilor Calvert thanked all of the members of the Police Force for working together, despite their differences, to reduce a crime in our community and know they will continue to do so.

8. BBER REPORT PRESENTATION. (ROBERT ROMERO)

A power point presentation *Fiscal Impacts of Phase 2 and Phase 3 Annexations on the City of Santa Fe*, dated April 1, 2012, prepared by Dr. Lee A. Reynis, Director, BBER, UNM, is incorporated herewith to these minutes as Exhibit "3."

A copy of the full report *Analysis of Fiscal Impacts of Phase 2 and Phase 3 Annexations on the City of Santa Fe*, Final Report dated March 9, 2012, prepared by Dr. Lee A. Reynis, Director, BBER, UNM, with the assistance of Molly Bleeker, M.A., and Jessica Bloom, M.S., is incorporated herewith to these minutes as Exhibit "4."

Lee A. Reynis, Ph.D., presented information from Exhibit "3" via the overhead. Please see Exhibit "3" for specifics of this presentation. Ms. Reynis commented that she believes this is a conservative and reasonable estimate.

The Committee commented and asked questions as follows:

- Councilor Bush said the report indicates Gasoline Tax would be available to us, and asked how the City collects that..

Ms. Reynis said the City already gets the Gasoline Tax, noting it is collected and paid by the State to the City, reiterating she was trying to identify revenue which would be appropriate for some of the specific uses, noting a portion of the Gasoline Tax goes into the City's road fund. She said it is a major source of revenue to local governments around the State, other than motor vehicle fees, to fund road related projects.

- Councilor Bushee said on page iii of the Report, Ms. Reynis says, "...it would take an estimated 19 years to raise sufficient revenues to cover these one time costs."

Ms. Reynis said the recurring gap is something the City is going to have to fund, commenting that perhaps the revenues will pick up sufficiently to absorb part of those costs, and/or contain some of those costs by decided that you won't do a new fire station or you will do it with less, or you are going to wait and see activity to pick up in land use before actually putting people into positions.

These numbers aren't unmanageable, but decisions will have to be made in trying to manage these numbers. She said she is trying to lay out what some of the options may or may not be, commenting there are differences of opinion about some of these things..

- Councilor Bushee asked if Ms. Reynis makes a recommendation against building the fire station in the report.

Ms. Reynis said no, she doesn't make a recommendation against it, but she has used it in the analysis. She noted BBER has comments in which she raises questions about where it was sited and whether that makes the most sense, noting it is in the full Report beginning on page 45

- Councilor Bushee said, "Chief, so that I understand the details, and we understood BBER's thoughts on that fire station, but tell me, were there options available to us now that we did not get the funding for that station. Was the County's station at all ever considered, or available or dialogued about.

Chief Salas said, "Yes, we have had talks with the County about that station. The station itself is a modular station and was originally built for a volunteer response, so there weren't any living quarters add to that station. Since then, they have added living quarters, but again, it's modular that they put on it because they knew that annexation was in the near future, and so they didn't want to add any money to the facility. Recently, Legislation was passed that a jurisdiction can receive State Fire Funding, even if the Station is not located in their jurisdiction. So the County can now get State Fire Funding for that station, even though it will be in the City, so my assumption, I have not met with the County yet, I do I have a meeting scheduled with the County Fire Chief. My assumption is that they are going to take advantage of that and try to get additional funding for that station."

- Councilor Bushee said, "For the County, other than Agua Fria Village, what are they... why did they want to hold onto it. Why couldn't we assume it."

Chief Salas said they said they respond to the other side of 599 and, based on the location of that station, they feel like it would be a good response station for them to continue to respond out of that station.

- Councilor Bushee asked if there were ever talks about sharing the station, commenting we all talk about regional efforts..

Chief Salas said, "There was discussion. At the time Chief Stan Holden was adamantly against that."

- Councilor Bushee said, "But he's not around now."

Chief Salas said she does a meeting with the new Fire Chief in two weeks.

- Councilor Bushee said, "So that's a possibility, that discussion."

Chief Salas said she will bring that up in the discussions.

- Councilor Bushee said, "Particularly if we are going to bring resources to bear to make it more than a modular."

Chief Salas said, "Like I explained before, they would not be able to get State Fire Funding if we were to do a joint station. They would give money to either one or the other."

- Councilor Bushee said, "But fiscal agency is a different thing than actually jointly using a facility."

Chief Salas said, "I do agree. I'll bring that up, but they could potentially lose \$25,000 to \$40,000 per year by giving it up."

- Councilor Bushee said, "You know, they operate a prison and we contribute resources. You know, I can't imagine the State would be against a regional approach. It's just a thought, because you know, my sense and I want to ask Robert maybe more now, when I put the Resolution in a year ago, everything's a year ago this Spring. Two years ago, when we started this BBER Report, or initiated it, you know, the hope had been, of course, you know, the economy tanked, and you know we're all, both entities are struggling to meet the deadlines of this Annexation Agreement. So, you know, I don't necessarily see the need to renegotiate necessarily with the County, but I do see the need for a reality check, or we sit down and say, well, you know, when will you reliably be able to complete the infrastructure you're committed to complete, such as the roads, and could the City back up a little bit, continue to stay on track. I mean, I don't think the level of service will be any less than they're currently receiving out there, at least with Fire and Police."

Councilor Bushee continued, "However, you know, I don't know at what point we become liable if we proceed along with this phasing, if we can't deliver the services, and you know, these aren't daunting figures unless you take into account that they're recurring annually. And so, you know, that's really why, you know, a year ago, I wanted to figure out what this meant and have that discussions, and that's when you're actually started. I look at the minutes from 2011, in Public Works when you know, this Resolution was supposed to go on to Finance and we were supposed to have a real discussion and BBER was available, I think at that point. I don't know what happened, but we're here now, and I'm just really, you know, unsure that we should factor in, in this upcoming budget cycle and the next, these kind of costs, or that we're going to be capable of doing that. So, in what areas are we able to actually sit down, realistically, with the County and

you know, not try to raise or open up, like Bruce King use to say, a box of Pandoras, but to really, you know, discuss the reality of how quickly they're going to deliver their goods and how quickly we need to deliver ours."

Robert Romero said, "Until this Resolution that's going through the system that I believe is on the agenda tonight, I really haven't received clear direction from the Governing Body on what to do."

- Councilor Bushee said, "No. No. I'm not asking direction. I'm asking what areas, for instance, the roads. The County's behind on the roads. Correct. Anything else. And by when do you..."

Mr. Romero said, "Again, in regard to the roads, the County really hasn't had any discussions with us, other than some minor discussions on the utilities. And if you like, I can go through real quickly what I think may or may not need to happen."

- Councilor Bushee said, "That'd be great, because I think it's kind of daunting now not knowing how to fill in those blanks."

Mr. Romero said, "In regards to going into the Phase 2 Annexation, I believe the County's responsibility is the roads. According to the agreement, we were to have filed for annexation at the end of December, and I believe when we did the last phase, we waited, they hadn't done the roads. I think the Council chose to go ahead and file for annexation without the roads being done. They ended up doing them later, so that's one issue. The other issue in the Agreement with that is that...."

- Councilor Bushee asked, "Didn't we have some preliminary discussion, sorry to... on those roads in particular. We had expectations they were actually going to do those."

Mr. Romero said, "On that issue, there was an agreement that the Council, our Council passed, we went to the County. They never actually adopted the agreement, but they did, if you will remember, through the joint City/County GRT, use that money to take care of those roads. It was about \$500,000. This phase we think is going to cost about \$2 million. I haven't heard that they're made the improvements or have budgeted the improvements, so, again, moving forward with what I understand about Phase 2 Annexation, is that as far as Police goes, from the moment we annex, we have three years to phase in. At that time, we will have full jurisdiction on police. It's silent on Fire. I believe it is silent on fire, because at that time, there was a feeling that, because of the number of calls at Station 8, or the one in Tierra Contenta, that we could possibly handle it with that station. We need to understand though, that there is an issue with response time. I'm talking about the station in Tierra Contenta. So the issue I think for this Chief, and for the Fire Department is that it will affect response times if we have to go from there to, say, all the way to #599 and County Road 62."

- Councilor Bushee said, "By like 5 minutes, do we have any... I mean, because forever, everybody wanted to build a new fire station in the Northwest Quadrant, and it was all about response times, and we sort of abandoned that because the growth, of course, was on the other side of town."

Chief Salas said, "We did drive those areas, and I apologize.... at the Public Works meeting, we were told that we would do a presentation later, so I apologize for not being prepared tonight."

Jan Snyder, Assistant Chief, said, "Drive time from Station 8 on Jaguar Drive to the proposed Station 11 area is over 10 minutes. So, averaging the crews taking about a minute thirty seconds to get out of the station, it's upwards to about 12 minutes to get to the location."

- Councilor Bushee asked the desirable response time.

Assistant Chief Snyder said, "NFPA recommendations for the first arriving unit or EMS calls is four minutes. On a structure fire, average all 8 minutes, so we're not even close to that."

Mr. Romero said, "As you see, obviously Dr. Reynis had some options. The Chief had options. That's why, at the time, we felt like to meet that response time, that's why all of this time we recommended a new station there."

- Councilor Bushee said, "We don't have that money yet, so... in the response time world, the County station covers it."
- Chief Salas said, "Well, they think a lot differently than we do. They are volunteer. We are not, we are paid. I could give you the example of Plaza Café and a fire that happens in the County. They don't meet the response time, so what ends up happening in the County is you have a home that has total destruction and you have a homeless family. In the City, we have 2-4 minute response time. We get there quickly. We put it out, and so it stays confined to one building or a kitchen, and so that's why we don't read about total destruction, because we get there so quickly."
- Councilor Bushee said, "But if you were able to share, just what if, you could share that station, would the response time be adequate from that locale?"

Chief Salas said, "If we had a station to respond from in that District, yes, we would be able to improve our response times in that area."

- Councilor Bushee said, "As far as the staffing and the higher costs, we usually can come up with capital costs, but financially, we're still left kinda out in the cold in that one. Yep. And we agree with the numbers in the BBER Report around the staffing levels."

Chief Salas said, "I do. There's a portion in the BBER Report that says that I only need 2 people on a tanker truck. I think it's a misunderstanding, with all due respect to the UNM Report, and Dr. Reynis. I think it was just a confusion in numbers on her part. I am asking for 2 people on a tanker truck, but I have 3 shifts, so that's where I came up with the 6 – 2-4-6 – so she's saying I only need 2, but I don't think she took into account the 6. So, when you add that up, we do have a breakdown of that, and I will be presenting that as well on exactly what it is that we're asking for. The total number is 27."

Mr. Romero said the total number is correct. There is a part of the Report that says 2, but it's really 2 per shift, but the total number of 27-28 is correct.

- Chair Dominguez asked if there are additional questions for Dr. Reynis, pointing out that it is getting late and Dr. Reynis has to drive back to Albuquerque.
- Councilor Ives said, "Dr. Reynis, you had indicated that you had used the Dunn's data base basically, for the purpose of calculating gross receipts tax from the 'to be annexed phases,' and you do spend time in your Report discussing what I might call a data gap, in terms of businesses that don't have Dunn's numbers, but presumably might be located in those areas. I'm trying to get a sense of, because I'm not clear reading it, what the total number of those businesses were, and if you used any confidence level analysis in terms of where those dollars end out at random."

Dr. Reynis said, "I have to confess that we did this a while ago, and exactly how we dealt with all these issues, I'm not sure. I think that we did look... it is interesting and we have done comparisons between the businesses that you find within the Dunn's data base, and what you might find in your non-farm employment series or others. And what we've discovered is, and this is interesting, is that I think the Dunn's is larger, because you have a lot of small businesses that in fact are in need of financing. They may not have employees, so they may not get picked up by other series, but they do seem to appear in that series."

Dr. Reynis continued, "So, you've got problems on both sides. To me, my feeling was that in the midst of, well, just trying to climb out of the great recession where we don't even know how many of those businesses are in fact still there, much less how well they're doing, that the numbers we used were probably reasonable. Now, there may be some gaps, but I think that they are probably reasonable. Now, as you move forward, you know, if we saw our economy begin to really pick up, and we saw businesses doing better than... you might begin to see more growth. And particularly, you probably would begin to see more growth related to construction activity, which really is low in its visibility among our numbers."

Dr. Reynis continued, "So, I think we probably erred on the side of trying to be conservative and did that purposely, but I don't think they're unduly low. I think that they're reasonable, of course you know. The other thing, frankly that I worry about, because I've seen this elsewhere, is that if you have a big City like Santa Fe and you have a bunch of businesses that are asked to report their location, they don't always report their location as being in the unincorporated part of your County, because they may not know, in fact, where exactly those boundaries lie. So, there is always a concern when you're looking at unincorporated areas, of whether or not you're really getting an accurate reflection of the activity there. And that's true, by the way of gasoline gallons that get reported. It's kind of true in one revenue source after another. So, part of the issue is that you probably have some activity that is already reported as coming into the City that is in these areas that will not be new revenues."

Dr. Reynis continued, "And, of course the other major problem you have here is that people do most of their shopping elsewhere. They don't shop in this area. I kept hearing there was going to

be a Walgreen's that's going to open here and this is going to happen there, and when we checked it out, we discovered that it was actually within the City limits. This is a case in which I think if you were to do a household survey, because there aren't many stores there, you'd find that most people do much of their shopping outside of the area. And so, in terms of Gross Receipts Tax potential, I think it's limited today."

- Councilor Ives thanked Dr. Reynis for the explanations. He said he is trying to figure out, "bottom line, when we look at the gross receipts tax figure, for instance for Phase 2, which is the \$769,219, is that then based totally on your... is that derived from the Dunn's numbers that you reviewed, or was that number adjusted at all, or..."

Dr. Reynis said it was adjusted to take account of construction, in particular.

- Councilor Ives asked where, exactly, are those adjustments referenced.

Dr. Reynis said probably in the part of the Report that deals with revenues, which she believes is Chapter 3 or 4.

- A member said it is Chapter 4 on page 6.

Dr. Reynis said there should be documentation in the Report itself of what they did at each stage. She said the adjustments they made were relatively minor and they relied on that series, however imperfect it is, because it seemed to be better. She said, "Sometimes if I'm using employment numbers, I will add in something for all the little businesses that don't have employees. But in this case, my sense was we were already capturing a bunch of those in the Dunn's numbers. I think you can read some of the details either in an appendix or in that chapter. You can always call me, and I'll try and remember."

Chair Dominguez thanked Dr. Reynis for her work.

- Councilor Bushee said, "Again Robert, the other issues are Matt's department, you know, how we would fund... I mean we have the permitting responsibility...."

Mr. Romero said, "I believe Matt's thing, asking for 10-13 people, I think we would just grow into that. I think that's really a factor of how much construction there is and everything else..."

- Councilor Bushee said, "So it will be like we did in the past, if we're going to grow as staff, it's going to have to support itself."

Mr. Romero said, in essence, yes. He said Dr. Reynis Report says we need 10 people, and Matt thinks we might need as many as 12-13. However, in any case, we'll grow as we need them, and he said he thinks it depends on how quickly construction rebounds or doesn't rebound and he is willing to deal with this on a case-by-case basis.

- Councilor Bushee said, "Well I raise the issue because I think we're over a decade now since we've done a general plan, and permitting I see paying for itself, but I don't see the planning functions taken into account in anybody's..."

Mr. Romero said the update to that would be done in a totally different area than Matt's, and believes that is Reed's area, and believes they have staff to do it.

- Councilor Bushee said, "The last time we did it, we spent a whole pile of money, we imported somebody from the bay area, that kind of general plan update."

Reed Liming said, "We do have some ideas for updating the General Plan which was done 13-14 years ago. We spent a half million dollars, five years. My sense, very quickly in summary fashion, is I don't think there was a lot of value added for the money spent. I think we could do something in much more summary fashion to update that, and not necessarily use outside consultants, do it in house. In fact, we're working on it."

- Councilor Bushee said, "Okay, then we don't worry about that. And then Solid Waste covers itself, and infrastructure, sewer that kind of stuff, enterprise should also be good. Is there anything else large and outstanding."

Mr. Romero said, "The two large things are going to be Public Safety – Police and Fire – and other than that we'll need some help, but not even close to the numbers that we need for Police and Fire."

- Councilor Bushee said, "I hope to hear good news back on a collaborative effort, at least for the interim, on the Fire and Police, I mean, again, it would be one of those where, you know, recruiting and filling and growing just expands, compounds the problems of that. Okay, we'll talk in more detail when we get to the Resolution."

- Chair Dominguez said part of the agreement with the County is that whatever revenues are generated from Las Soleras, are to be used to offset the costs of Phase 2 Annexation. He asked if we need a funding mechanism for that, commenting we already are generating some revenue from that project.

Mr. Romero said, "I believe we get our check from the State all in one check, I'm not sure Mel..."

- Chair Dominguez said, "What about impact fees and maybe Matt O'Reilly can chime in here, impact fees, permit fees, whatever other monies we're collecting from that particular project. Matt."

Mr. O'Reilly said, "Right now, the City is collecting all of those fees from the Las Soleras area."

- Chair Dominguez asked if those fees are being used to offset the cost of annexation or it is all just going into the General Fund and getting spread out."

Mr. O'Reilly said he can't answer that, and the Chair asked Dr. Morgan to answer the question.

Dr. Morgan said he doesn't know, but he'll have to check.

Mr. O'Reilly said, "Let me restate that. Certainly, when we collect impact fees for Las Soleras, because of impacts that the Las Soleras project has proximate to the Las Soleras development. But, with regard to other fees, like building permit fees and things like that, I believe those go into the general fund. I don't know if they go into some special fund..."

- Chair Dominguez said, "But they're also paying some gross receipts taxes on some of that as well, correct."

Mr. O'Reilly said, "They pay gross receipts tax on their construction activity. They would pay when buildings are constructed there and people are actually buying goods and services there they'll pay gross receipts taxes there. I don't know that those gross receipts taxes are set aside in a special fund just to offset costs of annexation."

- Chair Dominguez said he will work with staff to clarify that, and if legislation is needed he is willing to sponsor it sponsor that to get the revenues where they are intended.
- Chair Dominguez asked Chief Salas, "There was some discussion about the location of the fire station, and Dr. Reynis discussed how Fire Station 8 was in the middle of the area, if you consider the Mutt Nelson area. Councilor Bushee also brought up some discussions about the County Fire Station, etc. I guess this is just kind of, I don't know, maybe it's a hypothetical question. If we were to build a station more towards the north, and use some of the fire personnel we have at Fire Station 8, so we had the response time we're looking for, but maybe even maintain an ambulance at Fire State 8, but fire apparatus and maybe even another paramedic at the hypothetical other fire station. Was that ever kind of looked at. Was it ever looked at in terms of the analysis."

Chief Salas said, "We're looking at that now as far as moving that location. It is in a very poor location, Fire Station 8. It is smack in the middle of a residential area with speed humps. When this station was initially built, the understanding was that we were going to have different access. We would have access to 599, we would also have access to Walmart, that back area, that way. Neither of those have happened, so the access right now is very poor. It would be ideal to have it off of Airport Road, South Meadows area, because there would be better access. I think what's important for us to remember is, are we looking at a temporary fix, or are we looking at the big picture. I know there is also projection of a big subdivision going in right at the outlet mall, so we need to find out how far out in the future is. Because, if we were to move the station to a different location, without adding a new station, are we going to be in the same problem ten years from now and have to, again, relocate that station in order to meet the need. So, I'm just trying to look at the bigger picture, and we will have a better picture for you at the next meeting."

- Councilor Calvert said, "I just... Robert if you would reiterate what we said at Public Works about, this is all our obligations, but the County, in terms of roads, you mentioned Phase 2, but you didn't mention Phase 3, I don't think, which is even..."

Mr. Romero said, "Phase 2, I believe the County's obligations we've estimated are going to be somewhere about \$2 to \$2.5 million. In Phase 3, their obligation is going to be something like \$4 million plus, which is very significant for Phase 3."

CONSENT CALENDAR DISCUSSION

9. **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENGINEERING DESIGN SERVICES AT THE SANTA FE DEPOT PLATFORM AND PERFORMANCE STAGE RENTAL FOR THE RAILYARD PARK PERFORMANCE GREEN AND PLAZA; SANTA FE RAILYARD COMMUNITY CORPORATION (BOB SIQUEIROS)**
 - A. **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**

Prior to the vote, Councilor Ives said he is conflicted, given that the work is on the Railyard, and the stage would be in the Railyard Park, and because of his work with the Trust for Public Land, at least on this one item, he would recuse himself.

Councilor Bushee asked when was the platform in question built.

Mr. Siqueiros said it was constructed when the Depot was constructed in 1909.

Councilor Bushee asked if the alternative is to rip it out and start over.

Mr. Siqueiros said we need to fix the drainage problem, which is the primary concern because of the safety issue about the ice and the water. He said they will take out the existing pavers, and "we'll try to keep as many as possible. We'll regrade it, put in some kind of drainage structure or facility to get all the water off the site, and they we'll replace those pavers, as many as we can, and that's according to the H..."

Councilor Bushee asked if he has to go through SHPO.

Mr. Siqueiros said, "No, we don't need to go through SHPO. We did get a verbal approval from David Rasch from our Historic staff, and we also got a verbal approval from the Federal Transit Authority."

Councilor Bushee said, "And the H-Board doesn't have to see what you're going to do."

Mr. Siqueiros said they will see what we're going to do, but it does not need to go before the Board.

Councilor Bushee asked how they will see it.

Mr. Siqueiros said once there is a proposed or completed design, it will be forwarded to David Rasch, but it does not have to be approved by the H-Board, just David Rasch.

Councilor Bushee asked if we can buy the staging, and/or don't we already have stages, noting we used to put two different stages on the Plaza.

Mr. Siqueiros said there isn't a stage which would facilitate our need, noting they did use the stage from the Convention Center several years ago for the Bike to Work Week, and it really wasn't large enough. He said we have seen a need over the past 4 years for a stage.

Councilor Bushee said then we are going to contract/rent the stage, rather than own it.

Mr. Siqueiros said owning it would be quite expensive, but they want to see how it will work in the coming event season and perhaps even the next year, and then look at purchasing our own stage. He said this is a way to see if purchasing a stage would be a good idea.

Councilor Bushee asked if we have "two old ones kicking around somewhere that we used to have on the Plaza for Community Days and every other Fiesta thing before we had the bandstand."

Mr. Siqueiros said there are old ones, but the Convention Center's doesn't meet our needs.

Councilor Bushee said these were stages that were used outdoors.

Mr. Siqueiros said he doesn't think Parks & Recreation has a stage.

Mr. Romero said we do have a stage which is used for lots of events, and they will look at whether it will work for this.

Councilor Bushee said she objects to the contracting if we could own it.

Mr. Romero will look into the matter between now and the Council meeting.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to move this item forward to Council without recommendation.

VOTE: The motion was approved on a voice vote, with Councilors Dimas, Bushee and Calvert voting in favor of the motion, no one voting against and Councilor Ives recused.

10. REQUEST FOR APPROVAL OF SANTA FE UNIVERSITY OF ARTS AND DESIGN (SFUAD) SCHOLARSHIPS SECTION REVISIONS. (SEAN MOODY AND JOHN GRIEGO)

Councilor Bushee said it seems we have money and nobody is applying.

Sean Moody said there have been approximately six applicants per year from Santa Fe County each of the years they've made selections. He said the Selection Committee has done its best, but only one of the 12 applicants has met all of the requirements.

Councilor Bushee asked what is being changed to get more people to do this, and asked if it is because, even with a scholarship, the tuition is too expensive.

Mr. Moody said no, it is for full tuition for 4 years for each applicant.

Councilor Bushee asked why "people aren't jumping on this. They're not qualified is what you're saying, and we have to lessen the requirements."

Mr. Moody said of the 1,200 County high school graduates each year, about 600 go to College, and he hasn't been able to get data from national as to whether it is typical for there to be 6 applicants for the Fine Art Programs.

Councilor Bushee asked if the scholarship is limited to Fine Arts, and asked if this is one of the "things you're trying to lessen."

Mr. Moody said, "No, not at all, no. As you know the University focuses on Fine Arts. These changes are intended to retain the strong requirements for residency and for high school graduate, but to relax the income and performance requirements."

Councilor Calvert said, "Basically, I think, as we discussed at Public Works, that \$66,000 per year requirement goes away, although we will strive for it, we won't hold it..."

Councilor Bushee said then the household combined income can be higher.

Mr. Moody said, "These changes would relax from the status of requirements to considerations."

Councilor Bushee asked if there currently is an income limitation.

Mr. Moody said, "The Selection Committee will continue to consider on the basis of median income, plus or minus, which is \$66,000."

Councilor Calvert said the 3.0 GPA also goes away as a firm requirement.

Councilor Bushee said that seems wrong.

Responding to Councilor Bushee, Mr. Moody said this addresses a few other plus or minus minor things. It tightens the volunteer requirements, they were unspecific in the Council's previous requirements. It is more strict in that it actually specifies some hours required.

Councilor Bushee asked the new GPA requirement.

Mr. Moody said performance in general will be a consideration, both for the award and then for the renewal.

Councilor Bushee said, "Maybe it's more portfolio based now, or something."

Mr. Moody said they have learned from the University that the academic performances in Art School are more nuanced than we would have known.

Councilor Bushee said that makes sense from the "artist friends I know."

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

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

11. **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO INITIATE NEGOTIATIONS WITH SANTA FE COUNTY FOR THE PURPOSE OF AMENDING THAT CERTAIN SETTLEMENT AGREEMENT BETWEEN THE CITY AND COUNTY TO AMEND THE PHASING OF CERTAIN CITY AND COUNTY SERVICES. (COUNCILORS BUSHEE, CALVERT AND WURZBURGER). (REED LIMING) Committee Review: Public Works (postponed) 05/09/12; Public Works (approved) 03/26/12 and City Council (scheduled) 04/11/12. Fiscal Impact – No.**

Councilor Bushee said she saw the Public Works substitute, which is "kind of what I want." She said she doesn't care about the "initiate negotiations," and she really wanted to have a dialogue a year ago, or to start the dialogue. She said she got a report a year later than she wanted, and an action on this a year later than she wanted. She said she is looking at a discussion, and thinks that's what the amendment requests, and Mr. Romero said yes.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve this request, with direction to staff to provide a report sooner than in one year.

DISCUSSION: Chair Dominguez said he agrees. He said we are talking about who are people stuck between two different jurisdictions which will seriously impact the quality of life. [The balance of Chair Dominguez's remarks are inaudible because his microphone was turned off.]

Councilor Bushee said in #3, we would inherit some old, strange, legal arrangements which were set up in the past, so she would like someone to dig up some of those and make sure we consider them as part of the discussion.

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

12. **REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE CONTINUATION OF ECONOMIC DEVELOPMENT ACTIVITIES RELATED TO THE FILM INDUSTRY WITHIN THE CITY OF SANTA FE AND AUTHORIZING THE USE OF CITY-OWNED PROPERTIES AT NO COST, FOR FILM AND TELEVISION PRODUCTIONS THAT ARE ENROLLED IN THE NEW MEXICO FILM PRODUCTION TAX CREDIT PROGRAM. (COUNCILOR WURZBURGER). (FABIAN TRUJILLO) Committee Review: Finance (postponed) 03/19/12; Public Works (scheduled) 04/09/12; City Business & Quality of Life (scheduled) 04/10/12; and City Council (request to publish) 04/11/12. Fiscal Impact – Yes.**

Councilor Bushee said she pulled this to get the details, because we'd asked for them. The one thing that stood out for her, is she didn't see the commercials we're filming incorporated in here, and presumes those also have permit fees.

Mr. Trujillo said 60 permit fees generated from last year were issued for commercials, for feature films.

Councilor Bushee said commercials weren't mentioned in the paragraphs on pages 3 and 9 of the FIR. It says Expenditure Revenue Narrative, in 2011 the City received a certain amount, but it didn't mention commercials, and asked if those were incorporated but not delineated.

Mr. Trujillo said they just weren't delineated, noting there is \$1,500 in commercials and all of the other permitting fees. There were also 7 feature production films which were generated.

Councilor Bushee said then these are different numbers, noting she had a telephone conversation previously with Nick, and she heard a much higher fee was being charged. She asked if this includes the Plaza.

Mr. Trujillo said yes, this includes the Plaza, but some of the Parks fees are not included in these film permitting fees, because they are in other line items in the Parks fees in the Special Events permit fees.

Councilor Bushee said, then we're not going to waive those.

Mr. Trujillo said the Resolution doesn't ask for that at this point.

Councilor Bushee said on the bottom of page 10, it says, "According to the Parks Division, the revenue generated by film production company by the use of special event fees are not excessive and pay for the cost of maintaining the parks in some special events." She wants to make sure those aren't in the Resolution right now, because she thinks we already are over-stressed in our parks and the maintenance of them.

Mr. Trujillo said the Resolution gives authority for us to not charge for these fees, but it doesn't say we can't. He said it says in the contract, it says we should have these 6 items in there that should be there. And then it says, "The production shall incur costs associated with using the City property, including

without limitations, special staffing requirements, building and ground improvements.”

Responding to Councilor Bushee, Mr. Trujillo said that language is on the last page of the Resolution, and on page 1 of the FIR, where it is summarized.

Councilor Calvert said, “It’s on page 5 of the Ordinance, line 5.”

Councilor Bushee said then “they shall incur and pay.”

Mr. Trujillo said it is on page 5, Item B, “The production shall incur costs associated with using the City property, including, without limitations, special staffing requirements, building and ground improvements and utilities.”

Councilor Bushee would like to add language to include overtime fees for police and fire, just spell it out, because she doesn’t want those fees waived in any way. She said in Albuquerque they don’t charge permit fees, but they do charge for overtime for police and fire at a set fee, along with street closure fees, barricade fees, so we’re not waiving those fees either.

Mr. Trujillo said we’re waiving only the permit. He said we can put in the policy that we aren’t including street closure fees and other fees, but it doesn’t say specifically that we can’t waive them.

Councilor Calvert said B provides that no waiver is allowed.

Councilor Bushee said, “The FIR provides, The City of Santa Fe has the following fees for films. Film permit fees \$100 a day, \$25.50 for projects with small crews, then you say Special Event Fees Sports Fields, Special Event Damage Deposit, Administrative Overtime. You don’t mention Police and Fire or... I just want to make sure we’re not waiving any staff fees. I mean, we pay a liaison, so we don’t have to waive her fee. We pay her, and we have permit fees, and I want to make sure that the Resolution, at least if I vote on it, just waives the film permit fees. So, if that’s not clear to staff, I want to know that.”

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve this request, with an amendment on B, line 5, that specifies that we don’t waive any other fees that we currently charge for Police and Fire, Sports Fields, Special Event Damage Deposit, anything that we would charge the ordinary citizen that’s going to use our facilities that requires staffing overtime.

DISCUSSION: Councilor Calvert noted it says “The production shall incur costs,” so to him, it doesn’t allow for any waiver.

Councilor Bushee said this is her reading, but she didn’t “hear that from the podium, so I want to make sure. But I do want to add the Public Safety overtime, or any other staff in B. So be sure to look at anything we charge and make sure it’s written in there.”

Councilor Ives said in Paragraph C, page 3 of Resolution, it provides, "The production shall be fully insured." He asked if this would include an indemnity or the City being designated as an additional named insured.

Mr. Zamora said, "That is a good question, and I think it's an opportunity to be amended. Typically what we do require when renting City facilities, is that not only does the tenant maintain full liability insurance, but they do name the City as an additional insured. So, for example, a lighting project goes wrong, it burns the structure down, then the City is named so that the structure could be rebuilt. So, I think on Paragraph C, it should be amended to provide, "The production shall be fully insured including naming the City as an additional insured when necessary. That would be a good amendment.

CONTINUATION OF DISCUSSION. Councilor Ives asked if there is a call for an indemnity, or do we do that in these types of agreements. Mr. Zamora said, "Councilor, I think that would be more in the rental agreement, even though it's a zero fee rental agreement, yes, we typically do that within rental agreements."

FRIENDLY AMENDMENT: Councilor Ives proposed that Subparagraph C, line 8, be modified to indicate that the production shall be fully insured to the limits which the City approves and the City shall be named an additional insured under the insurance policies of the production company. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COMMITTEE MEMBERS**

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

- 14. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING A BLUE RIBBON PANEL WHOSE SOLE PURPOSE IS TO DEVELOP AND RECOMMEND A PLAN TO END HOMELESSNESS IN SANTA FE. (MAYOR COSS AND COUNCILORS CALVERT, DIMAS, DOMINGUEZ, IVES, RIVERA, TRUJILLO AND WURZBURGER). (NICK SCHIAVO AND TERRIE RODRIGUEZ) Committee Review: City Council (request to publish) 04/11/12. Fiscal Impact – Yes**

Councilor Bushee asked to be added as a cosponsor. Councilor Bushee said we had a blue ribbon panel, and they had a plan that said we need to put everybody in a home. She asked what was done with the other plan, and if we abandoned the Blue Ribbon Panel and do we have different work for them this time, and can we get them to consider the lack of needed treatment. She said the particular population she "continues to run up against, in the Railyard particularly, won't avail themselves of whatever facilities we ever come up with and/or may not even want treatment for any kind of addictions, but they persist and they are a community issue and we haven't dealt with them."

Terrie Rodriguez said the Blue Ribbon Task Force completed its job of doing the plan, and then would meet periodically, probably every quarter or so, in addition to implementing this plan which continued to work kind of under Hank Hughes through the New Mexico Coalition to End Homelessness. So, they did continue to meet, not quite as a Blue Ribbon Task Force, to implement the plan. She said,

"What happened with the plan is that an awful lot of things were accomplished with the plan. There was the youth shelters piece who wanted to have additional transitional housing, and they got 8 additional transitional housing units. We wanted additional housing vouchers and 70 were added to that. It wasn't quite the total amount we wanted. We wanted 130, but we got 70 out of the federal government. We wanted the one stop for homelessness, and the City stepped up and bought Pete's Pets and allowed it to be renovated and the one stop, I guess through the Interfaith Community Shelter group obtained another \$111,000 from the Legislature this year to complete the outside areas of it, as well as that kitchen. And then the other things were the Village Sage for permanent housing as well as other levels of income into Village Sage, and the purchase of the Stagecoach Inn by the Housing Trust... the Housing Trust bought that to be able to turn that into rental pieces, because that's the other thing that's not affordable here, is home ownership is not available to most people, so these are going to be rental pieces. As well as some additional purchasing of transitional housing that happened."

Ms. Rodriguez continued, "So what happened with that plan, was an awful lot of it was completed. So what we'd like to look at now that we're coming up close to the end of this first five years is to do a whole new plan. We don't want to have to just take that plan and work on it and add to it, and that sort of thing. We'd like to look at a whole new plan and treatment would definitely be something that I think would be so desperately needed, because when I look at treatment from the Human Services perspective, really all we've got is Santa Fe Recovery Center. We do have some great non-profits in town, Zia and Teen Builders, who are working very hard, especially with our youth, to try to implement some real substance abuse and alcohol abuse treatment processes. But there's no treatment place. And I think you're going to start hearing more about treatment, especially for youth as well that are coming out of a couple of studies that we're looking at now for what's going on in Northern New Mexico here in Santa Fe."

Councilor Bushee asked if we spelled out the things they were going to look at in the last Resolution, or did they come back and tell us, because there's nothing in here except for reconstituting the panel.

Ms. Rodriguez said, "No. In the last Resolution..., I don't believe we did. Because what we had looked at was bringing together the homeless providers, and the strength of that exercise, was that it brought together all of the different providers here in town for them to get behind a single plan. And, in addition to the amount that the City put up, they brought in an awful lot of money from a lot of other places because they had a plan, because they had a unified way of looking at how to access those resources, both federal and state, to get them into our community."

Councilor Bushee asked if this is the group that got us to spend a lot of money on the plan we used out of the Affordable Housing Fund, that "pretty much, bottom line, said we need to get everybody in a home, which I'm not certain is achievable. I mean, you know, the one we did under Kathy McCormick. I mean we spent some money on it. It was our Affordable Housing Plan that we sort of had an emphasis on ending homelessness. That, I don't want to redo, because I think we spent a lot of money on it. And not everybody that's homeless wants to actually own a home, or be responsible for a home. We spent a lot of money. It's sitting on your shelf somewhere."

Mr. Schiavo asked if she is speaking about a plan.

Councilor Bushee said, "Yes. The Affordable Housing Plan. The one under Kathy. I think we spent like, I don't know, I want to say a quarter million dollars. We spent a lot of money on some plan."

Mr. Schiavo said, "I honestly don't know how much we spent."

Councilor Bushee said the plan had a big emphasis on ending homelessness and putting people in homes, which is a lofty ideal, but not everyone wants or could sustain that. She would like staff to find that and make sure we don't spend money redoing that plan.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve this request, with direction to staff that when they bring the work forward, they don't leave out that population that may not want to be part of a shelter.

DISCUSSION: Councilor Bushee said during the campaign, she had a lot of constituents in and around the Railyard, particularly around the River, in her District, who wanted her to stop the camping on City-owned land. She said if this is done, she is concerned about where that population will go, and "that's where I come back to, where will they go." These are people who are screened out of St. Eve's and our shelter because of an addiction issue, and they don't necessarily want to rent or live in a home. She said Las Cruces put up a tent city on an interim basis. She does feel like treatment to some degree needs to be in the offing.

FRIENDLY AMENDMENT: Councilor Calvert asked to amend the Resolution on page 2, line 13, to add a veteran's representative. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

CONTINUATION OF DISCUSSION: Councilor Bushee asked if we would like to appoint a current homeless person on the panel.

Ms. Rodriguez said the difficulty is that person's ability to get to and contribute to meetings at the desired level.

Councilor Bushee said she won't make that a requirement, but perhaps they might be able to find someone.

FRIENDLY AMENDMENT: Councilor Dimas asked to amend the Resolution on page 2, line 13, to add a representative from the law enforcement community. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND 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.

15. **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PREPARE THE REQUIRED DOCUMENTS TO AMEND THE CURRENT AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE SANTA FE RAILYARD PARK STEWARDS FOR CONTINUED SERVICES TO BE PROVIDED AT THE SANTA FE RAILYARD PARK AND PLAZA, FOR AN ADDITIONAL \$100,000 PER YEAR, TO BE PAID OVER A THREE YEAR TERM (COUNCILORS ROMERO, TRUJILLO, WURZBURGER AND CALVERT). (BOB SIQUEIROS) Committee Review: Public Works (approved) 01/23/12; Finance Committee (withdrawn inadvertently) 01/30/12; Finance Committee (postponed) 02/20/12; City Council (scheduled) 03/28/12. Fiscal Impact – Yes.**

Councilor Bushee said she has concerns that we aren't following procedure in terms of advertising and how this is on the agenda. She said the minutes we just approved provide, "Chair Dominguez noted Item #13 was withdrawn by Councilor Romero, the sponsor, at the last meeting and won't be heard tonight. He said that other Councilors would have to reintroduce that item." She said this is precisely what we voted on and the same for the previous meeting. She said, "It was remarkable to both of us, because I said, what, just withdrawn not just postponed. And I asked it twice, and it said withdrawn. Even if it was an inadvertent staff issue, I just think we shouldn't be hearing this tonight until it is reintroduced. And my understanding from the last meeting is, it was going to be reintroduced with the confusing wording about that they weren't asking for a new \$100,000, they were just asking for an additional \$50,000. So, I'm going to probably not vote on this, I'm going to abstain, because I don't think this is... I'm still going to raise a couple of concerns. I really don't think it's appropriately noticed."

Councilor Bushee continued, "I've had some struggles with how this was initially presented. It did not really cover a lot of detail in terms of the in-kind contributions. And the other struggle for me is that I can count at least 5 non-profits in the last 2-3 months, that have come to me specifically, and I'm sure to others, looking for operational funds. Everybody's been impacted in this budget, I mean in these times, these economic times. Operational dollars are really hard to come by. I've had Women's Health saying they're going to close their doors, could they get \$50,000, you were in that meeting. I've had Warehouse 21 trying to waive their lease, and so from my perspective there needed to be a sifting procedure whereby we really look at the value. So, my initial concern with this proposal was that the majority of your requests financially, and the majority of your funding still is the City. The majority of your requests are overhead, which is essentially staff. And I could be looking at... \$50,000 could pay for a dedicated Police Officer in the Railyard area. I know we've approved security funds."

Councilor Bushee continued, "So, I have some real concerns as to how we actually sort and sift and recommend additional funds, because obviously the City has started up the Railyard Stewards. Not that I have a concern over the work or the mission and what has taken place, but I have great concern tonight that we're actually not advertised appropriately, so I'm not going to..."

Responding to the Chair, Councilor Bushee said she read this and still has the same concerns which is that the majority of the money is for new staff, and the majority of the money additionally has been staff. She said she doesn't think you can claim that this is Railyard security. She is speaking to her concerns about doubling the operational funds, which essentially are for an additional person. She reiterated that this is more about organizational capacity-building and she doesn't feel this is the City's responsibility, and she is concerned there are other needs for operational funds for the City itself, much

less for non-profits. She reiterated that she believes this has been incorrectly presented and advertised.

MOTION: Councilor Calvert moved, seconded by Councilor Ives, to approve this request with the amendments

DISCUSSION: Councilor Calvert said the Railyard Stewards provide great deal of value to the Railyard and this is a lot of effort which City staff otherwise would have to do, plus they involve the community in the projects, education hands-on work, to accomplish those improvements.

Councilor Bushee said, "Point of information. Is this not a conflict of interest tonight for you [Councilor Ives].

Councilor Ives said, "Well, that's the point I'm going to address, Mr. Chair. I don't believe it is a conflict in this instance, although the Stewards were a creation of the Trust for Public Lands, with whom I work on a regular basis, they became an independent, non-profit entity in January 2011, so for over a year they have had a totally separate existence. And additionally, I would note they reference to the Railyard Art Committee. I do serve on that Committee. It's a totally volunteer committee that makes recommendations and handles the public art projects, but again, it's not funding coming from the Stewards *per se*.

Councilor Bushee asked for clarity from the City Attorney, "because you recused on the previous one. I didn't expect you to recuse on the one about the stage because it was in the park."

Chair Dominguez asked Geno Zamora, City Attorney, if this is an appropriate disclosure, and would the recommendation be that he fully recuse himself from this.

Councilor Calvert said that is up to Councilor Ives.

Mr. Zamora said, "The test through the Ethics Ordinance, is whether an official action will benefit the individual or an entity that the individual is associated with. So, if this contract were with the Trust for Public Lands, or a related entity, then a conflict would be in order, and a recusal would be in order. As has been stated by Councilor Ives, this is a separate entity. The Trust for Public Lands receives no benefit from this contract, therefore it would not be a conflict under the definition in the Ethics Ordinance.

Chair Dominguez said, "Do you feel comfortable with that Councilor Ives, that there are no conflicts."

Councilor Ives said, "I'm, again, previously there would have been. I know of no personal gain, so in this instance..."

Councilor Bushee said, "I just want to clarify for the future, because you maybe weren't here when he recused on the item which..."

Mr. Zamora said, "Yes, I was Councilor."

Councilor Bushee said, "So, I'm not sure I understood that recusal. Just because we're going to be having you around for a while, and we're going to be dealing with the Railyard, I want to understand."

Mr. Zamora said, "As I understood the past recusal, that vote directly affected the Trust for Public Lands and provided a benefit."

Councilor Ives said, "Again, the TPL holds the conservation easement on the Railyard Park which also includes the Alameda and Plaza area, and I understood that work to be approved at the Depot to include that area that potentially is covered by the conservation easement, so that would seem to be potentially a directly... a direct conflict in the instance."

Councilor Bushee said, "But the work done by the Railyard Stewards is done in the same Park in the same easement. It just seems to me that neither one, I don't think, needs to be recused, but..."

Councilor Ives said, "And I did the first one out of an abundance of caution, not knowing exactly, and why it also went in as an abstention. This one I think.."

Chair Dominguez said, "Geno."

Mr. Zamora said, "On the previous instance, I'm not sure that it required a recusal either. However, the Councilor chose to recuse himself in that instance."

Chair Dominguez said, "Okay, so Councilor Ives, you have the second. Are we as a Committee comfortable with that. Does the Committee want to recuse him."

Councilor Calvert said, "I don't think we have that choice."

Chair Dominguez said, "Then we don't have that choice any more. Okay."

Councilor Bushee said, "I just want to clarify, because we're going to do this every time we do the Railyard."

Chair Dominguez said, "We used to be able to recuse Councilors."

Councilor Ives said, "And again, I did not see the need for recusal here, given the existence of the entity as a separate entity for over a year-long period."

Councilor Dimas said he isn't familiar with the Railyard, commenting he has been on the tour and is very impressed with the Railyard and things that have happened there. He is not familiar with what the Stewards have done in the past. He wants to be sure we get the best bang for the dollar. He asked, "What are we getting for that additional \$50,000."

Kathy Tijerina, Executive Director, Railyard Park, said, "Basically, you're getting a lot of additional volunteer hours. You're getting private funding bringing in, and all of these efforts are going to be devoted to improving City land in the Railyard Park. That's the bottom line. The details are on page 3 of the proposal. Did you have any specific questions."

Councilor Dimas said, "No, I just wanted to get a basic idea of what the \$50,000 was going to actually cover, or what it's going to actually do."

Ms. Tijerina said, "We're trying to orient the whole organization to improving that property and to educating people about the history of the community, about the plants, getting them connecting to the gardening, the community gardening, the wonderful demonstration gardens that we have. All of those things are things that benefit directly the community, and the City's land. We have a small staff of 1 full time person and 2 part time people and a Vista Volunteer. And all of our efforts are toward either raising money for the Park or raising volunteer efforts, and we've got some wonderful volunteers who are doing the sort of... we've got a great City staff who is working on the heavy lifting, the irrigation systems and all of those things. And these volunteers come in and they weed and they prune and they help enhance the beauty of that Park."

Mr. Siqueiros said if the Resolution is approved, since it is \$100,000, the contract will come back to this Committee, so you'll be able to see exactly what you're getting for the money.

VOTE: The motion was approved on a voice vote with Councilor Calvert, Councilor Dimas and Councilor Ives voting in favor of the motion, none voting against, and Councilor Bushee abstaining.

17. **REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SUBSECTIONS 14-3.10(B) SFCC 1987, AND 14-3.10(C) SFCC 1987, RELATING TO DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS; AMENDING SECTION 14-8.3 RELATING TO FLOOD REGULATIONS; AMENDING ARTICLE 14-12 SFCC 1987, TO REPEAL THE DEFINITION OF "FLOODPLAIN," AMEND VARIOUS DEFINITIONS AND ESTABLISH DEFINITIONS FOR "FLOOD INSURANCE RATE MAP" AND "WAIVER"; AND MAKING ANY OTHER CHANGES AS ARE NECESSARY (MAYOR COSS). (MATTHEW O'REILLY) Public Works (approved) 03/26/12; Planning Commission (scheduled) 04/05/12; City Council (request to publish) 04/11/12; and City Council (public hearing) 05/09/12. Fiscal Impact – No.**

Councilor Bushee said she had gotten answers to her questions in this matter.

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

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

END OF CONSENT AGENDA DISCUSSION

DISCUSSION

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

The staff report was presented by Robert Romero, saying both positions are very critical and need to be filled as soon as possible.

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

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

19. OTHER FINANCIAL INFORMATION:

A. UPDATE ON BUDGET PROCESS FOR FISCAL YEAR 2012/2013. (COUNCILOR DOMINGUEZ AND DR. MELVILLE MORGAN)

Chair Dominguez said Councilor Calvert will be gone for some of the meetings. He asked the Committee to give feedback if there are dates they can't attend.

20. MATTERS FROM THE COMMITTEE

Councilor Bushee said, "I just want to clarify that we are going to review every Department."

Chair Dominguez said yes.

Councilor Bushee asked Mr. Romero if he has an update on St. Catherine's.

Mr. Romero said he did contact the Bank, and it sounds promising, and he will be meeting them soon, after he checks with Mr. Zamora.

Councilor Bushee asked that he keep her updated.

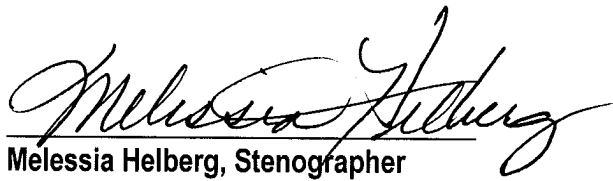
21. ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at 10:15 pm.

Carmichael A. Dominguez, Chair

Reviewed by:

**Dr. Melville L. Morgan, Director
Department of Finance**


Melessia Helberg, Stenographer