

**MINUTES OF THE
CITY OF SANTA FE / SANTA FE COUNTY**

**Tuesday, August 19, 2008
5:00 PM
Santa Fe, New Mexico**

The meeting of the City of Santa Fe / Santa Fe County Regional Planning Authority (RPA) was called to order by Chair Rebecca Wurzburger at approximately 5:08 PM on the above-cited date in the County Commission Chambers in the County Administration Building.

ROLL CALL

County Commissioners Present:

Harry Montoya *[arrived at 5:11]*
Jack Sullivan *[arrived at 5:18]*
Virginia Vigil

County Commissioner Excused:

Paul Campos

City Councilors Present:

Patti Bushee
Matthew Ortiz
Rosemary Romero
Rebecca Wurzburger, Chair

Santa Fe RPA Staff:

Mary Helen Follingstad, Executive Director

Santa Fe County Staff Members:

Robert Griego, economic dev. planner

City of Santa Fe Staff Members:

John Bulthuis, Transportation
Frank Katz, Attorney
Jeanne Price

APPROVAL OF AGENDA

Councilor Romero moved to approve the agenda, seconded by Councilor Ortiz and approved unanimously.

APPROVAL OF MINUTES FROM JULY 15, 2008, REGULAR MEETING

Councilor Ortiz moved to approve the minutes of the July 15, 2008, regular meeting, seconded by Councilor Romero and approved unanimously.

REGIONAL PLANNING AUTHORITY BUSINESS

- **Election of the Chair for the Next Six Months**

Councilor Bushee moved to nominate Commissioner Vigil as RPA Chair for the next six months, seconded by Councilors Ortiz and Romero and approved unanimously.

Since the position for vice chair was not listed on the agenda, that election will be noticed for the next meeting.

- **Approval of Regional Planning Authority FY 2009 Budget**

Ms. Follingstad presented a brief list of the RPA budget amounts since 1999 and stated that the upcoming year's budget is for about \$100,000 less than last year, which had included an amount for additional staff that was not utilized.

Commissioner Vigil moved to approve the Regional Planning Authority FY 2009 Budget, seconded by Councilor Romero.

Councilor Bushee asked if the budgeted amount of \$128,000 was shared costs and requested that Ms. Follingstad include a full copy of the budget in the packet for the next meeting.

Ms. Follingstad replied that the city has \$100,000 in its official adopted budget and the county has \$60,000 in its official adopted budget for the RPA, but that the costs are equally shared.

Commissioner Montoya arrived during this discussion.

The motion was voted upon and approved unanimously

- **Resolution supporting RPA role in directing the planning and provision of expanded transit service in Santa Fe County**

Ms. Follingstad explained that she included in the packet a memorandum that reviewed the several revisions and approvals of the RPA JPA during 2008. The Agreement that was approved by the RPA on May 20 was approved by the BCC on June 10. It has been submitted to the city, but has not been placed on any council agendas because of the transit district issue and the anticipated role of the RPA.

Commissioner Sullivan arrived during this discussion.

She presented RPA Resolution No. 2008-2 that outlines the role of the RPA in overseeing the development and implementation of a service plan for transit services in the city and the county. As background information, Ms. Follingstad distributed County Resolution No. 2008-125, which states on the last page that the county would like to see the RPA become a planning agency for transit services for interfacing with the Rail Runner.

Councilor Ortiz noted that the resolution passed by the BCC appears to change the role of the RPA from being an equal partner in providing for the transportation needs for the community to just being a forum for giving input, presumably to the county, so the county can make decisions as it deems best. He felt it was a serious setback to the work and cooperation that the RPA did in trying to come up with what he had thought was a reasonable plan. He requested clarification from those members of the BCC on how the RPA can accomplish those purposes.

Commissioner Montoya addressed Councilor Ortiz's concerns and explained that point number 5 states that essentially Santa Fe County can contract with the different entities listed, not that it will be the one dictating how the funds will be spent. Another point questioned was to clearly

direct staff that the RPA would be the planning authority. He said that the JPA would need to be amended to reflect exactly what it is the RPA will be doing in terms of providing the planning and implementation of the transit services.

Councilor Bushee referred to the last sentence of item number 7 on page 3 of the county's resolution where it states it allows the RTD to levy additional increments to fund its operations as needed.

Commissioner Sullivan added in response to Councilor Bushee that Santa Fe County may withdraw from the district at any time in the future, and should it do that, the distribution in this resolution, which the RTD board agreed to, would continue. If a new regional district is formed, it may levy additional increments to fund its operations if needed up to 1/4%. If hypothetically some future BCC were to withdraw from the RTD, the purpose of paragraph 7 is to be sure that the 86% of the 1/16% keeps coming back to Santa Fe County. The BCC has committed to a JPA with the City that will vest that 86% of 1/6th to provide regional transit.

Councilor Ortiz said he had reviewed the RPA JPA and expressed his concern with the apparent deletions throughout of the word "oversight" over the monies collected.

Mr. Katz responded that the RPA JPA as presented was an unclear copy and that the word "oversight" had been misspelled and what appeared to be a deletion was a correction. The word "oversight" is still in the JPA.

Mr. Katz said his understanding was that the RPA would do all the planning, oversight and the budget, which is defined in paragraph G, starting on page 6. It explains that the county will collect the revenues and the RPA will enter into the agreement to obtain the money, the RPA will utilize the money to develop the budget to provide for the expanded public transportation services, and the RPA may contract. He said that his understanding is the county and the city are investing the authority in the RPA to do all of this. He suggested that, if the members do not feel confident this is accomplished with the existing language, they should help to make sure that it does.

Chair Wurzbarger said there may be a particular definition of the term oversight, but that she would be more comfortable with an action word that said the RPA is responsible for doing it or seeing that it is implemented.

Chair Wurzbarger expressed her concern with the statement in paragraph G on page 6 that reads, "Transit service plans shall be compatible with established state and local transportation plans ..." She asked what those plans are and what is the role of the NC RTD in creating those plans.

Mr. Bulthuis replied that the local and state plans referred to are the MPO plans and statewide transportation plans that encompass all the MPO plans throughout the state. This language enables the RPA to apply for federal money for the service expansions it would decide to draft. The board has autonomy from the NC RTD plan and can use the 86% of the revenue to prioritize and implement new services that would not need approval from the NC RTD.

Chair Wurzbarger said she would feel more comfortable if the JPA or a resolution said something about that autonomy and she would like the NC RTD's role better defined.

Commissioner Montoya moved to table to the next meeting the Resolution supporting the RPA role in directing the planning and provision of expanded transit services in Santa Fe County, seconded by Councilor Ortiz and approved unanimously.

- **Approval of amendment to the Regional Planning Authority Joint Powers Agreement relating to its role directing the planning and provision of expanded transit services in Santa Fe County**

Councilor Bushee said she would like to see language to prevent any potential double taxation.

Mr. Katz explained that the state act is clear that the transit district can propose the tax and has the authority to pass a resolution saying all of the counties within the district are going to vote on a new tax. At that point, the only option for the city and the county would be to get out of the transit district. He said there is nothing in the state statute that makes that clear, because that option likely was never considered.

Commissioner Sullivan added that it is his understanding that the county does not collect the tax, which goes directly from the state to the NC RTD. That is why it was important to include the clause in the resolution, that should the county withdraw from the transit district, the 86% would continue to come to the county. Commissioner Sullivan requested that legal staff look at whether the RPA or the county would enter into the agreement with the NC RTD.

Chair Wurzbarger asked about the logistics of how the county gets the funds from the 86%.

Mr. Bulthuis responded that there are two legal contracts that need to be executed. One between the city and the county, which is the JPA that was drafted, that describes how the city and county will do business together once the funds have been received. A second legal contract needs to be created between the county and the NC RTD that describes the funding disbursement and the intent that was expressed in the resolution about the scenario of what would happen to the tax money should the city and county withdraw from the district.

Chair Wurzbarger summarized the concerns expressed by the RPA members and issues for legal staff to address in the JPA and the proposed RPA resolution. For herself, she would like to have the question of the transit district role in the RPA planning process made explicit, rather than inferred. The area of staffing in the JPA should be worked on by staffs. The third issue is what role the RPA would have in taxation.

Commissioner Montoya pointed out the significant fact that the City of Santa Fe and Santa Fe County currently have weighted representation on the NC RTD board, which would allow them to influence a vote on any proposal in terms of taxation.

Chair Wurzbarger stated she felt it very important that the representative on the NC RTD board should also be a member of the RPA.

Councilor Bushee moved to postpone to the next meeting Approval of the amendment to the Regional Planning Authority Joint Powers Agreement relating to its role directing the planning and provision of expanded transit services in Santa Fe County, seconded by Commissioner Sullivan and approved unanimously.

Chair Wurzburger left at 6:05 and Commissioner Vigil took over the meeting.

- **Approval of RPA 2008 Work Plan**

Ms. Follingstad explained that the work plan is an attempt to reflect where the RPA intends to go with its work. She pointed to the fold out sheet that lists the kind of tasks that have been outlined in the JPA that include following up on annexation and zoning district recommendations, various topics having to do with rural protection, highway corridor, family transfer, and other items. The work on the RPA JPA has been on the agenda for several months and will move to the next month. The Highway Corridor was included on today's agenda. Once the RTD is pulled together, transit planning will be on every agenda, and if the tax is passed in November, the RPA will then begin those discussions.

She stated that the work plan was presented for the RPA's consideration and to see at a glance the work it has to do. The rural protection zone will be discussed in October to give staff enough time to prepare for the presentation. She said that Mr. Robert Griego is also Agua Fría Village planning coordinator.

Councilor Ortiz referred to the EZ's jurisdictional matters and asked if thought has been given as to how those applications that are in the pipeline for approvals and that have received approvals will be transitioned, and how the properties that are now within the presumptive city annexation boundary limits will be dealt with.

Ms. Follingstad replied that both the city and county staffs have had many meetings on this topic and it can be added as an item for discussion by the RPA. She suggested that both staffs work together to present how this is going to work and to seek input from the RPA that would help make sure the process goes smoothly.

Commissioner Vigil stated she felt the RPA should be a recommending body with regard to such a transition and suggested it be made more of a priority than the highway corridor ordinance, the family transfer or the protection zone, which would push discussion of those items each back a month.

Councilor Bushee suggested that alternative means of transportation be included and questioned if it should fall under transit planning and oversight or be separately considered. She added there are bike-sharing proposals at the city that could extend out to all the rail stations.

Commissioner Vigil agreed that alternate means of transportation could be a specific topic of discussion, incorporating open space and trails. Through COLPAK, the county has plans for walking trails that need to be coordinated regionally.

Commissioner Vigil summarized that two additional items to the work plan were to include discussions of the EZA and a topic for open space, trails and alternative modes of travel.

Councilor Ortiz moved to approve the RPA 2008 Work Plan, as amended, seconded by Commissioner Montoya and approved unanimously.

- **Regional GRT funds available**

Ms. Follingstad reviewed her memo in the packet that updated the RPA Joint Regional Capital GRT funds. The RPA approved \$16 million for the BDD and as of August 2008, \$4.7 million has been encumbered. She said that she will bring to the RPA a spreadsheet of the budget that was set up for the BDD to see where the funds will go and how they will spent.

Regarding parks and open space, the \$5.4 million will be spent in increments until FY 2012.

Councilor Bushee asked if a portion of the \$700,000 allocated for the Railyard Park could be expended to help satisfy the park's shortfall. She suggested \$250,000 could be matched with the same amount from the city.

Commissioner Vigil pointed out that could be an administrative transaction. Ms. Follingstad added that she would speak with Paul Olafson about allocating the funds.

Ms. Follingstad explained that none of the money allocated to roads has been spent. She presented a long email exchange between herself, Chris Ortega, Eric Martinez, and Robert Martinez from the city and county staffs on the topic of the Siler Road project. The staffs are requested that nothing be changed with respect to the award.

In response to Commissioner Montoya's question about entering these funds into the budget, Ms. Follingstad explained that they are encumbered for a requisition for something specific. The money is still there because it has not been spent from the road fund, because the project is not fully ready to be launched. She said that she could request that Chris Ortega come to a future RPA meeting to explain further.

Commissioner Vigil suggested that Ms. Follingstad contact the project coordinators for the different projects to find out when the funds might be expended and report back to the RPA.

- **Draft outline for update of the Regional Planning Authority Joint Regional GRT Plan**

Ms. Follingstad explained that the table of contents was included for the members' information and that she will bring a draft back to the RPA with pictures, text, timeframes, project costs and matching funds. The decision-making for the RPA will probably occur in the first two months of 2009, and she will present further information to flesh in projects and finances that will be available.

- **Draft Highway Corridor Protection Ordinance – City**

Commissioner Vigil noted that the highway corridor has been moved in the timeline to the October meeting.

Councilor Bushee stated that the city pulled back on the highway corridor ordinance to some degree so that she could see if this is something the county may be interested in doing together, because the city and county have joint jurisdiction of a shared highway corridor. She requested that Ms. Follingstad obtain copies of the highway corridor plan that was adopted by the city for the RPA members.

Councilor Bushee said she is most interested in a setback based on the noise contour, and to make sure that no one lives right on top of the highway. This does not mean that the property cannot be used for other means, such as a driveway or screening. It is also a way of trying to relieve visual blight on one of the entrances into the city. If there is interest at the county level, an ordinance can be fashioned with regard to what people want to address. The plan itself addressed everything from height to some architectural matters.

Commissioner Vigil requested that Ms. Follingstad research the most updated documents and identify appropriate city and county staff, including the DOT, to start working on a coordinated draft ordinance for the RPA to review.

- **Executive Session – RPA Director Contract – Extension of Term**

Since there was no longer a quorum, Commissioner Vigil suggested that this agenda item be discussed at the September meeting.

DATE FOR NEXT RPA MEETING

The next Regular Meeting of the RPA will be held at 5:00 PM on September 16, 2008.

Councilor Bushee asked to be excused because she will be out of town.

ADJOURNMENT

There being no further business to come before the RPA, this Regular Meeting was adjourned at approximately 6:45 PM.

Approved by:

Chair, Regional Planning Authority
Rebecca Wurzbarger, Councilor, City of Santa Fe

Minutes transcribed and drafted by: Kay Carlson