



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 14, 2012  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 11-9-12 TIME 4:20pm

SERVED BY

RECEIVED BY

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – October 30, 2012
9. PRESENTATIONS
  - a) Employee of the Month for November 2012 – Brian Bird, Paramedic and Brian Moya, Rescue Technician – Fire Department. (5 minutes)
  - b) Proclamation – America Recycles Day – November 15, 2012. (Cindy Padilla) (5 minutes)
  - c) Awards Presentation – Excellence in Business Recycling. (Cindy Padilla) (5 minutes)
10. CONSENT CALENDAR
  - a) Bid No. 13/07/B – La Comunidad/New Vistas Facility Roofing and Agreement Between Owner and Contractor; Camdalen Construction. (Chip Lilienthal)
  - b) Request for Approval of Procurement Under State Price Agreement – Eight (8) City Wide Work Vehicles for Various Departments; Rich Ford Sales, Inc. (Robert Rodarte)
  - c) Request for Approval of Memorandum of Agreement – FY 2012/2013 Santa Fe Trails Ridefinders Program; New Mexico State Department of Transportation. (Jon Bulthuis)



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- d) Request for Approval of Professional Services Agreements – On Call Engineering Services (RFP #13/04/P) for Roadway & Trails Engineering Division. (James Martinez)
  - 1) Radian Engineering, LLC
  - 2) Santa Fe Engineering Consultants, LLC
  - 3) HDR Engineering, Inc.
- e) Request for Approval of Amendment No. 4 to Professional Services Agreement – Private Security at the Santa Fe Depot and North Railyard Development; Santa Fe Railyard Community Corporation. (Robert Siqueiros)
  - 1) Request for Approval of Budget Increase – Santa Fe Railyard Project Fund.
- f) CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_\_. (Councilor Calvert)  
A Resolution Directing Staff to Prepare a New Santa Fe General Plan to Replace the Existing Santa Fe General Plan (Adopted April 14, 1999). (Reed Liming)
- g) CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_\_. (Councilor Calvert)  
A Resolution Directing Staff to Complete the Landscape Project Originally Planned and Designed for the Santa Fe Community Convention Center. (Chip Lilienthal)
- 11. CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_\_. (Mayor Coss)  
A Resolution Adopting the Special Flood Hazard Areas Identified by the Federal Emergency Management Agency (FEMA) in the Current Scientific and Engineering Report Entitled, "The Flood Insurance Study (FIS) for Santa Fe County, New Mexico and Incorporated Areas" with Accompanying Flood Insurance Rate Map (FIRM), Effective December 4, 2012. (Matthew O'Reilly)
- 12. Request for Approval of 2012 Microsoft Enterprise Agreement for Volume Licensing for City-Wide Windows7 and Office 2010 for ITT Division; Microsoft. (Thomas Williams)



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13. CIP #859A – St. Francis Crossing from the Acequia Trail to Railyard: Request for Approval of Recommendation for Project Development. (Isaac Pino)
14. CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_. (Councilor Calvert)  
A Resolution Endorsing the Efforts of the Dental Community to Collaborate with Local Schools, Health Providers and State and Local Governmental Entities to Formulate a Plan to Provide Increased Services, Education and Outreach to the Residents of Santa Fe County in an Effort to Improve Oral Health for Both Children and Adults; and Declaring that the City of Santa Fe, Beginning In 2013 and Every Year Thereafter, Will Recognize the Month of February as "Oral Health Month," with One Day in February Being Designated as "Oral Health Day". (Alex Puglisi)
15. MATTERS FROM THE CITY MANAGER
16. MATTERS FROM THE CITY ATTORNEY  
  
Executive Session:  
  
In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7), NMSA 1978, and Pursuant to City of Santa Fe Resolution No. 2012-31, Quarterly Discussion of Threatened or Pending Litigation in Which the City of Santa Fe is or May Become a Participant.
17. MATTERS FROM THE CITY CLERK
18. COMMUNICATIONS FROM THE GOVERNING BODY

## EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION



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E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

- Law Enforcement Assisted Diversion Task Force ("LEAD")

H. PUBLIC HEARINGS:

- 1) Request from Santa Fe Boutique Wines, LLC for a Wholesaler License for Distribution of Wine to be Located at Santa Fe Boutique Wines, LLC, 1517 Third Street. (Yolanda Y. Vigil)

- 2) CONSIDERATION OF BILL NO. 2012-34: ADOPTION OF ORDINANCE NO. 2012-\_\_\_\_\_.

An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2012C in an Aggregate Principal Amount of \$5,135,000 for the Purpose of Defraying the Cost of Purchasing, Furnishing, Equipping, Rehabilitating, Making Additions to and Making Improvements to the Railyard Condo Unit for Existing and Future Municipal Facilities; Providing that the Bonds will Constitute a Subordinate Lien on and be Payable and Collectible Solely from (1) the Revenues of the City's One-Half of One Percent (1/2%) Municipal Gross Receipts Tax Distributed to the City by the State Taxation and Revenue Department, (2) the Revenues of the City's One-Eighth of One Percent (1/8%) Municipal Infrastructure Gross Receipts Tax Distributed to the City by the State Taxation and Revenue Department, and (3) the Revenues of the State-Shared Gross Receipts Tax Distributed to the City Pursuant to Section 7-1-6.4, NMSA 1978, as Amended; Establishing the Form, Terms, Manner of Execution and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement in Connection with the Bonds; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection with the Bonds; Repealing all Ordinances in Conflict Herewith; and Related Matters. (With Amendments in Packet) (Dr. Melville Morgan and Judith Amer)



# Agenda

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- 3) **CONSIDERATION OF BILL NO. 2012-36: ADOPTION OF ORDINANCE NO. 2012-\_\_\_\_. (Mayor Coss)**  
An Ordinance of the City of Santa Fe, New Mexico Authorizing and Providing for the Issuance and Sale of its Industrial Revenue Bonds (El Castillo Retirement Residences) Series 2012 in an Aggregate Principal Amount Not to Exceed \$30,000,000 for the Purpose of Financing and Refinancing Improvement, Construction, Acquisition and/or Equipping of an Adult Residential Retirement Facility, Memory Support Facility and Nursing and Assisted Living Facility Located at 250 East Alameda Street and 239 East De Vargas Street in Santa Fe, New Mexico, Authorizing the Execution and Delivery of an Installment Sale Agreement Between the City and El Castillo Retirement Residences, an Indenture of Trust Securing Said Bonds, a Bond Purchase Agreement, Closing Documents and Such Bonds in Connection Therewith; Providing for the Terms of the Series 2012 Bonds and Making Determinations as to the Sufficiency of the Installment Sale Payments and Other Matters Related to the Project; Authorizing the Sale of Said Bonds and Any Ancillary Agreements in Connection Therewith; and Authorizing Other Matters Pertaining to the Issuance of Said Bonds.
- 4) **CONSIDERATION OF BILL NO. 2012-35: ADOPTION OF ORDINANCE NO. 2012-\_\_\_\_. (Councilor Dominguez)**  
An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987 Regarding Mobile Home Park Districts and Mobile Home Parks; Amending Section 14-4.2(J)(1) SFCC 1987 to Expand the Purpose of the MHP District to Include Residential Subdivisions and Multi-Family Dwellings; Amending Section 14-6.1(C) Table of Permitted Uses to Correspond With 14-4.2(J)(1); Amending Section 14-6.2(A)(3) SFCC 1987 to Clarify Standards for Existing Mobile Home Parks; Amending Section 14-7.2(I) SFCC 1987 to Prohibit the Establishment of New Mobile Home Parks as of the Effective Date of this Ordinance and to Clarify that Manufactured Homes are Allowed in Existing Mobile Home Parks; Amending Table 14-7.2-1 to Provide Dimensional Standards in the MHP District; Amending Section 14-12 Regarding Mobile Home-Related Definitions; and Making Such Other Stylistic or Grammatical Changes that are Necessary. (Matthew O'Reilly)



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- 5) Request from Goler Fine Imported Shoes for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Champagne at Goler Fine Imported Shoes, 125 West Palace Avenue, Which is Within 300 Feet of the Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place. The Request is for the Event "Goler Goes Glitter" to be held on November 16, 2012 from 4:00 p.m. to 7:00 p.m. (Yolanda Y. Vigil)

## I. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

SUMMARY INDEX  
SANTA FE CITY COUNCIL MEETING  
November 14, 2012

| <u>ITEM</u>   | <u>ACTION</u>      | <u>PAGE #</u> |
|---|--------------------|---------------|
| <u>AFTERNOON SESSION</u>  |                    |               |
| CALL TO ORDER AND ROLL CALL   | Quorum             | 1             |
| APPROVAL OF AGENDA  | Approved [amended] | 1-2           |
| APPROVAL OF CONSENT CALENDAR  | Approved [amended] | 2             |
| CONSENT CALENDAR LISTING  |                    | 2             |
| APPROVAL OF MINUTES: REGULAR CITY<br>COUNCIL MEETING – OCTOBER 30, 2012   | Approved           | 3             |
| <u>PRESENTATIONS</u>  |                    |               |
| EMPLOYEE OF THE MONTH FOR NOVEMBER<br>2012 – BRIAN BIRD, PARAMEDIC AND BRIAN<br>MOYA, RESCUE TECHNICIAN – FIRE DEPARTMENT   |                    | 3             |
| PROCLAMATION – AMERICA RECYCLES DAY –<br>NOVEMBER 15, 2012  |                    | 3             |
| AWARDS PRESENTATION – EXCELLENCE IN<br>BUSINESS RECYCLING   |                    | 3-4           |
| <u>CONSENT CALENDAR DISCUSSION</u>  |                    |               |
| REQUEST FOR APPROVAL OF MEMORANDUM OF<br>AGREEMENT – FY 2012/2013 SANTA FE TRAILS<br>RIDEFINDERS PROGRAM; NEW MEXICO STATE<br>DEPARTMENT OF TRANSPORTATION  | Approved           | 4             |
| REQUEST FOR APPROVAL OF AMENDMENT NO. 4<br>TO PROFESSIONAL SERVICES AGREEMENT –<br>PRIVATE SECURITY AT THE SANTA FE DEPOT AND<br>NORTH RAILYARD DEVELOPMENT; SANTA FE<br>RAILYARD COMMUNITY CORPORATION | Not approved       | 4-5           |
| REQUEST FOR APPROVAL OF BUDGET<br>INCREASE – SANTA FE RAILYARD<br>PROJECT FUND  | Not approved       | 4-5           |

| <u>ITEM</u>  | <u>ACTION</u> | <u>PAGE #</u> |
|--|---------------|---------------|
| <p>CONSIDERATION OF RESOLUTION NO. 2012-____<br/> A RESOLUTION DIRECTING STAFF TO COMPLETE<br/> THE LANDSCAPE PROJECT ORIGINALLY PLANNED<br/> AND DESIGNED FOR THE SANTA FE COMMUNITY<br/> CONVENTION CENTER<br/> *****<br/> END OF CONSENT CALENDAR DISCUSSION<br/> *****</p>   | Not approved  | 5-6           |
| <p>CONSIDERATION OF RESOLUTION NO. 2012-88<br/> A RESOLUTION ADOPTING THE SPECIAL FLOOD<br/> HAZARD AREAS IDENTIFIED BY THE FEDERAL<br/> EMERGENCY MANAGEMENT AGENCY (FEMA) IN<br/> THE CURRENT SCIENTIFIC AND ENGINEERING<br/> REPORT ENTITLED, "THE FLOOD INSURANCE<br/> STUDY (FIS) FOR SANTA FE COUNTY, NEW<br/> MEXICO AND INCORPORATED AREAS," WITH<br/> ACCOMPANYING FLOOD INSURANCE RATE<br/> MAP (FIRM), EFFECTIVE DECEMBER 4, 2012</p>   | Approved      | 6-7           |
| <p>REQUEST FOR APPROVAL OF 2012 MICROSOFT<br/> ENTERPRISE AGREEMENT FOR VOLUME LICENSING<br/> FOR CITY-WIDE WINDOWS 7 AND OFFICE 2010 FOR<br/> ITT DIVISION; MICROSOFT</p>   | Approved      | 7             |
| <p>CIP #859A – ST. FRANCIS CROSSING FROM THE<br/> ACEQUIA TRAIL TO RAILYARD: REQUEST FOR<br/> APPROVAL OF RECOMMENDATION FOR PROJECT<br/> DEVELOPMENT</p>  | Approved      | 8-15          |
| <p>CONSIDERATION OF RESOLUTION NO. 2012-89<br/> A RESOLUTION ENDORSING THE EFFORTS OF<br/> THE DENTAL COMMUNITY TO COLLABORATE<br/> WITH LOCAL SCHOOLS, HEALTH PROVIDERS<br/> AND STATE AND LOCAL GOVERNMENT ENTITIES<br/> TO FORMULATE A PLAN TO PROVIDE INCREASE<br/> SERVICES, EDUCATION AND OUTREACH TO THE<br/> RESIDENTS OF SANTA FE COUNTY IN AN EFFORT<br/> TO IMPROVE ORAL HEALTH FOR BOTH CHILDREN<br/> AND ADULTS; AND DECLARING THAT THE CTY OF<br/> SANTA FE, BEGINNING IN 2013 AND EVERY YEAR<br/> THEREAFTER, WILL RECOGNIZE THE MONTH OF<br/> FEBRUARY AS "ORAL HEALTH MONTH," WITH<br/> ONE DAY IN FEBRUARY BEING DESIGNATED AS<br/> "ORAL HEALTH DAY."</p> | Approved      | 15            |



| <u>ITEM</u>  | <u>ACTION</u> | <u>PAGE #</u> |
|--|---------------|---------------|
| MATTERS FROM THE CITY MANAGER  | None          | 15            |
| <u>MATTERS FROM THE CITY ATTORNEY</u>  |               |               |
| EXECUTIVE SESSION  | Approved      | 16            |
| MOTION TO COME OUT OF EXECUTIVE SESSION  | Approved      | 16            |
| <u>EVENING SESSION</u>   |               |               |
| CALL TO ORDER AND ROLL CALL  | Quorum        | 17            |
| PETITIONS FROM THE FLOOR   | None          | 17            |
| <u>APPOINTMENTS</u>  |               |               |
| Law Enforcement Assisted Diversion<br>Task Force ("LEAD")  | Approved      | 17-18         |
| <u>PUBLIC HEARINGS</u>   |               |               |
| REQUEST FROM SANTA FE BOUTIQUE WINES,<br>LLC, FOR A WHOLESALER LICENSE FOR<br>DISTRIBUTION OF WINE TO BE LOCATED AT<br>SANTA FE BOUTIQUE WINES, LLC, 1517 THIRD<br>STREET)   | Approved      | 18            |
| REQUEST FROM GOLER FINE IMPORTED<br>SHOES FOR A WAIVER OF THE 300 FOOT<br>LOCATION RESTRICTION AND APPROVAL TO<br>ALLOW THE DISPENSING/ CONSUMPTION OF<br>CHAMPAGNE AT GOLER FINE IMPORTED<br>SHOES, 125 WEST PALACE AVENUE, WHICH<br>IS WITHIN 300 FEET OF THE CATHEDRAL<br>BASILICA OF SAINT FRANCIS OF ASSISI, 131<br>CATHEDRAL PLACE. THE REQUEST IS FOR<br>THE EVENT "GOLER GOES GLITTER," TO BE<br>HELD ON NOVEMBER 16, 2012, FROM 4:00 P.M.<br>TO 7:00 P.M. | Approved      | 18-19         |



ITEM

ACTION

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CONSIDERATION OF BILL NO. 2012-34; ADOPTION OF ORDINANCE NO. 2012-35. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO SUBORDINATE LIEN GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2012C IN AN AGGREGATE PRINCIPAL AMOUNT OF \$5,135,000 FOR THE PURPOSE OF DEFRAYING THE COST OF PURCHASING, FURNISHING, EQUIPPING, REHABILITATING, MAKING ADDITIONS TO AND MAKING IMPROVEMENTS TO THE RAILYARD CONDO UNIT FOR EXISTING AND FUTURE MUNICIPAL FACILITIES; PROVIDING THAT THE BONDS WILL CONSTITUTE A SUBORDINATE LIEN ON AND BE PAYABLE AND COLLECTIBLE SOLELY FROM (1) THE REVENUES OF THE CITY'S ONE-HALF OF ONE PERCENT (½%) MUNICIPAL GROSS RECEIPTS TAX DISTRIBUTED TO THE CITY BY THE STATE TAXATION AND REVENUE DEPARTMENT, (2) THE REVENUES OF THE CITY'S ONE-EIGHTH OF ONE PERCENT (1/8%) MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX DISTRIBUTED TO THE CITY BY THE STATE TAXATION AND REVENUE DEPARTMENT, AND (3) THE REVENUES OF THE STATE-SHARED GROSS RECEIPTS TAX DISTRIBUTED TO THE CITY PURSUANT TO SECTION 7-1-6.4, NMSA 1978, AS AMENDED; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT IN CONNECTION WITH THE BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS

Approved

20-21

ITEM

ACTION

PAGE #

CONSIDERATION OF BILL NO. 2012-36; ADOPTION OF ORDINANCE NO. 2012-36. AN ORDINANCE OF THE CITY OF SANTA FE, NEW MEXICO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF ITS INDUSTRIAL REVENUE BONDS (EL CASTILLO RETIREMENT RESIDENCES) SERIES 2012, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000, FOR THE PURPOSE OF FINANCING AND REFINANCING IMPROVEMENT, CONSTRUCTION, ACQUISITION AND/OR EQUIPPING OF AN ADULT RESIDENTIAL RETIREMENT FACILITY, MEMORY SUPPORT FACILITY AND NURSING AND ASSISTED LIVING FACILITY LOCATED AT 250 EAST ALAMEDA STREET AND 239 EAST DE VARGAS STREET IN SANTA FE, NEW MEXICO, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT BETWEEN THE CITY AND EL CASTILLO RETIREMENT RESIDENCES, AN INDENTURE OF TRUST SECURING SAID BONDS, A BOND PURCHASE AGREEMENT, CLOSING DOCUMENTS AND SUCH BONDS IN CONNECTION THEREWITH; PROVIDING FOR THE TERMS OF THE SERIES 2012 BONDS AND MAKING DETERMINATIONS AS TO THE SUFFICIENCY OF THE INSTALLMENT SALE PAYMENTS AND OTHER MATTERS RELATED TO THE PROJECT; AUTHORIZING THE SALE OF SAID BONDS AND ANY ANCILLARY AGREEMENTS IN CONNECTION THEREWITH; AND AUTHORIZING OTHER MATTERS PERTAINING TO THE ISSUANCE OF SAID BONDS

Approved

22-23

| <u>ITEM</u>   | <u>ACTION</u>          | <u>PAGE #</u> |
|---|------------------------|---------------|
| CONSIDERATION OF BILL NO. 2012-35:<br>ADOPTION OF ORDINANCE NO. 2012-____<br>AN ORDINANCE RELATING TO THE LAND<br>DEVELOPMENT CODE, CHAPTER 14 SFCC<br>1987, REGARDING MOBILE HOME PARK<br>DISTRICTS AND MOBILE HOME PARKS;<br>AMENDING SECTION 14-4.2(J)(1) SFCC 1987,<br>TO EXPAND THE PURPOSE OF THE MHP<br>DISTRICT TO INCLUDE RESIDENTIAL<br>SUBDIVISIONS AND MULTI-FAMILY DWELLINGS;<br>AMENDING SECTION 14-6.1(C) TABLE OF<br>PERMITTED USES TO CORRESPOND WITH<br>14-4.2(J)(1); AMENDING SECTION 14-6.2(A)(3)<br>SFCC 1987, TO CLARIFY STANDARDS FOR<br>EXISTING MOBILE HOME PARKS; AMENDING<br>SECTION 14-7.2(I) SFCC 1987, TO PROHIBIT<br>THE ESTABLISHMENT OF NEW MOBILE HOME<br>PARKS AS OF THE EFFECTIVE DATE OF THIS<br>ORDINANCE AND TO CLARIFY THAT<br>MANUFACTURED HOMES ARE ALLOWED IN<br>EXISTING MOBILE HOME PARKS; AMENDING<br>TABLE 14-7.2-1 TO PROVIDE DIMENSIONAL<br>STANDARDS IN THE MHP DISTRICT; AMENDING<br>SECTION 14-12 REGARDING MOBILE HOME<br>RELATED DEFINITIONS; AND MAKING SUCH<br>OTHER STYLISTIC OR GRAMMATICAL CHANGES<br>THAT ARE NECESSARY | Postponed to 11/28/12  | 23-24         |
| MATTERS FROM THE CITY CLERK   | Information            | 24            |
| COMMUNICATIONS FROM THE GOVERNING BODY  | Information/discussion | 24-25         |
| ADJOURN   |                        | 26            |

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
November 14, 2012**

**AFTERNOON SESSION**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on Wednesday, November 14, 2012, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

Mayor David Coss  
Councilor Rebecca Wurzbarger, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Bill Dimas  
Councilor Peter N. Ives  
Councilor Ronald S. Trujillo

**Members Excused**

Councilor Carmichael A. Dominguez  
Councilor Christopher M. Rivera

**Others Attending**

Robert Romero, City Manager  
Geno Zamora, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

**6. APPROVAL OF AGENDA**

Mr. Romero said the sponsor of Item H(4) on the evening agenda, has asked that it be postponed to the Council meeting of November 28, 2012.

Councilor Bushee asked that Item H(5) on the evening agenda, be moved to the first part of the evening agenda, to be heard after Item H(1).

**MOTION:** Councilor Ives moved, seconded by Councilor Calvert, to approve the agenda as amended.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Ives, Trujillo and Wurzbarger voting for the motion and none against.

## **7. APPROVAL OF CONSENT CALENDAR**

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

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

- a) **BID NO. 13/07/B – LA COMUNIDAD/NEW VISTAS FACILITY ROOFING AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; CAMDELEN CONSTRUCTION. (CHIP LILIENTHAL)**
- b) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – EIGHT (8) CITY WIDE WORK VEHICLES FOR VARIOUS DEPARTMENTS; RICH FORD SALES, INC. (ROBERT RODARTE)**
- c) ***[Removed for discussion by Councilor Trujillo]***
- d) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – ON CALL ENGINEERING SERVICES (RFP #13/04/P), FOR ROADWAY AND TRAILS ENGINEERING DIVISION. (JAMES MARTINEZ)**
  - 1) **RADIAN ENGINEERING, LLC**
  - 2) **SANTA FE ENGINEERING CONSULTANTS, LLC**
  - 3) **HDR ENGINEERING, INC.**
- e) ***[Removed for discussion by Councilor Ives]***
- f) **CONSIDERATION OF RESOLUTION NO. 2012-87 (COUNCILOR CALVERT). A RESOLUTION DIRECTING STAFF TO PREPARE A NEW SANTA FE GENERAL PLAN TO REPLACE THE EXISTING SANTA FE GENERAL PLAN (ADOPTED APRIL 14, 1999). (REED LIMING)**
- g) ***[Removed for discussion by Councilor Bushee]***

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – OCTOBER 30, 2012**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council meeting of October 30, 2012, as presented.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Ives, Trujillo and Wurzbarger voting for the motion and none against.

**9. PRESENTATIONS**

**a) EMPLOYEE OF THE MONTH FOR NOVEMBER 2012 – BRIAN BIRD, PARAMEDIC AND BRIAN MOYA, RESCUE TECHNICIAN – FIRE DEPARTMENT.**

Mayor Coss read the letter of nomination into the record, and presented each with a plaque and a check for \$100.

Chief Salas said she also would like to thank a dozen Santa Fe firefighters that also helped to make this a success, saying it couldn't have been done without everyone involved. She thanked the local businesses in Santa Fe that came out and donated, and made sure we were successful in this event. She said Brian Bird and Brian Moya and the other dozen firefighters had a great vision for Auto Acts, and worked hard to make it a reality for us, and "you put us on the map for an outstanding training in Auto Acts for New Mexico," noting this is the only class that is offered in New Mexico.

**b) PROCLAMATION – AMERICA RECYCLES DAY – NOVEMBER 15, 2012. (CINDY PADILLA)**

Mayor Coss read a proclamation into the record declaring November 15, 2012, as America Recycles Day in Santa Fe.

**c) AWARDS PRESENTATION – EXCELLENCE IN BUSINESS RECYCLING. (CINDY PADILLA)**

Ms. Padilla expressed appreciation for the commitment of the Mayor and Governing Body to increasing business recycling in Santa Fe. She introduced Mr. Glen Schiffbauer, Executive Director of the Santa Fe Green Chamber of Commerce and English Bird, Executive Director of the New Mexico Recycling Coalition.

Cindy Padilla, Mayor Coss, Glen Schiffbauer and English Bird presented the awards for Excellence in Business Recycling.



Mr. Schiffbauer presented the Excellence in Business Recycling Awards in two categories, the Small Business category and the Large Business category, with the grand prize winner in the Small Business category going to Positive Energy Solar, and in the Large Business Category to the Santa Public Schools.

Mayor Coss thanked everyone for their participation in this effort, including the Santa Fe Green Chamber of Commerce.

### **CONSENT CALENDAR DISCUSSION**

#### **10 (c) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – FY 2012/2013 SANTA FE TRAILS RIDEFINDERS PROGRAM; NEW MEXICO STATE DEPARTMENT OF TRANSPORTATION. (JON BULTHUIS)**

Councilor Trujillo said he pulled this item to disclose that he is an employee of the New Mexico Department of Transportation, but he doesn't work with the Ridefinders Program.

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

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

#### **10 (e) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – PRIVATE SECURITY AT THE SANTA FE DEPOT AND NORTH RAILYARD DEVELOPMENT; SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)**

##### **1) REQUEST FOR APPROVAL OF BUDGET INCREASE – SANTA FE RAILYARD PROJECT FUND.**

An Action Sheet for the City Council Meeting of November 14, 2012, from the Finance Committee meeting of November 5, 2012, regarding Item 10(e), is incorporated herewith to these minutes as Exhibit "1."

Councilor Ives said he pulled this item to recuse himself from participation on this item, given the Trust for Public Land's participation at the Railyard, and left the Council Chambers.

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

**DISCUSSION:** Councilor Calvert noted that there is a corrected sheet on the Councilors desks regarding Item 10(e) [Exhibit "1"]

Councilor Bushee said they had a thorough discussion about this at Finance, and this is a temporary, interim additional amount of money, and through the budget process, we will look at a permanent and perhaps less costly solution.

Councilor Dimas said, "I won't be supporting this [motion] this evening, and I think I brought up the reasons that I wouldn't be supporting it, although I supported it at Finance Committee. And those reasons are the same as what I presented that evening, and that is that I don't agree with the City spending \$200,000 for private security for the Railyard when have a perfectly capable Police Department. And I guess a lot of this has to do... I think there's a precedent that we're setting here in that it's like we're privatizing the Police Department in a sense. And I guess the analogy that I could probably use is that if a neighborhood association is having problems with a crime, maybe drugs, in their neighborhood or whatever it might happen to be, and the Police Department doesn't have the resources to use officers, because we're always short handed at the Police Department with officers. Then they could come forward to the Council and ask that we provide private security for their neighborhood association, and I just see that as a problem that could come about because of this."

Councilor Dimas continued, "But that's why. I certainly agree with the Railroad yard and what you're doing. I also think that the businesses are profiting from this also. I think that they could be contributors to security. It's going to help them with their businesses and they've got security, and the City's paying for it, and that's the reason I won't be supporting this."

**VOTE:** The motion failed to pass on the following Roll Call vote:

**For:** Councilor Calvert and Councilor Wurzburger.

**Against:** Councilor Dimas, Councilor Trujillo and Councilor Bushee.

**Recused:** Councilor Ives.

**Explaining her vote:** Councilor Bushee said, "Well I was going to vote yes, not because I really agree with everything he said, but I don't know and now I have to add, because I think temporarily, they need this, but I am going to pass for the moment." **Explaining her vote after the pass:** Councilor Bushee said, "You know, I honestly want to vote no. I think I'm going to vote no."

**10 (g) CONSIDERATION OF RESOLUTION NO. 2012-\_\_\_\_ (COUNCILOR CALVERT). A RESOLUTION DIRECTING STAFF TO COMPLETE THE LANDSCAPE PROJECT ORIGINALLY PLANNED AND DESIGNED FOR THE SANTA FE COMMUNITY CONVENTION CENTER. (CHIP LILIENTHAL)**

Councilor Bushee said she pulled this item to vote against it.

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

**DISCUSSION:** Councilor Bushee said, "I did get an email back from Dr. Morgan and there's \$2.5 million that could ultimately be replacing... there's a.. I don't know if he sent the email to everybody, but we could ultimately cover other things with that \$2.5 million, and take some of the burden off what's being covered now for maintenance over at the Convention Center. I think this is not needed at this point. In fact, I found that that space that you want to put that much money into on landscaping was very functional, particularly when we had IMBA here, and I really feel this unneeded, and we could use the money elsewhere.

**VOTE:** The motion failed to pass on the following Roll Call vote:

**For:** Councilor Calvert, Councilor Ives and Councilor Trujillo.

**Against:** Councilor Wurzbarger, Councilor Bushee and Councilor Dimas

**Explaining her vote:** Councilor Wurzbarger said, "I happen to agree with Councilor Bushee. I vote no."

Mayor Coss said he thought it was a tie vote.

Ms. Vigil said even if the Mayor were to vote to break the tie, 5 votes are needed to pass a Resolution.

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**END OF CONSENT CALENDAR DISCUSSION**

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11. **CONSIDERATION OF RESOLUTION NO. 2012-88 (MAYOR COSS). A RESOLUTION ADOPTING THE SPECIAL FLOOD HAZARD AREAS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN THE CURRENT SCIENTIFIC AND ENGINEERING REPORT ENTITLED, "THE FLOOD INSURANCE STUDY (FIS) FOR SANTA FE COUNTY, NEW MEXICO AND INCORPORATED AREAS," WITH ACCOMPANYING FLOOD INSURANCE RATE MAP (FIRM), EFFECTIVE DECEMBER 4, 2012. (MATTHEW O'REILLY)**

Mr. O'Reilly said Federal Emergency Management Agency has issued its final letter of determination, stating that new flood zones will go into effect for Santa Fe on December 4, 2012. He said for the City to remain in good standing with the National Flood Insurance Program, the City must, by ordinance or resolution, adopt these flood zones as our new flood zones, which is the purpose of this Resolution.

Councilor Bushee said, "I just want to be sure that the conflicts people had got worked out over time, individually on the flood zones, or is there anything still lingering."

Mr. O'Reilly asked Councilor Bushee if she is speaking about the appeals process, and Councilor Bushee said she is.

Mr. O'Reilly said there is an appeals process, run by the Federal government. They send out a preliminary set of maps six months before the maps go into effect, which is 6 months back from December 4, 2012. He said at that time, people can appeal, noting they can appeal before that time if they know about it. He said some people had their appeals upheld by FEMA and some did not. He said the City has no role to play in this process.

Councilor Bushee said we have been providing information or interfacing, and she wondered if there is anything outstanding which wasn't worked through and resolved.

Mr. O'Reilly said, "Not that I'm aware of."

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Dimas, to adopt Resolution No. 2012-88 as presented.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**12. REQUEST FOR APPROVAL OF 2012 MICROSOFT ENTERPRISE AGREEMENT FOR VOLUME LICENSING FOR CITY-WIDE WINDOWS 7 AND OFFICE 2010 FOR ITT DIVISION; MICROSOFT. (THOMAS WILLIAMS)**

Thomas Williams presented information from his Memo of November 1, 2012, which is in the Council packet. Please see this Memorandum for specifics of this presentation.

Mr. Williams said ultimately City was able to get a new contract with everything that we want in it, and staff is asking for approval.

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

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**13. CIP #859A – ST. FRANCIS CROSSING FROM THE ACEQUIA TRAIL TO RAILYARD:  
REQUEST FOR APPROVAL OF RECOMMENDATION FOR PROJECT DEVELOPMENT.  
(ISAAC PINO)**

Eric Martinez introduced the members of the design team that have been involved with the project throughout: Project Manager Leroy Pacheco, City of Santa Fe; Design Consultants Ivan Trujillo and Rich Rado, noting Environmental Consultant Denise Weston couldn't be here today, but she has been helping with the environmental clearance part of the project.

Eric Martinez presented information from his memorandum of October 4, 2012, with attachments, which is in the Council packet. Please see this document for specifics of this presentation. Mr. Martinez said they are here this evening to get direction from Council as how to proceed from this point.

*The Council commented and asked questions as follows:*

- Councilor Bushee asked how much has been spent to date on the design.

Mr. Martinez said about \$450,000.

- Councilor Bushee asked what is left in the line item for further design.

Mr. Martinez said funds were allocated from the 2008 funds for this project, and there is a balance of \$553,000 which is budgeted and available, and is sufficient to proceed with the design of the project.

- Councilor Dimas asked the cost for the entire design if we went with the underpass option.

Mr. Martinez said he estimates \$200,000 in addition to amount previously spent.

- Councilor Dimas said then the design phase has already cost \$650,000.

Mr. Martinez said this is a good estimate.

- Councilor Dimas said then if this is approved, the next step will be public hearings, and then the design process takes place.

Mr. Martinez said this is correct, and we would have more public involvement at that point, and would have some very thorough discussions with the NMDOT who owns the road. The structure or design element proposed would have to be coordinated closely with the NMDOT to get their buy-in. He said NMDOT is a major stakeholder since we would be crossing State right-of-way.

- Councilor Dimas asked if this will come back to the Council again for final approval.

Mr. Martinez said it depends on the direction from Council, but typically, they would hold public hearing and invite the Governing Body. He said staff can do it either way – if it is desired to be presented to Council as an information item or as a request for recommendation.

- Councilor Dimas asked, once this is all done, how do we pay for this.

Mr. Martinez said, “That is the million dollar question, because right now there are no construction funds allocated. However, having the project designed and shovel-ready, would put the City in a good position to request public funds. It would also help in the MPO’s process in looking for federal funds. Typically, it is the design that is put on the table until funding is sought and awarded.

- Councilor Dimas said there is no guarantee that we would get federal funding, and asked his estimate of our chances of getting federal funds for the entire project.

Mr. Martinez said, “Having it shovel-ready, and all the TIGER (Transportation Investment Generating Economic Recovery) type grants that have been put forward through the federal government, it’s very advantageous to have projects shovel-ready. So, I would say it kicks us over the 50% margin to get federal funds, but that’s really a guess.”

- Councilor Dimas asked if that would be 100% federally funded, or would the City be required to have matching funds.

Mr. Martinez said, “There are certain requirements for matching funds, but other types of funding there isn’t, so it depends on the type of funding involved. TIGER type grants do require a match.”

- Councilor Dimas asked Mr. Martinez the total cost to build the project, if this goes forward.

Mr. Martinez said the current construction cost estimate is at \$3.5 million for any of the build options.

- Councilor Dimas asked, “If we had to match cost with the feds, we would be looking at pretty close to \$2 million at that point in matching funds.”

Mr. Martinez said about 15-20% of that, depending on the type of funding.

- Councilor Dimas asked where the City would get the money to do this.
- Mayor Coss said from the next CIP bond or from the State, noting we could include it in our Legislative request.
- Councilor Dimas said, “And if we did nothing at all, if we went to the third option, then it would cost us nothing except for the money we’ve already expended.”

Mr. Martinez said this is correct.

- Councilor Bushee said, "This project has been kicked around, literally, for a long time. In fact, I saw former Councilor Robertson-Lopez here, and she may have introduced a Resolution, but we put a Resolution into our Congressional Delegation many moons ago, suggesting this was a priority and something we hoped to pursue funding at the federal level. At one point, we even had funds from the Governor to build it, but the DOT wasn't done with studying its section of highway and reconfiguring what they might do there, so we spent it on other connectivity, trail connections.

Councilor Bushee continued, "What I want to say is I've kind of come late to the concept of an underpass or an open underpass. I waited. I went to all the meetings, as many public hearings as I could, with our various contractors, and there were concerns of course, for both a tunnel and a for bridge. The bridge.... the neighborhood over there is very concerned about how very far and deep it has to go into the neighborhood. It has to be a zig-zag at this point because of the steepness. And a lot of people I know, bike riders and others, find that would be something less appealing to have that be a zig-zag. And then the tunnel, of course we have the new Gail Ryba tunnel, which started out as a culvert so it was there in that format. It's fairly dark, we have to keep lights on. I hope we get some solar there at some point. It's already been graffitied, and I don't know how safe people feel, but I do know it's being widely used. Every team that I see in the area from each school nearby is jogging through it, and bike riders and walkers are all using it."

**MOTION:** Councilor Bushee moved to move forward with Option 1, to approve the concept of an open underpass, along the line of what Bob Gaylor has been presenting to folks, with direction to staff that it be flushed out further with the design team, and that the DOT be involved.

**EXPLAINING HER MOTION PRIOR TO SECOND:** Councilor Bushee said, "This came to BTAC just last month, again, you sent it back for review. I have to tell you it was a very different feeling, because I also sat in on some of your Public Works hearings. It is open, with lots of daylight, side, and really looks to me to be the answer. For me, it unites the divide that has been created by St. Francis for all these years and unites the east and west sides of my district, and I think it certainly brings together the Acequia Trail and our two sections of the Railyard Park. And I've had an outpouring of folks that didn't realize that this was not a public hearing, and I know you've heard from many of them. And there's a whole dialogue going on Face Book even about this. And I have found that people are really, really excited about the possibility, and I know that this is not the only answer. They're still getting across Cerrillos Road, and there is also the fact that the crossing at Zia is also really unsafe for bikes and pedestrians. But I would hope that we would complete the design, the effort that we've already spent close to half a million dollars. My hope is that with that design in place that we will come up with... the State has a little bit more money than we expected, and the feds also... I serve on the MPO and there is some money available possibly. So, I'm hopeful... and hope for a second [to the motion]."

**SECOND:** The motion was seconded by Councilor Calvert, who clarified that "basically we are selecting Option 1, because it talks about concluding the environmental study and all that stuff."

Councilor Bushee said this is correct. She said, "To me, it is the open alternative underpass concept and everybody else will get together, all the engineers and make it work."

**DISCUSSION:** Councilor Wurzbarger said she supports the motion, commenting Councilor Bushee did an excellent job of summarizing the history. She said she too was very concerned about a tunnel. She said, "I want to personally thank Bob Gaylor for coming forward with the concept that twisted the whole notion of making it underground, work for me. And I am supporting Councilor Bushee's comment regarding the number of comments that I have received, even today, because people were upset, thinking they needed another public hearing. I would like us to move on with this to get a design, and no longer debate whether we go up or under or over or around, and to really spend the time coming back with a very strong conceptual design that cannot minimize public input, but hopefully minimize the debate around whether or not this will work. And that would be my direction, but I would be voting for this."

Councilor Trujillo said, "Councilor Bushee, you say it connects the east and west side of your district, but a lot of people from my District have a hard time crossing, because... what we've done is we're looking at building a beautiful bridge, a beautiful underpass, but one side of the City, is what it seems like, because the majority of people on my side of the Community use the Acequia, the Trail, to come up right through the DOT and then they come down Pen Road, and they get stuck right there, right there at the intersection of St. Francis. There's no way to... well there is a way to cross. You push the button and it says Walk and it says Crossing. And that's how the people get across."

Councilor Trujillo said, "What I think, and where we've missed the whole thing is that whole intersection and working with the DOT. My biggest concerns dealing with an underpass, is how long it's going to take to build that. When we had that brand new underpass that we have on St. Francis Drive, when the construction was done, we had all of that right-of-way, and we were able to move traffic from one side to another and not disrupt traffic. That's my concern for where we're at right now. The traffic that we're going to disrupt, being that's the gateway to Northern New Mexico for I-25 coming off delivering goods and all that. That's always been a concern to me."

Councilor Trujillo continued, "I like the concept of a bridge, I won't deny that, esthetically and all that. But I received, I don't how many, emails today, all 15-20 of them all stating they want an underpass. Eric, in all honesty, as engineer, what would take longer to build – a bridge or an underpass."

Mr. Martinez said, "It is really hard to say at this point, without doing some design work, but what I would say is each equally has their challenges. What we would certainly... because St. Francis Drive is a very busy highway, we would certainly look at accelerated construction options to get us through that project quickly, because we do recognize that that is a busy high. So we would be looking at night work. We would be looking at pre-cast materials for the bridges, for any kind of structure that we place. A lot of geotechnical type investigations need to be done to flush that out, but we would certainly hold that near and dear to us to look into, given that we have the money to proceed to construction. Because we realize that a project like this could be very disruptive to traffic on St. Francis"

Councilor Trujillo said, "I believe it will be very disruptive. I have a concern with public safety. That neighborhood... you know we just voted down spending money that connects the Railyard. You have a lot



of the homeless, that truthfully, you know they are going to sleep there. That is going to be a brand new hangout for them to sleep in the underpass during the night, and we are going to get complaints... your constituents dealing with that as well, Councilor Bushee. You know that's going to happen with an underpass. I'll yield."

Councilor Bushee said, "Councilor Trujillo, I understand the Pen Road connection is also something that we need to remedy, but that is an improvement that we did over there, so that we have a little bit more fluidity there. But where we have problems continually, and in fact, I think we just settled a few months back, an insurance claim, is the way the angle of the tracks and the way the lights are at that intersection, particularly across St. Francis. It's really difficult for people. So I would advocate, down the road trying to find a way to look at even how to get across Cerrillos Road."

Councilor Bushee continued, "But what I was going to say, as far as the safety aspect, and also the timeliness. I don't know if you got to see what Bob Gaylor presented, if he got a visit in with you or not, but it is much more open. We certainly already have an issue with people sleeping the arroyo in and around the Railyard, and that's why the debate over the security and police, and additional safety issues. But I really believe that the open concept, also in terms of trying to shorten the time frame. Bob, I didn't understand, had two decades worth of bridge building history in a career he's had. And he has a pre-fab concept. Now, we need to flush it out with our consultants and make sure that the DOT could approve something like that, but it would be a quick in and a quick out."

Councilor Trujillo said it would have been nice to have seen that concept, but said, "I never saw it. Nobody offered to show it to me."

Councilor Bushee said, "I'm just telling you what we saw at BTAC, and I tried to discuss it at dinner a few times."

Councilor Trujillo said, "Well I know we've had the discussion, but I never actually saw it."

Councilor Bushee said, "I'm going to tell you that you're going to get an experience on the first underpass, because I know we're about to go out to bid pretty soon on the crossing at St. Francis and West Alameda, which I think you were supportive of in the past, and that's actually coming up quickly. So, you'll see how long that takes and how that works out, but this, as I understand it, could potentially be very quick in installation. And I hope this passes."

Councilor Bushee thanked the BTAC members in attendance, Ron Pacheco and Gretchen Grogan. She thanked them for actively promoting this, as well as staff, Eric, the consultants and Leroy, commenting that everybody has been very helpful and efficient. She said, "I think we're going to come up with a good project. Honestly, I held back for the longest time on a tunnel because of those concern, and I really feel like this is the best option, and I look forward to seeing it come to life and be more than just on paper."

Councilor Trujillo thanked Councilor Bushee for her words. He said, "I understand what we are trying to do, but Eric, Councilors, I really think we need to look at that entire intersection. I don't know what it's ranked in the State. It's got to be one of the highest for traffic flows. It's got to be in the top 50, top 20, I

don't know exactly. I'm just saying... I don't know when we're going to get there. We're looking at fixing Cerrillos Road. We're looking at 30-40 years. I probably won't be here by the time they get to St. Francis Drive to fix it. That's always been my concern, my biggest concern, Eric. I'm going to support it, but be diligent when it comes to the traffic. You're going to see big semis coming through there. I really don't know where you're going to put them, because there's not the right-of-way to move traffic too much, especially when the Rail Runner comes through, you know what disrupts the lights. We've got traffic backed up on Cerrillos, traffic backed up all over. I know this has been a long process. I came here, my second year on the Council, but we had to postpone it, and Mr. Trujillo was here, I remember that, because the DOT hadn't finished their study. I just say, be diligent, because that intersection affect the entire City and that's technically in the middle of the City. And I know you're a good engineer and I know you're going to be diligent in what you do. And I will support this. And I hope it comes out nice. I hope we don't spend millions of dollars on paint and all this, because this would be in my District. It should just be concrete and paint, and let's keep it under budget. It doesn't have to be flashy just because it's downtown Santa Fe. Let's keep it minimal. I know you'll do a good job."

Councilor Dimas said he would echo what Councilor Trujillo said. He said that intersection needs help badly, noting the State is responsible at that. He noted there is a major pothole at the tracks which needs to be fixed.

Councilor Dimas asked the difference between this project and the one at St. Francis and Zia, noting we've had lots of problems with that tunnel there, with graffiti and we have people hanging out in there. "I've heard there's drug deals going on down in there and all kinds of things. So, what would the difference be as far as public safety is concern in the proposed concept."

Mr. Martinez said, "One of the big differences about this location, versus the Zia location is the width that the tunnel will span. We have a huge median. We have that situation on St. Francis Drive with a huge median, so basically the box culvert that was built there to accommodate the trail which gives the feeling of a tunnel and kind of closed-in type scenario. We wouldn't have that here. It's a shorter distance and we might even be surprised, given the opportunity to put it out to bid, we might get very good bids. The underpass project that we just built was about \$2 million. We got excellent bids for that project. But again, to address the safety concern, it is a very long tunnel. What we've seen is with high usage of trails and underpasses and that sort of thing, it tends to not be ground where people doing unsavory things what to hang out because it's an active place. So that's something that we're hoping that this connection would provide. It's an active pedestrian location which discourages that kind of activity and even the homeless type squatters."

Mr. Martinez introduced Keith Wilson of the MPO who has been looking into counting the pedestrian and bicycle traffic on trails and, the acequia trail has been quite an active trail. He said we could expect that the usage would be even higher with the underpass. He said the advantage of a grade separation is that you're taking the pedestrian and bicycle traffic out of conflicts with vehicular traffic which provides some public safety.

Mr. Martinez said Councilor Trujillo talked about a crossing for the other side of the intersection. He said if we build one crossing, potentially someone crossing to the Railyard side has to cross only one at-grade intersection at one leg with the underpass to cross at the other – instead of two at-grade intersections. He said this doesn't preclude looking at other options in the future.

Mr. Martinez said the public safety will be helped with more lighting and part of the design as an open concept.

Councilor Dimas would like to redesign the crossing on St. Francis and Zia and make it a little wider with the same concept – “food for thought for the future.”

Councilor Wurzbarger said she supports the crossing, but the discussion takes her back, around this issue, and it's the design. This is not just an engineering solution. There is a social solution to this and we are being naive if we think we don't think need to address that. She said in many countries around the world, when you go into the subways, they have music. She said we need creativity around the concept of getting people to use it, as well as to create other uses.

Councilor Ives said he wanted to echo that, in his estimation, an underpass is the preferred solution. He echoed thanks to Bob Gaylor and Suby Bowden for making tangible in a visual way what it might look like. He thinks the esthetics are significant and their drawings suggest it can be done in a very attractive and functional way. He is working to get those drawings distributed to the Councilors.

Councilor Ives said, regarding Councilor Trujillo's remarks, it seems like there has been endless work on Cerrillos Road. He supports a design process which allows for the least amount of traffic disruption, and provides maximum public safety for pedestrians and bicyclists, noting it is a major thoroughfare through Santa Fe.

Councilor Bushee invited the Mayor and Council to a pot luck Thanksgiving dinner tomorrow night at 5:30 p.m., noting there will be a quick meeting and then a dinner, and suggested Mr. Gaylor could bring the drawings.

Mayor Coss said it seems clear that the bicycle community has been wrestling with this for 4-5 years, and it seems the consensus is moving toward this open underpass idea, which he supports. He asked staff to set up a meeting for himself and Dr. Stern of the School for the Deaf, Councilor Bushee and anyone else would like to attend. He said, “He has expressed the concern to me that he is against a tunnel for the reasons that Councilor Trujillo mentioned and all of us have observed. I have observed, because I ride the Acequia Trail, that the School for the Deaf is already experiencing that problem from the Acequia Trail and the neighborhood. So I think those are very real concerns, and I wouldn't support just a tunnel and I told Superintendent Stern that I wouldn't. So I haven't seen this open concept either, but I like the idea. I think it might be more expensive than some other approaches, but let's find out as we design. But I would like to keep the School for the Deaf appraised as this goes forward, and I want to honor my commitment to Dr. Stern that we don't increase the risks for his student body with this project.”

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

14. **CONSIDERATION OF RESOLUTION NO. 2012-89 (COUNCILOR CALVERT). A RESOLUTION ENDORSING THE EFFORTS OF THE DENTAL COMMUNITY TO COLLABORATE WITH LOCAL SCHOOLS, HEALTH PROVIDERS AND STATE AND LOCAL GOVERNMENT ENTITIES TO FORMULATE A PLAN TO PROVIDE INCREASE SERVICES, EDUCATION AND OUTREACH TO THE RESIDENTS OF SANTA FE COUNTY IN AN EFFORT TO IMPROVE ORAL HEALTH FOR BOTH CHILDREN AND ADULTS; AND DECLARING THAT THE CTY OF SANTA FE, BEGINNING IN 2013 AND EVERY YEAR THEREAFTER, WILL RECOGNIZE THE MONTH OF FEBRUARY AS "ORAL HEALTH MONTH," WITH ONE DAY IN FEBRUARY BEING DESIGNATED AS "ORAL HEALTH DAY." (ALEX PUGLISI)**

Mr. Puglisi said he would stand for questions, noting he believes his Memorandum is self explanatory.

**MOTION:** Councilor Calvert moved, seconded by Councilor Trujillo, to adopt Resolution No. 2012-89.

**DISCUSSION:** Councilor Calvert said the Dental community has moved forward with its task force, has met 4 times, and is organizing to expand the education and outreach on dental health and hygiene. He thinks this is well worth supporting.

**VOTE:** The motion was approved on the following Roll Call vote, with the Mayor voting in favor of the motion which provided the 5 votes necessary to adopt a Resolution:

**For:** Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Trujillo and Mayor Coss.

**Against:** None.

**Absent for the vote:** Councilor Wurzbarger and Councilor Bushee

15. **MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

**16. MATTERS FROM THE CITY ATTORNEY  
EXECUTIVE SESSION**

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(7), NMSA 1978, AND PURSUANT TO CITY OF SANTA FE RESOLUTION NO. 2012-31, QUARTERLY DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT.**

**MOTION:** Councilor Ives moved, seconded by Councilor Dimas, that the Council go into Executive Session for discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participant, in accordance with §10-15-1(H)(7) NMSA 1978.

**VOTE:** The motion was approved on the following roll call vote, with the Mayor voting in favor of the motion to achieve a majority vote in favor of the motion:

**For:** Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Trujillo and Mayor Coss.

**Against:** None.

**Absent for the vote:** Councilor Bushee and Councilor Wurzbarger.

The Council went into Executive Session at 6:25 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 7:15 p.m. Councilor Ives moved, seconded by Councilor Wurzbarger, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

**VOTE:** The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting for the motion and no one voting against.

Mayor Coss moved Items 17 and 18 to the end of the evening agenda.

**END OF AFTERNOON SESSION AT 7:15 P.M.**

## **EVENING SESSION**

### **A. CALL TO ORDER AND ROLL CALL**

The Evening Session was called to order by Mayor David Coss, at approximately 7:15 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

#### **Members Present**

Mayor David Coss  
Councilor Rebecca Wurzbarger, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Bill Dimas  
Councilor Peter N. Ives  
Councilor Ronald S. Trujillo

#### **Members Excused**

Councilor Carmichael A. Dominguez  
Councilor Christopher M. Rivera

#### **Others Attending**

Robert P. Romero, City Manager  
Geno Zamora, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

### **F. PETITIONS FROM THE FLOOR**

There were no petitions from the floor.

### **G. APPOINTMENTS**

#### **Law Enforcement Assisted Diversion Task Force ("LEAD")**

Mayor Coss made the following appointment to the Law Enforcement Assisted Diversion Task Force:

Jeneen G. Lujan, Special Education Teacher, Amy Biehl Community School.

**MOTION:** Councilor Calvert moved, seconded by Councilor Trujillo, to approve this appointment.

**VOTE:** The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Ives, Trujillo and Wurzbarger voting in favor of the motion and none voting against.

#### **H. PUBLIC HEARINGS**

- 1) REQUEST FROM SANTA FE BOUTIQUE WINES, LLC, FOR A WHOLESALE LICENSE FOR DISTRIBUTION OF WINE TO BE LOCATED AT SANTA FE BOUTIQUE WINES, LLC, 1517 THIRD STREET). (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk, noting the business is not within 300 feet of a church or school, and copies of litter and noise Ordinances are in the packets.

#### **Public Hearing**

There was no one speaking for or against this request.

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

**MOTION:** Councilor Calvert moved, seconded by Councilor Ives, to grant the request for a Wholesaler License for distribution of wine, to be located at Santa Fe Boutique Wines, LLC, 1517 Third Street.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

- 5) REQUEST FROM GOLER FINE IMPORTED SHOES FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF CHAMPAGNE AT GOLER FINE IMPORTED SHOES, 125 WEST PALACE AVENUE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF SAINT FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR THE EVENT "GOLER GOES GLITTER," TO BE HELD ON NOVEMBER 16, 2012, FROM 4:00 P.M. TO 7:00 P.M. (YOLANDA Y. VIGIL)**

A copy of a letter from the Very Rev. Adam Lee Ortega y Ortiz, Rector, The Cathedral Basilica of St. Francis of Assisi, dated November 13, 2012, stating, "We are fine with this event going forward and with La Casa Sena providing alcoholic beverage service for this event," is incorporated herewith to these minutes as Exhibit "2."

The staff report was given by Yolanda Y. Vigil, City Clerk, noting there is a letter attached from Rev. Ortega y Ortiz, Rector, stating they have no problem with this request [Exhibit "2"].

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to grant the waiver of the 300 foot location restriction and approve the dispensing and consumption of champagne at Goler Fine Imported Shoes, 125 West Palace Avenue, for the "Goler Goes Glitter," event on November 16, 2012, from 4:00 p.m. to 7:00 p.m.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.



- 2) **CONSIDERATION OF BILL NO. 2012-34; ADOPTION OF ORDINANCE NO. 2012-35. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO SUBORDINATE LIEN GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2012C IN AN AGGREGATE PRINCIPAL AMOUNT OF \$5,135,000 FOR THE PURPOSE OF DEFRAYING THE COST OF PURCHASING, FURNISHING, EQUIPPING, REHABILITATING, MAKING ADDITIONS TO AND MAKING IMPROVEMENTS TO THE RAILYARD CONDO UNIT FOR EXISTING AND FUTURE MUNICIPAL FACILITIES; PROVIDING THAT THE BONDS WILL CONSTITUTE A SUBORDINATE LIEN ON AND BE PAYABLE AND COLLECTIBLE SOLELY FROM (1) THE REVENUES OF THE CITY'S ONE-HALF OF ONE PERCENT (½%) MUNICIPAL GROSS RECEIPTS TAX DISTRIBUTED TO THE CITY BY THE STATE TAXATION AND REVENUE DEPARTMENT, (2) THE REVENUES OF THE CITY'S ONE-EIGHTH OF ONE PERCENT (1/8%) MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX DISTRIBUTED TO THE CITY BY THE STATE TAXATION AND REVENUE DEPARTMENT, AND (3) THE REVENUES OF THE STATE-SHARED GROSS RECEIPTS TAX DISTRIBUTED TO THE CITY PURSUANT TO SECTION 7-1-6.4, NMSA 1978, AS AMENDED; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT IN CONNECTION WITH THE BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (DR. MELVILLE MORGAN AND JUDITH AMER)**

A copy of *City of Santa Fe, New Mexico, \$5,686,000 Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2012C, November 14, 2012*, with the following ratings assigned: Standard and Poor's "AA," and Fitch "AA," is incorporated herewith to these minutes as Exhibit "3."

Dr. Melville Morgan introduced George Williford, First Southwest Company, Financial Advisor, Mr. Brown, Bond Attorney from the Modrall Firm and John Archuleta from George K. Baum, who is the underwriter for this particular series.

George Williford reviewed the information in Exhibit "3." Mr. Williford said since these are sub-lien GRT bonds, the GO Bonds and the Senior Lien GRT Bonds have a AA+ rating by both entities, so this is a notch below. He said the rating reports in the back, and they comment on the strong coverage and commend and recognize the growing gross receipts tax revenues have taken a term upward and at the same time that they've always provided very strong coverage for the debt of the City which is secured by

- 3) **CONSIDERATION OF BILL NO. 2012-36; ADOPTION OF ORDINANCE NO. 2012-36 (MAYOR COSS). AN ORDINANCE OF THE CITY OF SANTA FE, NEW MEXICO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF ITS INDUSTRIAL REVENUE BONDS (EL CASTILLO RETIREMENT RESIDENCES) SERIES 2012, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000, FOR THE PURPOSE OF FINANCING AND REFINANCING IMPROVEMENT, CONSTRUCTION, ACQUISITION AND/OR EQUIPPING OF AN ADULT RESIDENTIAL RETIREMENT FACILITY, MEMORY SUPPORT FACILITY AND NURSING AND ASSISTED LIVING FACILITY LOCATED AT 250 EAST ALAMEDA STREET AND 239 EAST DE VARGAS STREET IN SANTA FE, NEW MEXICO, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT BETWEEN THE CITY AND EL CASTILLO RETIREMENT RESIDENCES, AN INDENTURE OF TRUST SECURING SAID BONDS, A BOND PURCHASE AGREEMENT, CLOSING DOCUMENTS AND SUCH BONDS IN CONNECTION THEREWITH; PROVIDING FOR THE TERMS OF THE SERIES 2012 BONDS AND MAKING DETERMINATIONS AS TO THE SUFFICIENCY OF THE INSTALLMENT SALE PAYMENTS AND OTHER MATTERS RELATED TO THE PROJECT; AUTHORIZING THE SALE OF SAID BONDS AND ANY ANCILLARY AGREEMENTS IN CONNECTION THEREWITH; AND AUTHORIZING OTHER MATTERS PERTAINING TO THE ISSUANCE OF SAID BONDS.**

The staff report was presented by Nick Schiavo, noting the only thing he would add is that \$12 million of the \$30 million will go for new construction in town, and roughly \$10 million of that amount would go for refinancing of the existing debt, so this bond is up to \$30 million.

### **Public Hearing**

There was no one speaking for or against this request.

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

**MOTION:** Councilor Bushee moved, seconded by Councilor Dimas, to adopt Ordinance No. 2012-36 as presented.

**DISCUSSION:** Councilor Ives said there is \$12 million for new construction, \$10 million to finance existing debt, and asked about the other \$8 million.

Mr. Schiavo said, "As written, it is up to \$30 million, so they have latitude to go up to that amount, but it's not necessary that they do so."

Councilor Wurzbarger said, "I would like it in the public record to clarify the vision of the owner in pursuing local contractors for this job. I know the Mayor had spoken about this, and I would just like a clarification for the public on where we think we stand, not talking about the difficulties that might happen with respect to a local contractor and our local subcontractors, and local employees."

Nick Schiavo said "Actually, there is a letter from Mr. Jahner, dated October 8, 2012, where he spells out his pledge for this project, and he's stating that it is his hope that they can achieve a 25% allocation to Santa Fe subcontractors, or more, so they're going to strive for that amount."

Councilor Wurzbarger asked, "Do we have a reporting plan, so we know how we proceed on that goal."

Mr. Schiavo said, "Mr. Jahner and I have talked. We haven't done anything formally, but I could put that together."

Councilor Wurzbarger said, "I would appreciate that."

Al Jahner, El Castillo, said, "As far as the information, I've already talked to our [inaudible] and the people involved, and we will provide you with a letter indicating the result here, that we actually did this and what the results were."

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**Explaining her vote:** Councilor Bushee said, "Yes, and I think it is commendable that they're going to strive for the quarter percent of Santa Fe workers."

- 4) **CONSIDERATION OF BILL NO. 2012-35: ADOPTION OF ORDINANCE NO. 2012-\_\_\_\_ (COUNCILOR DOMINGUEZ). AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING MOBILE HOME PARK DISTRICTS AND MOBILE HOME PARKS; AMENDING SECTION 14-4.2(J)(1) SFCC 1987, TO EXPAND THE PURPOSE OF THE MHP DISTRICT TO INCLUDE RESIDENTIAL SUBDIVISIONS AND MULTI-FAMILY DWELLINGS; AMENDING SECTION 14-6.1(C) TABLE OF PERMITTED USES TO CORRESPOND WITH 14-4.2(J)(1); AMENDING SECTION 14-6.2(A)(3) SFCC 1987, TO CLARIFY STANDARDS FOR EXISTING MOBILE HOME PARKS; AMENDING SECTION 14-7.2(I) SFCC 1987, TO PROHIBIT THE ESTABLISHMENT OF NEW MOBILE HOME PARKS AS OF THE**

**EFFECTIVE DATE OF THIS ORDINANCE AND TO CLARIFY THAT MANUFACTURED HOMES ARE ALLOWED IN EXISTING MOBILE HOME PARKS; AMENDING TABLE 14-7.2-1 TO PROVIDE DIMENSIONAL STANDARDS IN THE MHP DISTRICT; AMENDING SECTION 14-12 REGARDING MOBILE HOME RELATED DEFINITIONS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (MATTHEW O'REILLY)**

This item is postponed to the Council meeting of November 28, 2012.

**17. MATTERS FROM THE CITY CLERK**

Ms. Vigil wished everyone a safe and Happy Thanksgiving.

**18. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of November 14, 2012, is incorporated herewith to these minutes as Exhibit "4."

**Councilor Dimas**

Councilor Dimas said he had no communications other than to wish everyone a very Happy Thanksgiving, and "don't eat too much."

**Councilor Calvert**

Councilor Calvert said he would like to send our thoughts and prayers to the family and friends of Al Wadle.

**Councilor Bushee**

Councilor Bushee said she is looking for a legal opinion. It doesn't make sense to her that we can require that jobs be union, but cannot require that they be local, and asked for a legal opinion on that.

Mayor Coss said Mr. Zamora has a new opinion in this regard.

Mr. Zamora said his new opinion has been in the Committee packets under Councilor Calvert's Resolution to require the prioritization of local workers. He will re-send the opinion via email to Councilor Bushee.

Councilor Bushee said, "Just be safe and Happy Trails. Don't eat too much."

### **Councilor Ives**

Councilor Ives said he would echo the previous wishes for a very safe and family-filled Thanksgiving.

He said his middle daughter has been helping as an assistant coach for the cross-country team at St. Michael's, and this last weekend in competition, the boys won second and the girls third. He congratulated the members of the team and all of the coaches.

### **Councilor Trujillo**

Councilor Trujillo introduced a Resolution relating to the health, safety and welfare of the residents of Santa Fe New Mexico; directing City staff to enter into an agreement with the Santa Fe Solid Waste Management Agency ("SFSWMA") for the purpose of accepting a waiver of green tipping fees associated with wildland urban interface thinning to be conducted by the City of Santa Fe Fire Department. He asked that Councilor Wurzbarger be added as a cosponsor. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Trujillo wished everyone a Happy Thanksgiving.

Councilor Trujillo said he would like to announce, that for the first time in 26 years, the Santa Fe Demons football team are the District Champions. He said he is glad the blue trophy came back to Santa Fe.

Councilor Trujillo asked if it would be possible to have bonfires on the Plaza during the tree lighting ceremony. He said it is very cold and the bonfires would help. He asked Robert Romero to look into this and do bonfires if possible.

### **Mayor Coss**

Mayor Coss asked what time we will be turning-on the Christmas lights on Friday, and Mr. Romero said he check on that, and will make sure an email goes out to all the Councilors on this.

Mayor Coss said it is done on the day after Thanksgiving, and it is a great event on the Plaza, and urged the Councilors to attend, particularly the new Councilors, commenting that it is a fun event.

Mayor Coss thanked Robert Romero and all of the staff who helped to organize the Veterans Day Parade and events.

**I. ADJOURN**

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 7:40 p.m.

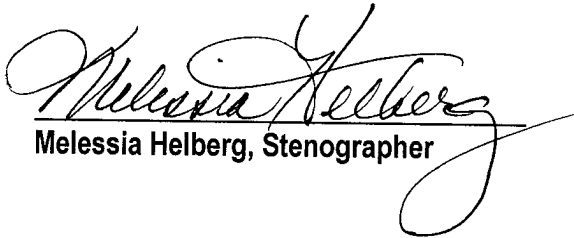
**Approved by:**

\_\_\_\_\_  
**Mayor David Coss**

**ATTESTED TO:**

\_\_\_\_\_  
**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**

  
**Melessia Helberg, Stenographer**

**ACTION SHEET**  
**CITY COUNCIL MEETING OF 11/14/12**  
**ITEM FROM FINANCE COMMITTEE MEETING OF 11/05/12**

**ISSUE:**

11. Request for Approval of Amendment No. 4 to Professional Services Agreement – Private Security at the Santa Fe Depot and North Railyard Development; Santa Fe Railyard Community Corporation. (Robert Siqueiros)

A. Request for Approval of Budget Increase – Santa Fe Railyard Project Fund

**FINANCE COMMITTEE ACTION: Approved as Discussion Item**

Requested approval of amendment no. 4 to professional services agreement for private security at the Santa Fe Depot and North Railyard Development with Santa Fe Railyard Community Corporation in the amount of \$125,000 not to exceed \$626,822 inclusive of gross receipts tax per contract. Budget is available in Santa Fe Railyard Project Fund.

**SPECIAL CONDITIONS OR AMENDMENTS:**

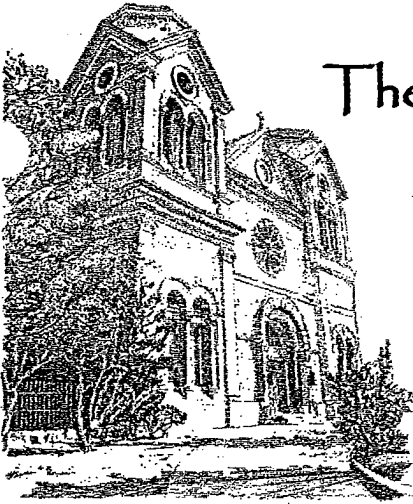
Approve \$89,000 to end of fiscal year and decide at budget time to determine future needs. Opportunity to station bike officers at Railyard.

**STAFF FOLLOW-UP:**

| <b>VOTE</b>           | <b>FOR</b> | <b>AGAINST</b> | <b>ABSTAIN</b> |
|-----------------------|------------|----------------|----------------|
| COUNCILOR BUSHEE      | X          |                |                |
| COUNCILOR CALVERT     | X          |                |                |
| COUNCILOR DIMAS       | X          |                |                |
| COUNCILOR IVES        | Recused    |                |                |
| CHAIRPERSON DOMINGUEZ |            |                |                |

MLM 3-19-12/FCMissue

*Exhibit "1"*



# The Cathedral Basilica of St. Francis of Assisi

Parish founded in 1610

Church established as a Cathedral in 1853

Elevated to Basilica in 2005

November 13, 2012

Re: Goler Event

Dear Sir or Madam,

Our neighbor, La Casa Sena, has asked our permission to process a picnic license on behalf of Goler Fine Shoes. Goler is hosting a reception on November 16, 2012 for their jewelry show and has asked La Casa Sena to provide the beverage service.

We are fine with this event going forward and with La Casa Sena providing alcoholic beverage service for this event.

Sincerely in Christ,

Very Rev. Adam Lee Ortega y Ortiz  
Rector

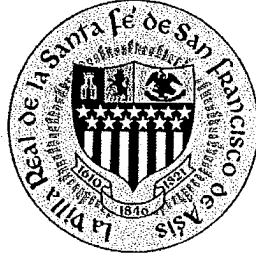
P.O. Box 2127, Santa Fe, New Mexico 87504-2127

Phone: 505-982-5619 FAX 505-989-1952





# CITY OF SANTA FE



## NEW MEXICO

\$4,685,000

SUBORDINATE LIEN GROSS RECEIPTS  
TAX IMPROVEMENT REVENUE BONDS,  
SERIES 2012C

NOVEMBER 14, 2012

THE FOLLOWING RATINGS HAVE BEEN ASSIGNED:

STANDARD AND POOR'S

"AA"

FITCH

"AA"

*Exhibit "3"*

PRELIMINARY OFFICIAL STATEMENT DATED NOVEMBER 7, 2012

NEW ISSUE—BOOK-ENTRY ONLY

RATINGS: S&P - AA  
FITCH - AA

*In the opinion of Modrall, Sperling, Roehl, Harris & Sisk, P.A., Bond Counsel, under existing laws, regulations, rulings and judicial decisions, and assuming compliance with certain covenants described in "TAX EXEMPTION" herein, interest on the 2012C Bonds (a) is not includible in the gross income of the recipients thereof for federal income tax purposes; (b) is not a specific preference item for purposes of the federal alternative minimum tax for individuals and corporations, but such interest on the Bonds will be included in the adjusted current earnings of certain corporations; and (c) is excluded from net income for purposes of certain New Mexico taxes imposed on individuals, estates, trusts and corporations. For a more complete description of such opinion of Bond Counsel and a description of certain provisions of the Internal Revenue Code of 1986, as amended, which may affect the federal tax treatment of interest on the 2012C Bonds for certain registered owners of such bonds, see "TAX EXEMPTION" herein.*

**\$5,135,000\***

**City of Santa Fe, New Mexico  
Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds  
Series 2012C**

**Dated:** Date of Delivery

**Due:** June 1, as shown on the inside front cover

The \$5,135,000\* City of Santa Fe, New Mexico, Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2012C (the "2012C Bonds") are being issued by the City of Santa Fe, New Mexico (the "City") to provide funds for the Project (as defined herein). See "SOURCES AND USES OF FUNDS" herein. The 2012C Bonds will bear interest from the date of delivery, at the rates set forth on the inside front cover hereof, payable semiannually on June 1 and December 1 of each year until maturity, commencing December 1, 2013, and will mature on June 1 of each of the years as set forth on the inside front cover hereof. Capitalized terms not defined on this front cover are as defined herein.

The 2012C Bonds are issuable as fully registered bonds in denominations of \$5,000 or any integral multiple thereof. The 2012C Bonds will be issued pursuant to a book-entry only system and will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"). Purchasers of the 2012C Bonds ("Beneficial Owners") will not receive physical delivery of bond certificates representing their beneficial ownership interests. So long as DTC or its nominee is the owner of the 2012C Bonds, principal of and interest on the 2012C Bonds will be paid by the Paying Agent to DTC or its nominee, which will in turn remit such payment to its Direct Participants for subsequent disbursement by the Direct Participants and the Indirect Participants to the Beneficial Owners. See "DESCRIPTION OF THE 2012C BONDS—Book-Entry Only System."

The 2012C Bonds, together with the interest accruing thereon, will be payable solely from Pledged Revenues. Pledged Revenues consist of: (a) the State-Shared Gross Receipts Tax Revenues; (b) the One-Half Percent Municipal Gross Receipts Tax Revenues; (c) the Pledged Infrastructure Gross Receipts Tax Revenues; (d) the portion of the gross receipts tax distribution to the City made pursuant to Section 7-1-6.46, NMSA, which represents the amount of State-Shared Gross Receipts Tax Revenues, One-Half Percent Municipal Gross Receipts Tax Revenues, and Pledged Infrastructure Gross Receipts Tax Revenues that would have been remitted to the City but for the deductions provided by Sections 7-9-92 and 7-9-93, NMSA, and any similar distributions made to the City in lieu of State-Shared Gross Receipts Tax Revenues, One-Half Percent Municipal Gross Receipts Tax Revenues, and Pledged Infrastructure Gross Receipts Tax Revenues pursuant to law; and (e) any other gross receipts tax revenues received by the City, whether from distribution by the State of New Mexico (the "State") or pursuant to gross receipts taxes imposed by the City and hereafter pledged to the payment of the 2012C Bonds by affirmative act of the City Council of the City. The lien on the Pledged Revenues will be: (A) subordinate to the lien on the Pledged Revenues securing the City's 2004 Bonds, 2006 Bonds, 2006B Bonds, 2008 Bonds, 2010A Bonds, 2012A Bonds and any other Superior Tax Obligations; and (B) on parity with the lien on the Pledged Revenues securing the City's 2004 Railyard Project Finance Authority Taxable Loan, 2005 Bonds, 2006 Parking Structure Finance Authority Loan, 2006C Bonds, 2006 Railyard Project Finance Authority Taxable Loan, 2008 Land Acquisition Finance Authority Loan, 2009 College Acquisition Finance Authority Loan, 2010B Bonds, 2012B Bonds and any other Parity Tax Obligations.

The 2012C Bonds are subject to optional redemption prior to maturity as more fully described herein. See "DESCRIPTION OF THE 2012C BONDS—Redemption of 2012C Bonds" herein.

The registered owners of the 2012C Bonds may not look to any general or other fund of the City for the payment of the principal of and interest on the 2012C Bonds except for the Pledged Revenues. The 2012C Bonds do not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory provision or limitation, nor will they be considered or held to be general obligations of the City. Neither the full faith and credit of the City nor the taxing power of the City, the State or any political subdivision or public agency thereof, other than the City to the extent of the Pledged Revenues, are pledged to the payment of the principal of and interest on the 2012C Bonds. No Owner has the right to compel the exercise of the taxing power of the City or the forfeiture of any of its property in connection with any default under the Bond Ordinance.

The purchase and ownership of the 2012C Bonds involve investment risk and may not be suitable for all investors. This cover page is not intended to be a summary of the terms of, or the security for, the 2012C Bonds. Investors are advised to read this Official Statement in its entirety to obtain information essential to the making of an informed investment decision.

The 2012C Bonds are offered when, as and if issued and received by the Underwriter subject to the approval of validity by Modrall, Sperling, Roehl, Harris & Sisk, P.A., Albuquerque, New Mexico, Bond Counsel. Modrall, Sperling, Roehl, Harris & Sisk, P.A., has also acted as special counsel to the City in connection with the preparation of this Official Statement. Certain legal matters will be passed on for the City by Geno Zamora, Esq., City Attorney. It is anticipated that the 2012C Bonds will be available for delivery through the facilities of DTC on or about December 20, 2012.

**GEORGE K. BAUM & COMPANY**

\*Preliminary, subject to change.

Dated: November \_\_, 2012

**\$5,135,000\***  
**City of Santa Fe, New Mexico**  
**Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds**  
**Series 2012C**

**MATURITY SCHEDULE**

| <b><u>Year</u></b><br><b><u>(June 1)</u></b> | <b><u>Principal</u></b> | <b><u>Interest</u></b> | <b><u>Yield</u></b> | <b><u>Price</u></b> | <b><u>CUSIP<sup>(1)</sup></u></b> |
|--|-------------------------|------------------------|---------------------|---------------------|-----------------------------------|
| 2014   | \$160,000               |                        |                     |                     |                                   |
| 2015   | 215,000                 |                        |                     |                     |                                   |
| 2016   | 220,000                 |                        |                     |                     |                                   |
| 2017   | 220,000                 |                        |                     |                     |                                   |
| 2018   | 225,000                 |                        |                     |                     |                                   |
| 2019   | 225,000                 |                        |                     |                     |                                   |
| 2020   | 230,000                 |                        |                     |                     |                                   |
| 2021   | 235,000                 |                        |                     |                     |                                   |
| 2022   | 240,000                 |                        |                     |                     |                                   |
| 2023   | 245,000                 |                        |                     |                     |                                   |
| 2024   | 255,000                 |                        |                     |                     |                                   |
| 2025   | 260,000                 |                        |                     |                     |                                   |
| 2026   | 270,000                 |                        |                     |                     |                                   |
| 2027   | 275,000                 |                        |                     |                     |                                   |
| 2028   | 285,000                 |                        |                     |                     |                                   |
| 2029   | 295,000                 |                        |                     |                     |                                   |
| 2030   | 305,000                 |                        |                     |                     |                                   |
| 2031   | 315,000                 |                        |                     |                     |                                   |
| 2032   | 325,000                 |                        |                     |                     |                                   |
| 2033   | 335,000                 |                        |                     |                     |                                   |

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\*Preliminary, subject to change.

<sup>(1)</sup> Copyright, American Bankers Association. CUSIP data is provided by Standard & Poor's, CUSIP Service Bureau, a division of The McGraw-Hill Companies Inc. CUSIP numbers are provided only for the convenience of the reader. Neither the City nor the Underwriter take any responsibility for any changes to or errors in this list of CUSIP numbers.



## SOURCES AND USES OF FUNDS

Santa Fe, New Mexico  
Subordinate Lien Gross Receipts Tax  
Improvement Revenue Bonds, Series 2012C  
(Railyard Project)

=====

Dated Date            12/20/2012  
Delivery Date        12/20/2012

## Sources:

## Bond Proceeds:

|            |              |
|------------|--------------|
| Par Amount | 4,685,000.00 |
| Premium    | 458,283.85   |
|            | <hr/>        |
|            | 5,143,283.85 |

## Uses:

## Project Fund Deposits:

|              |              |
|--------------|--------------|
| Project Fund | 5,000,000.00 |
|--------------|--------------|

## Delivery Date Expenses:

|                        |            |
|------------------------|------------|
| Cost of Issuance       | 115,000.00 |
| Underwriter's Discount | 28,276.08  |
|                        | <hr/>      |
|                        | 143,276.08 |

## Other Uses of Funds:

|                 |              |
|-----------------|--------------|
| Rounding Amount | 7.77         |
|                 | <hr/>        |
|                 | 5,143,283.85 |

Note: FINAL NUMBERS

## BOND SUMMARY STATISTICS

Santa Fe, New Mexico  
Subordinate Lien Gross Receipts Tax  
Improvement Revenue Bonds, Series 2012C  
(Railyard Project)

|                                 |               |
|---------------------------------|---------------|
| Dated Date                      | 12/20/2012    |
| Delivery Date                   | 12/20/2012    |
| First Coupon                    | 12/01/2013    |
| Last Maturity                   | 06/01/2033    |
| Arbitrage Yield                 | 2.556614%     |
| True Interest Cost (TIC)        | 3.014176%     |
| Net Interest Cost (NIC)         | 3.195855%     |
| All-In TIC                      | 3.249443%     |
| Average Coupon                  | 3.935586%     |
| Average Life (years)            | 12.408        |
| Duration of Issue (years)       | 9.855         |
| Par Amount                      | 4,685,000.00  |
| Bond Proceeds                   | 5,143,283.85  |
| Total Interest                  | 2,287,765.56  |
| Net Interest                    | 1,857,757.79  |
| Bond Years from Dated Date      | 58,130,236.11 |
| Bond Years from Delivery Date   | 58,130,236.11 |
| Total Debt Service              | 6,972,765.56  |
| Maximum Annual Debt Service     | 351,100.00    |
| Average Annual Debt Service     | 341,012.85    |
| Underwriter's Fees (per \$1000) |               |
| Average Takedown                | 4.715848      |
| Management Fee                  | 1.000000      |
| Other Fee                       | 0.319601      |
| Total Underwriter's Discount    | 6.035449      |
| Bid Price                       | 109.178394    |

| Bond Component | Par Value    | Price   | Average Coupon | Average Life | PV of 1 bp change |
|----------------|--------------|---------|----------------|--------------|-------------------|
| Bond Component | 2,860,000.00 | 111.883 | 3.851%         | 8.800        | 2,059.95          |
| Term Bond      | 1,825,000.00 | 106.489 | 4.000%         | 18.061       | 1,405.25          |
|                | 4,685,000.00 |         |                | 12.408       | 3,465.20          |

|                            | TIC          | All-In TIC   | Arbitrage Yield |
|----------------------------|--------------|--------------|-----------------|
| Par Value                  | 4,685,000.00 | 4,685,000.00 | 4,685,000.00    |
| + Accrued Interest         |              |              |                 |
| + Premium (Discount)       | 458,283.85   | 458,283.85   | 458,283.85      |
| - Underwriter's Discount   | -28,276.08   | -28,276.08   |                 |
| - Cost of Issuance Expense |              | -115,000.00  |                 |
| - Other Amounts            |              |              |                 |
| Target Value               | 5,115,007.77 | 5,000,007.77 | 5,143,283.85    |
| Target Date                | 12/20/2012   | 12/20/2012   | 12/20/2012      |
| Yield                      | 3.014176%    | 3.249443%    | 2.556614%       |

## BOND DEBT SERVICE

Santa Fe, New Mexico  
Subordinate Lien Gross Receipts Tax  
Improvement Revenue Bonds, Series 2012C  
(Railyard Project)

| Period<br>Ending | Principal | Interest     | Debt Service |
|------------------|-----------|--------------|--------------|
| 06/30/2014       | 85,000    | 262,815.56   | 347,815.56   |
| 06/30/2015       | 170,000   | 179,900.00   | 349,900.00   |
| 06/30/2016       | 170,000   | 176,500.00   | 346,500.00   |
| 06/30/2017       | 175,000   | 173,100.00   | 348,100.00   |
| 06/30/2018       | 185,000   | 164,350.00   | 349,350.00   |
| 06/30/2019       | 195,000   | 155,100.00   | 350,100.00   |
| 06/30/2020       | 200,000   | 147,300.00   | 347,300.00   |
| 06/30/2021       | 210,000   | 139,300.00   | 349,300.00   |
| 06/30/2022       | 220,000   | 130,900.00   | 350,900.00   |
| 06/30/2023       | 230,000   | 119,900.00   | 349,900.00   |
| 06/30/2024       | 240,000   | 108,400.00   | 348,400.00   |
| 06/30/2025       | 250,000   | 96,400.00    | 346,400.00   |
| 06/30/2026       | 260,000   | 88,900.00    | 348,900.00   |
| 06/30/2027       | 270,000   | 81,100.00    | 351,100.00   |
| 06/30/2028       | 275,000   | 73,000.00    | 348,000.00   |
| 06/30/2029       | 285,000   | 62,000.00    | 347,000.00   |
| 06/30/2030       | 300,000   | 50,600.00    | 350,600.00   |
| 06/30/2031       | 310,000   | 38,600.00    | 348,600.00   |
| 06/30/2032       | 320,000   | 26,200.00    | 346,200.00   |
| 06/30/2033       | 335,000   | 13,400.00    | 348,400.00   |
|                  | 4,685,000 | 2,287,765.56 | 6,972,765.56 |

Note: FINAL NUMBERS

## BOND DEBT SERVICE

Santa Fe, New Mexico  
Subordinate Lien Gross Receipts Tax  
Improvement Revenue Bonds, Series 2012C  
(Railyard Project)

| Period<br>Ending | Principal | Interest   | Debt Service | Annual<br>Debt Service |
|------------------|-----------|------------|--------------|------------------------|
| 12/01/2013       |           | 172,015.56 | 172,015.56   |                        |
| 06/01/2014       | 85,000    | 90,800.00  | 175,800.00   |                        |
| 06/30/2014       |           |            |              | 347,815.56             |
| 12/01/2014       |           | 89,950.00  | 89,950.00    |                        |
| 06/01/2015       | 170,000   | 89,950.00  | 259,950.00   |                        |
| 06/30/2015       |           |            |              | 349,900.00             |
| 12/01/2015       |           | 88,250.00  | 88,250.00    |                        |
| 06/01/2016       | 170,000   | 88,250.00  | 258,250.00   |                        |
| 06/30/2016       |           |            |              | 346,500.00             |
| 12/01/2016       |           | 86,550.00  | 86,550.00    |                        |
| 06/01/2017       | 175,000   | 86,550.00  | 261,550.00   |                        |
| 06/30/2017       |           |            |              | 348,100.00             |
| 12/01/2017       |           | 82,175.00  | 82,175.00    |                        |
| 06/01/2018       | 185,000   | 82,175.00  | 267,175.00   |                        |
| 06/30/2018       |           |            |              | 349,350.00             |
| 12/01/2018       |           | 77,550.00  | 77,550.00    |                        |
| 06/01/2019       | 195,000   | 77,550.00  | 272,550.00   |                        |
| 06/30/2019       |           |            |              | 350,100.00             |
| 12/01/2019       |           | 73,650.00  | 73,650.00    |                        |
| 06/01/2020       | 200,000   | 73,650.00  | 273,650.00   |                        |
| 06/30/2020       |           |            |              | 347,300.00             |
| 12/01/2020       |           | 69,650.00  | 69,650.00    |                        |
| 06/01/2021       | 210,000   | 69,650.00  | 279,650.00   |                        |
| 06/30/2021       |           |            |              | 349,300.00             |
| 12/01/2021       |           | 65,450.00  | 65,450.00    |                        |
| 06/01/2022       | 220,000   | 65,450.00  | 285,450.00   |                        |
| 06/30/2022       |           |            |              | 350,900.00             |
| 12/01/2022       |           | 59,950.00  | 59,950.00    |                        |
| 06/01/2023       | 230,000   | 59,950.00  | 289,950.00   |                        |
| 06/30/2023       |           |            |              | 349,900.00             |
| 12/01/2023       |           | 54,200.00  | 54,200.00    |                        |
| 06/01/2024       | 240,000   | 54,200.00  | 294,200.00   |                        |
| 06/30/2024       |           |            |              | 348,400.00             |
| 12/01/2024       |           | 48,200.00  | 48,200.00    |                        |
| 06/01/2025       | 250,000   | 48,200.00  | 298,200.00   |                        |
| 06/30/2025       |           |            |              | 346,400.00             |
| 12/01/2025       |           | 44,450.00  | 44,450.00    |                        |
| 06/01/2026       | 260,000   | 44,450.00  | 304,450.00   |                        |
| 06/30/2026       |           |            |              | 348,900.00             |
| 12/01/2026       |           | 40,550.00  | 40,550.00    |                        |
| 06/01/2027       | 270,000   | 40,550.00  | 310,550.00   |                        |
| 06/30/2027       |           |            |              | 351,100.00             |
| 12/01/2027       |           | 36,500.00  | 36,500.00    |                        |
| 06/01/2028       | 275,000   | 36,500.00  | 311,500.00   |                        |
| 06/30/2028       |           |            |              | 348,000.00             |
| 12/01/2028       |           | 31,000.00  | 31,000.00    |                        |
| 06/01/2029       | 285,000   | 31,000.00  | 316,000.00   |                        |
| 06/30/2029       |           |            |              | 347,000.00             |
| 12/01/2029       |           | 25,300.00  | 25,300.00    |                        |
| 06/01/2030       | 300,000   | 25,300.00  | 325,300.00   |                        |
| 06/30/2030       |           |            |              | 350,600.00             |
| 12/01/2030       |           | 19,300.00  | 19,300.00    |                        |
| 06/01/2031       | 310,000   | 19,300.00  | 329,300.00   |                        |
| 06/30/2031       |           |            |              | 348,600.00             |
| 12/01/2031       |           | 13,100.00  | 13,100.00    |                        |
| 06/01/2032       | 320,000   | 13,100.00  | 333,100.00   |                        |



## BOND DEBT SERVICE

Santa Fe, New Mexico  
Subordinate Lien Gross Receipts Tax  
Improvement Revenue Bonds, Series 2012C  
(Railyard Project)

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| Period<br>Ending | Principal | Interest     | Debt Service | Annual<br>Debt Service |
|------------------|-----------|--------------|--------------|------------------------|
| 06/30/2032       |           |              |              | 346,200.00             |
| 12/01/2032       |           | 6,700.00     | 6,700.00     |                        |
| 06/01/2033       | 335,000   | 6,700.00     | 341,700.00   |                        |
| 06/30/2033       |           |              |              | 348,400.00             |
|                  | 4,685,000 | 2,287,765.56 | 6,972,765.56 | 6,972,765.56           |

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Note: FINAL NUMBERS

## BOND PRICING

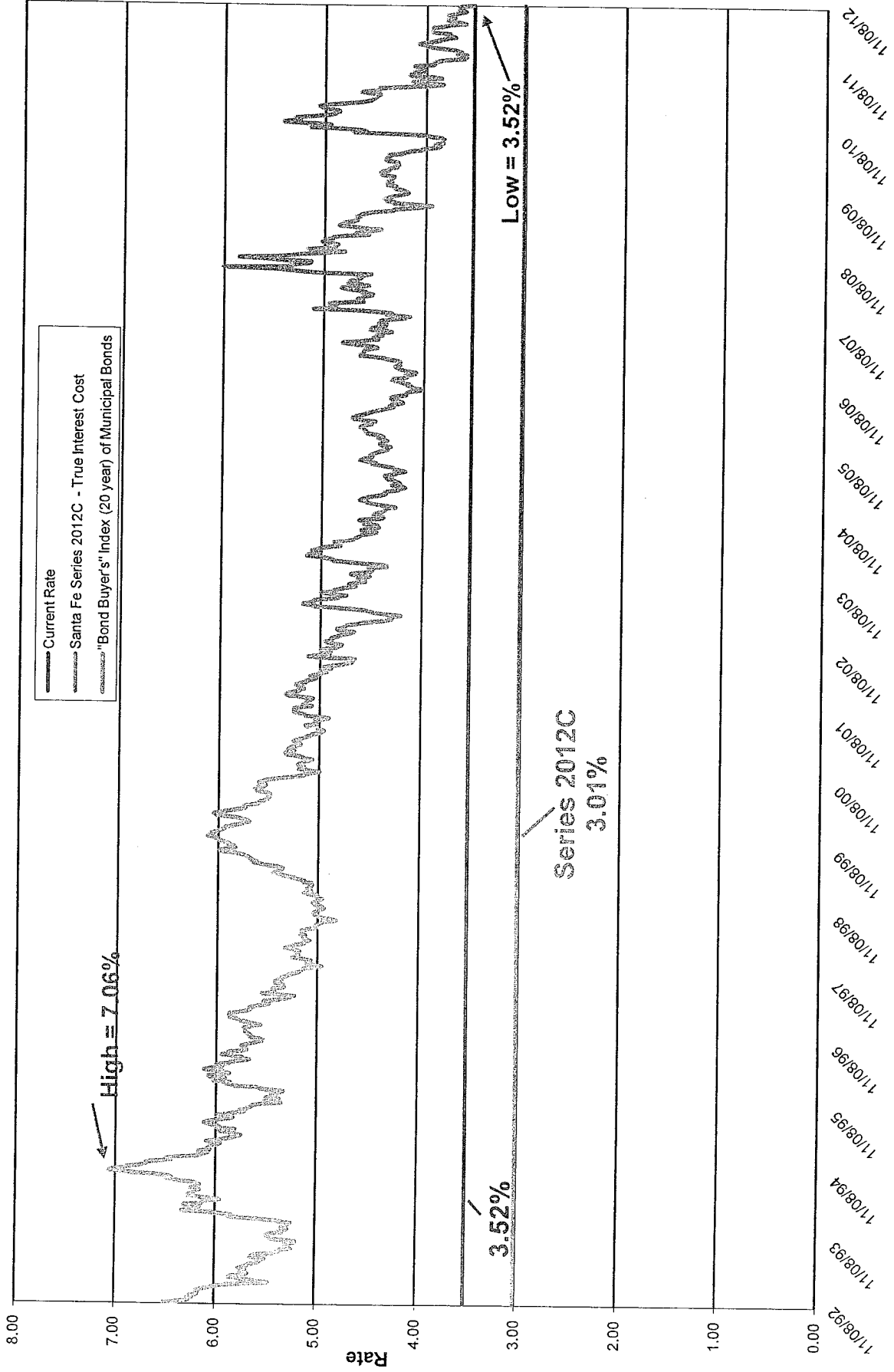
Santa Fe, New Mexico  
Subordinate Lien Gross Receipts Tax  
Improvement Revenue Bonds, Series 2012C  
(Railyard Project)

| Bond Component  | Maturity Date | Amount    | Rate   | Yield  | Price     | Yield to Maturity | Call Date  | Call Price | Premium (-Discount) | Principal Cost | Takedown |
|-----------------|---------------|-----------|--------|--------|-----------|-------------------|------------|------------|---------------------|----------------|----------|
| =====           |               |           |        |        |           |                   |            |            |                     |                |          |
| Bond Component: |               |           |        |        |           |                   |            |            |                     |                |          |
|                 | 06/01/2014    | 85,000    | 2.000% | 0.500% | 102.160   |                   |            |            | 1,836.00            | 86,836.00      | 2,500    |
|                 | 06/01/2015    | 170,000   | 2.000% | 0.750% | 103.025   |                   |            |            | 5,142.50            | 175,142.50     | 3,750    |
|                 | 06/01/2016    | 170,000   | 2.000% | 0.870% | 103.829   |                   |            |            | 6,509.30            | 176,509.30     | 3,750    |
|                 | 06/01/2017    | 175,000   | 5.000% | 1.000% | 117.356   |                   |            |            | 30,373.00           | 205,373.00     | 3,750    |
|                 | 06/01/2018    | 185,000   | 5.000% | 1.130% | 120.388   |                   |            |            | 37,717.80           | 222,717.80     | 3,750    |
|                 | 06/01/2019    | 195,000   | 4.000% | 1.380% | 116.108   |                   |            |            | 31,410.60           | 226,410.60     | 3,750    |
|                 | 06/01/2020    | 200,000   | 4.000% | 1.590% | 116.862   |                   |            |            | 33,724.00           | 233,724.00     | 5,000    |
|                 | 06/01/2021    | 210,000   | 4.000% | 1.830% | 116.911   |                   |            |            | 35,513.10           | 245,513.10     | 5,000    |
|                 | 06/01/2022    | 220,000   | 5.000% | 2.030% | 122.947 C | 2.285%            | 06/01/2021 | 100.000    | 50,483.40           | 270,483.40     | 5,000    |
|                 | 06/01/2023    | 230,000   | 5.000% | 2.150% | 121.906 C | 2.593%            | 06/01/2021 | 100.000    | 50,383.80           | 280,383.80     | 5,000    |
|                 | 06/01/2024    | 240,000   | 5.000% | 2.240% | 121.132 C | 2.826%            | 06/01/2021 | 100.000    | 50,716.80           | 290,716.80     | 5,000    |
|                 | 06/01/2025    | 250,000   | 3.000% | 2.790% | 101.569 C | 2.849%            | 06/01/2021 | 100.000    | 3,922.50            | 253,922.50     | 5,000    |
|                 | 06/01/2026    | 260,000   | 3.000% | 2.890% | 100.818 C | 2.926%            | 06/01/2021 | 100.000    | 2,126.80            | 262,126.80     | 5,000    |
|                 | 06/01/2027    | 270,000   | 3.000% | 3.000% | 100.000   |                   |            |            |                     | 270,000.00     | 5,000    |
|                 |               | 2,860,000 |        |        |           |                   |            |            | 339,859.60          | 3,199,859.60   |          |
| =====           |               |           |        |        |           |                   |            |            |                     |                |          |
| Term Bond:      |               |           |        |        |           |                   |            |            |                     |                |          |
|                 | 06/01/2028    | 275,000   | 4.000% | 3.120% | 106.489 C | 3.551%            | 06/01/2021 | 100.000    | 17,844.75           | 292,844.75     | 5,000    |
|                 | 06/01/2029    | 285,000   | 4.000% | 3.120% | 106.489 C | 3.551%            | 06/01/2021 | 100.000    | 18,493.65           | 303,493.65     | 5,000    |
|                 | 06/01/2030    | 300,000   | 4.000% | 3.120% | 106.489 C | 3.551%            | 06/01/2021 | 100.000    | 19,467.00           | 319,467.00     | 5,000    |
|                 | 06/01/2031    | 310,000   | 4.000% | 3.120% | 106.489 C | 3.551%            | 06/01/2021 | 100.000    | 20,115.90           | 330,115.90     | 5,000    |
|                 | 06/01/2032    | 320,000   | 4.000% | 3.120% | 106.489 C | 3.551%            | 06/01/2021 | 100.000    | 20,764.80           | 340,764.80     | 5,000    |
|                 | 06/01/2033    | 335,000   | 4.000% | 3.120% | 106.489 C | 3.551%            | 06/01/2021 | 100.000    | 21,738.15           | 356,738.15     | 5,000    |
|                 |               | 1,825,000 |        |        |           |                   |            |            | 118,424.25          | 1,943,424.25   |          |
|                 |               | 4,685,000 |        |        |           |                   |            |            | 458,283.85          | 5,143,283.85   |          |
| =====           |               |           |        |        |           |                   |            |            |                     |                |          |



# City of Santa Fe

## Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2012C



**FIRST SOUTHWEST COMPANY**  
**"Bond Buyer's" Index of 20 Municipal Bonds**  
**Basis Valuation of Par Bonds**

The most important guide as to what the Municipal Bond Market has done in one time period versus another is the "Bond Buyer's" 20 Bond Index. Published on Thursday of each week, it is the accepted guide of the Municipal Bond Industry to determine trends and movements of interest rates in the market. To compute the index each week a poll is taken of several large investment banking houses on the 20 year price (expressed in terms of an interest rate) of the outstanding bonds of certain municipalities.

|           | <u>Week</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> | <u>2004</u> | <u>2005</u> | <u>2006</u> | <u>2007</u> | <u>2008</u> | <u>2009</u> | <u>2010</u> | <u>2011</u> | <u>2012</u> |
|-----------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| January   | 1           | 5.09        | 5.26        | 4.84        | 4.64        | 4.47        | 4.35        | 4.15        | 4.32        | 5.24        | 4.31        | 5.08        | 3.83        |
|           | 2           | 5.00        | 5.16        | 4.94        | 4.52        | 4.41        | 4.37        | 4.21        | 4.21        | 5.02        | 4.31        | 5.39        | 3.62        |
|           | 3           | 5.10        | 5.08        | 4.95        | 4.57        | 4.40        | 4.33        | 4.25        | 4.15        | 4.80        | 4.30        | 5.41        | 3.60        |
|           | 4           | 5.20        | 5.17        | 4.89        | 4.71        | 4.37        | 4.42        | 4.32        | 4.29        | 5.13        | 4.39        | 5.25        | 3.68        |
|           | 5           |             | 5.15        | 4.90        |             |             |             |             | 4.39        | 5.16        |             |             |             |
| February  | 1           | 5.15        | 5.13        | 4.88        | 4.68        | 4.37        | 4.43        | 4.31        | 4.33        | 4.96        | 4.36        | 5.25        | 3.60        |
|           | 2           | 5.15        | 5.13        | 4.83        | 4.52        | 4.27        | 4.42        | 4.21        | 4.47        | 4.89        | 4.34        | 5.29        | 3.70        |
|           | 3           | 5.20        | 5.10        | 4.79        | 4.50        | 4.35        | 4.41        | 4.17        | 4.66        | 4.89        | 4.38        | 5.10        | 3.65        |
|           | 4           | 5.21        | 5.07        | 4.74        | 4.49        | 4.42        | 4.36        | 4.19        | 5.11        | 4.87        | 4.36        | 4.95        | 3.69        |
|           | 5           |             |             |             |             |             |             |             |             |             |             |             |             |
| March     | 1           | 5.18        | 5.19        | 4.69        | 4.54        | 4.50        | 4.39        | 4.10        | 4.92        | 4.96        | 4.34        | 4.90        | 3.72        |
|           | 2           | 5.16        | 5.30        | 4.67        | 4.35        | 4.57        | 4.45        | 4.08        | 4.94        | 5.03        | 4.33        | 4.91        | 3.84        |
|           | 3           | 5.11        | 5.34        | 4.83        | 4.35        | 4.56        | 4.40        | 4.13        | 4.88        | 4.98        | 4.32        | 4.86        | 3.95        |
|           | 4           | 5.07        | 5.32        | 4.84        | 4.41        | 4.63        | 4.43        | 4.20        | 4.96        | 5.00        | 4.44        | 4.91        | 4.01        |
|           | 5           | 5.14        |             |             |             | 4.61        | 4.53        | 4.25        |             |             | 4.44        | 5.00        | 4.02        |
| April     | 1           | 5.18        | 5.28        | 4.79        | 4.59        | 4.56        | 4.56        | 4.26        | 4.90        | 4.92        | 4.45        | 5.04        | 4.08        |
|           | 2           | 5.24        | 5.20        | 4.76        | 4.76        | 4.49        | 4.57        | 4.29        | 4.61        | 4.92        | 4.43        | 5.06        | 3.97        |
|           | 3           | 5.33        | 5.22        | 4.74        | 4.89        | 4.42        | 4.59        | 4.24        | 4.62        | 4.78        | 4.37        | 4.98        | 3.90        |
|           | 4           | 5.34        | 5.16        | 4.66        | 4.89        | 4.37        | 4.59        | 4.26        | 4.68        | 4.57        | 4.37        | 4.86        | 3.86        |
|           | 5           |             |             |             | 4.95        |             |             |             |             | 4.70        |             |             |             |
| May       | 1           | 5.32        | 5.17        | 4.58        | 5.01        | 4.38        | 4.63        | 4.25        | 4.63        | 4.62        | 4.29        | 4.69        | 3.81        |
|           | 2           | 5.25        | 5.19        | 4.50        | 5.14        | 4.35        | 4.63        | 4.24        | 4.62        | 4.54        | 4.32        | 4.61        | 3.71        |
|           | 3           | 5.31        | 5.24        | 4.35        | 5.13        | 4.25        | 4.58        | 4.29        | 4.53        | 4.44        | 4.27        | 4.55        | 3.75        |
|           | 4           | 5.30        | 5.19        | 4.30        | 5.01        | 4.24        | 4.52        | 4.38        | 4.52        | 4.61        | 4.28        | 4.53        | 3.81        |
|           | 5           | 5.28        | 5.14        | 4.31        |             |             |             | 4.41        | 4.62        |             |             |             | 3.77        |
| June      | 1           | 5.21        | 5.14        | 4.27        | 5.03        | 4.18        | 4.57        | 4.54        | 4.59        | 4.71        | 4.28        | 4.51        | 3.92        |
|           | 2           | 5.19        | 5.09        | 4.21        | 5.10        | 4.21        | 4.48        | 4.64        | 4.69        | 4.86        | 4.37        | 4.49        | 3.95        |
|           | 3           | 5.20        | 5.04        | 4.35        | 5.05        | 4.31        | 4.58        | 4.63        | 4.76        | 4.86        | 4.40        | 4.49        | 3.95        |
|           | 4           | 5.21        | 5.07        | 4.47        | 5.01        | 4.23        | 4.68        | 4.60        | 4.83        | 4.79        | 4.40        | 4.46        | 3.95        |
|           | 5           |             |             |             |             | 4.24        | 4.71        |             |             |             |             | 4.59        |             |
| July      | 1           | 5.26        | 5.10        | 4.51        | 4.98        | 4.27        | 4.69        | 4.61        | 4.67        | 4.81        | 4.38        | 4.65        | 3.94        |
|           | 2           | 5.22        | 5.04        | 4.56        | 4.81        | 4.30        | 4.62        | 4.60        | 4.56        | 4.71        | 4.36        | 4.51        | 3.83        |
|           | 3           | 5.17        | 5.00        | 4.71        | 4.85        | 4.36        | 4.59        | 4.55        | 4.65        | 4.68        | 4.37        | 4.46        | 3.75        |
|           | 4           | 5.14        | 4.94        | 4.83        | 4.84        | 4.31        | 4.55        | 4.47        | 4.77        | 4.69        | 4.26        | 4.47        | 3.61        |
|           | 5           |             |             |             | 4.88        |             |             |             | 4.74        | 4.69        | 4.21        |             |             |
| August    | 1           | 5.10        | 5.00        | 5.07        | 4.78        | 4.38        | 4.49        | 4.51        | 4.75        | 4.65        | 4.16        | 4.19        | 3.66        |
|           | 2           | 5.08        | 4.99        | 5.06        | 4.70        | 4.37        | 4.45        | 4.59        | 4.67        | 4.65        | 4.06        | 3.97        | 3.75        |
|           | 3           | 5.02        | 4.89        | 5.18        | 4.67        | 4.27        | 4.39        | 4.74        | 4.64        | 4.58        | 4.03        | 3.83        | 3.80        |
|           | 4           | 4.99        | 4.97        | 5.10        | 4.66        | 4.25        | 4.34        | 4.81        | 4.68        | 4.53        | 3.88        | 4.09        | 3.76        |
|           | 5           | 4.96        | 4.91        | 5.07        |             |             | 4.30        | 4.70        |             |             |             |             | 3.72        |
| September | 1           | 5.02        | 4.78        | 5.07        | 4.63        | 4.18        | 4.34        | 4.57        | 4.62        | 4.33        | 3.86        | 4.14        | 3.73        |
|           | 2           | n.a.        | 4.77        | 4.94        | 4.61        | 4.26        | 4.30        | 4.46        | 4.54        | 4.33        | 3.92        | 4.05        | 3.79        |
|           | 3           | 5.12        | 4.69        | 4.84        | 4.54        | 4.30        | 4.21        | 4.51        | 5.03        | 4.20        | 3.89        | 4.07        | 3.72        |
|           | 4           | 5.14        | 4.68        | 4.81        | 4.46        | 4.30        | 4.23        | 4.48        | 5.23        | 4.04        | 3.83        | 3.85        | 3.67        |
|           | 5           |             |             |             |             | 4.39        |             |             |             |             | 3.84        | 3.93        |             |
| October   | 1           | 5.03        | 4.68        | 4.75        | 4.54        | 4.44        | 4.25        | 4.42        | 5.36        | 3.94        | 3.84        | 4.14        | 3.61        |
|           | 2           | 5.05        | 4.66        | 4.92        | 4.61        | 4.51        | 4.33        | 4.48        | 5.47        | 4.06        | 3.82        | 4.17        | 3.64        |
|           | 3           | 5.05        | 4.98        | 5.00        | 4.48        | 4.47        | 4.33        | 4.39        | 6.01        | 4.32        | 3.84        | 4.08        | 3.68        |
|           | 4           | 5.05        | 5.12        | 4.88        | 4.43        | 4.56        | 4.30        | 4.33        | 5.32        | 4.31        | 3.96        | 4.12        | 3.68        |
|           | 5           |             | 4.95        | 4.88        | 4.44        |             |             |             | 5.35        | 4.39        |             |             |             |
| November  | 1           | 4.96        | 4.91        | 4.83        | 4.45        | 4.63        | 4.18        | 4.40        | 5.24        | 4.41        | 4.02        | 4.02        | 3.67        |
|           | 2           | 4.91        | 4.90        | 4.77        | 4.58        | 4.61        | 4.19        | 4.54        | 5.14        | 4.40        | 4.24        | 4.02        | 3.52        |
|           | 3           | 5.02        | 5.00        | 4.66        | 4.52        | 4.52        | 4.17        | 4.53        | 5.13        | 4.35        | 4.72        | 4.09        |             |
|           | 4           | 5.14        | 5.00        | 4.66        | 4.53        | 4.51        | 4.14        | 4.45        | 5.39        | 4.33        | 4.60        | 4.07        |             |
|           | 5           | 5.15        |             |             |             |             | 4.04        | 4.39        |             |             |             |             |             |
| December  | 1           | 5.21        | 4.94        | 4.73        | 4.63        | 4.53        | 4.03        | 4.38        | 5.58        | 4.24        | 4.65        | 4.12        |             |
|           | 2           | 5.26        | 4.83        | 4.70        | 4.43        | 4.49        | 4.12        | 4.46        | 5.85        | 4.19        | 4.86        | 3.93        |             |
|           | 3           | 5.26        | 4.82        | 4.57        | 4.39        | 4.48        | 4.12        | 4.39        | 5.46        | 4.18        | 5.15        | 3.92        |             |
|           | 4           | 5.26        | 4.79        | 4.58        | 4.44        | 4.42        | 4.17        | 4.44        | 5.33        | 4.21        | 5.00        | 3.92        |             |
|           | 5           |             |             | 4.60        | 4.49        | 4.38        |             |             |             | 4.25        | 4.95        | 3.88        |             |



# RatingsDirect®

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## Summary:

## Santa Fe, New Mexico; Sales Tax

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## Summary:

# Santa Fe, New Mexico; Sales Tax

### Credit Profile

US\$5.135 mil sub lien gross receipts tax imp rev bnds ser 2012C due 06/01/2032

*Long Term Rating*

AA/Stable

New

## Rationale

Standard & Poor's Ratings Services assigned its 'AA' long-term rating, and stable outlook, to Santa Fe, N.M.'s series 2012C subordinate-lien gross receipts tax (GRT) improvement revenue bonds. At the same time, Standard & Poor's affirmed its 'AA' rating on the city's previously issued subordinate-lien GRT debt, which includes the series 2005 municipal recreation complex net revenue subordinate-lien GRT revenue refunding bonds, the series 2006C and 2012B subordinate-lien GRT/wastewater improvement revenue bonds, and the series 2010B subordinate-lien GRT refunding bonds.

Standard & Poor's also affirmed its 'AA+' long-term rating and underlying rating (SPUR) on the city's previously issued senior-lien GRT debt. The outlook is stable.

Santa Fe also has loans outstanding with the New Mexico Finance Authority that include a subordinate-lien pledge on the GRT revenue.

The ratings reflect what we view as the bonds':

- Strong debt service coverage and stabilizing collection trends;
- Strong additional bonds tests (ABT) that require strong 2x maximum annual debt service (MADS), as well as the city's dependence on pledged revenue for general operations, which makes it unlikely it would issue significant additional parity debt;
- Broad range of taxable products and services that generate GRT; and
- Strong retail sales per capita.

In our opinion, some dependence on tourism, which drives much of the city's economy, mitigates these strengths.

A subordinate lien on pledged GRT secures the series 2012C and parity bonds. A senior lien on pledged GRT secures the series 2012A and parity bonds. The series 2006C and the 2012B subordinate GRT bonds, in addition to a second lien on the above pledged GRT revenue streams, are also secured by a first-lien 0.0625% environmental GRT and a first lien on the city's net wastewater system revenue.

We base the 'AA' rating on the series 2006C and 2012B bonds on both the pledge of wastewater net system revenue and subordinate lien-GRT revenues, which we consider to be of equal credit quality.

Pledged GRTs for the senior debt consist of:

- A 0.5000% municipal local-option GRT;



- A 0.0625% infrastructure GRT received by the city;
- State-shared GRT (currently 1.2250%); and
- In-lieu distributions by New Mexico to the city representing certain GRT revenues that would have been distributed to the city but for certain tax base deductions for food and health care services effective Jan. 1, 2005 (in-lieu state revenue).

Fiscal 2011 pledged revenues cover senior MADS by 4.3x and combined senior and subordinate MADS by 2.5x, which we consider strong. Annual pledged GRT revenues in fiscal 2011, excluding the environmental GRT, rose by 1.5% compared with the previous year to \$52 million after a cumulative 14% decline between fiscal years 2008 and 2010. Officials estimate the city's total fiscal 2012 GRT rose by 4% compared with fiscal 2011. The city attributes the uptick in collections to stabilization of the local economy and tourism and expects some new commercial development to contribute to slight future growth. Officials estimate fiscal 2013 GRT collections through October 2012 are tracking 0.18% above respective fiscal 2012 levels and project about 3% annual growth in the next few years. In addition, New Mexico's practice of subjecting a broad range of goods and services to the GRT contributes to overall revenue stability. Primary sectors generating the city's total GRT in fiscal 2012 included retail sales (29%), accommodation and food (12%), state reimbursements for food and medical tax exemptions (11%), other services (10%), and construction (9%). Recent changes in state legislation exempted certain goods and service inputs in the construction process from GRT collections. The full impact of the change will be phased in over the next five years and city officials estimate a \$300,000-\$400,000 annual loss of GRT revenues, which could be offset largely by other GRT growth.

The senior bonds' ABT requires that pledged revenue collected in the 12 consecutive months out of the previous 18 months total at least 2.0x senior MADS and 1.5x senior and subordinate MADS. The city's subordinate-lien GRT bonds include an ABT that requires a minimum 2x MADS on senior and subordinate GRT bonds.

We understand proceeds will be used to purchase a condo unit for some city offices that are currently leasing space. While city management typically issues senior GRT debt every other year, senior GRT principal amortization is rapid, with 72% retired in 10 years, which has contributed to stable MADS coverage in the past few years. In addition, we understand the city informally targets an amount of senior annual debt service that does not exceed annual collections generated from the 0.5% GRT, which should contribute to continued strong senior MADS coverage levels. The series 2012C bonds have no debt service reserve; however, the bond ordinance requires the city to deposit one-sixth and one-twelfth of the next principal and interest payment monthly into the bond fund. The city has no variable-rate debt outstanding.

In addition, since the pledged GRT revenue represents 75% of Santa Fe's general fund revenue and transfers in fiscal 2011, the city's dependence on these taxes for operations makes it unlikely it would bond down to its ABT limits. Santa Fe's available general fund balance in fiscal 2011 including the state-mandated reserve for contingencies totaled \$15.6 million, or about 22% of expenditures and transfers, which we consider very strong. The city's policy is to maintain cash reserves equal to at least 10% of expenditures.

Santa Fe, with a permanent population of about 76,000, has an economy anchored by government, retail businesses, and tourism. Per capita retail sales are what we view as strong at 183% of national levels, reflecting the city's status as a top tourist destination. Including visitors to the city, officials estimate the average daily population at about 100,000. We also consider Santa Fe's per capita effective buying income (EBI) strong at 138% of the state's level and 119% of

the nation's level. Median household EBI for the city is lower, but in our view still strong-to-good at 115% of the state's level and 101% of the nation's level. Market value per capita also reflects Santa Fe's high wealth levels, which are extremely strong, in our opinion, at \$144,000.

The area employment base is weighted heavily toward government due to the city's role as the state capital. The federal, state, city, and Santa Fe County are among the leading 10 employers in the county, along with a medical center, the public school district, and a casino. According to the Bureau of Labor Statistics, the city's seasonally unadjusted unemployment rate was 4.8% in August 2012, which is lower than the state's 6.4% and the nation's 8.1% levels.

## Outlook

The stable outlook reflects our expectation that the recent stabilization of Santa Fe's pledged revenue and a broad tax base should continue to provide strong MADS coverage. Given this and a local economy that depends somewhat on tourism, we don't expect to change the rating in the next two years.

## Related Criteria And Research

USPF Criteria: Special Tax Bonds, June 13, 2007

| Ratings Detail (As Of November 5, 2012)                               |                  |          |
|---|------------------|----------|
| Santa Fe gross receipts tax imp rev bnds                              |                  |          |
| Long Term Rating  | AA+/Stable       | Affirmed |
| Santa Fe gross receipts (Mun Rec Complex Net Rev/subord Lien) (AMBAC) |                  |          |
| Unenhanced Rating   | AA(SPUR)/Stable  | Affirmed |
| Santa Fe sales tax  |                  |          |
| Unenhanced Rating   | AA+(SPUR)/Stable | Affirmed |
| Santa Fe sales tax  |                  |          |
| Unenhanced Rating   | AA+(SPUR)/Stable | Affirmed |
| Santa Fe sales tax subord lien (MBIA) (MBIA of Illinois)              |                  |          |
| Unenhanced Rating   | AA(SPUR)/Stable  | Affirmed |
| Santa Fe sales tax (AGM)  |                  |          |
| Unenhanced Rating   | AA+(SPUR)/Stable | Affirmed |
| Santa Fe sub lien gross receipts tax rfdg rev bnds                    |                  |          |
| Long Term Rating  | AA/Stable        | Affirmed |
| Many issues are enhanced by bond insurance.                           |                  |          |

Complete ratings information is available to subscribers of RatingsDirect on the Global Credit Portal at [www.globalcreditportal.com](http://www.globalcreditportal.com). All ratings affected by this rating action can be found on Standard & Poor's public Web site at [www.standardandpoors.com](http://www.standardandpoors.com). Use the Ratings search box located in the left column.

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McGraw-Hill

# FitchRatings

## **FITCH RATES SANTA FE, NM SUBORDINATE GRTS 'AA'; OUTLOOK STABLE**

Fitch Ratings-Austin-08 November 2012: Fitch Ratings has assigned an 'AA' rating to the following Santa Fe, New Mexico (the city) obligations:

--\$5.135 million subordinate lien gross receipts tax (GRT) improvement revenue bonds, series 2012C.

The bonds are expected to price via negotiation as early as the week of Nov. 12, 2012 pending market conditions. Proceeds from the sale of the bonds will be used to refund the city for the purchase and renovation of city office space and to pay issuance costs.

In addition, Fitch affirms the following:

--\$28.95 million general obligation (GO) bonds at 'AA+';

--\$47.73 million GRT revenue bonds outstanding, series 2010A, 2012A at 'AA+';

--\$9.835 million subordinate lien GRT revenue bonds outstanding, series 2010B at 'AA'.

The Rating Outlook is Stable.

### **SECURITY**

The revenue bonds are secured by pledged revenues comprised of the 1.225% state shared GRTs; 0.5% municipal GRT; and 0.0625% infrastructure GRT; any portion of the above-mentioned GRTs that would have been remitted to the city but previously exempted; and any other GRT received by the city pledged for payment of the bonds.

The lower rating for the series 2012C bonds reflects their subordinate position in the flow of pledged revenues for bond repayment.

### **KEY RATING DRIVERS**

**PROMINENCE OF GROSS RECEIPTS TAXES:** Given the importance of GRT revenues to general fund operations (represents 81% of general fund revenues), the credit rating for the GRT revenue bonds is inextricably tied to the city's overall financial performance and general obligation bond rating.

**STRONG DEBT SERVICE COVERAGE:** Debt service coverage is favorable and legal covenants, particularly the additional bonds test (ABT), are strong.

**THINNED BUT STILL SOLID RESERVES:** Despite the recent contraction in GRTs, general fund reserve levels remain favorable. Most recent monthly collections of GRTs indicate ongoing recovery in revenues but, if revenue recovery falters, modest cash transfers from the wastewater fund may be used to balance operations in the next few years.

**AVAILABLE TAXING MARGIN AVAILABLE:** The city maintains some revenue-raising flexibility through its GRT and property tax rates.

**ELEVATED BUT MANAGEABLE DEBT PROFILE:** Debt levels are above average, reflecting the infrastructure challenges of an older city.

**SOUND ECONOMY:** Economic stability is provided by the large state government presence and unemployment rates remain below state and national averages. Wealth indices are also above

average.

## WHAT COULD TRIGGER A RATING ACTION

**STRONG RESERVE LEVELS:** The continuance of solid reserves remains integral to maintaining the city's high-grade credit quality given the heavy reliance on economically sensitive sales tax revenue.

## CREDIT PROFILE

### HEALTHY REGIONAL ECONOMY

Santa Fe serves as the county seat and state capital and is located in north central New Mexico. The local economy is anchored by the large state government presence. Other important sectors include tourism and recreation, retail trade, healthcare, and some industry. In addition, the recent completion of the commuter rail line between Santa Fe and Albuquerque enhances employment and tourism opportunities for the region.

Historically, Santa Fe unemployment rates have been below those of both the state and nation. However, the city was not immune to the recent economic downturn, as evidenced by a rising unemployment rate that peaked at 6.5% in 2009. The unemployment rate has trended down since then and totaled a moderate 4.8% as of August 2012, still well below the rates of the state (6.4%) and nation (8.2%).

Wealth indices for the city are above the statewide average. In addition, property wealth is evident in the city's high market value per capita ratio, which is over \$160,000, despite the large amount of tax-exempt values. After years of healthy annual gains in taxable assessed valuation (TAV), growth slowed over the last few years, with preliminary information for fiscal 2013 indicating another modest increase. Independent housing information points to below-average mortgage delinquencies and foreclosures, and property tax collections continue to be solid.

### STABILIZING REVENUES

Typical of municipalities in New Mexico, the city's general fund is heavily dependent on state and local GRTs for general fund support. In fiscal 2011, combined GRTs accounted for approximately 81% of revenues. Property taxes, on the other hand, represented less than 4% of operating support. GRT collections declined by 3.2% and 6.6% in fiscal years 2009 and 2010, respectively. Audited fiscal 2011 results indicate GRT collections stabilized, growing by less than 1%. Unaudited fiscal 2012 results show improved growth of GRT collections at 3% over the prior year, which Fitch views as reasonable. Year to date GRT receipts for the first four months of fiscal 2013 have grown by 1%.

### RESERVE FUND DECLINES BUT BEGAN TO STABILIZE IN 2011

The city's general fund reserves have thinned due to the GRT declines but remain solid. The city posted general fund drawdowns of \$5.9 million and \$5.3 million in fiscal years 2009 and 2010, respectively, each equal to over 7% of spending. Aided by stabilized GRT collections, audited fiscal 2011 results were positive with a modest addition to fund balance, bringing the unrestricted fund balance (sum of assigned, unassigned, and committed per GASB 54) to \$9.5 million or 13% of spending and transfers out.

### INCREASING REVENUES; FURTHER REDUCED EXPENDITURES IN 2012

Preliminary fiscal 2012 results indicate another modest surplus, achieved through \$2 million in salary and benefit savings, \$942,000 in program savings and efficiencies, and \$948,000 in revenue enhancements. Fiscal 2012 revenues of \$83 million were up 3% over 2011, beating the conservative budget assumes for flat revenue growth. The \$75.7 million fiscal 2013 budget is balanced assuming flat revenue growth and includes a 2% salary increase for all city employees.

The general fund regularly receives cost recovery from the wastewater fund for related environmental expenses. \$1.7 million in transferred reimbursements for fiscal 2012 totaled 2% of revenues and transfers in. The city expects transfers to return to lower historical levels by 2013 as associated costs are planned to roll off.

The city is fortunate in that it maintains some important revenue raising flexibility with the availability of an additional 1/4% on the municipal GRT rate as well as substantial property tax margin. Reportedly, the city maintains the second lowest property tax rate in the state, behind Albuquerque. However, given the current economic climate, raising the GRT or property tax rates may prove to be politically challenging.

#### STRONG DEBT SERVICE COVERAGE

Debt service coverage on senior and subordinate lien bonds and New Mexico Finance Authority loans is strong as expected given the importance of GRTs to operations. Fiscal 2011 pledged revenues provide 4.2 times (x) coverage of senior lien maximum annual debt service (MADS) and 2.4x coverage on senior and subordinate lien MADS (including debt service paid in practice from other sources but secured by subordinate GRT revenues).

Legal provisions are solid. A multi-tiered additional bonds test that, among other provisions, calls for a 1x coverage requirement of senior lien MADS by municipal and infrastructure GRTS only (state shared GRTs represent the bulk of pledged revenues) and a subordinate lien bonds test of 2x combined senior and subordinate MADS. While included in some of the prior GRT debt issuances, there is no reserve fund established for the 2012C bonds.

#### ABOVE AVERAGE DEBT BURDEN

The majority of the city's outstanding tax-supported debt is secured by GRTs. GO debt outstanding, however, is limited. At 400 years old, the city's age and infrastructure needs are driving the overall debt ratios to above average levels (4.2% of taxable market value and \$6,811 per capita). Given the city's stabilized GRT collections, management's goal is to return to a two-year cycle for GRT issuance. The city also plans to issue a modest \$17 million in GO bonds later this year approved from a recent bond election authorizing various public improvements.

Carrying costs for debt service, pensions and OPEB are elevated at 27% of general fund and debt service fund spending. Pensions and OPEB for city employees are adequately funded and provided through the state-administered Public Employees Retirement Association defined benefit plan.

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In addition to the sources of information identified in Fitch's Tax-Supported Rating Criteria, this action was additionally informed by information from Creditscope, University Financial Associates, S&P/Case-Shiller Home Price Index, IHS Global Insight, National Association of Realtors, the Underwriter.

Applicable Criteria and Related Research:

--'Tax-Supported Rating Criteria' (Aug. 14, 2012);

--'U.S. Local Government Tax-Supported Rating Criteria' (Aug. 14, 2012).

Applicable Criteria and Related Research:

Tax-Supported Rating Criteria

[http://www.fitchratings.com/creditdesk/reports/report\\_frame.cfm?rpt\\_id=686015](http://www.fitchratings.com/creditdesk/reports/report_frame.cfm?rpt_id=686015)

U.S. Local Government Tax-Supported Rating Criteria

[http://www.fitchratings.com/creditdesk/reports/report\\_frame.cfm?rpt\\_id=685314](http://www.fitchratings.com/creditdesk/reports/report_frame.cfm?rpt_id=685314)

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**CITY COUNCIL MEETING OF  
NOVEMBER 14, 2012  
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION  
BY MEMBERS OF THE GOVERNING BODY**

|                                       |   |   |
|---------------------------------------|---|---|
| <b>Mayor David Coss</b>               |   |   |
| <b>Co-Sponsors</b>                    | <b>Title</b>  | <b>Tentative Committee Schedule</b>                                 |
|                                       |   |   |
| <b>Councilor Patti Bushee</b>         |   |   |
| <b>Co-Sponsors</b>                    | <b>Title</b>  | <b>Tentative Committee Schedule</b>                                 |
|                                       |   |   |
| <b>Councilor Chris Calvert</b>        |   |   |
| <b>Co-Sponsors</b>                    | <b>Title</b>  | <b>Tentative Committee Schedule</b>                                 |
|                                       |   |   |
| <b>Councilor Bill Dimas</b>           |   |   |
| <b>Co-Sponsors</b>                    | <b>Title</b>  | <b>Tentative Committee Schedule</b>                                 |
|                                       |   |   |
| <b>Councilor Carmichael Dominguez</b> |   |   |
| <b>Co-Sponsors</b>                    | <b>Title</b>  | <b>Tentative Committee Schedule</b>                                 |
|                                       |   |   |
| <b>Councilor Peter Ives</b>           |   |   |
|                                       |   |   |
| <b>Councilor Chris Rivera</b>         |   |   |
| <b>Co-Sponsors</b>                    | <b>Title</b>  | <b>Tentative Committee Schedule</b>                                 |
|                                       |   |   |
| <b>Councilor Ron Trujillo</b>         |   |   |
| <b>Co-Sponsors</b>                    | <b>Title</b>  | <b>Tentative Committee Schedule</b>                                 |
|                                       | A RESOLUTION<br>RELATING TO THE HEALTH, SAFETY AND<br>WELFARE OF THE RESIDENTS OF SANTA FE,<br>NEW MEXICO; DIRECTING CITY STAFF TO ENTER<br>INTO AN AGREEMENT WITH THE SANTA FE<br>SOLID WASTE MANAGEMENT AGENCY<br>("SFSWMA") FOR THE PURPOSE OF ACCEPTING A<br>WAIVER OF GREEN TIPPING FEES ASSOCIATED<br>WITH WILDLAND URBAN INTERFACE THINNING<br>TO BE CONDUCTED BY THE CITY OF SANTA FE<br>FIRE DEPARTMENT. | Public Safety – 11/20/12<br>Finance – 12/3/12<br>Council – 12/12/12 |
| <b>Councilor Wurzbarger</b>           |   |   |
| <b>Co-Sponsors</b>                    | <b>Title</b>  | <b>Tentative Committee Schedule</b>                                 |
|                                       |   |   |



1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2012-\_\_**

3 **INTRODUCED BY:**

4 Councilor Ron Trujillo

5  
6  
7  
8  
9  
10 **A RESOLUTION**

11 **RELATING TO THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF**  
12 **SANTA FE, NEW MEXICO; DIRECTING CITY STAFF TO ENTER INTO AN**  
13 **AGREEMENT WITH THE SANTA FE SOLID WASTE MANAGEMENT AGENCY**  
14 **("SFSWMA") FOR THE PURPOSE OF ACCEPTING A WAIVER OF GREEN TIPPING**  
15 **FEES ASSOCIATED WITH WILDLAND URBAN INTERFACE THINNING TO BE**  
16 **CONDUCTED BY THE CITY OF SANTA FE FIRE DEPARTMENT.**

17  
18 **WHEREAS**, the City of Santa Fe Fire Department is applying for a Collaborative Forest  
19 Restoration Program ("CFRP") grant from the United States Forest Service that would fund a  
20 substantial forest thinning project in and around Santa Fe County; and

21 **WHEREAS**, the CFRP grant is a four-year grant with a possible one-year extension; and

22 **WHEREAS**, upon receipt of the grant award, the Fire Department expects to extract  
23 approximately 20 tons of green waste per week for approximately 30 weeks per year; and

24 **WHEREAS**, the City of Santa Fe Environmental Services Division will transport the green  
25 waste to SFSWMA to chip; and

1       **WHEREAS**, the current fee for green waste that is charged by SFSWMA is \$20.00 per ton,  
2 plus tax; and

3       **WHEREAS**, SFSWMA is willing to waive the green tipping fess for the thinning waste; and

4       **WHEREAS**, the green waste generated from the wildland urban interface thinning should  
5 not exceed 600 tons per year; and

6       **WHEREAS**, the urban interface thinning project will benefit all residents of Santa Fe  
7 County.

8       **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
9 **CITY OF SANTA FE** that in the interest of the health, safety and welfare of the residents of Santa  
10 Fe, New Mexico, the Governing Body hereby directs staff to enter into an agreement with SFSWMA  
11 to accept the waiver of green waste tipping fees through the duration of the CFRP wildland urban  
12 interface thinning project that will be conducted by the City of Santa Fe Fire Department.

13       PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

14  
15  
16 ATTEST:

\_\_\_\_\_  
DAVID COSS, MAYOR

17  
18  
19 YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

21  
22  
23 GENO ZAMORA, CITY ATTORNEY

24  
25 *M/Melissa/Resolutions 2012/SWAMA\_GreenTippingFees*