



# Agenda

Finance Committee Meeting  
April 20, 2009 – 5:15 pm  
City Council Chambers

**ALL MEMBERS OF THE GOVERNING BODY HAVE BEEN INVITED TO ATTEND THIS MEETING**

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF AGENDA
- 4. APPROVAL OF CONSENT AGENDA
- 5. APPROVAL OF MINUTES:  
  
MARCH 30, 2009

CITY CLERK'S OFFICE

DATE 4/17/09 TIME 11:45 am

SERVED BY Yolanda Greer

RECEIVED BY [Signature]

**CONSENT AGENDA:**

- 6. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ALCOHOL PROVIDER SERVICES AT SANTA FE COMMUNITY CONVENTION CENTER; SANTA FE BREWING COMPANY (DARLENE GRIEGO)
- 7. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT OF PROFESSIONAL SERVICES AGREEMENT – SELL AND REPRESENT THE CITY OF SANTA FE, SANTA FE COMMUNITY CONVENTION CENTER AND ALL CITY ATTRACTIONS AND SERVICES TO THE ASSIGNED MARKET; CHRISTINE MADDEN (KEITH TOLER)
- 8. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEGAL SERVICES AGREEMENT – BUCKMAN WELL II ISSUES FOR WATER DIVISION; SHEEHAN, SHEEHAN & STELZNER, P.A. (WILLIAM CASSEL)
- 9. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – CITY WATER RIGHT TRANSFER PROGRAM AND PORTFOLIO; LEE WILSON AND ASSOCIATES, INC. (DALE LYONS)
- 10. REQUEST FOR APPROVAL OF RE-ASSIGNMENT OF PROFESSIONAL SERVICES AGREEMENTS AND LEGAL SERVICES AGREEMENTS TO THE BUCKMAN DIRECT DIVERSION BOARD – EXECUTE CONTRACT ASSIGNMENTS FOR BUCKMAN DIRECT DIVERSION PROJECT; VARIOUS CONTRACTORS (RICK CARPENTER, KYLE HARWOOD AND MAYA MARTINEZ)



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- A. COONEY, WATSON & ASSOCIATES
  - B. HAWKINS, DELAFIELD & WOOD, LLP
  - C. KERRY HOWE CONSULTING
  - D. KIRKPATRICK, LOCKHART, PRESTON, GATES & ELLIS
  - E. NORMAN GAUME, P.E.
  - F. WRISC, INC.
  - G. USDA FOREST SERVICE
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- 11. REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT – CERRILLOS ROAD RECONSTRUCTION PROJECT: PHASE IIB – CIELO CT. TO CAMINO CARLOS REY DESIGN SERVICES; PB AMERICAS, INC. (DESIRAE LUJAN)
  - 12. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ST. FRANCIS TRAIL DESIGN SERVICES; PB AMERICAS, INC. (LEROY PACHECO)
  - 13. REQUEST FOR APPROVAL OF INTERGOVERNMENTAL AGREEMENT – RIVER ECOSYSTEM RESTORATION INITIATIVE (RERI); DEPARTMENT OF FINANCE AND ADMINISTRATION AND NEW MEXICO ENVIRONMENT DEPARTMENT (RACHEL FRIEDMAN)
  - 14. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – JOB SKILLS TRAINING FOR SANTA FE’S YOUTH THROUGH SANTA FE RIVER AND WATERSHED IMPROVEMENTS (RFP #09/15/P); YOUTHWORKS AND EARTH WORKS INSTITUTE (RACHEL FRIEDMAN)
  - 15. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PROJECT MANAGER FOR DANCE FACILITIES; NATIONAL DANCE INSTITUTE, NEW MEXICO, INC. (DAVID CHAPMAN)
  - 16. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – AIRPORT ROAD PAVEMENT RESURFACING – CONTINGENT ON FEDERAL STIMULUS FUNDING (DAVID CATANACH)
    - A. CUTLER REPAVING, INC.
    - B. ASSOCIATED ASPHALT & MATERIALS
  - 17. REQUEST FOR APPROVAL OF BUDGET INCREASE FOR ELECTRIC COSTS FOR CITYWIDE STREETLIGHTS (CHRIS ORTEGA) (Postponed at Finance Committee meeting of March 16, 2009)



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- 18. REQUEST FOR APPROVAL OF BUDGET INCREASE FOR REPAIR AND MAINTENANCE COSTS FOR CITYWIDE STREETLIGHTS (CHRIS ORTEGA (Postponed at Finance Committee meeting of March 16, 2009))
- 19. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND JOINT POWERS AGREEMENT – JUVENILE DROP OFF CENTER FOR SANTA FE POLICE DEPARTMENT AND SANTA FE COUNTY SHERIFF’S DEPARTMENT; COUNTY OF SANTA FE (RICHARD DEMELLA)
- 20. REQUEST FOR APPROVAL OF AMENDMENT NO. 6 TO PROFESSIONAL SERVICES AGREEMENT – INVESTMENT SERVICES FOR CITY OF SANTA FE; FIRST SOUTHWEST COMPANY (HELENE HAUSMAN)
- 21. REQUEST FOR APPROVAL OF SANTA FE RAILYARD POLICIES AND PROCEDURES ON THE RAILYARD PARK, PLAZA AND ALAMEDA (ROBERT SIQUEIROS)
- 22. REQUEST FOR APPROVAL OF CONTRACT – CONSULTING SERVICES; LEVERAGE CONSULTING, LLC (DAVID MILLICAN)
- 23. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 7-1.1 SFCC 1987 AND SECTION 7-1.5 SFCC 1987 TO CLARIFY THAT THE CITY HAS BUILDING PERMIT AND INSPECTION JURISDICTION WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY (COUNCILOR BUSHEE) (JEANNE PRICE)

**Committee Review:**

Public Works Committee (Approved)	April 6, 2009
City Council (Request to Publish)	April 29, 2009
City Council (Public Hearing)	May 27, 2009

***Fiscal Impact – Yes***

- 24. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO WORK WITH THE MID REGION COUNCIL OF GOVERNMENTS TO DEVELOP A CONCEPTUAL PLAN FOR THE DEVELOPMENT OF A MULTI-MODEL FACILITY AND TO OBTAIN A LONG TERM LEASE WITH THE STATE OF NEW MEXICO FOR THE PROPERTY TO THE SOUTH AND TO THE EAST OF THE FORMER ARCHIVES BUILDING LOCATED AT THE CORNER OF MONTEZUMA AND GUADALUPE STREETS (COUNCILOR BUSHEE, MAYOR COSS, COUNCILOR CALVERT) (ROBERT ROMERO)



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**Committee Review:**

Public Works Committee (Approved) April 6, 2009  
City Council (Scheduled) April 29, 2009

***Fiscal Impact – No***

25. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND APPROVING THE SUBMISSION OF A COMPLETED APPLICATION FOR FEDERAL FINANCIAL ASSISTANCE TO THE ENVIRONMENTAL PROTECTION AGENCY FOR THE CITY OF SANTA FE WATER DIVISION, WATER MAIN REPLACEMENT AND PROJECT (COUNCILOR WURZBURGER) (BILL HUEY AND GARY MARTINEZ)

**Committee Review:**

Public Utilities Committee (Approved) April 1, 2009  
City Council (Scheduled) April 29, 2009

***Fiscal Impact – No***

26. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-8.14(A) SFCC 1987 REGARDING THE APPLICABILITY OF IMPACT FEES TO THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE (COUNCILORS CHAVEZ AND ORTIZ) (JEANNE PRICE)

**Committee Review:**

Planning Commission (Approved) April 2, 2009  
Public Works Committee (Approved) April 6, 2009  
City Council (Request to Publish) April 29, 2009  
City Council (Public Hearing) May 27, 2009

***Fiscal Impact – Yes***

27. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO SUPPORT A LIVING SANTA FE RIVER BY ALLOWING WATER TO PASS THROUGH MCCLURE AND NICHOLS RESERVOIRS IN 2009 (MAYOR COSS, COUNCILORS BUSHEE, ROMERO, TRUJILLO AND CALVERT) (RACHEL FRIEDMAN) (Postponed at Finance Committee meeting of March 16, 2009)

**Committee Review:**

Public Utilities Committee (Approved) March 4, 2009 & April 1, 2009  
Public Works Committee (Approved) April 6, 2009  
Finance Committee (sent back to PUC) March 16, 2009  
Public Works Committee (Scheduled) April 27, 2009  
City Council (Scheduled) April 29, 2009

***Fiscal Impact – Yes***



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***END OF CONSENT AGENDA***

**DISCUSSION:**

28. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER NEGOTIATIONS WITH THE COLLEGE OF SANTA FE, THE CREDITORS OF THE COLLEGE AND THE STATE OF NEW MEXICO TO DEVELOP A PLAN THAT WOULD PROVIDE FOR CONTINUED OPERATION OF A HIGH QUALITY ARTS AND LIBERAL ARTS PROGRAM AT THE COLLEGE OF SANTA FE (DAVID MILLICAN)
29. DISCUSSION OF SIX-MONTH REVIEW OF RAILYARD PARKING PROGRAMS:
  - A. REQUEST FOR APPROVAL OF PARKING RATE CHANGES ON SATURDAY AND SUNDAY AT THE RAILYARD (BILL HON)
30. REQUEST FOR APPROVAL OF POLICY OF CONVENTION/COMMUNITY CENTER REGARDING REQUIREMENTS FOR LOCAL, EDUCATIONAL, AND CIVIC ORGANIZATIONS TO PROVIDE SECURITY FOR THEIR EVENTS (KEITH TOLER)
31. UPDATE ON FISCAL YEAR 2009/2010 OPERATING BUDGET (DAVID MILLICAN)
32. OTHER FINANCIAL INFORMATION:
  - A. UPDATE ON GROSS RECEIPTS TAX REPORT FOR APRIL AND LODGERS' TAX REPORT FOR MARCH (DAVID MILLICAN)
33. MATTERS FROM THE COMMITTEE
34. ADJOURN

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

**SUMMARY OF ACTION  
FINANCE COMMITTEE MEETING  
Monday, April 20, 2009**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-4
APPROVAL OF MINUTES: MARCH 30,2009	Approved	4
 <u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ST. FRANCIS TRAIL DESIGN SERVICES; PB AMERICAS, INC.	Approved	6
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PROJECT MANAGER FOR DANCE FACILITIES; NATIONAL DANCE INSTITUTE; NEW MEXICO, INC. CUTLER REPAVING, INC. ASSOCIATED ASPHALT & MATERIALS	Approved	6
REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT OF PROFESSIONAL SERVICES AGREEMENT – SELL AND REPRESENT THE CITY OF SANTA FE, SANTA FE COMMUNITY CONVENTION CENTER AND ALL CITY ATTRACTIONS AND SERVICES TO THE ASSIGNED MARKET; CHRISTINE MADDEN	Not Approved	7-8

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END OF CONSENT CALENDAR DISCUSSION

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<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
<b><u>DISCUSSION</u></b>		
REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER NEGOTIATIONS WITH THE COLLEGE OF SANTA FE, THE CREDITORS OF THE COLLEGE AND THE STATE OF NEW MEXICO, TO DEVELOP A PLAN THAT WOULD PROVIDE FOR CONTINUED OPERATION OF A HIGH QUALITY ARTS AND LIBERAL ARTS PROGRAM AT THE COLLEGE OF SANTA FE	Approved [amended]	9-13
DISCUSSION OF SIX-MONTH REVIEW OF RAILYARD PARKING PROGRAMS: REQUEST FOR APPROVAL OF PARKING RATE CHANGES ON SATURDAY AND SUNDAY AT THE RAILYARD	Approved [amended]	13-16
REQUEST FOR APPROVAL OF POLICY OF CONVENTION/COMMUNITY CENTER REGARDING REQUIREMENTS FOR LOCAL, EDUCATIONAL AND CIVIC ORGANIZATIONS TO PROVIDE SECURITY FOR THEIR EVENTS	Approved [amended]	16-22
UPDATE ON FISCAL YEAR 2009/2010 OPERATING BUDGET	Information/discussion	22-24
OTHER FINANCIAL INFORMATION	Information/discussion	24-25
MATTERS FROM THE COMMITTEE	None	25
ADJOURN		25

**MINUTES OF THE  
CITY OF SANTA FE  
FINANCE COMMITTEE  
Monday, April 20, 2009**

**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, April 20, 2009, 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  
Councilor Rebecca Wurzbarger

**OTHER COUNCILORS ATTENDING:**

Councilor Rosemary Romero

**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**

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

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



**4. APPROVAL OF CONSENT AGENDA**

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

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

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**CONSENT AGENDA**

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6. **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ALCOHOL PROVIDER SERVICES AT SANTA FE COMMUNITY CONVENTION CENTER; SANTA FE BREWING COMPANY. (DARLENE GRIEGO)**
7. *[Removed for discussion by Councilor Chavez]*
8. **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEGAL SERVICES AGREEMENT – BUCKMAN WELL II ISSUES FOR WATER DIVISION; SHEEHAN, SHEEHAN & STELZNER, P.A. (WILLIAM CASSEL)**
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  - A. **COONEY, WATSON & ASSOCIATES**
  - B. **HAWKINS, DELAFIELD & WOOD, LLP**
  - C. **KERRY HOWE CONSULTING**
  - D. **KIRKPATRICK, LOCKHART, PRESTON, GATES & ELLIS**
  - E. **NORMAN GAUME, P.E.**
  - F. **WRISC, INC.**
  - G. **USDA FOREST SERVICE**
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**END OF CONSENT AGENDA**  
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**5. APPROVAL OF MINUTES: MARCH 30,2009.**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Calvert, to approve the minutes of the meeting of March 30, 2009, as presented.

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

**CONSENT CALENDAR DISCUSSION**

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At the time Item #7 was to be considered, Mr. Toler was not in attendance, and Chair Ortiz asked Councilor Chavez if he would like to defer this item until someone from the Community Convention Center is in attendance.

Councilor Chavez said he knows Christine Madden is a former employee, and he doesn't necessarily question the merit in an outside contract such as this one. However, it begs the question of what current staff is doing.

Councilor Chavez said he asked Keith Toler to draft a list of bookings going back 1½ years – name of group, type of event, number of guests, overnight and such. He said Mr. Toler provided a hard copy of the information, but he believes this information needs to be in the Committee packets.

Chair Ortiz asked Councilor Chavez how he would like to proceed.

**MOTION:** Councilor Chavez moved, seconded by Councilor Wurzburger for purposes of discussion, to postpone this item until such time as Mr. Toler can do the presentation with the information which he [Councilor Chavez] has now, included in the Committee packets for all of the Committee members.

**CLARIFICATION OF THE MOTION:** Councilor Wurzburger asked if the postponement is to the next meeting or until Mr. Toler arrives at the meeting.

Councilor Chavez said he would like to postpone to the next meeting, but it will depend on Mr. Toler's schedule.

Chair Ortiz said the next meeting is May 4, 2009, and he sees nothing time sensitive about this.

Councilor Chavez said he won't be at the meeting on May 4<sup>th</sup>.

Ms. Griego said she understands Mr. Toler is on his way to the meeting, so it could be postponed to later in the meeting.

**FRIENDLY AMENDMENT:** Councilor Chavez would like to amend the motion to postpone this item until later in the meeting when Mr. Toler arrives. **The amendment was friendly to the second and there were no objections by the other Councilors.**

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

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**12. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ST. FRANCIS TRAIL DESIGN SERVICES; PB AMERICAS, INC. (LARRY PACHECO)**

Councilor Chavez said the Acequia Madre Trail, behind the School for the Deaf and B.F. Young, has a natural riparian area next to the Acequia. Part of the scope of services asks that this area be thinned. He said there is native grass there which can't be cut too short because it kills the root system. He said there were apricot trees there as well which were cut down along with the Chinese Elm. He said we can learn from these experiences and not repeat these mistakes in the future. He said, however, 90 percent of what we're doing on that trail is necessary, and we're just missing the 10 percent. He appreciates the work which has been done, and believes the neighborhood and the community will appreciate the work once it is completed.

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

**DISCUSSION:** Responding to Councilor Wurzburger, Robert Romero said this is a design contract and he believes the firm is out of Albuquerque and doesn't know if they still have an office in Santa Fe.

Councilor Wurzburger said she continues to be concerned that we are awarding large contracts, \$100,000 or more, to people in Albuquerque. She can't support this contract without assurance from staff that GRTs are being paid locally and there is no Santa Fe firm that could do this work, given the current economy and that many firms in Santa Fe are going out of business.

Councilor Chavez said staff is working on this, and this issue hasn't been ignored and this is the best that we can do.

**VOTE:** The motion was approved on a voice vote, with Councilors Chavez, Calvert and Dominguez voting in favor of the motion and Councilor Wurzburger voting against.

**15. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PROJECT MANAGER FOR DANCE FACILITIES; NATIONAL DANCE INSTITUTE; NEW MEXICO, INC. (DAVID CHAPMAN)**

- A. CUTLER REPAVING, INC.
- B. ASSOCIATED ASPHALT & MATERIALS

Councilor Chavez asked if this is to expand the existing facility at La Madeira/Alto, and Mr. Chapman said this is correct.

**MOTION:** Councilor Chavez moved, seconded by Councilor Wurzburger, to approve this request

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

**7. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT OF PROFESSIONAL SERVICES AGREEMENT – SELL AND REPRESENT THE CITY OF SANTA FE, SANTA FE COMMUNITY CONVENTION CENTER AND ALL CITY ATTRACTIONS AND SERVICES TO THE ASSIGNED MARKET; CHRISTINE MADDEN. (KEITH TOLER)**

Councilor Chavez said understands this PSA is proposing to hire Christine Madden under a PSA. He doesn't think this is necessarily bad to go in this direction. However, it does raise the question about what current staff have been doing. He said Ms. Madden has "proven herself," and one reason to bring her back.

Councilor Chavez said he requested information from Mr. Toler regarding bookings, the name of the group, type of event, number guests, whether or not there are overnight hotel rooms, and Mr. Toler furnished this information, noting it isn't in the packet. He believes this information should be provided to the other members of the Committee.

Councilor Chavez talked about the process of booking space at the Convention Center, including follow-up. He said in Mr. Toler's summary, he should indicate the staff person who was the first contact and who is responsible for follow-up.

Mr. Toler said now that we have the new Customer Relationship Management software system, that is all tracked in the system. What he provided to Councilor Chavez at his request, shows all the bookings to date. Under the new system, he can track who is responsible, who follows up on a lead, who services the lead once it is business.

Councilor Chavez would like the summary he was provided to be updated with that information.

Mr. Toler said he can modify it for business going forward, because they haven't entered old, past business into the system.

Responding to Councilor Chavez, Mr. Toler said what he provided to him is a manual report which was generated. He said going forward he can indicate staff responsibility, but not for the previous business. He can take the existing report and manually enter that information based on his best guess of who booked the business and how it came in, noting it probably would be 98% correct.

Councilor Chavez said at this time it is difficult to agree to this PSA without knowing and being able to evaluate what staff has been doing to date, and asked if we will continue to hire PSA's and keep the same staff level.

Mr. Toler said the contract is part of the investment and it is a one year contract to have representation on the east coast so we can move forward and generate additional leads out of Washington and New York for group bookings coming into Santa Fe that would mean "city-wides and room nights."

Councilor Chavez said he understands that. His question is why we can't do that with existing staff.

Mr. Toler said we have two sales people who are trying to do everything, noting hotels have 15 sales people, and we're trying to cover the entire United States and Canada with only two people. He said in addition to this contract, he is also looking at another contract for a smaller amount for a firm to represent the City in Colorado, Utah and Nevada, commenting this hasn't come before this Committee yet.

Councilor Chavez said without seeing a complete list, it is a hard sell for him. He said two weeks ago there was a group of anthropologists in town, commenting that we talk a lot about keeping the money in the local economy, and buying locally and we need to do that. He said during the week of the Anthropology convention there were no demonstrations and the community gallery was closed during the noon hour. He said we spent \$500,000 on a four-day Creative Tourism Conference to learn what we already know, which is that cultural and heritage tourism is something people are interested in. He said it doesn't fall entirely on Mr. Toler, but somebody needs to start connecting the cots. Councilor Chavez said he needs the additional information, and he can't support this PSA at this time.

Responding to the Chair, Mr. Toler said Ms. Madden left City employment in July 2008, and she now lives in Florida.

Chair Ortiz said Mr. Toler gave different points for us to consider to justify a sole source procurement, and asked if these points, which are general in nature, are the basis for a sole source determination, and if Mr. Toler can't RFP for a clear understanding of Santa Fe venues and for Convention Center capacities.

Mr. Toler said he could issue an RFP, but it would take time to "bring someone up to speed on all of the institution knowledge that Chris Madden has. Because, we're not only talking about selling the Convention Center, we're talking about 243,000 sq. ft. of meeting space throughout the City and the County. She knows all of that space intimately, and trying to bring someone up to speed on all of the event space and the different hotels would take quite some time. So you wouldn't have anyone who could hit the ground running and selling."

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

**DISCUSSION:** Councilor Chavez said he is still asking for this report from Mr. Toler to be part of this PSA and part of any future presentation from the CVB.

**VOTE:** The motion failed on the following vote: Councilors Calvert and Wurzburger voted in favor of the motion, and Councilors Chavez and Dominguez voted against the motion. The resulting vote was a tie, and Chair Ortiz voted against the motion to break the tie, and the motion was defeated.

Chair Ortiz said [to Mr. Toler], "There's a negative recommendation coming from the Finance Committee on this, so if it goes forward to Council, I'd hope you'd have this information apparently you gave to Councilor Chavez... have it updated and have it in our packets so we can all see it."

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**END OF CONSENT CALENDAR DISCUSSION**

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## DISCUSSION

**28. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER NEGOTIATIONS WITH THE COLLEGE OF SANTA FE, THE CREDITORS OF THE COLLEGE AND THE STATE OF NEW MEXICO, TO DEVELOP A PLAN THAT WOULD PROVIDE FOR CONTINUED OPERATION OF A HIGH QUALITY ARTS AND LIBERAL ARTS PROGRAM AT THE COLLEGE OF SANTA FE. (DAVID MILLICAN)**

A copy of a the proposed resolution is incorporated herewith to these minutes as Exhibit "1."

Chair Ortiz said the proposed Resolution wasn't in the Committee packets, and was put in the Council boxes and on our desks about 1:00 p.m.

Chair Ortiz said the Committee has received emails indicating that the Mayor has a plan to float a bond proposal to save the College of Santa Fe, but that isn't in the Resolution. He asked Mayor Coss what the Committee is being asked to do.

Mayor Coss said he has been working a very tight time frame since the Legislature ended without taking action on HB 577. He said the proposed Resolution asks the City Council to give authority to the City Manager and the Finance Director to come up with a plan to do a bond issue, a revenue bond, which could be used to refinance the debt of the College of Santa Fe, and a plan to make it an ongoing institution in Santa Fe. He said this is not a resolution to vote on a bond, but to authorize the City to put a package together.

Chair Ortiz asked the estimated timeline on when the Council would see a specific plan for a revenue bond issue and a plan with our partners in this endeavor to save this property.

Mayor Coss said the timeline is measured in 60 day increments – 60 days to develop a plan and then 60 days to start moving on putting a bond sale together. He said everyone wishes we had more time. He said we should be ready for a next step in about 60 days.

Mr. Millican said the negotiation of a transaction and presentation to the Council addressing its concerns would take 60-90 days, and if the Council found a plan which was acceptable, it would take another 60 days.

Councilor Chavez said he understands a dollar amount has been discussed, a range which is part of the financial package. He asked if it would be in our best interest to have some kind of range, so people know what we're investing in and the dollar amount we would be expected to invest in that facility.

Mayor Coss said he believes the total dollar amount of how large the general revenue bond would be and what shape it would take, is best left to negotiations and presentation of a plan. He said it is well known that the current debt level of the College of Santa Fe is about \$35 million, and it would be the subject of talks with the debt holders.



Councilor Chavez said he believes the dollar amount is the benchmark, and we shouldn't go into this with our eyes closed or with any unrealistic expectations. He said we need to know what we are negotiating for and what it will cost, and believes we need this information up front.

Councilor Coss said the upper limit or total indebtedness is about \$35 million.

Councilor Calvert said lines 6 and 15 on page 3 of the Resolution indicate that no significant City resources would be needed, and he would like more clarification as to what this means. He understands the City would be limited to staff or administrative resources in support of this effort, and asked Mayor Coss if this is his understanding as well. He would like to include language in the Resolution which makes it clear that we aren't putting ourselves at risk for more debt, noting we are going into budget negotiations which are difficult.

Mayor Coss said that is the idea. He said in asking the Council to authorize this, he realizes when Galen Buller's time or David Millican's time are used that those are real administrative costs, and he wanted to make sure this is discussed when issuing a revenue bond, and in addressing operating costs. He said the idea he is working with is that those are zero costs to current City budgets and programs, or "not significant." He believes the City isn't in a position to be cutting \$13 million from the budget and then increase this operating cost. The idea is to make that a zero net cost and this will be the plan he will be working toward. He said there are administrative costs in having the City work on this.

Responding to Councilor Calvert, Mr. Millican said, "I think that the term 'significant' was really intended to talk about what the Mayor just described. Some of the most difficult issues we are going to run into are going to be negotiation issues that will require senior staff members to participate. The only costs that I could think of that could be required, could be costs associated with determining values in order to come up with appropriate lease levels, appraisal type costs or legal advisory costs. Those would not be considered to be significant. But, in order for us to make sure that we have a transaction that would be fair and appropriate for the City of Santa Fe, some of that information would be necessary, and that certainly that falls into administrative effort, but not necessarily effort that could be done in house."

**PROPOSED AMENDMENT:** Councilor Calvert would want to amend the Resolution to provide that the assistance is limited to administrative costs and incurs no debt to the City.

Councilor Dominguez said he had the same question. He asked if there are other costs we might have, other than City administrative costs, to pursue this. Will we pay counsel to open negotiations with regard to other resources we have to move forward with this.

Mr. Millican said, "The operating premise that the City Manager and I have used in discussions with the Mayor are, that because of the City's budget situation, that it could not commit to significant costs, other than the cost of putting the deal together and finding the partners who would provide revenue sources to repay the debt. At this point, there is nothing in the intent of the resolution, nor in our discussions throughout that would lead us to need to commit resources that would otherwise affect the budget. Is that the point that you're after?"

Councilor Dominguez believes Councilor Calvert's recommendation covers it.

**PROPOSED AMENDMENT:** Councilor Dominguez said we need to include in the Whereas some of the information which has been provided to ensure that whatever debt that the College of Santa Fe is in is articulated in the Resolution, so it's not something that is obtained by the media or by hearsay.

Mayor Coss said he would be happy to have this as an additional Whereas in the Resolution.

Councilor Dominguez said the Resolution provides that the City Manager will provide regular briefings to the Governing Body, and wants to know what those will be. He said a lot of stuff has been presented, negotiated or talked about, which is the first some members of the Governing Body have heard. He hopes the City Manager will do a very good job about briefing the Governing Body about what is happening, and we don't have to get information via the media, or hearsay, and that information will come directly from the City Manager or the Mayor. He would like this to be done on a timely basis, so he can better explain this to his constituents.

**PROPOSED AMENDMENT:** Councilor Dominguez would like the Resolution to provide "regular and direct communication on a weekly basis."

Councilor Chavez said, although the Resolution is doing something unique, it isn't that much different from other Resolutions directing staff to do something. He believes we should ask the amount of staff's time in doing what a Resolution directs them to do in terms of fiscal impact.

Chair Ortiz said Councilor Calvert wants clarification that the Mayor has confirmed a zero or *de minimus* financial impact in a Be It Resolved Paragraph. He said Councilor Dominguez wants language which clearly and unequivocally articulates the debt of the College of Santa Fe and what we are giving the City Manager authority to negotiate for. He said Councilor Dominguez wants language which talks about the City Manager giving the Council regular and direct communication at least weekly on the negotiations. He said these changes are meant to clarify the Resolution.

Councilor Chavez said Councilor Calvert asked if we are tracking staff time and if that is part of the fiscal impact and part of significant cost or using City resources. He believes this should be tracked.

Chair Ortiz said he didn't hear this as a proposed amendment to the Resolution.

Councilor Chavez said he is suggesting that it be an amendment to this Resolution, and this be a standard practice.

Chair Ortiz said the requirement for an FIR is by ordinance, and we need to change the ordinance to be sure what it covers. He said if Councilor Chavez wants to broaden this to all Resolutions, we can discuss that. He said we aren't treating this Resolution any more special than any other Resolution.

Councilor Chavez said the level of work and expertise which might be involved at some level is higher than that for other resolutions. He said tracking staff time should be part of any FIR.

Chair Ortiz said the argument is either that this resolution is unique and requires a particular and special expertise that would require it, because of that, to have impact on staff. He said these negotiations will be unique, and the City Manager, City Attorney and Finance Director are going to be consumed by those, and it takes them away from their jobs of presenting us with a balanced budget. He understands, because it is special and unique, we need to have a fiscal impact on what that's going to cost. He said however, if the argument is that this is a resolution like every other resolution and we should treat all resolutions the same, all resolutions should have a fiscal impact of staff's time, that is at cross purpose on the argument.

Councilor Chavez said it is a little of both, because by nature, a FIR should include staff time as we are asking this resolution to do, noting all resolutions will involve some staff time to execute the resolution.

Councilor Romero said she agrees with Councilor Dominguez on the issue of communication, which is an institutionalization of that communication which is regular and direct. She said because this is of a different magnitude, we are looking at it differently, and she encourages the Mayor and City Manager to keep the lines of communications open. She said the College of Santa Fe isn't going to be what it was and this is something new and a whole new situation. She wants updates on a regular basis with no surprises anywhere and in any media.

Mayor Coss said he just spoke with Mr. Buller, who suggested the best way to have direct and regular communication would be through regular Executive Sessions at the Council meetings.

Councilor Wurzbarger said she is happy the Resolution is now before the Council which is where it should be. She said the appropriate forum is the Council. She agrees with the comments about communications, but for this to work, we are going to have to move this forward as a Council, and different Councilors need to be involved at different times. She said the staff can't do all of this. She said, because of the budget process, we can't possibly do this within the next 2-3 weeks, and believes the timeline being discussed now is more realistic. She hopes there is a consensus with the hierarchy of objectives, and that it is important for the City and community to take control of these assets so it doesn't go into bankruptcy or become another opportunity for a random development, as opposed to a planned development that the City can accept and control. She said right now it is important to come to the table and find the numbers, so we can do a true assessment as to whether or not we have the ability to do this.

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve this request with 3 amendments, and she will assist with the specific language after the meeting, as follows:

- (1) The Resolution lists not only the College of Santa Fe debt and administrative costs, but that it also provides the numbers with respect to the deferred maintenance which needs to be recognized in the financial plan;
- (2) To have direct briefings weekly on this matter, and not necessarily in Executive Sessions and updates could be made by email; and

- (3) Clarification as requested by Councilor Calvert on page 3, lines 6 and 15, by deleting "significant" and provide that "direct financial contributions by the City will not be required."

**DISCUSSION:** Mayor Coss thanked the Committee for its attention this evening, and thanked the College President for attending this evening. He agrees that the Council and community have to do this for it to work for an institution like the College of Santa Fe. He thanked the students, faculty, staff and alumni of the College and the community members who provided input. He thanked Governor Richardson and the task force members for their support.

Councilor Wurzbarger said, with regard to staff working on this during the budget time, there also are community leaders available to give us some very savvy advice with respect to negotiations, commenting that we won't be able to negotiate this alone. She said this will be a community driven effort.

Councilor Romero asked to be added as a cosponsor of the Resolution.

Chair Ortiz said this Resolution will go forward to the City Council for passage on April 29, 2009.

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

## **29. DISCUSSION OF SIX-MONTH REVIEW OF RAILYARD PARKING PROGRAMS:**

### **A. REQUEST FOR APPROVAL OF PARKING RATE CHANGES ON SATURDAY AND SUNDAY AT THE RAILYARD. (BILL HON)**

A copy of the Action Sheet on this item from the Public Works/CIP and Land Use Committee meeting of April 6, 2009, is incorporated herewith to these minutes as Exhibit "2."

Mr. Hon presented information regarding this matter from his Memorandum of March 16, 2009, which is in the Committee packet.

Council Chavez wants the numbers and cost to the Parking Division of providing the shuttle service to the public.

Mr. Hon said they have amortized the cost with the purchase of the vehicles and the maintenance and fuel costs to approximately \$250,000 annually, including the personnel. He will put that information in the packet before it goes to the Council.

Mr. Hon noted there are lockers to accommodate people bringing bicycles on the Rail Runner, but those haven't been put on site because there isn't a location at this time.

Chair Ortiz said we also have to have 2-3 other stations where people can drop their bicycles, similar to the model in Washington, D.C., where you can rent a bicycle in one place and turn it in somewhere else, and hopes the RFP contemplates this possibility as well.

Mr. Hon said this is addressed and it is also addressed in the Zip Car and the Car sharing programs, which are designed for people to pick up a bicycle in one location and drop it in another location, such as where they end their destination, and then somebody can pick it up there and bring it back.

Responding to the Chair, Mr. Hon said the proposed rate increase to \$2 per automobile, 6:00 a.m. to 6:00 p.m., on Saturday and Sunday, is only at the Railyard Parking garage.

Councilor Wurzburger said Mr. Hon has the most "lose-lose" job of anyone in the past six months, and thanked him for his "heroic" efforts to try to make this work. She asked if the Committee approves his recommendation, does this mean we are looking at a loss of \$167,000 in addition to the \$524,000 in anticipated revenue, and asked how those numbers fit together.

Mr. Hon said no, these numbers are separate. He said the projected revenue for this FY year is \$540,000, but we are only at 16% of that projection currently, and probably will hit only 20-25% by the end of the year. He said \$167,000 is what we would lose if the Sandoval Garage and the Water Street Lot were to be incorporated.

Councilor Wurzburger asked, if we accept this recommendation, will we still receive the \$540,000, and Mr. Hon said this is correct.

Mr. Hon said basically he is trying to create an effort so as to not lose any more money and make it more user friendly for people to use the parking at the Railyard.

Councilor Wurzburger asked if there is a plan to recoup the \$540,000.

Mr. Hon said there is a daily working plan to make that up.

Mr. Millican explained that they have been focusing primarily on the General Fund. He said they have been talking with Mr. Hon about the Parking Fund, and Mr. Hon has said he anticipates the cash balances in the Parking Fund will be depleted by the end of 2010, and we will need to look at rate increases in subsequent years.

Councilor Calvert said it seems the biggest problem at the Railyard is the non-use of the parking garage itself, and asked Mr. Hon if he compared the use of surface parking with that of the parking garage.

Mr. Hon said he did. He said since the parking garage opened, the 400 spaces have produced an average of about \$40,000 annually. He said the surface meter net revenue is \$38,258 year-to date. He said the usage at the Railyard is about 50-50, noting the parking garage rates are \$1.80 per hour and \$1.00 per hour at the meters, so the meters are being used twice as much as the parking garage.

Councilor Calvert proposed, instead of charging \$2 all day Saturday and Sunday for all parking on the Railyard, to make it \$1 all day Saturday and Sunday in the parking garage, but that the surface parking stay at the regular weekly rates, and during the week, the daily maximum at the parking garage be capped

at \$5 which would make it much more attractive for long term parking than the surface parking spots. People could then have their choice.

**MOTION:** Councilor Calvert moved, seconded by Councilor Wurzbarger, to move this forward with the proposed changes: charge \$1 for all day parking on Saturday and Sunday in the parking garage, but the surface parking stay at the regular weekly rate, and during the week, the daily maximum at the parking garage be capped at \$5

**DISCUSSION:** Chair Ortiz asked Mr. Hon where he got these numbers, and if they came from Public Works.

Councilor Calvert said the numbers didn't come from the Public Works Committee. He said he has had discussions with staff about where the shortfall is happening, and it is coming basically from the parking garage. He is trying to create economic incentives and disincentives in parking. He said Mr. Hon can say whether this makes financial sense, saying he is working with the staff as well as working to accommodate the public's interest to have a bargain rate.

Mr. Hon said the national standard is that on street parking should be more expensive than off street parking. He asked for clarification that he is suggesting the \$1 rate on Saturday and Sunday in the parking garage, but surface meters would remain at the same price at \$1 per hour. He noted currently the rate is \$1.80 per hour with a \$9 maximum, and the proposed cap is \$5 with the rate to stay at \$1.80 per hour.

Councilor Calvert said yes, he is trying to encourage long term parking to the garage, but Mr. Hon should tell him if that needs to be changed.

Mr. Hon said no, it was just a point of clarification.

Councilor Dominguez said he has no objections, but wants an analysis done as to the impact on the City and on the businesses, citizens and visitors.

Mr. Hon said he can make projections based on the current ticket sales at the proposed rates.

Councilor Calvert said that might not give an accurate picture, if you're trying to change the behavior of where people park, because if that is successful, then the numbers won't be reflective of that.

Mr. Hon said 41 tickets are sold daily, at \$1.80 per hour, at the underground parking garage.

Councilor Dominguez asked if we need to go higher.

Mr. Hon said we don't know because we are not getting any all day ticket sales, and those are just hourly ticket sales at \$1.80 per hour.

Councilor Chavez we have to look at the net loss in each proposal as well.

Mr. Hon said yes. He said he will need to project what can come forward, because of the summer season. He said there are a lot of upcoming events at the Railyard – El Museo, Site Santa Fe, Warehouse 21. It will be very difficult to estimate what the rate change would do to the revenues based on the upcoming events in the summer. He said in May, the Flying Star restaurant will be opening, and new shops will be opening in the Marketplace Station as well. He said it is a guess as to what impact these will have on the use of the garage and the meters.

Councilor Chavez said the reshuffling could result in the loss of revenue as well and needs to be factored into the situation.

Councilor Wurzbarger thanked Mr. Hon for thinking creatively about this.

Councilor Calvert said, if these changes take place, we definitely are going to have to communicate them to the public through advertisement and such, or we won't be successful.

Chair Ortiz said these changes need to be fleshed out and developed as this moves forward to the Council.

VOTE: The motion was approved on a voice vote, with Councilors Calvert, Dominguez and Wurzbarger voting in favor of the motion, and Councilor Chavez voting against.

**30. REQUEST FOR APPROVAL OF POLICY OF CONVENTION/COMMUNITY CENTER REGARDING REQUIREMENTS FOR LOCAL, EDUCATIONAL AND CIVIC ORGANIZATIONS TO PROVIDE SECURITY FOR THEIR EVENTS. (KEITH TOLER)**

Chair Ortiz said he requested this information via email when the April 8<sup>th</sup> Council meeting was canceled and thanked Mr. Toler and staff for providing this information to him so quickly. He said in the past there was an unwritten practice which allowed educational groups, civic groups and community groups to choose their own security for their event, noting it was a cost consideration. He said since the new Community/Civic Center has opened, it has taken the position that it is a sole source, and everyone has only one choice, which is to use Chavez Security, with which the City has a contract.

Mr. Toler said there has been feedback about the price being charged by Chavez. He said it is a huge facility of 70,000 sq. ft. and many hiding places for people. He said if a company doesn't know where the hiding places are and the lockup procedures, it could be difficult and even unsafe for people coming in, especially in the morning if people are in the Center overnight. He said the people who have used Chavez Security have given positive feedback on Chavez's performance. He said he feels good about the service Chavez provides to the Center's customers. He said the big issue is the parking garage and that was deemed as a sole source by the City Council. He said he amended the contract to have the Center's security guards to be a part of that contract, and it was still deemed as a sole source.

Chair Ortiz said he recalls that contract, and it was not articulated and was passed on consent. He said there is a cost difference. He said past practice was that as long as companies were vetted and

approved by staff, they could come with their own security company. He said with this policy, the City is in the position of acting as the agent for the sole source, Chavez Security, and he is not comfortable with that position.

Mr. Toler said a local group could be in the Center with another group at the same time. In that case, if one group has alcohol, then everybody has to use the same security company "as dictated by the New Mexico Alcohol and Gaming Office." He said Chavez has been very good in working with local groups to try to minimize the expenditures to stagger when security guards arrive, based on when we anticipate the arrival of the groups. He said they are actively involved with each client to determine the best way for them to provide the service at the best price.

Chair Ortiz said that is a good pitch for Chavez Security.

Mr. Toler said staff indicated they had real problems at the Sweeney Center with other firms, because they didn't show up and there was no consistency. He said he feels strongly that Chavez is a good choice for us.

Councilor Chavez said the issue about affordability for local use of the Center is valid. He said he has been informed by a few people that they can't afford the cost of the package deal for the use of the facility and security – all of the things that go with a wedding. He said it is cost prohibitive for many people, and cheaper for the family to go to the other places such as the Eagles, Elks or other nonprofits that have large dance halls and the kitchen area. He said the question of cost needs further discussion, but it isn't just in providing security for an event.

Chair Ortiz said he ready to have that discussion. He said for years, Alumni Hall at the College of Santa Fe has been used as an event gathering place. The College is now telling people they have to find other space because of the uncertainty of the future of the College of Santa Fe. He said we are losing that venue, and the new Civic Center is sticking locals with high costs on a number of things, and the locals don't have an opportunity to hold their events in the Center, which is a shame. He is ready to have a discussion about the rates, noting the budget is coming forward and this evening may not be the best time to discuss cost cuts. He said the Center isn't just for tourists, it is also for local groups.

Mr. Toler said locals are already getting a 40% discount on the standard rate to use the Center, which doesn't include security, but does include the rental and the equipment charges. He said the standard rate is 19¢ per sq. ft., and the locals are getting the space at 11¢ per sq. ft.

Councilor Chavez said he guesses this is good news, but on a scale of economy, unfortunately there are some who can't afford even that, commenting that this may be the reality.

Mr. Toler said we don't want to compete with the Elks Lodge and other such organizations, noting they need that revenue. He said if you put us in a "price comparison" with the other entities, then surely they "choose the newer venue," and you will be taking business away from the other organizations.



Chair Ortiz said St. Michael High School, noting he is a 4<sup>th</sup> generation graduate, is celebrating its 150<sup>th</sup> year anniversary and is having its events at Buffalo Thunder.

Mr. Toler said Buffalo Thunder can offer free room space because of the catering and room nights it will generate, while the Center only has space to sell to generate revenue.

Councilor Ortiz said St. Michael's in the top tier in his book, in terms of community, civic and educational organizations, and those need to be factored in.

Mr. Toler said he did offer St. Michael's the 40% discount.

Councilor Wurzburger said the question for her is if it is possible to do some negotiations for a discount in security costs for locals, so that we don't change sole source. She would like a discussion to see if this would be possible, and it would be an attempt to respond to the issue from the community. She asked if this Committee would like to give direction to see if this can be explored.

Mr. Toler said he has had preliminary conversations with Councilor Chavez on this topic, and the \$30 per hour they charge for security, is based on the amount of training they have to fund, noting the sole source requires this. He said Chavez is looking at the dollars it is investing in these kinds of training programs.

Councilor Wurzburger wants to look at ways to shift some of the burden, such as charging \$35 for others and \$25 for locals. She said it is a way to acknowledge that there is an issue, and to see if there is another way to do this.

Mr. Toler said he will have these conversations again with Chavez Security.

Councilor Wurzburger said this would be her request.

Councilor Chavez believes it would worth having a discussion on the definition of sole source. He finds it had to believe that it means that this is a very special field and nobody else can provide security. He believes we need to go back to Chavez and request a local rate, or try to identify other firms which would be sole source that would be willing to work with the smaller groups and provide the same level of service and training which is required.

Chair Ortiz said that is what we did in the past. We had a list of providers, and people renting space could have their own security agreement with the security firm of their choice. He pointed out that City staff generated that list, and now may be saying some shouldn't have been on the list. He said this is an appendage to a sole source for parking. He said this is a monopoly and he doesn't support that.

Responding to Councilor Chavez, Mr. Toler said there are now 13 caterers.

Chair Ortiz said in view of these economic times, with the problems it is having, you would think it is a good time to enter into a renegotiation to get the costs down.

Mr. Toler said the contract is with Parking, and the Center doesn't have a contract with Chavez.

Councilor Dominguez said he isn't interested in negotiating or determining whether Chavez has the means, and he is sure it is a reputable company and does the best job it can. However, this is primarily a community of options, and in this case, we're not giving any options. We are leaving it to Chavez Security to provide the best deal it can for people who want to use the space, which isn't necessarily a position he supports. He said organizations have contacted him and said because of that inability to choose, and the mandate being imposed by the Center, they are looking at other options. He said the way the policy is written, it isn't fair. He agrees with the Chair that if we want to be inclusive, we need to be able to provide options to people.

Councilor Dominguez appreciates that Chavez has the expertise and training. He asked if this is the only company that goes through this training.

Mr. Toler said it is his understanding that Chavez Security was the only company which met the criteria listed in the Memorandum.

Councilor Dominguez asked if this is the only criteria to be met in the facility.

Mr. Toler said it is for the sole source, saying it is with or without alcohol, saying he wants a certain level of professionalism with security that is provided in the Center. He said all we have is our credibility and a positive customer experience. He said if we have a security company in the Center which will provide less than stellar security, it will diminish the overall service level provided at the Center and the customer satisfaction level.

Councilor Chavez notes that it says that there were very specific criteria set for the security company, and asked who sets the criteria, and how that criteria is set.

Mr. Toler said that might be something Robert Rodarte could answer.

Councilor Wurzbarger said, after listening to the discussion, perhaps it does make sense to look at the criteria and if it can be differentiated. She said you could argue that you don't need the same level of security at \$30 per hour if they're not serving alcohol. She said we might want to separate out having our own security that checks to see that people aren't hiding which would be separate from crowd management other things. It's not all the same level of security, and we want breaks based on the actual services which are performed. She wants to be sure the Center is protected, but she believes the costs could be broken out, and we should look at other opportunities to provide "lower level" security services.

Chair Ortiz said we may want to relook at the Chavez contract itself, which hasn't been done in some time. He said as he recalls the discussion on this contract, it was for ease of convenience for the Civic Center that was opening, that we just did an amendment to the sole source contract for the parking facility to include the convention center. He said now that the Center has been in existence for some time, we should review it and see what is right and what is not, like we've done with the Railyard. He said there are groups who have been in this community a lot longer and have a lot of experience in commitments in

this community, who are telling him that is that the price point for them is the security contract and the inflexibility of the Civic Center to accommodate them, and they are looking for other venues outside the City for civic events. He said, in addition to being distressing, it is a direct contradiction to the representations that were made to us before Sweeney was demolished, before Mr. Toler came. He said we were told, unequivocally, that this Center is for us and the people who have been using it for years and they won't be squeezed out of the new facility. He said, "Well, they're being squeezed out."

Mr. Toler said he believes it's not just the security, it is the security deposits they have to pay, and believes it extends beyond it. He said, "I don't think that a \$1,000 cleaning and damage deposit is unreasonable for any group coming in, if they're going to get it back."

Chair Ortiz said then, as a part of the budget process as we look at the Civic Center budget, or after the budget is done, we can reexamine all the fees and then we will set up the tiers which City staff would abide by. He is willing to have this discussion which is long overdue. He asked if this is Mr. Toler's recommendation.

Mr. Toler said this is not his recommendation. He if you have set fees, then you have to adhere to those and there is no negotiation, and staff has no flexibility with the fees.

Chair Ortiz said then staff has flexibility with the fees.

Mr. Toler said yes, it is written policy, and clearly stated in the booking policy.

Chair Ortiz said then perhaps we do need to have that discussion.

Councilor Chavez said it could be included with the other questions on booking.

**MOTION:** Councilor Dominguez moved, seconded by Chair Ortiz, to approve a policy which allows local educational and civic organizations to be able to choose a security company which meets the requirements which are imposed on them.

**DISCUSSION:** Councilor Dominguez wants to give people a choice and doesn't want a mandate because it is part of the criteria that was set for the security company.

Mr. Toler said, "Just as long as you know, there is no choice when alcohol is involved, as long as the Parking Garage has that contract. There's no choice."

Chair Ortiz said there could be choice if there is no alcohol involved.

Mr. Toler said this is correct, unless there is another group in the building serving alcohol, and the non-alcohol people still have to go with Chavez Security.

Responding to Councilor Chavez, Councilor Dominguez said his motion is to allow people a choice to choose a security company when no alcohol is involved, for local educational and civic organizations. He understands there are larger issues which need to be resolved.

**FRIENDLY AMENDMENT:** Chair Ortiz would like to amend the motion to include that those choices will be considered as a part of this more comprehensive review of all of the costs that Councilor Chavez related. Councilor Dominguez said it doesn't have to be THE answer. Chair Ortiz said it doesn't have to be THE answer, but it could be consistent as a part of the larger discussion which Councilor Chavez requested of the total booking policy on all of the fees. **The amendment was friendly to the maker, just as a choice, and there were no objections by the other Committee members.**

Councilor Chavez said it also begs discussion of the sole source designation and the list of criteria for the different types of events. He asked if it makes sense to pay security guards \$30 an hour to provide security to the building 8:00 a.m. to 5:00 p.m., Monday through Friday, when nothing is happening except normal business.

Mr. Toler said \$30 isn't the price, and this is the reason they are in the Parking Garage contract with the officer. He said they negotiated a price for all of the parking garages which is \$21 per hour. He said that is totally separate, a budgeted amount for when nobody is in the building.

Councilor Chavez said then there already is a range there.

Chair Ortiz said none of this is a part of City Policy, because we've never had policies, so the larger discussion may touch on the security fees, give us different options, and discuss the sole source requirements as well as many other things.

Responding to Councilor Chavez, Mr. Toler said Chavez Security provides security 8:00 a.m. to 5:00 p.m., at the parking garage rate. Mr. Toler said, "What they charge for that \$1.2 million contract, the hourly rate is certainly going to be lower than someone who's coming in to book security for two hours. The other issue here is that we recommend one guard per 100 people when alcohol isn't involved. But, when you have a group of doctors in there meeting or a group of school kids, you don't necessarily have to have that. That's why we say recommend. The only thing that we require is when alcohol is served to meet the New Mexico Alcohol and Gaming."

Responding to Councilor Chavez, Mr. Toler said one guard is required 8:00 a.m. to 5:00 p.m., because the building is open to the public and people can get in and hide in the restrooms, or get into the kitchen area and turn on the gas. Security is needed to see who is coming and going.

Councilor Wurzbarger would like to go back to the idea of looking at differentiation of the functions, and then see where choices can be given.

Councilor Dominguez said the intention is that it becomes an option as we have this discussion.

Councilor Wurzbarger said she is comfortable with that.

Chair Ortiz said this is the reason he amended the motion to have other discussions which he believes could result in additional savings.

Councilor Calvert asked when we are going to have this discussion – pre or post budget.

Chair Ortiz said it is part of the budget discussion, and that discussion can be started now as part of the budget discussion when Mr. Toler comes before this Committee in May.

Mr. Toler asked if the Committee wants to discuss rates at the budget meeting.

Chair Ortiz said yes.

Mr. Toler said, in the past, the Committee members have been given a copy of the policies and procedures along with the booking policy, and asked if they would like to have that information again. He noted the only change, regarding security, is that he changed the word "require" one per 100, to "recommend" one per 100 to give more flexibility.

It was the consensus among the Committee that Mr. Toler should have that information readily available at the budget hearings.

**CLARIFICATION:** Councilor Chavez clarified that the amendment includes a discussion of the fee schedule, the booking policy and the sole source justification and criteria.

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

### **31. UPDATE ON FISCAL YEAR 2009/2010 OPERATING BUDGET. (DAVID MILLICAN)**

A copy of a communication from AFSCME Local 3999, with attachment, entered for the record by Chair Ortiz, is incorporated herewith to these minutes as Exhibit "3."

A communication to "Counselor," entered for the record by the Committee Chair, is incorporated herewith to these minutes as Exhibit "4."

A n untitled communication questioning certain expenditures and proposed cuts, entered for the record by Councilor Dominguez, is incorporated herewith to these minutes as Exhibit "5."

The Committee discussed the proposed budget process, and the Committee and staff commented as follows:

- There will be all day budget hearings on May 4 and May 14, 2009, with the regular meeting of May 18, 2009, as a wrap-up date for the budget.

- Councilor Chavez will be absent on May 4<sup>th</sup>, and he will meet with staff to stay up to date. Chair Ortiz said Councilor Chavez can ask any follow up questions on one of the other hearing dates.
- On May 4, 2009, the main focus will be those departments with the cleanest or less thorny issues – those less vulnerable to drop in revenues, and the more problematic or larger departments, on May 14, 2009 – those more vulnerable to the drop in revenues.
- Mr. Millican said the departments with 5% cuts will come early in the budget process – Police/Fire/Municipal Court, although there will be a mix of 10-15% at each meeting, including looking at the departments with enterprise funds. The Committee packets will be available as soon as possible, probably the Friday before the meeting.
- Councilor Dominguez said there is unfinished business with Community Services and what it was preparing for us as the result of a discussion on last year's budget. Mr. Millican said Community Services, Land Use and Public Works will be heard on May 14<sup>th</sup> and the administrative departments will be split between May 4<sup>th</sup> and the 14<sup>th</sup>, with Police, Fire, Court and enterprise funds being the primary focus on May 4<sup>th</sup>. He will provide detail on the issues and the timing of those presentations at the budget hearings.
- Councilor Dominguez is particularly interested in Community Services, but he won't be here on May 14<sup>th</sup>, and wants to get that information, noting he wants to see the information in its entirety and not in bits and pieces.
- Chair Ortiz said the offer has been made by the City Finance Director to Councilors not serving on this Committee, to hold individual meetings with them to address questions, concerns and issues raised.
- Chair Ortiz said he received two letters, one from AFSCME 3999 and one anonymous, which he wants to be entered into the record, and asked other Councilors receiving such communications to enter them into the record. [See Exhibits "3," "4" and "5."]
- Chair Ortiz wants to be sure staff presents a written summary of their negotiations with the bargaining units to dates. He said pursuant to the Resolution the unions were to have participated in coming up with some of the budget cuts. He wants staff to tell the bargaining units that they will get an opportunity to present information, and staff needs to factor that in. Chair Ortiz said he doesn't want to hear generalities and he wants the hard numbers and details.
- Mr. Buller said staff has been meeting weekly with leadership of the 3 unions, which generally have been well attended.
- Chair Ortiz reiterated that on May 4<sup>th</sup>, he wants to see a general survey and a general outline of the whole picture, and where the cuts are proposed. He said the bargaining

units can present, but it has to be in writing, and if possible to provide written information in advance to the Committee.

- Mr. Millican said this Committee will forward its recommendation to the City Council for consideration on May 27, 2009, in order to adopt in time to meet the State deadline. All members of the Council are invited to attend these budget hearings.
- Mr. Millican said all departments have submitted their list of contracts which are being assembled and analyzed by Robert Rodarte and team, and that information will be available for the Council during the budget process, and will be delivered early in the process on May 4, 2009, and then discussed for the departments at that meeting.
- Councilor Chavez said Mr. Millican presented a good verbal framework for the budget process on the 4<sup>th</sup>, 14<sup>th</sup> and 18<sup>th</sup>, and would like Mr. Millican to present that information in Memorandum form. Mr. Millican said he will prepare that information for approval by the Chair. Chair Ortiz said this will be shared with the other members of the Governing Body and he wants staff to see that the public has access to that information.

Chair Ortiz said the budget meetings will start at 9:00 a.m. and run to 5:00 p.m., and there may or may not be a break at noon. He said on May 4<sup>th</sup>, the regular Finance Committee meeting will begin at 5:15 p.m., at the conclusion of the budget hearing on that day. He will reserve a large chunk of time at the May 18<sup>th</sup> meeting to resolve any additional/left over issues.

### **32. OTHER FINANCIAL INFORMATION:**

Mr. Millican said the City received an additional \$8,800 in GRTs from the State, so there is an improvement of .02% improvement, which is a glimmer of light. He will watch May very carefully, noting the comparison will be difficult because last year we received a very large GRT adjustment in May. He said the City is now on track to get the 2% revenue decline projected last Fall. He cautioned that there is still a 14-15% decline in Lodger's Tax. He said Mr. Toler said there is a large amount of exempt revenue being reported which could have to do with long term rentals by film companies or others taking hotel rooms for more than 30 days. He said retail is down 10.9%, and lodging is down 6.7%, but restaurants doing well.

Mr. Millican said, on balance, after three months of significant declines, there is a glimmer of light. However, nationally, 6 million people are receiving unemployment, job losses are expected to continue through 2009 and into 2010, and housing are starts up and down.

Responding to Councilor Chavez, Mr. Millican said GRTs are down .187% from last year. He said we are looking at a planning scenario of a 10% drop next year and we will be examining and discussing that in the Committee on May 4, 2009.

Chair Ortiz said it appears that we are still prepared for the worst case, although it might not as bad as we initially thought it would be.

**33. MATTERS FROM THE COMMITTEE**

There were no matters from the Committee.

**34. ADJOURN**

There was no further business to come before the Committee, and having completed its Agenda, the meeting was adjourned at 7:25 pm.

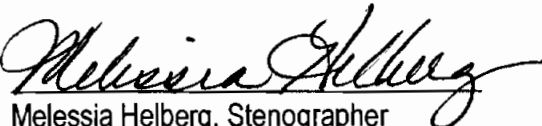
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Matthew E. Ortiz, Chair

Reviewed by:

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David N. Millican, Director  
Department of Finance

  
Melessia Helberg, Stenographer