

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE**
Monday, February 18, 2008

1. CALL TO ORDER

A meeting of the City of Santa Fe Finance Committee was called to order by Chair Karen Heldmeyer, at approximately 5:15 p.m., on Monday, February 18, 2008, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Councilor Karen Heldmeyer, Chair
Councilor Christopher Calvert
Councilor Matthew Ortiz
Councilor Rebecca Wurzbarger

MEMBERS EXCUSED:

Councilor Carmichael Dominguez

OTHERS ATTENDING:

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

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

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

Chair Heldmeyer thanked the Finance staff for the wonderful food, flowers and card. She said she has appreciated working with Ms. Raveling's office during her eight years on Council, and Ms. Raveling runs an extraordinarily professional shop. She said during her term as Chair of Finance, Ms. Raveling and Ms. Green have done a great job of putting together packets and agendas with a reasonable perspective, and she assumes this will continue. She hopes the new Chair of the Committee will appreciate this and take advantage of that.

Ms. Raveling said this is a small token of their appreciation to Chair Heldmeyer in running this Committee, and all of the time, effort and anguish it takes to do these committees and staff appreciates this.

3. APPROVAL OF AGENDA

Councilor Wurzburger asked that Item # 32 be postponed to the next meeting of the Committee.

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

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

4. APPROVAL OF CONSENT AGENDA

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

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

CONSENT AGENDA

- 8. BID OPENINGS:**
 - A. BID NO. 08/23/B – FRONT LOADING COLLECTION UNITS FOR SOLID WASTE MANAGEMENT DIVISION; RUSH TRUCK CENTER, INC. (WILLIAM DeGRANDE)**
 - B. BID NO. 08/24/B – TWO (2) ROLL-OFF REFUSE COLLECTION UNITS FOR SOLID WASTE MANAGEMENT DIVISION; ROBERTS TRUCK CENTER, INC. (WILLIAM DeGRANDE)**
- 9. REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – FRONT LOAD CONTAINERS FOR SOLID WASTE MANAGEMENT DIVISION; WASTEQUIP, INC.**
- 10. *[Removed for discussion by Councilor Calvert]***
- 11. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – THREE (3) SUPPORT VEHICLES FOR SOLID WASTE MANAGEMENT DIVISION; BOB TURNER FORD COUNTRY. (WILLIAM DeGRANDE)**
- 12. REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – CIVIC CENTER – OFFICE FURNITURE; CREATIVE INTERIORS, INC. (CHIP LILIENTHAL)**
- 13. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – HEAVY DUTY TRUCK FOR SIGN DIVISION; RELIABLE CHEVROLET. (RANDY BLAKE)**

14. REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – HEAVY TRUCK EQUIPMENT FOR STREETS DIVISION; BERGKAMP, INC., ASPHALT ZIPPER, INC., AND TOM GROWNEY EQUIPMENT, INC. (ROBERT ROMERO)
15. *[Removed for discussion by Councilor Calvert]*
16. *[Removed for discussion by Councilor Calvert]*
17. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PUBLICATION OF 2009 SANTA FE VISITORS GUIDE FOR SANTA FE CONVENTION AND VISITORS BUREAU; SOUTHWEST MEDIA, LLC. (KEITH TOLER)
18. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO MEMORANDUM OF AGREEMENT – VARIOUS JOINT REGIONAL OPEN SPACE AND TRAILS PROJECTS; SANTA FE COUNTY AND CITY OF SANTA FE. (BOB SIQUEIROS)
19. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – ASSIST WITH IMPLEMENTATION OF H.T.E. PLANNING AND ENGINEERING APPLICATION; ZIA CONSULTING (CARYN FIORINA)
20. REQUEST FOR APPROVAL OF A RESOLUTION INSTITUTING “CAVENOUS ANGIOMA AWARENESS WEEK” (COUNCILORS HELDMEYER, CHAVEZ, ORTIZ AND DOMINGUEZ). (TERRIE RODRIGUEZ)
21. REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 – CERRILLOS ROAD/ST. MICHAEL’S/OSAGE AVENUE INTERSECTION IMPROVEMENTS PROJECT FOR NIGHT PAVING AND QUANTITY ADJUSTMENT; STAR PAVING COMPANY. (LEROY PACHECO)
22. REQUEST FOR APPROVAL OF GOVERNMENTAL PROJECT FUNDING AGREEMENT – CONSTRUCTION OF STORM MANAGEMENT WATER SYSTEM FOR ALAMEDA BRIDGE; NEW MEXICO OFFICE OF STATE ENGINEER. (DAVID CHAPMAN)
 - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – SANTA FE RIVER FUND.
23. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES AT SANTA FE MUNICIPAL AIRPORT; AKAL SECURITY, INC. (JIM MONTMAN)
24. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO ENGINEERING SERVICES AGREEMENT – FEDERAL LEGISLATIVE SERVICES FOR BUCKMAN DIRECT DIVERSION PROJECT; CAMP, DRESSER & McKEE, INC. (RICK CARPENTER)
25. REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO ENGINEERING SERVICES AGREEMENT – BUCKMAN DIRECT DIVERSION PROJECT; CAMP, DRESSER & McKEE, INC. (RICK CARPENTER)

26. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING STAFF TO SEEK SECTION 595 ENVIRONMENTAL INFRASTRUCTURE AND RESOURCE PROTECTION ASSISTANCE FUNDING FROM THE U.S. ARMY CORPS OF ENGINEERS FOR THE CITY'S CANYON ROAD WATER TREATMENT PLANT, PHASE III RESIDUALS HANDLING IMPROVEMENT PROJECT (COUNCILOR CHAVEZ). (BRIAN SNYDER)
27. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 26, 2008, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "CITY") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING THE SPECIAL LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$15,150,000, TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A NECESSARY DRINKING WATER PROJECT, BEING DESIGN, ENGINEERING, PRE-CONSTRUCTION AND CONSTRUCTION OF THE BUCKMAN DIRECT SURFACE DIVERSION PROJECT, INCLUDING BUT NOT NECESSARILY LIMITED TO ENGINEERING AND PRE-CONSTRUCTION WORK ON THE WATER TREATMENT PLANT; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE CITY'S WATER AND WASTEWATER UTILITY SYSTEM AND REVENUES GENERATED BY THE CAPITAL OUTLAY GROSS RECEIPTS TAX; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT. (KATHRYN RAVELING)
28. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO DEVELOP A POLICY PERTAINING TO CERTAIN FACILITIES WHICH ARE USED BY NON-CITY ORGANIZATIONS, BUT WHICH ARE OWNED, IN WHOLE OR IN PART, BY THE CITY OF SANTA FE (COUNCILOR HELDMEYER). (FRANK KATZ)
29. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PLACE ADEQUATE FUNDING FOR PARKS, TRAILS AND OPEN SPACE MAINTENANCE IN THE CITY'S BUDGET (COUNCILORS HELDMEYER, ORTIZ, CALVERT AND BUSHEE). (FABIAN CHAVEZ)
30. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE DESIGNATION OF THE UNITED STATES PARK SERVICE'S "OLD SANTA FE TRAIL BUILDING," AS A NATIONAL HISTORIC SITE (COUNCILOR HELDMEYER). (DAVIS RASCH)

5. APPROVAL OF MINUTES: February 4, 2008

MOTION: Councilor Ortiz moved, seconded by Councilor Calvert, to approve the minutes of the meeting of February 4, 2008, as presented.

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

INFORMATION AGENDA

6. UPDATE ON RAILYARD PARKING ISSUES. (BILL HON)

A copy of "Proposed Railyard Parking Programs," is incorporated herewith these minutes as Exhibit "1."

Mr. Hon said the goal is to put together programs which already were in place in the downtown area, so they would match and not give any one area an advantage over the other. He noted the Parking Advisory Committee made its recommendations on February 12, 2008, which are being moved forward to the Public Works Committee on February 25, 2008, back to Finance on March 17, 2008, and for final approval to the Council on March 26, 2008.

Mr. Hon said it appears the Railyard parking garage and parking areas won't be open for use as early as first thought, and will be delayed from April 1, 2008, to the end of May 2008, because of problems experienced with the elevators. He said he is moving forward with the recommendations and will implement them as needed once things start to work.

Mr. Hon reviewed the information in Exhibit "1."

Councilor Wurzbarger asked if there is an issue limiting the number of meter permits by months.

Councilor Ortiz said it is interesting to see this in the context of the Railyard, but because this will be coming on line with the Civic Center, he asked when all of the City Parking Plan will come up to speed so we can see if there are going to be differences. He said he expects it won't, but he would like to see that at some point. At another point, as a secondary issue, the Committee needs to discuss how City employee parking fits into the downtown parking plan which is proposed.

Councilor Ortiz asked if the Legislature approved the Legislator parking, and was that funded.

Mr. Hon doesn't know whether it was funded, but he has met with them twice.

Councilor Ortiz said there are three potential new parking structures coming on line, and he would like to do some sort of coordinated effort.

Mr. Hon said at the last meeting with the State they were moving forward and we were working out some details for them, because they are moving forward with an archeological find and to start building over there. This is the last he heard within the last week or so.

Mr. Hon said it was anticipated to open the Railyard parking on April 1, 2008, and it was planned to come forward with the Railyard first, and work the Civic Center in later which is anticipated to come on

line in August 2008. However, it appears those openings will continue to get closer together. Staff will develop packages for the Civic Center and bring these together.

Responding to Councilor Calvert, Mr. Hon said staff was told that as of April 1, 2008, all of the infrastructure, the surface area, curbs and gutter, the streets and such would be complete for the facility and surface parking. He said just the undergrounding parking garage will be delayed, and they will move forward with the surface parking and installing the electronic meters.

Chair Heldmeyer said she wanted to correct something which was in one of the newspapers which talks about two parking garages coming on line, one underground and one on the surface. She said the surface parking will not be within a structure, and will be a surface parking lot.

Mr. Hon said there are approximately 500 above ground, surface parking spaces, which includes several small parking lots, and 404 underground spaces which include 25 spaces for motorcycles.

Councilor Wurzburger asked if the bicycle lockers are an option.

Mr. Hon said he has been looking at bicycle lockers, and one has been purchased which staff is using for its enforcement bicycles. He said, in talking with other municipalities, one of the problems with bicycle lockers is that they tend to become a storage area for someone to store their bicycle all the time and leave it for six months. He said this isn't the intent, and they want to encourage use of the lockers. He said the thought is to purchase 1-2 lockers and give them a try.

Councilor Wurzburger would like to do this, saying there needs to be strict regulations providing, for example, that after 48 hours a bicycle will be removed. She doesn't want to punish the "many for the few."

Councilor Heldmeyer asked if there is a similar waiting list for the Santa Fe Center parking garage.

Mr. Hon there is a waiting list with 300 names. He said the recommendation for this list probably will be a lottery system.

Councilor Calvert said once the movie center is in operation, there could be some parking overlap in the afternoon. He asked if it would be possible to limit parking by businesses, so that no large business reserve spaces for everybody that works there. He said he believes the businesses would rather have the parking spaces available for customers than for employees. He wants to be sure that paying customers are accommodated.

Mr. Hon said we don't want to lock all the spaces for employees nor for monthly parking, because \$60 per month won't generate the revenue needed to pay operating expenses, and transient parking is needed. He said of the slow buildout, it was thought it would be worthwhile to go ahead and put everyone in now, and by attrition there will be those who won't be parking a year later.

Mr. Hon said the policies and procedures for monthly parking is that the parking permits are on a

month-to-month, there are no guarantees beyond 30 days, and it is clear that any permit can be canceled on a 30-day notice.

Chair Heldmeyer said the financial plan discusses the importance of having spaces which turn over in terms of generating revenue. She asked, if the demand for month-to-month is greater than that for hourly parking, if thought has been given to increasing the fee for month-to-month to make up for lost revenue.

Mr. Hon said no. However, for example, in the winter months when there isn't as much transient parking, and there is a demand for monthly, people are placed temporarily in the garage, which is done currently at Sandoval and the Archdiocese lots. He said they will be looking at all alternatives and patterns during the first year and during the buildout, so they can recommend any needed changes based on these patterns. He said the other thing which drives this is the Parking Garage Development Agreement with the developers aboveground for the first three years, to ensure there is parking for their tenants, noting there is \$100,000 in validation parking for the first three years.

Councilor Wurzbarger said she was called by two constituents who are upset that the City is paying all this money for the Railyard, and they now have to pay for parking. She asked if there would be a mechanism to get people in early on.

Mr. Hon said these issues haven't been discussed, although some details have been developed for special events and special users such as Warehouse 21 and the Farmers' Market.

Chair Heldmeyer said there are businesses on the Railyard which have been there for some time which feel their patrons should not have to pay for parking.

Councilor Wurzbarger is concerned that all of the parking will be taken quickly and there won't be parking for the average person who wants to go to the Railyard, and this will impact the use of the Railyard.

Councilor Calvert said there will be a very nice park at the Railyard, but to enjoy it, it will be necessary to pay for parking.

Mr. Hon said the parking lot next to the park will be metered. However, the rates can be set as the buildout establishes itself and as we see how things are working – the first hour free or \$1 for two or three hours.

Mr. Hon noted that the recommendation from Parking Advisory Committee for the Farmers' Market is that parking will be free for the Farmer's Market on Saturdays, between 6:00 a.m. and 12:00 noon, and on Tuesdays, \$2 for parking from 6:00 a.m. to 12:00 noon. Additionally, the Committee recommended retaining the \$10 monthly special event permit for users who come down for the Market, and these could be used by any of the people which come to events regularly for other businesses as well – Santa Fe Clay, Eric Gent, Warehouse 21, Site Santa Fe.

Chair Heldmeyer asked about the financial impact to the revenue.

Mr. Hon said he hasn't done the analysis, but the impact will be huge and he will bring that before the Public Works Committee.

Responding to Councilor Calvert, Mr. Hon said the businesses can validate parking for any time period they choose, reiterating that the developers will have \$100,000 annually for business validation money.

Councilor Wurzburger said this is just for information and we are not being asked to approve these recommendations this evening.

Mr. Hon said this is correct.

Councilor Wurzburger said she, like the Chair, wants to see the numbers with respect to the free parking. She would like to add another bullet, which are shuttles from peripheral parking lots for employees, so workers aren't parking right there. She said none of this will work unless we secure peripheral parking and a strategy for moving people to downtown, Civic Center and/or the Railyard. She said these parking spaces should be primarily for people who want to come in and out, and we need to deal differently with employee parking, both in the public and private sectors.

Mr. Hon said they already are working on this right now. He said the shuttle service from peripheral parking is operating currently. Anyone who parks in any of the parking lots can call the service, a van will pick them up and take them to the location. They will give the person a card when they drop them off and tell them to call when they are done, and he will pick them up and take them back to their car.

Councilor Calvert said Councilor Wurzburger is talking about the outlying parking, as opposed to from existing parking lots downtown to a destination. He agrees we need more of this.

Mr. Hon said he agrees and these two need to be "married" together, so it all works as a system.

7. REPORT ON KEEP SANTA FE BEAUTIFUL WINE TASTING EVENT. (GILDA MONTANO)

Fabian Chavez reported that Ms. Montano's Board didn't pull this event together, and it has been postponed.

Chair Heldmeyer said she has tried to get this on the agenda for some time. She spoke with the City Manager, and hopes in the relatively near future there will be a report on this. She said there has been difficulty getting financial information from Keep Santa Fe Beautiful, which is partially a non-profit and also a part of the City. She said two years ago we were supposedly working on an MOU between Keep Santa Fe Beautiful and the City so everyone would know who was responsible for what, and especially what the financial conditions are. She hopes this continues, and should show up on this agenda some time soon.

Councilor Calvert said, regarding recycling bins, he doesn't know that we need two distinctly identified sources of bins. The important thing is to have bins, and to the extent they could be interchangeable, they could either be shared or funded together which would be better for everybody, especially in the schools. He said Mr. DeGrande is trying to get the schools on board, but if Santa Fe Beautiful could contribute to the bin fund with a common logo for recycling it would be beneficial.

Mr. Chavez said he will carry both requests back for a financial report on all of the Board's fundraising and expenditures.

Chair Heldmeyer said this particular event triggered the request, how much it cost, including the cost of staff time, and how much it brought in. There was a half page ad in Pasa Tiempo thanking all the people who attended, which were about 25 people. She said for many of these things where we are cooperating with non-profits, the City has to look at the funds spent by the City and the staff time to raise funds, and whether it is appropriate for the funds raised.

Chair Heldmeyer said Councilor Calvert was referring to the level of cooperation between Keep Santa Fe Beautiful and other parts of the City which have been confused over the years. She said Keep Santa Fe Beautiful has been bounced between different departments, and no one is ever sure who is in charge of the person who is in charge of Santa Fe Beautiful. She said this is important as we move forward with the new recycling program.

CONSENT CALENDAR DISCUSSION

10. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – THREE (3) SUPPORT VEHICLES FOR SOLID WASTE MANAGEMENT DIVISION; BOB TURNER FORD COUNTRY. (WILLIAM DeGRANDE)

Councilor Calvert said it has been the opinion of this Committee and the City's Energy Specialist that the E-85 aspect of alternative fuels may not be the way to go, and asked if the City is paying extra for this E-85 capability on this vehicle.

Robert Rodarte said no, although we did three years ago, but now everything is built into the bid price and there is no price difference.

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

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

15. REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – DATA COMMUNICATION COMPUTERS AND SOFTWARE FOR FIRE DEPARTMENT; ESO SOLUTIONS. (TED BOLLETER)

Calvert asked if City IT commented on whether this is the best system.

Chief Bolleter said IT has been involved in the development from the start, commenting that they do not want any incompatibility issues with IT, and IT assisted the Department in developing the specifications.

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

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

16. REQUEST FOR APPROVAL OF JOINT POWERS AGREEMENT – REGIONAL MOBILIZATION PLAN FOR WILDLAND FIRE PROTECTION AND SUPPRESSION FOR FIRE DEPARTMENT; ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, FORESTRY DIVISION AND CITY OF SANTA FE. (CHIEF CHRIS RIVERA)

Councilor Calvert said this is sort of like “mutual aid,” but the last page in the packet talks about the financial plan, and asked if a FIR needs to come with this.

Chief Rivera said this agreement is basically in the event of a large fire which is out of the scope of what we, in the City, can handle. At that point, we would call in additional help through this JPA. This means that everyone that comes into Santa Fe to assist us would be reimbursed. If the City goes to help other communities, the City is reimbursed for that. He said, for example, if a large fire started within the City limits and then moved up into the forest, the cost is usually based on acreage, so if 30% started in the City and burned into the forest at 70%, this is how the costs are shared.

Councilor Calvert asked how this is coordinated when the Governor asks for federal resources, and if we’re just talking about the State and the City.

Chief Rivera said it is both, and the City would turn to the Energy, Minerals & Natural Resources Department which would begin the process of declaring an emergency through the state and federal governments.

Councilor Calvert asked if the City wanted to call in the federal tankers through the forest service, is that part of the bill.

Chief Rivera said if the City were to do this on our own, without being under the umbrella of this JPA, the City would assume that cost all on our own. If we go through this JPA, the cost is shared, and if we get to that level we would get help from the federal and state government.

Councilor Calvert would hope people wouldn’t let it go to a bigger thing so they would get federal help so it would be free. He isn’t clear as to where this would apply and when the cost sharing would apply. If the Governor declares an emergency or asks for federal help, does this still apply.

Chief Rivera said this JPA applies to all of it, reiterating this is only for large fires, and if there is a small fire we can handle between our two agencies we will do so, and there is no cost involved – Energy & Minerals or the Forest Service. As soon as the fire gets bigger than what we can handle, we activate the EMNRD, and start working together. Once that happens and the Regional Mobilization Plan (RMP) is activated, we can request additional resources, including helicopters which are paid through this RMP. All the fees are set. He said it would be better for the City to work through this Plan because everything is set the way the costs would be shared.

Councilor Calvert who decides when a fire crosses that threshold and help is needed.

Chief Rivera reiterated that once we get to the point where the City can't deal with it alone, he would start requesting help.

Councilor Calvert said he spoke about the smaller fires which the City and EMNRD could handle.

Chief Rivera said two years ago there was fire off Old Pecos Trail and the City, County and Engine 602 from the Forest Service showed up, and we dealt with it within our resources and there was no cost sharing. If it had become bigger and the three couldn't deal with it, then we would start to activate the RMP and the Forest Service starts calling in more people, possibly tankers. He said the Forest Service has unlimited amounts of resources which we would use in the event of a large forest fire.

Deputy Chief Neuman said another way to look at it is initial attack versus extended attack. The way the JPA is written, it is written during the first 24-hour period which is considered to be an initial attack and most agencies would be able to handle an incident of that size. If it grows larger than 24 hours, it is an extended attack, and that's when we'll definitely need to call in help, and who gets the bill will depend on whose land the fire is on and how much acreage is burned.

Councilor Calvert asked if this is something new or a trend, and are they being reimbursed currently.

Chief Rivera said everything is reimbursable, and when you call in large tankers, they get reimbursed by the federal government.

Responding to Councilor Calvert, Deputy Chief Neuman said the funding for the federal government has decreased, and they are counting more on municipalities and local jurisdictions to handle wildland fires on their own. They are looking for a means to come up with covering the cost of those fires. He said we never want to call in an air tanker without getting the State involved first, because we don't want to pay that cost of \$2,500 per hour. We want to ensure we get other agencies involved. This JPA is a brand-new way for State Forestry to deal with different municipalities and jurisdictions across the State. This is new this year, and the JPA has never included this language previously.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, for purposes of discussion, to approve this request.

DISCUSSION: Councilor Heldmeyer said she thought this would be moving toward what she would like to see, which is to use the data we got from the Redfish Group about how people will exit if there is a fire. However, we do need to stay on top of that. She asked Gary Martinez his concerns in terms of emergencies with the Water Division. He told her, although he didn't think it likely, but a dam break would be devastating, and the same emergency plans could be used for both because they would occur in roughly the same areas. She would like Chief Rivera to work with the Water Division to come up with money to do this planning, which she believes is critical.

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

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

- 31. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – EMPLOYEE HOUSING ASSISTANCE PROGRAM; HOMEWISE, INC. (RFP #08/13/P). (KATHY McCORMICK) (Postponed at Finance Committee meeting of January 2, 2008)**

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

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

- 32. REQUEST FOR APPROVAL OF FY 06/07 CLOSEOUT AND REAPPROPRIATION OF GENERAL FUND AVAILABLE CASH BALANCES, CONTINGENT ON JANUARY LEGISLATIVE ACTION. (KATHRYN RAVELING). (Postponed at Finance Committee meetings of November 19, 2007, December 3, 2007 and January 22, 2008)**

This item was postponed to the next meeting of the Committee on March 17, 2008.

- 33. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO EXPAND THE EXISTING PROGRAM PROVIDING FOR EMPLOYEE BACKGROUND CHECKS (COUNCILOR HELDMEYER). (KRISTINE KUEBLI) (Postponed at Finance Committee meeting of February 4, 2008).**

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

DISCUSSION: Chair Heldmeyer said there is an FIR for \$80,000, and this would be put out for RFP when we decide to do it.

Vicki Gage said this is correct.

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

34. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING TABLE 14-7.1-1 AND SECTION 14-7.1(B) SFCC 1987, REGARDING THE CALCULATION OF ALLOWABLE DWELLING UNITS AND MAXIMUM NUMBER OF DWELLING UNITS (COUNCILORS CALVERT AND BUSHEE). (JEANNE PRICE) (Postponed at Finance Committee meeting of February 4, 2008)

Councilor Calvert explained the reasons for the proposed Ordinance change, noting only 20% of the cases before the Summary Committee involved rounding up, but 60% of the cases could have done so.

Councilor Wurzbarger said she met briefly with Councilor Calvert before the meeting. She has tracked the concerns about how Infill didn't work over the years. However, she still isn't convinced that it can't be crafted so there can be an incentive for an affordable housing unit if it is required by the City. She will be working with him between now and the Council meeting to see what kind of language they could craft. She is comfortable with looking at this and saying an additional unit can be built if it is affordable housing as defined by the Homes Program, and they agree there can be no accessory units.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Ortiz, to move this request forward to the Council with no recommendation, and for staff to work on these specific amendments.

Friendly amendment: Councilor Ortiz said given the information on the relatively small number of family transfers, he would like an exception for rounding up for family transfers. **The amendment was friendly to the maker.**

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

35. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING TABLE 14-7.1-1 SFCC 1987, SO THAT THE MAXIMUM LOT COVERAGE FOR RM DISTRICTS IS FIFTY PERCENT (50%) IF PRIVATE OPEN SPACE IS PROVIDED (COUNCILORS HELDMEYER, CALVERT AND MAYOR COSS). (JEANNE PRICE) (Postponed at Finance Committee meeting of February 4, 2008)

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

DISCUSSION: Councilor Calvert said they have been talking about the process of downzoning in certain RM 1 and 2 districts at Public Works. This came about because this proposal and height are a much quicker, cheaper and more effective way to accomplish those same things – reduce the lot coverage and the height, and not go through the whole downzoning process in each of these areas one at a time. He said this is a timing issue, as well as one of cost. He introduced an ordinance at Council which would limit the height in the RM districts to 24 feet. He said these together would accomplish the same thing as the downzoning more quickly with less expense to everyone.

Councilor Wurzburger said she thought she and the Chair cosponsored a similar resolution.

Chair Heldmeyer said since this is an ordinance it is lagging behind. The discussion from staff was if 34, 35 and the additional one Councilor Calvert has introduced about height, were all passed, it would obviate the need to rezone the RM-1 districts which are in the core downtown neighborhoods. She said there were other things which changing the zoning would do, but they are of less concern to people in those districts than three things.

Councilor Calvert said the rezoning of Juanita is proceeding, but it won't go to the Planning Commission until April, and some of these things could be decided before then.

Chair Heldmeyer said the rezoning has to go through the entire process of ENN, Planning Commission, etc., and because these are ordinance changes they move more quickly.

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

36. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW SECTION 14-5.10 SFCC 1987, REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILORS HELDMEYER AND CHAVEZ). (JEANNE PRICE)

Councilor Wurzburger said she has a concern about this which was reinforced at meeting in Denver on historic preservation and green building. One of the key topics was conservation overlay districts. There was a very thorough discussion of three cases, one of which was in Dallas, where 19 Conservation Districts have been implemented.

Chair Heldmeyer said it is very different from this kind of conservation district.

Councilor Wurzburger said she asked the question of how a conservation district engages the common good priority of issues such as affordable housing. The gentleman said it was in conflict. She told him affordable housing is a big priority in Santa Fe, and asked him what is the impact specifically. She said he told her it has been perceived as a conflict. She asked when does affordable housing "win," and he told her never. She wants to determine how to address this in this ordinance and she is committed to working this out.

Chair Heldmeyer said this arose in the subcommittee of the Planning Commission which worked on the consensus draft which will go to the Planning Commission for a vote on Thursday. The subcommittee did a presentation and the Planning Commission was very positive about it, but didn't vote because it wasn't noticed.

Chair Heldmeyer said changes were made so that the nature of a neighborhood district could not prevent the additional density allowed for affordable housing, nor could it prevent certain uses which are seen as related to affordable housing such as group homes, home occupations and such. This was one

way of dealing with it.

Chair Heldmeyer said that is the legal half of it. The reality half of it is that most of the neighborhoods which are interested in pursuing this are working and middle class neighborhoods and are not high end neighborhoods. She said the most affordable house is one that you already own, where a family is already living in a neighborhood which is accepting of families and they want those neighborhoods to remain affordable to them because if the nature of the neighborhood changes, and it is no longer desirable to raise a family, they will move out. Given land prices in Santa Fe, they may move out of town altogether, or out of the area. She said affordability is also being able to hang onto the home you already have and keeping it in a livable situation. She said most of the neighborhoods which have expressed interest in being among the first to use this have fallen into that category. This is a little different definition of affordability than in the Homes Program, but it is very important, especially those like the Stamm neighborhoods which are more than 50 years old where second and third generations are living in the homes. Even if the home has been sold for whatever reason, they still are places where real people with real families want to move. They are not being used as tourist adjuncts. This kind of affordability has to be considered as well.

Councilor Ortiz said we are all real people, and he would believe it would be the east and north side neighborhoods who are coming in the door first on these neighborhood conservation districts. He hasn't heard the similar kinds of requests for these kinds of districts from the neighborhoods in Bellamah, which he represents and in which he and his parents grew up. In his experience, he has seen that these kinds of districts could present the opportunity for neighborhoods that are under commercial or density pressure to band together to come up with a plan to prevent something from happening. He said the conservation district as reworked by the Planning Commission subcommittee may address some of the issues about which Councilor Wurzbarger spoke, but which we haven't seen.

Councilor Ortiz would like, by the time this goes to Public Works, an analysis or comparison of how the two larger goals, affordable housing and family transfers, can be accommodated in this particular bill. The legal list on page 7 he sees as a legal list, much like you would have in neighborhood covenants which would prohibit some kind of use which the law would otherwise allow. He doesn't believe this gets to the goals. He said there can be exclusion language in the conservation district which would take out any kind of use of a neighborhood conservation district to oppose an affordable housing project or to oppose a family transfer, or other language which would address this concern.

Councilor Ortiz said he doesn't want this to be used as a tool to prolong or to defeat a project which has already entered into the administrative cycle. He can foresee a situation, just like with The Lofts on Marquez, or the subdivision which originally was proposed as 100% affordable housing and then was turned into market units on the northeast side of Casa Solana. Or, the issue on Old Pecos Trail where an application comes in and then suddenly a neighborhood gets together and decides it can defeat it through attrition by filing for a neighborhood conservation district. He wants to see some comparison of how we would treat these situations as a Governing Body. He asked if we are going to put on hold the property rights of any person who wants to do a family transfer or who wants to build accessory structures, because four of ten people on a street could be enough to create the process which would lead ultimately to a

neighborhood conservation district which would eliminate that use which otherwise is allowed in the existing zoning. He said he wants to see that sequencing and that work by Public Works Committee, at least some analysis of that kind of work.

Councilor Ortiz said he is a little troubled, because there was a consensus among the Planning Commission subcommittee that there has to be a minimum of ten units to be qualified as a neighborhood. He said, except for isolated pockets in the City, only ten houses could be deemed to be a neighborhood, and he believes this number is very low. He recalled an application for a development on a street off Canyon Road which called itself a neighborhood association, represented by an attorney who was a property owner, who came in and argued that the neighborhood character of one side street off Canyon Road would be severely diminished if we approved a lot split or accessory unit on a lot which was owned by a family who was here for multiple generations.

Chair Heldmeyer said they were asking for rezoning.

Councilor Ortiz said she is right, it was a rezoning.

Chair Heldmeyer said a majority of people on the street asked for rezoning and didn't get it, and this is a good example of what might happen to a neighborhood conservation district.

Councilor Ortiz said he is giving direction to staff. It is these kinds of examples which he and Councilor Wurzbarger see as an advantage of having this on the books. If this was on the books, that one street off Canyon Road could have done things to prevent the application which was approved by the Council. He said one of the things which comes to mind as we look at this in its current state is what will be its future intention. He learned from the short term rental issue that if we put something out there which has a particular purpose, or has developed its own mythology, that mythology in fact might not be the case. In fact, there might be other reasons to have this ordinance on the books, and before it is adopted he wants to be very clear that all of those issues are vetted.

MOTION: Councilor Ortiz moved, seconded by Councilor Wurzbarger, to move this forward without a recommendation, with direction to staff to get information to the extent possible on how affordable housing has fared in all of the conservation districts in the other communities since the inception of the Conservation Districts in the other communities; and to have this information by the Public Works meeting; and to direct staff that his concern with the subcommittee consensus document is that the number of residential considered to be a neighborhood is too low, and he wants to know if the number was the result of a compromise.

DISCUSSION: Councilor Ortiz said this is something which will impact people, which has the potential to cause a great deal of work and effort to arrive at something which works for the majority of the property owners, while respecting rights of what will be the minority property owners in the area. He believes both groups deserve equal attention.

DISCUSSION: Chair Heldmeyer said we just spoke about changes in ordinances which were made, and when those were made, it was sold on the basis of affordable housing with building for families being the

big reason it needed to be done. She said since 2001, that has happened occasionally.

Councilor Wurzbarger pointed out that ordinance was not written mandating affordable housing.

Chair Heldmeyer said it was passed before Councilor Wurzbarger was on the Council, and everyone at that time said “this is going to result in affordable housing,” but the reality is it didn’t. She said her predictions at the time about what it really would result in, have been proven to be true. She doesn’t believe neighborhood conservation districts will hurt affordable housing and family transfers, noting she doesn’t think family transfers need to be addressed.

Chair Heldmeyer said the incorrect information given on the Camino Escondido is a telling example. She said this neighborhood got together and found they were RAC zoning, when they thought it was residential. When commercial uses started moving in, they came to the Council and said they didn’t want to be RAC and would like to be RC-8 because they want to be a residential neighborhood. The vast majority of the people in that neighborhood approved that change in zoning, but a few people didn’t who tended to be on the fringes toward the Canyon Road side. Because of that, one of the Councilors moved that people who wanted to remain RAC could remain RAC, and those who wanted to be residential could be residential, which was the worst of all possible worlds, and it was never voted on because the neighborhood withdrew its application.

Responding to Councilor Ortiz, Chair Heldmeyer said he might not think of them as a neighborhood, but they certainly thought of themselves as a neighborhood. She said, in their minds they had clearly defined boundaries, relationships with one another, street picnics and such. The reality is they knew what they wanted the area in which they lived to be. She said almost none of those people live on that street anymore. It becomes something that wasn’t a neighborhood; it became commercial and something they didn’t want to live in anymore, and many are still very bitter about it.

Chair Heldmeyer said the part of this that relates to neighborhood conservation districts is that this does not give neighbors any special rights. It gives them the chance to come to the Council and say, “This is what is important to us and this is what we want you to help us maintain.” The Council always has oversight. It’s a zoning overlay district, and just like any zoning, the Council has the right to say no. If it is the case where people feel minority rights are being trampled, or a reaction against a specific development, the Council has the right to say no. She said it will get neighborhoods together to talk about what is important about the neighborhoods.

Chair Heldmeyer said this lets neighborhoods be proactive, think in advance about what they want to keep. She said Councilor Ortiz is correct that the list is a very legalistic listing. It is a legalistic listing because is based on the law which is being changed. She won’t say it’s technically not possible that people won’t try to prevent affordable housing under another guise. However, she believes it is extraordinarily unlikely that neighborhoods would do that, and if it happens, it is extraordinarily unlikely that the Council would allow it to happen. It is a complicated process and neighborhoods won’t do this unless they really are in agreement about what they want, and there are neighborhoods like this in Santa Fe, and are working class

and middle class neighborhoods for the most part. She said the number ten was a consensus, not a compromise. The subcommittee really agreed on the concept of block face which is the idea they had to begin with.

Chair Heldmeyer said in a lot of research has been done in Dallas, and that law can be provided. She said in Dallas, a conservation district is very very different from what we're discussing here. It is much more like a historic district in Santa Fe.

Councilor Wurzbarger said this is the information which she is requesting.

Chair Heldmeyer understood all Councilors received a packet with examples from other cities.

Councilor Wurzbarger said she didn't get that.

Ms. Price said that was done quite a while ago.

Councilor Calvert asked Councilor Ortiz, in speaking of his concern about family transfers, how he thinks that would be affected by this ordinance.

Councilor Ortiz said he doesn't know if family transfers or affordable housing can be affected. He said in the South Capital area there was a large number who protested a lot split which was in the nature of a family transfer. The person wanted to split the lot to leave it to his children. He said about 40% of the people around him said he couldn't do this, and brought their covenants and said the City shouldn't allow it because it is against the zoning. He said it was a whole block opposing one person wanting to do a family transfer to get property to leave it to his kids. He said in that particular case he remembers people saying they didn't want it to happen. He said we want to retain the historic character of a neighborhood, but we also want to retain the historic families which live in these neighborhoods. If this could affect that, then we need to find a way to mitigate or eliminate that concern. He did receive the packet, he read it, and he saw how other communities operate versus how we operate. However, he hasn't seen any analysis of the impact.

Councilor Calvert said he is concerned with the size as well. He said we usually talk about neighborhoods in terms of neighborhood associations.

Chair Heldmeyer said this is a totally different thing.

Councilor Calvert understands, but believes it could have some correlation. Some of the neighborhood associations are huge and some are not. He would like to know the range of the size of the neighborhood associations, and we could say the minimum should be as large as the smallest of those. He wants something which is more representative of a neighborhood.

Chair Heldmeyer said this was discussed by the subcommittee. The idea was that in the newer neighborhoods, many times you're talking about subdivisions. There are other areas where neighborhoods have grown without a formal subdivision or a formal association. She said she was

president of one of the South Capital neighborhood associations, and she can say in her mind it divides into nice little chunks because of the similarity of development patterns, houses, relationships between the people in the neighborhood, although in some places this is not the case. She said the subcommittee realized that those neighbors who want to band together because they have similar interests, should have similar interests, and how this definition was determined and it wasn't arbitrary.

Councilor Calvert would exclude homeowners associations from this, and they have more strict rules and regulations. He said a map would be helpful.

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

37. REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – CERTAIN JOINT REGIONAL WATER AND WASTEWATER PROJECTS FOR BUCKMAN DIRECT DIVERSION PROJECT; COUNTY OF SANTA FE. (RICK CARPENTER)

Councilor Calvert said he thought this was resolved in other agreements. He said to take this out and vote on it separately isn't realistic, and goes against the agreement made with the County. It is part of a package deal to which we have already agreed.

MOTION: Councilor Calvert moved, seconded by Councilor Ortiz, to approve this request, with his comment that it is already decided.

DISCUSSION: Chair Heldmeyer said she voted against this at PUC.

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

38. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 26, 2008 AN ORDINANCE AMENDING ARTICLES 6-17 AND 11-11 FCC 1987, COMBINING THE DUTIES OF THE BUSINESS AND QUALITY OF LIFE ADVISORY COMMITTEE AND THE ECONOMIC DEVELOPMENT REVIEW COMMITTEE (COUNCILORS WURZBURGER AND TRUJILLO). (KATHY McCORMICK)

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

DISCUSSION: Chair Heldmeyer asked how this will change the makeup of the Committee – will it look more like the EDRC or the BQOL.

Ms. McCormick said it is structured to have an EDRC subcommittee which will look like today's EDRC.

Chair Heldmeyer said she is speaking to the type of people who likely will sit on the new committee.

Ms. McCormick said it is anticipated that it won't change the makeup of the BQOL. She said two BQOL will sit on the EDRC subcommittee, and the other three people would be from the banking and lending industry.

Chair Heldmeyer asked what happens if the subcommittee makes a recommendation, and it isn't recommended by the BQOL. Ms. McCormick said it is structured that the EDRC could recommend to the BQOL and the BQOL could decline that and make an alternative recommendation which would go to the City Council. She said she presumes we would report the EDRC recommendation as part of bringing it forward to the City Council.

Chair Heldmeyer said the BQOL has been interested in fostering local business, and have sometimes been at odds with people on the EDRC who are interested in giving money to businesses which will come in and do something maybe, and wonders how these will sit together.

Councilor Wurzbarger said , with the new economic development planning effort, the focus will come to Council for approval, and these will be the structures which guides the RFPs which go out. She believes that issue will be balanced in the process being used now for developing a new focus to the plan.

Chair Heldmeyer said the BQOL was formed to have a local focus, but EDRC sat out there alone and will to a certain extent continue

Councilor Wurzbarger said it will sit out there by itself under some very clear guidance from the Council and BQOL, and will do more technical analysis.

FRIENDLY AMENDMENT: Chair Heldmeyer would like language clarifying that the Committee will be doing independent technical review. **The amendment was friendly to the maker and second.**

Ms. McCormick said they will review it within the context of the economic development plan, which is being revised to be very specific in terms of outcomes and areas of focus for use of City resources, and that is adopted by the Council. So, the charge to these Committees is to review them within that context. She said to her it is similar to the CDC.

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

39. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – REWRITE CHAPTER 14 LAND DEVELOPMENT CODE (RFP #08/13/P); THE GRAESER LAW FIRM GROUP. (JACK HIATT)

Councilor Ortiz asked if this was advertised in The Bar Bulletin, because this is a lot of money for something which any lawyer could do.

Mr. Rodarte said they only advertised in The Albuquerque Journal, and The Santa Fe New Mexican.

Councilor Wurzbarger asked if the \$100,000 will get us a total, complete and happy rewrite.

Mr. Hiatt said he is not sure it get us there, nor does he believe we can pin somebody down on all of this. It will take at least through the end of the year, and “spending like drunken sailors,” and we’ll do it as fast as we can.

Councilor Ortiz said this is not a sole source contract, and if we know we will spend more money, then we should have issued an RFP for the whole money so people would have applied, and not just second or third amendments.

Mr. Hiatt said the money is set aside and he believes we’ll get substantially down the road with this amount of money. There are at least three subcontractors in the Graeser proposal, so he expects they will bill quickly and often.

Councilor Calvert said his concern is how the contract will be used. He said if we don’t have staff dedicated to coordinate with this contractor, this will never happen or won’t happen right. He said this \$100,000 should be more for getting information from staff, coordination and drafting. However, the actual concepts and things which need to be changed primarily will come from staff.

Mr. Hiatt said he believes the bulk of this will come from the consultant, and the staff will participate substantially, noting Greg Smith has the historical knowledge for Chapter 14, and he has to be able to spin off a substantial part of his time and energy to make this work. He said we won’t be spending a great deal of time working with the outside stakeholders, but he will set up groups and work with them during the drafting and the whole process.

Councilor Calvert believes how far the \$100,000 will go depends on clearly defining what the contractor will do versus what staff will do.

Responding to Councilor Calvert, Mr. Hiatt said he will be overseeing this to a great extent, to ensure the contractor is working. He said our experience with this contractor is good, in 2007, he rewrote the Appeals Section under budget in a timely fashion.

Councilor Calvert said that was “cherry picked” and one of the easier sections to do.

Mr. Hiatt said this is true. He said some of his reasoning in choosing \$100,000, came after discussions with Councilor Ortiz and trying to complete this in a way with which the Council may be more in tune.

Councilor Ortiz said he recalls that conversation. However, it isn’t just bringing it in under budget, it is actually having tasks so we get a product. He said this has the Clarion feel which was an open ended contract which was issued for a lesser amount, but with more money in the budget, the money will be spent. He said just to say they are going to work with you and bill it, that is old time lawyering, which isn’t something with which he is comfortable. He expects a product and wants to see it within a certain time period.

Councilor Ortiz said these have always been his concerns about the rewrite of Chapter 14. He said he is concerned about the processes, some of which are Chapter 14 driven. He said if there was an RFP which addressed that, and we had responses, he doesn't mind spending more money if we get a product, but he doesn't see the product in this contract. He sees an open book which will allow for billables directed by staff, and the money will go quickly. This is his sense of it.

Mr. Hiatt said this isn't his sense of it. He said he has directed contracts before, and this is general in nature, he believes the product will be specific. He has met with the contractor, and he and his staff understand we are headed toward a product in a timely fashion in this calendar year. He doesn't know if it will be a complete rewrite, but he will be choosing 2-3 groups of sections and try to bring it to the Council before the summer ends, with the second section to follow in the fall, and these will be parallel with each other.

Councilor Ortiz said either he will be able to deliver it in a timely manner, which means his expenses will be all used up. If we have other chapters to do, now we're doing amendments. He has always been opposed to an artificial or arbitrary breaking up of a contract. He asked, if there is more work and we have the budget, why wasn't that sent out for RFP. Why did we "chunk it down," to allow for the contract to be done, so he's in the door and then he gets the amendments. He said we do this on other projects. He would like to see a timeline to see if that corresponds with the wishes of the Public Works Committee, or the majority of the Council, or what this Committee directs him to do. He said perhaps this was in the RFP and he was responsive, but he doesn't see it here.

Councilor Wurzbarger said she has similar concerns. She wants to know exactly what we're doing in the rewrite. She noted Gregg Smith said there are 500 errors and inconsistencies. Are we fixing the inconsistencies, or trying to match with the green code, or to have consistency with the general plan. She wants to see a framework for Chapter 14 – a big picture look at what we're doing to Chapter 14 and what we ultimately will get, and would like a one page description in the contract. She wants to know what that means.

Chair Heldmeyer said when was on the Planning Commission she was told the rewrite of Chapter 14 is right around the corner.

Councilor Wurzbarger said she has been one of those who has been asking Mr. Hiatt repeatedly when we're doing Chapter 14, and now she's saying let's do it, but she wants to know what we are actually doing. She would be more comfortable if he could bring that back.

Chair Heldmeyer spoke about the previous attempts to rewrite Chapter 14. She said there are two things which need to be done to Chapter 14. One is to resolve the more than 500 inconsistencies, omissions and such of which Greg keeps a list. The reason it hasn't been done in the past is that the question which remains is if the rewrite of Chapter 14 makes it do what it does now without mistakes, or is this going to be an attempt for a major rethinking and overhaul of major policy issues. She thinks the cleanup of the mistakes would be easy, but what has killed it in the past is people not agreeing at the level of the boards and commissions, about what the land use policy should be, noting it never got to Council.

Chair Heldmeyer said if all Mr. Hiatt wants is just to fix Gregg's 500 problems, then he should hire an attorney to help Greg do it. She said Ms. Baer got up at Planning Commission and said we really need to rethink how we do zoning and such. This is a whole other thing and it becomes a process question. Do you send a consultant to do something and they come back and it dies because the consensus and policy questions haven't been addressed by the people who are here. The question of what this contract is, in her mind, is still an open question.

Councilor Calvert said while Diane was still here we talked about moving to a "smart code," which sounds nice, but you still have to administer the existing code, and there would be a transition between the two in doing this. He said part of the discussion is whether we are going to try to move toward a different type of code, or are we just trying to make the best Code possible out of the existing Code.

Mr. Hiatt said it is not a complete rewrite, and he isn't headed toward looking for a smart code or a form based code. He said Mr. Smith's 400-500 issues already have been turned over to Chris, and he asked him to divide them, go into the specific areas and start working on a formulation to fix all these problems. He said, along the way, he would expect us to have to address major policy issues. His perspective of the Clarion Group is that it was scared away at the first committee meeting wherever that was – they bolted.

Councilor Ortiz pointed out, however, that Clarion received all of its money.

Mr. Hiatt said he is the guardian of the money, and this is his job. He is unsure whether he can bring this in for \$100,000, but he knows there are funds behind that, which we could use if necessary. He said the thing which worries Chris the most is the time frame, not so much the money. He said he was trying to hold his "feet to the fire" by the end of the calendar year, but he doesn't know we can make that, and believes there is more leeway with that. He is willing to move forward and see what happens.

Chair Heldmeyer asked Mr. Hiatt why he talked with Chris if he hasn't been awarded the contract.

Mr. Hiatt said because he has to negotiate the contract and find out what is reasonable. This is his job.

Councilor Wurzbarger said what she hears Mr. Hiatt saying is that he is focusing on fixing the 400-500 problems, and we aren't talking about the other linkages, a new kind of code and such.

Mr. Hiatt said he doesn't want to talk about a new code. He said it is fixing Chapter 14 as it is, to make it consistent and make it work.

Chair Heldmeyer said she is "jazzed" about it, because if you don't do it, you get into legal trouble.

Councilor Ortiz said his question has always been, how much of the existing processes are directly the structure of the existing Code versus the personnel filling these spots. He believes it is because of the structure, and if it is, then he would like to see some of that deconstructed, which will give a better product. He said if this is the scope of work, to correct the mistakes, it isn't sufficient. If that was the basis for the

RFQ, the RFP has to be declined and reissue an RFP which deals with some of the larger issues and

some of the deconstruction issues. He is about saving money, but he is also about getting a product. He said impact fees are going to pay for this.

Ms. Raveling said she made a note to change that language, because it really isn't impact fees. It is old money in the fund which was related to some projects. She said this cash balance is probably 15 years old.

Councilor Ortiz pointed out that the \$100,000, plus the balance, would go a long way toward the shortfalls Mr. Hiatt he is requesting in the \$1.8 million. He said he would feel more comfortable if he had a clear sense of what work product we will be getting, but he favors reissuing the RFP

MOTION: Councilor Ortiz moved, seconded by Councilor Wurzbarger for purposes of discussion, to deny this request.

DISCUSSION: Councilor Calvert said it is not clear what we want to have done from what we have said, and doesn't believe we've clearly defined that.

Councilor Ortiz agreed, but believes we need to come that consensus before we can issue another RFP.

Councilor Calvert said Mr. Hiatt has been doing a very good job in pulling Land Use together, getting the staff together and getting people working together and getting them better tools. He thinks Mr. Hiatt took a literal interpretation on what we were requesting. If this isn't what we requested, then it is incumbent on us to better define that before another RFP is issued. He doesn't know the process for doing that, perhaps a work session, or through the Committee process.

Councilor Ortiz said it is the same process we used when we did the RFPs for the Railyard. He said on matters such as this one, where there is not a consensus on what kind of services we're asking someone to do for us, is we actually get the RFP in front of us and say here are the conditions that we want in the RFP, and here is the schedule we want in the RFP. We give clear direction to staff and the RFP is issued based on that consensus.

AMENDED MOTION: Councilor Ortiz moved, seconded by Councilor Wurzbarger, to delay action on this request and ask Jack Hiatt and Robert Rodarte to come back to this Committee and Public Works with the RFP to have a discussion about what should be in the RFP.

DISCUSSION: Councilor Ortiz said when we started looking at changing the services in an RFP which has already been issued, with the contractor already selected, it gets into potential problems, and our options are to either accept the winning bid or reject it. We can't accept someone and then change the scope of services after the fact.

Chair Heldmeyer said we do that all the time as change orders.

Councilor Ortiz said this is his fear, and we'll be placed in the situation where we have no one else to do it because they were awarded the original contract.

Councilor Wurzbarger asked Mr. Rodarte if the RFP has the kind of specificity the Committee is requesting, and it wasn't delivered by the contractor, would it would be useful to look at the RFP before making a decision not to go with the contractor, or if the specificity is just not there.

Mr. Rodarte said the City has the option to go back and review the RFP. He said he is hearing that it won't meet all the requirements you are requesting. He said if the Committee is unhappy with what was issued, the City has the right to close it off, decline it.

Councilor Wurzbarger doesn't know whether or not she is unhappy with it, and the most specificity she has gotten from this discussion is that we're going to get a fix of the 400-500 issues. She isn't convinced we necessarily need to lose the work which has been on this.

Ms. Raveling said in some cases, staff brings forward the scope of work, noting it isn't in the packet, and she doesn't know the scope of work. She suggested bringing this back to this Committee to see if this is what they have in mind, if not, the Committee can set the scope of work.

WITHDRAWAL OF THE MOTION AS AMENDED: Councilor Ortiz withdrew his motion.

MOTION: Councilor Ortiz moved, seconded by Councilor Wurzbarger, to postpone this request to the next meeting, so we can get the additional RFP scope of services and other information.

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

40. OTHER FINANCIAL INFORMATION:

A. UPDATE ON GROSS RECEIPTS TAX FOR DECEMBER 2007, AND LODGERS' TAX FOR FEBRUARY 2008 AND LODGER'S TAX FOR JANUARY 2008. (KATHRYN RAVELING).

A copy of "City of Santa Fe, Total Gross Receipts Taxes Collected, July 2001 through June 2008," is incorporated herewith to these minutes as Exhibit "2."

Ms. Raveling said the Lodger's Tax is better, but it is not good yet. She speculates this is due somewhat to the fact that we don't have a convention center at this point, and proposed we go forward with the 2% increases for the next fiscal year. She said the bonds are paid first, and then everything is paid after that. She said there are sufficient funds to pay the bonds, but what comes second is the staffing and the whole budget.

Chair Heldmeyer said this is something which needs to come to this Committee in the relatively near future, before they work on the budget.

Ms. Raveling said they are working on the budget, but additional work will be done. This is the reason she recommends keeping reserves in the different funds to meet these kinds of situations.

She said the GRTs look better and now are at 4.64%, noting it was budgeted at 4%.

B. INFORMATION ON PROPERTY TAX AND GROSS RECEIPTS TAX. (KATHRYN RAVELING) (Repeated from Finance Committee meetings of January 2, 2008, January 22, 2008 and February 4, 2008)

41. MATTERS FROM THE COMMITTEE

Councilors Calvert and Wurzburger thanked the Chair for her service and the way she conducts meetings in a fair, even handed and democratic way. Councilor Wurzburger still wants to have a party for the Chair before she lives for good.

Chair Heldmeyer thanked the Finance staff for the feast, and for their hard work for the past eight years. She thanked the Committee who is a hard working Committee. She said her biggest regret is that we never really did Strategic Planning.

42. ADJOURNMENT

There being no further business to come before the Committee, and the Committee having completed its Agenda, the meeting was adjourned at 7:45 pm.

Karen Heldmeyer, Chair

Reviewed by:

Kathryn L. Raveling, Director
Department of Finance

Melessia Helberg, Stenographer