



# Agenda

Finance Committee Meeting  
September 29, 2008 – 5:15 pm  
City Council Chambers

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

CITY CLERK'S OFFICE

DATE 9-26-08 TIME 2:25

SERVED BY Yolanda Green

RECEIVED BY [Signature]

SEPTEMBER 15, 2008

**MATTERS FROM THE COMMITTEE:**

6. UPDATE ON CURB RAMP SUMMARY – CIP ADA IMPROVEMENTS (CHRIS ORTEGA)

**PROPOSED RESOLUTIONS AND ORDINANCES: (WITH NO FISCAL IMPACT)**

7. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING EXHIBIT B, CHAPTER 24 SFCC 1987 REGARDING THE PENALTY ASSESSMENT FOR VIOLATION OF THE CITY'S PROHIBITION OF HAND-HELD CELLULAR PHONE USAGE WHILE A VEHICLE IS IN MOTION (COUNCILOR WURZBURGER) (POLICE CHIEF ERIC JOHNSON)

**Committee Review:**

Public Safety Committee (Approved)	September 16, 2008
Public Works Committee (Approved)	September 22, 2008
City Council (Request to Publish)	October 6, 2008
City Council (Public Hearing)	October 29, 2008

8. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PREPARE RECOMMENDATIONS FOR THE GOVERNING BODY'S CONSIDERATION REGARDING ASSISTANCE TO THE CITY OF PARRAL, MEXICO, SANTA FE'S SISTER CITY (COUNCILOR CHAVEZ AND ORTIZ)



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## CONSENT AGENDA:

### PROPOSED RESOLUTIONS AND ORDINANCES: (WITH NO FISCAL IMPACT)

9. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE SANTA FE COUNTY HAZARD MITIGATION PLAN (MAYOR COSS) (JOYCE PURLEY)

#### Committee Review:

Public Safety Committee (Approved)	September 16, 2008
Public Utilities Committee (Approved)	September 17, 2008
Public Works Committee (Approved)	September 22, 2008
City Council (Scheduled)	October 6, 2008

10. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTIONS 22-6.2 AND 25-1.11 SFCC 1987 REGARDING CITY WASTEWATER AND WATER SERVICE OUTSIDE THE CITY LIMITS (COUNCILOR WURZBURGER) (STAN HOLLAND)

#### Committee Review:

Public Utilities Committee (Approved)	September 17, 2008
Public Works Committee (Approved w/amendments)	September 22, 2008
City Council (Request to Publish)	October 6, 2008
City Council (Public Hearing)	October 29, 2008

11. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE SUSTAINABLE SANTA FE PLAN (MAYOR COSS, COUNCILORS CALVERT, WURZBURGER BUSHEE, DOMINGUEZ AND ROMERO) (KATHERINE MORTIMER)

#### Committee Review:

Sustainable Santa Fe Commission (Approved)	June 26, 2008
Long Range Planning Subcommittee (Approved)	July 10, 2008
Planning Commission (Approved)	July 17, 2008
Transportation Advisory Board (Approved)	August 5, 2008
Water Conservation Committee (Approved)	August 12, 2008
Public Utilities Committee (Approved)	September 17, 2008
Public Works Committee (Approved)	September 22, 2008
Bicycle Trails Advisory Committee (Scheduled)	September 25, 2008
City Business & Quality of Life Committee (Scheduled)	October 8, 2008
City Council (Scheduled)	October 29, 2008



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## **PROPOSED RESOLUTIONS AND ORDINANCES: (WITH FISCAL IMPACT)**

12. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE GOAL OF REACHING A 33% RECYCLING RATE BY THE YEAR 2012 AND TAKING SUCH STEPS AS ARE NECESSARY TO REACH THIS GOAL (COUNCILORS WURZBURGER, ORTIZ, ROMERO, TRUJILLO AND CALVERT) (BILL DEGRANDE)

**Committee Review:**

Solid Waste Management Board (Approved)	August 21, 2008
Public Utilities Committee (Approved)	September 17, 2008
Public Works Committee (Approved)	September 22, 2008
City Council (Scheduled)	October 6, 2008

13. REQUEST FOR APPROVAL OF A RESOLUTION AGREEING TO REJOIN THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT AS A VOTING MEMBER OF THE DISTRICT AND TO RE-APPOINT A BOARD MEMBER TO THE BOARD OF DIRECTORS (MAYOR COSS AND COUNCILOR CHAVEZ) (JON BULTHUIS)

**Committee Review:**

Finance Committee (Postponed)	August 18, 2008
City Council (Scheduled)	October 6, 2008

14. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND ALLOWING ENTITIES ON THE CITY RAILYARD PROPERTY TO APPLY FOR AND RECEIVE CITY/GOVERNMENT LIQUOR LICENSES (COUNCILOR ORTIZ)

15. BID OPENINGS:

A. BID NO. 09/05/B – CONSTRUCTION OF ARFF BUILDING AND AGREEMENT AT SANTA FE MUNICIPAL AIRPORT; AIC GENERAL CONTRACTORS, INC. (JIM MONTMAN)

16. REQUEST FOR APPROVAL OF CONTRACT – PURCHASE AND EQUIP VEHICLES FOR TRANSPORTATION FOR OPEN HANDS/ADULT DAY CARE IN SANTA FE; STATE OF NEW MEXICO; NEW MEXICO AGING AND LONG-TERM SERVICES DEPARTMENT (TERRIE RODRIGUEZ)

17. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PREVENTATIVE MAINTENANCE AT GCCC; KOVACH, INC. (MARTIN VALDEZ)



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18. REQUEST FOR APPROVAL OF FIRST AMENDMENT TO CAPITAL COOPERATIVE AGREEMENT – 2007 LEGISLATIVE APPROPRIATIONS FOR PEDESTRIAN RAILING AT INTERSECTION OF ZIA ROAD AND CAMINO PINTORES; NEW MEXICO DEPARTMENT OF TRANSPORTATION (DESIRAE LUJAN)
19. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – HOUSING AND ECONOMIC DEVELOPMENT (TED SWISHER)
  - A. HOMEWISE
  - B. SANTA FE HOUSING TRUST
20. REQUEST FOR APPROVAL OF WATER RIGHTS PURCHASE AGREEMENT – CITY WATER RIGHTS WITHIN MIDDLE RIO GRANDE CONSERVANCY DISTRICT; EDWARD L. ROMERO AND ELIZABETH A. ROMERO (DALE LYONS)
21. REQUEST FOR APPROVAL AND CONSENT FOR SOLID WASTE MANAGEMENT AGENCY TO ACCEPT WASTE FROM NORTH CENTRAL SOLID WASTE AUTHORITY AND LOS ALAMOS COUNTY (RANDALL KIPPENBROCK AND BILL DEGRANDE)
22. REQUEST FOR APPROVAL OF BUDGET INCREASE – CITY INITIATED ANNEXATION PROJECT AND COMMUNITY PLAN PROJECT (SANTA FE BOULEVARDS PROJECT) IN LONG RANGE PLANNING STRATEGIC PLAN FOR 2008-2009 (REED LIMING)
23. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – PUTTING GREEN AND INSTALLATION AT MAGER’S FIELD PHASE 2; SYNSCAPES OF NEW MEXICO, LLC (BEN GURULE)
24. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – ADMINISTER PROMOTIONAL ASSESSMENT TEST FOR POLICE DEPARTMENT; DONNOE & ASSOCIATES, INC. (POLICE CHIEF ERIC JOHNSON)
25. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – EQUIPMENT AND SERVICES ON BEHALF OF ALL CITY DEPARTMENTS THROUGH ITT DIVISION; VARIOUS VENDORS (THOMAS WILLIAMS)



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26. REQUEST FOR APPROVAL OF SERVICE AGREEMENT – CITY’S LAND MOBILE RADIO SYSTEM; MOTOROLA (THOMAS WILLIAMS)

**DISCUSSION:**

27. DISCUSSION OF POTENTIAL USES OF UNANTICIPATED REVENUES FROM MAY 2008 DISTRIBUTION OF GROSS RECEIPTS TAX AND PROPOSED REALLOCATION OF FUNDS FROM THE 2008 CIP (DAVID MILLICAN)
28. OTHER FINANCIAL INFORMATION:
  - A. UPDATE ON LODGERS’ TAX REPORT FOR AUGUST 2008 AND GROSS RECEIPTS TAX REPORT FOR AUGUST 2008(DAVID MILLICAN)
29. MATTERS FROM THE COMMITTEE
30. ADJOURNMENT

Interpreter for hearing impaired is available through City Clerk’s Office upon 5 days notice.

**SUMMARY OF ACTION  
FINANCE COMMITTEE MEETING  
Monday, September 29, 2008**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-3
APPROVAL OF MINUTES: SEPTEMBER 15, 2008	Approved	4
<u>MATTERS FROM THE COMMITTEE</u>		
UPDATE ON CURB RAMP SUMMARY – CIP ADA IMPROVEMENTS	Postponed to 10/20/08	4
<u>CONSENT AGENDA DISCUSSION</u>		
REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTIONS 22-6.2 AND 25-1.11 SFCC 1987, REGARDING CITY WASTEWATER AND WATER SERVICE OUTSIDE THE CITY LIMITS	Approved	4-6
REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE SUSTAINABLE SANTA FE PLAN	Approved	6
REQUEST FOR APPROVAL OF A RESOLUTION AGREEING TO REJOIN THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT AS A VOTING MEMBER OF THE DISTRICT AND TO REAPPOINT A BOARD MEMBER TO THE BOARD OF DIRECTORS	Approved a/a	7-8
REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND ALLOWING ENTITIES ON THE CITY RAILYARD PROPERTY TO APPLY FOR AND RECEIVE CITY/GOVERNMENT LIQUOR LICENSES	Postponed to 10/20/08	9
<b>BID OPENINGS:</b>		
BID NO. 09/5/B – CONSTRUCTION OF ARFF BUILDING AND AGREEMENT AT SANTA FE MUNICIPAL AIRPORT; AIC GENERAL CONTRACTORS, INC.	Approved	9

**ITEM**

**ACTION**

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REQUEST FOR APPROVAL AND CONSENT  
FOR SOLID WASTE MANAGEMENT AGENCY  
TO ACCEPT WASTE FROM NORTH CENTRAL  
SOLID WASTE AUTHORITY AND LOS  
ALAMOS COUNTY

Approved

9-17

\*\*\*\*\*  
END OF CONSENT AGENDA DISCUSSION  
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**MATTERS FROM THE COMMITTEE**

**PROPOSED RESOLUTIONS AND ORDINANCES:  
(WITH NO FISCAL IMPACT)**

REQUEST FOR APPROVAL OF AN ORDINANCE  
AMENDING EXHIBIT B, CHAPTER 24 SFCC 1987,  
REGARDING THE PENALTY ASSESSMENT FOR  
VIOLATION OF THE CITY'S PROHIBITION OF  
HAND-HELD CELLULAR PHONE USAGE WHILE  
A VEHICLE IS IN MOTION

No action

17-20

REQUEST FOR APPROVAL OF A RESOLUTION  
DIRECTING STAFF TO PREPARE  
RECOMMENDATIONS FOR THE GOVERNING  
BODY'S CONSIDERATION REGARDING  
ASSISTANCE TO THE CITY OF PARRAL, MEXICO,  
SANTA FE'S SISTER CITY

Approved [amended]

20-21

**DISCUSSION**

DISCUSSION OF POTENTIAL USES OF  
UNANTICIPATED REVENUES FROM MAY 2008  
DISTRIBUTION OF GROSS RECEIPTS TAX AND  
PROPOSED REALLOCATION OF FUNDS FROM  
THE 2008 CIP

Information/discussion

21-22

**OTHER FINANCIAL INFORMATION:**

UPDATE ON LODGERS' TAX REPORT  
FOR AUGUST 2008 AND GROSS  
RECEIPTS TAX REPORT FOR  
AUGUST 2008

Information/discussion

22-23

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
<b>MATTERS FROM THE COMMITTEE</b>	<b>Information/discussion</b>	<b>23</b>
<b>ADJOURNMENT</b>		<b>23</b>



**MINUTES OF THE  
CITY OF SANTA FE  
FINANCE COMMITTEE  
Monday, September 29, 2008**

**1. CALL TO ORDER**

A meeting of the City of Santa Fe Finance Committee was called to order by Chair Matthew E. Ortiz, at approximately 5:15 p.m., on Monday, September 29, 2008, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Councilor Matthew E. Ortiz, Chair  
Councilor Christopher Calvert  
Councilor Miguel Chavez  
Councilor Carmichael A. Dominguez

**MEMBERS EXCUSED:**

Councilor Rebecca Wurzbarger

**OTHER COUNCILORS ATTENDING:**

Councilor Ronald S. Trujillo

**OTHERS ATTENDING:**

David Millican, Finance Director  
Yolanda Green, Finance Division  
Melessia Helberg, Stenographer.

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

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

**3. APPROVAL OF AGENDA**

Mr. Millican said Item #6 was postponed to be heard by this Committee after consideration by the Mayor's Committee on Disability, but that Committee hasn't met, so this item needs to be postponed to the meeting of October 20, 2008.

Mr. Millican said, with regard to Item #27, he has no specific information, except to do additional presentations on updated information about the budget, but there is nothing to take action on any recommendations. He recommended that more formal action items come to the Committee on October 20, 2008.

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

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

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

Councilor Dominguez asked to be added as a cosponsor on Item #12.

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

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

#### **CONSENT AGENDA**

#### **PROPOSED RESOLUTIONS AND ORDINANCES: (WITH NO FISCAL IMPACT)**

9. **REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE SANTA FE COUNTY HAZARD MITIGATION PLAN (MAYOR COSS). (JOYCE PURLEY). Committee Review: Public Safety Committee (Approved) September 16, 2008; Public Utilities Committee (Approved) September 17, 2008; Public Works Committee (Approved) September 22, 2008; City Council (Scheduled) October 6, 2008.**
10. ***[Removed for discussion by Councilor Calvert]***
11. ***[Removed for discussion by Councilor Calvert]***
12. **REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE GOAL OF REACHING A 33% RECYCLING RATE BY THE YEAR 2012 AND TAKING SUCH STEPS AS ARE NECESSARY TO REACH THIS GOAL (COUNCILORS WURZBURGER, ORTIZ, ROMERO, TRUJILLO, CALVERT AND DOMINGUEZ). (BILL DeGRANDE). Committee Review: Solid Waste Management Board (Approved) August 21, 2008; Public Utilities Committee (Approved) September 17, 2008; Public Works Committee (Approved) September 22, 2008; and City Council (Scheduled) October 6, 2008.**
13. ***[Removed for discussion by Councilor Calvert]***

14. *[Removed for discussion by Councilor Calvert]*
15. *[Removed for discussion by Councilor Calvert]*
16. **REQUEST FOR APPROVAL OF CONTRACT – PURCHASE AND EQUIP VEHICLES FOR TRANSPORTATION FOR OPEN HANDS/ADULT DAY CARE IN SANTA FE; STATE OF NEW MEXICO; NEW MEXICO AGING AND LONG-TERM SERVICES DEPARTMENT. (TERRIE RODRIGUEZ)**
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19. **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – HOUSING AND ECONOMIC DEVELOPMENT. (TED SWISHER)**
  - A. **HOMEWISE**
  - B. **SANTA FE HOUSING TRUST**
20. **REQUEST FOR APPROVAL OF WATER RIGHTS PURCHASE AGREEMENT – CITY WATER RIGHTS WITHIN MIDDLE RIO GRANDE CONSERVANCY DISTRICT; EDWARD L. ROMERO AND ELIZABETH A. ROMERO. (DALE LYONS)**
21. *[Removed for discussion by Councilor Calvert]*
22. **REQUEST FOR APPROVAL OF BUDGET INCREASE – CITY INITIATED ANNEXATION PROJECT AND COMMUNITY PLAN PROJECT (SANTA FE BOULEVARDS PROJECT) IN LONG RANGE PLANNING STRATEGIC PLAN FOR 2008-2009. (REED LIMING)**
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25. **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – EQUIPMENT AND SERVICES ON BEHALF OF ALL CITY DEPARTMENTS THROUGH ITT DIVISION; VARIOUS VENDORS. (THOMAS WILLIAMS)**

**26. REQUEST FOR APPROVAL OF SERVICE AGREEMENT – CITY’S LAND MOBILE RADIO SYSTEM; MOTOROLA. (THOMAS WILLIAMS)**

**5. APPROVAL OF MINUTES: SEPTEMBER 15, 2008**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Calvert, to approve the minutes of the meeting of September 15, 2008, as presented.

**VOTE:** The motion was approved on a voice vote, with Councilors Calvert and Dominguez voting in favor of the motion, none against and Councilor Chavez abstaining.

**MATTERS FROM THE COMMITTEE**

**6. UPDATE ON CURB RAMP SUMMARY – CIP ADA IMPROVEMENTS. (CHRIS ORTEGA)**

This item was postponed to the meeting of November 20, 2008.

*STENOGRAPHER’S NOTE: ITEMS #7 AND #8 WERE HEARD  
FOLLOWING THE CONSENT AGENDA DISCUSSION*

**CONSENT AGENDA DISCUSSION**

**10. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTIONS 22-6.2 AND 25-1.11 SFCC 1987, REGARDING CITY WASTEWATER AND WATER SERVICE OUTSIDE THE CITY LIMITS (COUNCILOR WURZBURGER). (STAN HOLLAND). Committee Review: Public Utilities Committee (approved) September 17, 2008; Public Works Committee (Approved w/amendments) September 22, 2008; City Council (Request to Publish) October 6, 2008; and City Council (Public Hearing) October 29, 2008.**

Councilor Calvert said this was discussed at public works and he discussed it further with “these” gentlemen after the meeting. He said our annexation strategy has us annexing certain things first because they should generate revenue which will allow us to absorb those which do not. He is concerned, with this Ordinance amendment, that we could end up taking on things which will be in the latter part of our strategy and having to pay O & M on those before we get the revenue from those “areas that we wanted to get it from first.” He asked if we can manage the O & M budget wise

Costy Kassisieh asked if the Settlement Agreement supercedes the ordinance.

Councilor Calvert said that Agreement doesn’t specify dates.

Councilor Chavez said that Agreement doesn’t mean we’re not going to follow our current ordinances or follow a strategy which has been laid out in this regard, which is specifically wastewater and

water service. He said the policy in place won't change that much under the Agreement.

Councilor Calvert said, under the proposed Ordinance there is fair game to establish water and sewer service in the presumptive City limits. He said we would have to process, inspect and do all the paperwork for all those hookups as people come forward which could be a considerable number. There is then the O & M once they are on line. He said much of this area was supposed to be near the "tail end" of our five-year annexation period. He said he said projects, such as Las Soleras were to get revenue to pay for these areas once annexed.

Councilor Dominguez said as he reads the staff memo, this ordinance is intended to be compatible with the settlement agreement and not giving us the opportunity to renegotiate the settlement agreement to be in compliance under the ordinance.

Mr. Kassisieh said yes. Staff is trying to meet what we are required to do under the settlement agreement.

Councilor Chavez said we are dealing with a specific area outside the city limits that has presented the greatest challenge in annexing because of the existing conditions. He said we have generally been more accepting of taking people off their septic systems and connecting them to the City's sewer system because of the environmental considerations. He said the proliferation of septic tanks and wells close together is not a good mix. He said in that area where these conditions exist we have protected the groundwater by accepting more hookups. He believes this is going in the right direction. He said Councilor Calvert's point about annexing areas which generate revenue to help with these areas is what we need to focus on. He said one shouldn't drag the other down, and he hopes we can move forward with this.

Councilor Calvert said he is unsure he wants to put all our "eggs in that basket." He said the sewer lines we've approved have been piecemeal and not just opening it up carte blanche like this one does. He knows it's good to get the effluent into the system, but we have to maintain all of the lines and the costs will be considerable to do that. He said wastewater is behind on its periodic cleaning of sewer lines, and he is concerned about doing this without adding staff and believes it could be problematic.

Responding to Councilor Dominguez, Councilor Calvert said this was discussed at Public Works.

Councilor Dominguez would like to see the minutes from the committees where this was discussed so we can understand the context of the conversations, and wants that done before Council.

Anthony Trujillo, Water Division, said the development community pays for the installation and extension of water mains. He said if there aren't water mains in the areas, those have to be paid by whoever wants the connection. He said, in terms of maintenance, within five years the City will not have to do any major or minor maintenance to speak of. He said during the next five years if all of these areas are annexed into the City, he believes we will generate funds to offset what we will spend in 5-20 years down the line in terms of maintenance.

Responding to Councilor Calvert, Mr. Trujillo said the City requires a one year warranty, and if anything is going to go wrong, it will go wrong during that one year. However, he can't address wastewater, but believes that is the same.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Chavez, to approve this request with the condition that the Councilors receive the underlying minutes from Public Works and other committees where this was discussed by the time this goes to Council.

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

11. **REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE SUSTAINABLE SANTA FE PLAN (MAYOR COSS, COUNCILORS CALVERT, WURZBURGER, BUSHEE, DOMINGUEZ AND ROMERO). (KATHERINE MORTIMER). Committee Review: Sustainable Santa Fe Commission (Approved) June 26, 2008; Long Range Planning Subcommittee (Approved) July 10, 2008; Planning Commission (Approved) July 17, 2008; Transportation Advisory Board (Approved) August 5, 2008; Water Conservation Committee (Approved) August 12, 2008; Public Utilities Committee (Approved) September 17, 2008; Public Works Committee (Approved) September 22, 2008; Bicycle Trails Advisory Committee (Scheduled) September 25, 2008; City Business & Quality of Life Committee (Scheduled) October 8, 2008; and City Council (Scheduled October 29, 2008).**

A copy of an Amendment sheet from staff is incorporated herewith to these minutes as Exhibit "1."

**MOTION:** Councilor Calvert moved, seconded by Councilor Dominguez, to approve this request with the amendment sheet [Exhibit "1"].

**DISCUSSION:** Councilor Chavez asked if the treated effluent plan is current and if we know exactly what we're producing at the wastewater treatment plant at this time, noting these numbers have fluctuated. He said there is language providing, "Continue and increase the use of treated effluent." He asked the volume, commenting that he believes the effluent will come into play as we develop the southwest sector, and asked Ms. Mortimer to comment.

Ms. Mortimer said that language came from the Water Division, so the figure of 30% came from them. She said the idea in the plan is to recommend that the current program be continued and expanded as an appropriate method to reduce the water demand.

Councilor Chavez would like to know "30% of what," and asked Ms. Mortimer to bring that information back.

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

**13. REQUEST FOR APPROVAL OF A RESOLUTION AGREEING TO REJOIN THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT AS A VOTING MEMBER OF THE DISTRICT AND TO REAPPOINT A BOARD MEMBER TO THE BOARD OF DIRECTORS. (MAYOR COSS AND COUNCILOR CHAVEZ). (JON BULTHUIS). Committee Review: Finance Committtee (Postponed) August 18, 2008; and City Council (Scheduled) October 6, 2008.**

A copy of an FIR dated September 26, 2008, regarding this matter, is incorporated herewith to these minutes as Exhibit "2."

A copy of "Sixth Amended & Restated Regional Planning Authority Joint Powers Agreement," is incorporated herewith to these minutes as Exhibit "3."

Councilor Calvert said we can't adopt the amendments in the packet, because the Resolutions in those sections state what the NCRTD did, and we can't amend what they did. He would like Mr. Bulthuis to report on the status of this issue.

Jon Bulthuis said at the present time, the RPA did have a chance to comment on the proposed JPA which is in the packet and made significant edits. He said the amended Resolution before the Committee hasn't been approved by them, but they have considered the draft and made the edits which are included with the JPA you are reviewing. He said at this point the City is not a member, and the Resolution is for consideration by the Council to rejoin the NCRTD, including approval of the Joint Powers Agreement which has been presented.

Chair Ortiz said the RPA would have approved the JPA at its meeting, but there wasn't a quorum, and will be approving it next Wednesday.

Responding to Councilor Calvert, Chair Ortiz said the RPA changed anything "that related to any abuse of the County to take those funds for their own purpose, and we added the city as an equal decision-maker in the process, and we changed language around the financing part of the [inaudible]."

Councilor Calvert said his amendments were an attempt to give the City an equal voice in the decision-making on the 84% which wasn't spelled out in the action NCRTD took.

Chair Ortiz said, technically, we'll never have an equal voice, because according to the JPA, the decision-making process will rest with the "RPA for County Commissioners only or City Commissioners, so by structure there was never going to be an equal say. We're always going to have a minority of people of the City Council who are going to be making decisions, but at least as it relates to that entity, it's a 50-50 split."

Councilor Calvert said the other concern he had was about the 14% and how it would be spent. He understood the 14% was supposed to be spent on routes which feed into Santa Fe County, and asked if that is covered in the JPA.

Mr. Bulthuis said it is, to the extent that the JPA cites the Resolution which was passed by the

NCRTD that does describe the 14% being assigned to routes that come into Santa Fe County

Chair Ortiz said it is his understanding is that the only thing on which the RPA will have a decision is that 86% split. He said while we can make a suggestion to the Transit District about how to spend the 14%, ultimately they will decide that.

Councilor Calvert thought there was an amendment about the Board member we appoint will be a member of the RPA, and he doesn't see that amendment.

Ms. Price said that is on page 2, line 21, "...member who is also a member of the Regional Planning Authority or the Metropolitan Planning Organization."

Ms. Price asked Councilor Calvert if he wants to include the amendment about costs relating to the services from area members to the Rail Runner.

Councilor Calvert said no.

**MOTION:** Councilor Calvert moved, seconded by Councilor Chavez, to approve the Resolution as amended.

**DISCUSSION:** Councilor Chavez said the City has always had a voice in the RTD and there has always been a City representative on the RTD. He said to have a different or stronger voice is okay. He said the 86-14 split is hypothetical, and should be based in a service plan which will dictate where the routes are and where we need to spend the money. He doesn't believe the 86-14 figure will be constant and will change if it has to change.

Mr. Bulthuis said at this time the proposal does have the 86%-14% split. He mentioned that at the last meeting and said could change in future negotiations. However that split is in the current JPA.

Councilor Chavez said that will change, because as the demand changes the service plan changes. He said it can be a constant for now. However, until this passes and the public says it is willing to invest in public transportation, the 86-14 split isn't a point of discussion because we don't have the money to spend yet. He said it didn't make sense to him that the RPA is going to be the pass-through for the City to review what the NCRTD has been directed to do. He suggested somebody from the MPO because that is the committee that deals with our road network.

Responding to Councilor Chavez, Mr. Bulthuis said the members of the MPO are Commissioners Anaya, Sullivan and Montoya, with Commissioner Vigil as an alternate, and Councilors Ortiz and Chavez.

Responding to Councilor Chavez, Mr. Bulthuis said the County made its appointment to the RTD, and Commissioner Harry Montoya is the elected official, and Jack Kolkmeier is the alternate.

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



**14. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND ALLOWING ENTITIES ON THE CITY RAILYARD PROPERTY TO APPLY FOR AND RECEIVE CITY/GOVERNMENT LIQUOR LICENSES. (COUNCILOR ORTIZ)**

*Chair Ortiz said he would like to postpone this item to the next meeting.*

**MOTION:** Councilor Dominguez moved, seconded by Councilor Calvert, to postpone this item to the meeting of October 20, 2008.

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

**15. BID OPENINGS:**

**A. BID NO. 09/5/B – CONSTRUCTION OF ARFF BUILDING AND AGREEMENT AT SANTA FE MUNICIPAL AIRPORT; AIC GENERAL CONTRACTORS, INC. (JIM MONTMAN)**

Councilor Calvert said he pulled this, because the cover Memorandum says, "Budget is available as outlined in Memo of recommendation from the using department," and he couldn't find that.

Mr. Montman said Councilor Calvert is referring to a Finance Committee Purchasing Division Memorandum, but not one from him, and he would defer to Purchasing. He said the finding is outlined in his Memorandum of September 23, 2008.

Councilor Calvert said that Memorandum isn't in the Committee packet.

Mr. Montman said that Memorandum provides that 95% of the amount is from a federal grant, 2½% of the amount is from a State grant, and the other 2½ % is the City match which was agreed to as part of the grant matching process and is in CIP funds. He said "09002" is going through the process, and federal grant "29" has already been approved and funded by the federal government.

**MOTION:** Councilor Chavez moved, seconded by Councilor Calvert, to approve this bid.

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

**21. REQUEST FOR APPROVAL AND CONSENT FOR SOLID WASTE MANAGEMENT AGENCY TO ACCEPT WASTE FROM NORTH CENTRAL SOLID WASTE AUTHORITY AND LOS ALAMOS COUNTY. (RANDALL KIPPENBROCK AND BILL DeGRANDE)**

A copy of the written text of a power point presentation dated 9/29/2008, entered for the record by Randall Kippenbrock, is incorporated herewith to these minutes as Exhibit " 4."

Councilor Calvert said he is looking for a specific amendment, noting he passed some information to Mr. Kippenbrock via Bill DeGrande and he was hoping to hear back on that.

Mr. DeGrande said he discussed that with Mr. Kippenbrock and asked that it be included.

Chair Ortiz what are the amendments.

Councilor Calvert said the amendment he is seeking that the North Central Solid Waste Authority and Los Alamos County, as part of this agreement, would continue to send us their recycling and to work to increase their recycling rates the same as the City of Santa Fe. He understands it is a budgetary advantage to do this because it is an income stream, but it also will fill our cells faster, so he wants them to continue to work on recycling so it has less impact on filling the cells more quickly.

Councilor Chavez said he has the same concern as Councilor Calvert about the longevity of the cells, and the life span of those cells. He said if we are accepting more waste, we do need to be concerned about filling those cells more quickly which leads us to recycling. He asked Mr. Kippenbrock if we can influence these two entities to do more recycling, and if they have funds in their budgets to expand recycling – are they doing curbside, commercial. What are these entities doing to help lessen the impact on the cells at the landfill.

Mr. Kippenbrock said SWMA currently has an MOU with Los Alamos County to bring recyclables to the Buckman Road Recycling Transfer Station.

Councilor Chavez asked what type of recycling program do they have.

Mr. Kippenbrock asked Regina Wheeler, Solid Waste Facility Manager, Los Alamos, to answer this question.

Ms Wheeler said Los Alamos generates about 40,000 tons of waste annually, and currently recycles 50% of the waste. A large quantity of the recycling is asphalt and concrete recycling. She said Los Alamos has a huge commitment and demand for increased recycling. She said the material they bring to BuRRT comes from an automated curbside recycling residential program with an 85% participation rate. She said they also do commercial business recycling in roll carts and commercial business recycling in cardboard dumpsters and mixed commingled dumpsters which they are constantly expanding. She said they have an incentive to increase recycling because the tipping fee at Caja del Rio under the MOU is \$30 per ton, and they now pay \$15 a ton at BuRRT and they are looking to decrease that fee. She said they are looking at all kinds of possibilities for recycling. She said all buildings built in Los Alamos now are LEED buildings and they have to recycle as part of the construction process.

Councilor Chavez asked if the asphalt and concrete are generated from construction activity

Ms. Wheeler said yes, and they recycle that on site at their facility, grinding it into base course and it is reused in construction projects.

Councilor Chavez said then those items aren't coming into the landfill, Ms. Wheeler said this is correct.

Councilor Chavez asked if there is a lot of residual in Los Alamos recycling.

Ms. Wheeler said they have a very highly educated population who is very diligent, and it is very clean recycling.

Councilor Chavez asked what arrangement we have with North Central.

Mr. Kippenbrock asked Joe Lewandoski, Director of the North Central Solid Waste Authority, to speak to this issue.

Mr. Lewandoski said North Central is committed to the recycling effort. He said they took over the City and County operations, and since that time they have seven convenience stations, three transfer stations, and implemented recycling at all those facilities that never had it before. These are brought to the Santa Fe system, and he detailed what is done, noting no tires would come to the landfill. He said the sale of scrap metal is a very good revenue source. He said they are kicking-off curbside recycling in November, and have ordered containers for a pilot program and will continue to expand that.

Mr. Lewandoski said when the Mexico Recycling Coalition formed seven years ago, he was running the Grant County/Southwest Solid Waste Authority, and he was named the government recycler for the State of New Mexico. He said this should tell the City where he stands in terms of recycling. He stands for the environment, but it also creates jobs.

Mr. Lewandoski said he has no problem with the proposed amendment to increase recycling, commenting he hopes he gets to 33% before the City. However, he can't obligate to bring everything to the SWMA facility, and will probably set up his own processing facility once the new facility is in place. He said it is a job issue, and he can create 9-12 new jobs because of the recycling. He will commit to keeping pace or passing the efforts of the City to try to keep the landfill space down.

Mr. Lewandoski said he audited the City's recycling operation 7-8 years ago on contract, so he has an in depth understanding of what the City is doing. He reiterated he can't commit his Board to say we will bring everything to the City because of the possible loss of jobs in Rio Arriba County.

Councilor Chavez asked how long these agreements will be in place with the City.

Mr. Lewandoski said he is committed to recycling, but there will be a long term commitment to the landfill. He said North Central has elected not to build any more landfills and works to use other, existing landfills.

Ms. Wheeler said Los Alamos intends to continue to partner with Santa Fe on recycling and she is looking forward to expanding materials to bring here, hopefully one day to include glass, noting Santa Fe doesn't accept outside glass at this time. They are definitely a long term partner in the recycling facility.

The same goes for the landfill, and they are interested in a long term agreement for disposal.

Councilor Chavez asked if we are finding good markets for what we are recycling.

Mr. Kippenbrock said last year we averaged \$100 per ton for sales of recyclable materials, the majority of which is cardboard and newspaper.

Responding to Councilor Chavez, Mr. Kippenbrock said in 1995 the City bought 640 acres with the possibility of a 100-year life. He spoke about the design of the landfill, which is a Subtitle 2 landfill. He said it is all about economics. He said they have met the challenge over the past few years by bringing in a qualified contractor to remove the basalt in portions of the land and make it a saleable product, as opposed to a waste product.

Councilor Chavez said in the future the City will be facing the same situation as Los Alamos and North Central with regard to where to site landfills in the future. He said the City has been sensitive to the life span of the landfill and the expectations we set out originally. He said if we decide to accept more out of county waste, we will need to start planning to see where we might site a landfill in the future, given that technology will change and recycling will be different, hopefully.

Chair Ortiz said we had that discussion at Public Utilities. He said his concern is, whether the life span is 50 or 10 years, allowing out of County wastes reduces the life span of the cells by 20%, which means Santa Fe will be faced with the same problems as Los Alamos and North Central. He said those entities decided not to look for sites for their purposes, probably as a function of capital investment and cost, but also because it solves their problems. He said they are paying at cost while we have paid the up-front costs for expansion of the cells, and they don't have to pay the capital costs which have been paid by our taxpayers. These entities are just paying the rate that's locked in for them.

Chair Ortiz said he understands the short term revenue sheets in the packet, and what staff is recommending. However, besides the public promises that we made, which we now will be "stepping on," the finances work for these entities, but in the long run, they don't work for Santa Fe County taxpayers. This is the reason he voted against it back then, and the reason he will vote against it now.

Chair Ortiz read a letter into the record he received recently from residents near the landfill, noting it was sent to the County Commissioners with a copy to him:

Dear Commissioners:

It's come to our attention that the regional landfill is considering expanding its services to Los Alamos and other counties. Prior to any expansion, or approval for expansion, it is imperative that consideration for the liability of the landfill in Santa Fe County exposes themselves to, from the current conditions of the Caja del Rio Road, be addressed first. [Chair Ortiz noted he hasn't driven on that road, so he can't speak for this.]

Currently, Caja del Rio Road south of Wildlife Way has grooves ranging from 4-6 inches deep as a

result of heavy truck traffic use. This inconsistency in the driving surfaces can cause vehicles to hydroplane in inclement weather, where water cannot drain off the highway, and black ice in the winter months. In dry conditions, vehicles are drawn onto deep grooves which could make it difficult for drivers to maintain or control in any situation.

Another concern, is there are no driver turnouts. At the current speed of 45 mph, there has been a substantial increase in automobile accidents, as the area grows and more residents from the City and surrounding areas make use of the facilities. Driver turnouts were implemented for the CWA Horse Riding Program for the Challenge Youth Program and the City Animal Shelter. It's not unreasonable to ask for these same safety measures to be implemented prior to expanding the landfill which will increase heavy truck traffic.

If Santa Fe County or the SWMA Board wants to consider the expansion of any facilities that will increase traffic to Caja del Rio, it would be wise to consider the current liability it faces due to road conditions. County staff was informed of these conditions last year. We appreciate the County making emergency improvements and reducing the speed limit to 30 mph before there is a major accident.

Angie Leyba and other signators  
Caja del Rio Road Homeowners.

Chair Ortiz said this is an issue with which the County will have to deal. He understands the truck traffic won't increase that much. However, this on top of the other things, when the improvements are made, the taxpayers of Santa Fe County will be paying these cost. He reiterated concern that Santa Fe will pay capital costs, but North Central and Los Alamos don't have to be burdened with these expenses. If we really intend to be a regional solid waste authority, then we need a regional authority with elected officials. He said this is the third time he's seen this proposal. He said the City/County are being asked to accommodate other communities' issues without a contribution from those other entities. He is for regionalization which is done fairly and equitably, but this one is not fair and equitable for our taxpayers. He urged the Committee to consider this when making this decision.

Councilor Dominguez asked how much of the additional revenue is going toward cell development, noting Mr. Kippenbrock talked about the 100-year cell life, and if our ability to dig down gives more life, and Mr. Kippenbrock said yes.

Councilor Dominguez asked if it costs more money to mine those areas.

Mr. Kippenbrock said when you compare to unconsolidated material, like soil, that cost will be roughly \$5 per cubic yard, versus \$5.70 per cubic yard to remove the rock. He said the advantage when we have a royalty contract with the contractor is that we will get \$1.50 per ton in return over the term of the agreement.

Councilor Dominguez asked if we are having to create more cells in order to accommodate more waste.

Mr. Kippenbrock said typically a landfill is building blocks, and the last one is 15 acres. That 15 acres which was completed on September 1<sup>st</sup> was a cost of \$5.1 million, and \$2.5 was for rock removal and the rest is for liner insulation, etc. Mr. Kippenbrock demonstrated the process via power point, noting various material must be laid according to Subtitle D regulations and the New Mexico Environment Department. He said the proposed rates are to fund all of our needs starting July 1, 2009, which includes cell development, and in about 3.2 years we will build another one. He said this is cell number four and there are two more to go. He said by 2115 the entire 76 acres will have waste.

Councilor Dominguez said then we will need to develop more cells sooner.

Mr. Kippenbrock said yes, noting there is 25% more trash coming in, but based on compaction the life of each building cell is reduced by 20%. However, it all depends on the type of waste, the compaction, the amount of daily coverage used, etc.

Councilor Dominguez asked if the cost to extract the rock is more than anticipated.

Mr. Kippenbrock said in 2005, he did an analysis of what would happen if we stay on top of the basalt, if we went halfway down, or, as we are doing now, all the way down to the permitted base grade. It was more cost effective to go to permit base grade to extend the life of each cell. He said at ground level, we only have about 50%. He said the New Mexico Environment has a rule and regulation of 20 years at a time. He said we have 640 acres, and 430 acres is permitted. The disposal area is only about 76 acres, and we have impacted only 45 acres, not including the 15 acres that's coming up. By the year 2115, the entire 76 acres will have waste on it.

Councilor Dominguez asked if that takes into consideration the impact these entities will have on the overall operation.

Mr. Kippenbrock said it will be about four years at 200,000 tons per year, and then we will move to the adjoining cell, noting the life of the cell will be reduced from 4 years to 3.2 years by accepting waste from Los Alamos and North Central.

[Chair Ortiz's remarks here are inaudible]

Mr. Kippenbrock said the SWMA Board tries to increase the recycling rates. He said one of the best moves that you made is to allow them to take over the transfer station which allows recycling as well as green waste, glass, tires, scrap metal, refrigeration, and soon household hazardous wastes, and ewaste as well. He said the revenue last year was \$560,000 just from the sale of recyclables. His goal is to expand that, double the output and revenue.

Councilor Dominguez said then it sounds as if, by accepting waste from other communities, we will be shortening the life of each cell.

Mr. Kippenbrock said that is correct.

Councilor Dominguez asked, regarding mining the cells, has there been negotiation or an attempt to increase the return, or if that is contractual.

Mr. Kippenbrock said currently it is contractual. He hopes to mature the market where they want to mine it at their own cost, and we will do the subgrade preparation. He said this is an eight-year construction contract, renewable annually, and is in year two right now.

Councilor Calvert said we know that accepting this waste will shorten the life of the cell, and to make it financially feasible we have to set aside sufficient revenue from the additional proceeds to offset the cost of cell development sooner. He asked if this is part of the plan.

Mr. Kippenbrock said if we bring in North Central and Los Alamos, we can expect to generate additional revenue of \$1.5 million and in subsequent years \$1.65 million. His goal is to keep it cost effective for the two parents – the City and the County.

Councilor Calvert said in the long term we will incur expenses of cell development more quickly, and asked if the additional revenue will offset increased expenses in the short term as well as to offset some of the increased expenses in the long term.

Mr. Kippenbrock said it can offset the expenses in the long run, noting the additional monies can be set aside for cell development.

Councilor Calvert is concerned that this proposal might be good in the short term, but wants to be sure it doesn't "bite us" in the long term. He said he doesn't know the terms of the original agreement, but this arrangement might help to keep costs down.

Councilor Calvert said just because we have the money, doesn't mean we have the land. He asked how likely it would be that we could extend the life of some of the current cells by increasing height, and if this is an option which is being pursued.

Mr. Kippenbrock said this is still an option, but we have to stay with the permit condition until 2115. He said he will begin the RFP process soon because it will take several years for NMED to approve the permit application. His goal is to do a vertical expansion over the existing area, as well as a lateral expansion into the BLM area. He said within the last few months the Waste Management landfill in Rio Rancho was approved for a vertical expansion over its existing footprint area of 100 acres for 50 feet higher.

Councilor Calvert said we are caught in the middle regarding the rate increase, and understands Councilor Ortiz's point about charging them for capital expenditures. However, we can only charge so much for tipping fees before people will find some place else.

**MOTION:** Councilor Chavez moved, seconded by Councilor Calvert, for approval of this request as amended.

**FRIENDLY AMENDMENT:** Councilor Calvert would like to amend the motion to direct staff to draft an amendment to provide that Los Alamos County and the North Central Solid Waste Authority will commit to adopting the goal to increase their recycling to reach a 33% recycling rate by 2012, and take steps to reach that goal, as a part of the agreement, and to establish some sort of review to ensure that is happening.

**DISCUSSION ON THE FRIENDLY AMENDMENT:**

Chair Ortiz pointed out that this will be at the Council for consideration on Monday.

Councilor Calvert understands that it won't be drafted tonight, but he wants it included in the MOU.

Mr. Kippenbrock noted in the power point there are things they want to incorporate: such as ensuring that the use of Highway #599 routes are in accordance with all City and County ordinances related to these types of activities, as well as speed limits.

Chair Ortiz asked if these are the amendments Councilor Calvert would like included in the MOU.

Councilor Calvert said those are fine [Exhibit "4"], but based on some of the remarks this evening, he believes those will need to be tweaked somewhat. He said, in principle he wants a commitment to recycling in general and that they will work to continue to increase their recycling rates wherever they bring it, and there should be a way to monitor that over time to ensure that they are at least recycling at the same rate as we are, and increasing their recycling rate over time. He said since they don't have a problem with this, he wants this to be included as one of the amendments to the MOU.

**THE AMENDMENT WAS FRIENDLY TO THE MAKER.**

Councilor Dominguez said he is reluctant to support this proposal and he will be voting against it. However, he will do more to educate himself to try to gain some support for this at Council. He is particularly interested in the increased tipping fees, with the idea that not accepting out of town waste increases the rates, so he will do his share to learn more about this before Council.

Chair Ortiz said the tipping fee is way too low, and a gift we're giving to our regional neighbors, and hopes some negotiations will be made regarding those. He opposes this proposal on the financial issues as well as on the principle that we promised the public and our citizens that this would not be a regional landfill and would be a Santa Fe landfill. This change which is being "railroaded through" by staff is a complete abrogation of that promise.

**VOTE:** The motion was approved on a voice vote with Councilor Calvert and Councilor Chavez voting in favor of the motion, Councilor Dominguez voting against, and Chair Ortiz expressing opposition to the motion as the Chair.



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**END OF CONSENT AGENDA DISCUSSION**  
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*Councilor Chavez departed the meeting at this time*

**PROPOSED RESOLUTIONS AND ORDINANCES: (WITH NO FISCAL IMPACT)**

7. **REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING EXHIBIT B, CHAPTER 24 SFCC 1987, REGARDING THE PENALTY ASSESSMENT FOR VIOLATION OF THE CITY'S PROHIBITION OF HAND-HELD CELLULAR PHONE USAGE WHILE A VEHICLE IS IN MOTION (COUNCILOR WURZBURGER). (POLICE CHIEF ERIC JOHNSON) Committee Review: Public Safety Committee (Approved) September 16, 2008; Public Works Committee (Approved) September 22, 2008; City Council (Request to Publish) October 6, 2008; and City Council (Public Hearing) October 29, 2008.**

A copy of "Traffic Sentencing Guide: Non-Commercial Vehicles," dated July 7, 2008, is incorporated herewith to these minutes as Exhibit "5."

Chair Ortiz said the sponsor, Councilor Wurzburger, is not in attendance, nor is the Police Chief. He said this bill will increase the penalty from \$66 to \$250. He said he opposes this because he believes we have adequate penalties on the books, and feels this is overkill.

Councilor Calvert asked Judge Yalman how many of these types of cases are dismissed or are assessed community service versus a fine. He asked if she can track repeat offenders.

Judge Yalman said people are allowed to do community service in lieu of a fine if they can't afford to pay it, noting many people don't follow through, but she doesn't know the percentage. She said the majority can pay. She said she can determine repeat offenders once they come before her. However, there is no way for a police officer to know when they stop someone. She said with a \$250 fine, every cell phone user will come before the Court, noting everyone with a citation for parking in a handicapped parking space comes before her. The fine is high enough that it gets them into Court, even though it's not a mandatory appearance, and very few people will just pay that amount of money and walk away. She noted it will be \$291 because the Court adds \$41 to every fine.

Chair Ortiz said the whole purpose of this legislation was to get people to stop using their cell phones. He said the Judge is saying that it may reach that purpose, but the amount of the fine will clog up her court, and they may not pay the fine if they are ordered to do community service in lieu of the fine.

Judge Yalman said there are few repeat offenders parking in disabled spaces, so it does have a deterrent on that, so it goes both ways.

Councilor Calvert said there was discussion at Committee that the City might not have the

discretion to do this, and some of these fines are set by the State. He said Judge Yalman indicated that the minimum is set by the State because we could always increase the fine.

Judge Yalman said it is her understanding that we can't go below, but nothing prevents us from going higher.

Responding to Councilor Calvert, Judge Yalman said she does give community service in lieu of a fine for parking in a handicapped space, which is 26 hours based on the living wage. She said the purpose of community service is for people who can't pay their fine, and this is in lieu of payment of the fine. She said 26 hours equals \$250, and as the fine increases, the community service would increase.

Councilor Dominguez said he appreciates the information provided by the Judge. He was looking for clear information about the numbers of violations annually, how many pay, how many do community service. He asked how she determines that they are unable to pay the fine, and how subjective that is.

Judge Yalman said it is totally subjective. If someone tells her they aren't working, or really can't afford to pay, she takes them at their word, unless she knows for sure they're working because they made another remark.

Councilor Dominguez said he wanted information and data on repeat offenders. He asked if she would give them community service each time they come before her.

Judge Yalman said yes, but most people prefer to pay, noting community service is a lot of hard work and a lot of time.

Councilor Dominguez said if these fees go up that much, more people will want to do community service.

Judge Yalman said the computer service isn't set up to give percentages, but she can look at an individual's personal history. She said much of the history was in previous systems and is not in the current system which was begun in 2007. She said they have the history all the way back, but they can't do anything, computer-wise, to provide this information. She doesn't know of any programs that will give the numbers of those who were charged who actually paid a fine

Councilor Dominguez said this would be data that would be beneficial to the Governing Body in making this decision.

Judge Yalman most people ultimately pay, because if they don't pay within 30 days, their license is suspended, noting that whatever the amount of the fine, the same mechanism would apply. She said if people don't do the community service within 30 days, then it reverts to a fine and the license is suspended.

Responding to Councilor Dominguez, Judge Yalman the said the fines all go to the General Fund, and they aren't running community service from the Court. She noted she didn't want staff dependent on

her rulings in Court, so it is all in the General Fund – Court expenditures and revenues. She said some funds are sent elsewhere because of costs and those have been allocated, but the fines all go to the General Fund.

Councilor Dominguez asked if the fees from this violation can be earmarked for the Courts.

Mr. Millican said the City can approve an appropriation which was based on the fee revenue for a purpose.

Judge Yalman said those fees would have to be reported separately, because currently all of the fines are lumped together.

Councilor Trujillo asked how many of the cell phone citations she has dismissed completely.

Judge Yalman estimated she has dismissed 10-12% of the citations. She said many times people will bring their cell phone bills and there is no activity at time of the charge. She said the main reason is because somebody just heard somebody died, or somebody went to the hospital, or the doctor finally called and they've been trying to contact them all day. She said she can see herself picking up the phone in all of those situations. She said although they are guilty, she usually dismisses those.

Councilor Trujillo said he also is not too keen on the \$250-\$500 fine. He said we have many other ordinance violations that we need to enforce, such as failure to have children in child restraints while driving.

Judge Yalman said basically, every fine is either \$10 or \$25 except for speeding, which has a penalty assessment attached, although it is higher with Court costs.

Councilor Trujillo said the Public Safety Committee wants to look at all of the fines.

Judge Yalman distributed a copy of the schedule of fines to the Committee [Exhibit "5"].

Councilor Trujillo observed that the fines need to be reviewed and in some cases increased, such as failure to have a child in a child restraint while driving.

Councilor Dominguez said he has a question for the sponsor. He said, for the record, he is curious if the intent is to promote public safety or to raise revenue.

Judge Yalman believes Councilor Wurzbarger is interested in public safety. She suggested, if the City tinkers with this ordinance, she would suggest adding texting.

Councilor Dominguez said he believes there is an ability in the ordinance to cite someone for inattentive driving, and the reason he didn't support this bill in the first place.

**MOTION:** Councilor Calvert moved to move the Ordinance forward, subject to the sponsor working out an amendment that increases fines for repeat offenders, but not for first time offenders as opposed to the \$250 right away, and to direct staff to work on reviewing the entire schedule of fines to make the fine commensurate with the seriousness of the violation. **The motion died for lack of a second.**

**MOTION:** Councilor Dominguez moved to send this forward without recommendation. **After discussion, and before the second, he withdrew his motion.**

Chair Ortiz said then this Committee takes no action on this item. There was discussion as to what happens to this item.

Responding to the Chair, Ms. Helberg said she really doesn't know, but if no action is taken, she would presume it doesn't go anywhere. She suggested this needs to be considered when the Ethics & Rules Committee considers the Committee Rules.

Chair Ortiz observed that it needs to be considered for the Governing Body rules as well.

Councilor Dominguez said the action sheet from Public Safety says this item was tabled.

Councilor Calvert said, "Well, she moved it on to Public Works."

Chair Ortiz said then this Committee takes no action on the proposed Ordinance amendment.

**8. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PREPARE RECOMMENDATIONS FOR THE GOVERNING BODY'S CONSIDERATION REGARDING ASSISTANCE TO THE CITY OF PARRAL, MEXICO, SANTA FE'S SISTER CITY. (COUNCILORS CHAVEZ AND ORTIZ)**

Chair Ortiz said he has some amendments to the Resolution as follows:

Page 1, Line 15 correct as follows: "WHEREAS, Parral, State of Chihuahua, Mexico, where more than ~~100,000~~ 250,000 people reside ~~is~~ has been one of Santa Fe's sister cities since the mid-1980's [note: get specific date if possible]."

Page 1, Between lines 21 and 22, add a new Whereas as follows: "WHEREAS, due to the severe damage caused, time is of the essence to abate the public health and safety hazards in Parral."

Page 2, line 3, correct as follows: "... may be of assistance to Parral, Mexico, and to pursue those recommendations as soon as possible [because of the emergency]."

**MOTION:** Councilor Calvert moved, seconded by Councilor Dominguez, to approve this request, with the amendments proposed by Chair Ortiz.

**VOTE:** The motion was approved on a voice vote [absent: Councilor Chavez].

## **DISCUSSION**

### **27. DISCUSSION OF POTENTIAL USES OF UNANTICIPATED REVENUES FROM MAY 2008 DISTRIBUTION OF GROSS RECEIPTS TAX AND PROPOSED REALLOCATION OF FUNDS FROM THE 2008 CIP. (DAVID MILLICAN)**

Mr. Millican said the Memo in the packet is the same as the Committee received at the previous meeting. He said at the last meeting the Chair asked him if he had discovered all of the budgetary issues, and he has additional bad news.

Mr. Millican said, not related to the GRT issue, it was determined that some of the basic numbers in the 10-year financial plan for water rates were incorrect, and he has spent two weeks to straighten those out. He said the Public Utilities will see the first discussion of that and it will be back to this Committee in due course.

Councilor Calvert said overall it will be the same, but it will come in bigger doses, sooner.

Mr. Millican said the timing on being sure we can issue debt to build Buckman, is such that the rates have to be raised quickly to provide adequate funds to meet the debt coverage requirements.

Responding to the Chair, Mr. Millican said there are three significant issues. One is that the starting cash estimate was too high. The second is that we estimated a normal financing environment, and we needed to be more conserving in the financing assumptions to be sure we could issue debt. The third, if we can't issue debt, we don't have adequate funds to build the project, and if we have to stop at midstream, then the costs will be extraordinarily high. He said this will come back through the committees for additional review. He said if the committees and Council find the proposals acceptable, the estimated implementation date is March 1, 2009, based on the legislative and implementation schedule.

Responding to the Chair, this information is not in the Memorandum in the packet, and the first memoranda on this will be at the Public Utilities Committee meeting on November 5, 2008.

Councilor Dominguez asked if the timetable is still valid.

Mr. Millican said there is a new timetable, and he will provide that to the Committee members, noting 60 days is needed from Council approval to implement it fully in the billing system.

Mr. Millican said at the last meeting he reported that the anticipated carry-forward from last year would be approximately \$500,000. He said he discovered that a reporting change made to simplify some of our fixed asset accounting, caused us to get a report which excluded capital asset paid purchase orders from the report. So, the \$500,000 was understated, and he sees no significant funding coming forward from last year.

Mr. Millican said he is in discussions with the software implementation consultant regarding a change order we need to discuss, which will add further to the issues discussed at the previous meeting about the fact some of the finance H.R. software implementation costs have not been fully appropriated. He will have a report on the total expected cost of that project, and also noted that there is a proposed utility billing project which will follow that to replace the very old billing system. He said the Council hasn't received a report on the total cost of this system implementation.

Mr. Millican said the Committee asked several questions at the last meeting regarding the GRT allocation questions. He said he plans to provide a staff report to the Committee on October 20, 2008, regarding the recommendations which will be a list of those projects which strictly met the Council established criteria for funding and discussion of the rationale for the staff recommendations. He will also have a more detailed report on funding plans, especially plans to restore funds to the Railyard GRT allocation and providing funding for OTAB and for promotion of the convention center.

Mr. Millican said staff will be asking for a Special Study Session on November 17, 2008, and the Committee can confirm that on October 20, 2008. He said this would be for policy level discussion and review of Finance Department work program.

Councilor Calvert said in Mr. Millican's Memorandum of September 11, 2008, he states on page 2, "The Public Works Committee recommended a \$40,000 increase to SFCCC gallery support and approval of \$84,000 for automatic defibrillators and bike medic equipment for the Fire Department." He said he recalls approving the \$84,000 and a discussion about the \$40,000, but he doesn't remember it as being approved, and thought it was just to carry forward the discussion.

Chair Ortiz suggested he check the minutes from Public Works.

Mr. Millican said he understands Public Works was recommending this to Finance.

Mr. Millican said it has been extremely difficult to sell bonds, and if the current financial conditions continue, we may have to back off on the BDD project.

Chair Ortiz said if this environment continues, we need to look at all of the things we do at City Hall, all of our bonding capacity on all of our funds that we do.

[Mr. Millican's remarks here are inaudible because his microphone was turned off.]

## **28. OTHER FINANCIAL INFORMATION:**

### **A. UPDATE ON LODGERS' TAX REPORT FOR AUGUST 2008 AND GROSS RECEIPTS TAX REPORT FOR AUGUST 2008. (DAVID MILLICAN)**

Mr. Millican reported that there was a small growth in GRTs of 3.25% in July, as well as an increase in Lodgers' Tax. He said there is no clear indicator as to how this will go, and staff will continue to

watch this. He believes we need to be cautious because of the current state of the general economy.

## 29. MATTERS FROM THE COMMITTEE

Councilor Calvert, noted he read something in the newspaper regarding health violations regarding food inspection at Community Convention Center, and asked who is responsible for resolving this issue.

Mr. Buller said he will pass this information to Mr. Toler tomorrow, and look into the matter.

Chair Ortiz said the City Attorney is supposed to be providing a list of all expenditures made on all litigation – risk management, workers compensation and everything – the status of the litigation, the names of the lawyers being paid, the amount being spent, noting this is his third request. He expects this information at the meeting on October 20<sup>th</sup>.

Mr. Millican said he spoke with the City Attorney and he is preparing that report and will have it on October 20, 2008.

Councilor Dominguez said he would like to have the packet for the next meeting a little early.

## 30. ADJOURNMENT

There being no further business to come before the Committee, and the Committee having completed its Agenda, the meeting was adjourned at 7:15 pm.

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Matthew E. Ortiz, Chair

Reviewed by:

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David N. Millican, Director  
Department of Finance



Melessia Helberg, Stenographer