

**MINUTES OF THE  
CITY OF SANTA FE / SANTA FE COUNTY  
REGIONAL PLANNING AUTHORITY**

**Tuesday, October 7, 2008  
12:00 Noon  
Santa Fe, New Mexico**

The Special Meeting of the City of Santa Fe / Santa Fe County Regional Planning Authority (RPA) was called to order by Chair Virginia Vigil at approximately 12:15 PM on the above-cited date in the Finance Department conference room, 2<sup>nd</sup> Floor, Bokum Building, 142 West Palace Avenue.

**ROLL CALL**

**County Commissioners Present:**

Jack Sullivan  
Virginia Vigil, Chair

**County Commissioners Excused:**

Paul Campos  
Harry Montoya

**City Councilors Present:**

Matthew Ortiz  
Rosemary Romero  
Rebecca Wurzburger

**City Councilors Excused:**

Patti Bushee

**Santa Fe RPA Staff:**

Mary Helen Follingstad, Executive Director

**Santa Fe County Staff Members:**

Robert Griego, Economic Dev. Planner  
Paul Olafson, CSD/Projects  
Steve Ross, Attorney

**City of Santa Fe Staff Members:**

John Bulthuis, Transportation  
Frank Katz, Attorney

**Others Present:**

Scott Hoeft, SF Planning Group  
Jenny Parks, Trust for Public Land  
Anne Stewart, Girls Inc.  
Linda Tigges, SF Planning Group  
Jack Valencia, NCRTD

**APPROVAL OF AGENDA**

Ms. Follingstad recommended that the Executive Session be moved to the end of the meeting because there were several visitors in attendance wishing to speak with the Authority.

Commissioner Sullivan said he had requested that the methodology for determining how regional funds under the “Other” category should be spent be included in the agenda.

Ms. Follingstad replied that is within the agenda under “Update of the RPA’s RCIP.”

**Councilor Wurzburger moved to approve the agenda, as amended, seconded by Councilor Romero and approved unanimously.**

#### **APPROVAL OF MINUTES FROM AUGUST 19, 2008, REGULAR MEETING**

**Councilor Wurzburger moved to approve the minutes of the August 19, 2008, regular meeting, seconded by Councilor Romero and approved unanimously.**

#### **REGIONAL PLANNING AUTHORITY BUSINESS**

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

**Councilor Ortiz moved to nominate Councilor Wurzburger as RPA Vice-Chair for the next six months, seconded by Councilor Romero.**

**Councilor Ortiz moved to elect Councilor Wurzburger as RPA Vice-Chair by acclamation, seconded by Commissioner Sullivan and approved unanimously.**

- **Resolution supporting RPA role in directing the planning and provision of expanded transit service in Santa Fe County; discussion of relationship between RPA and NC RTD (Memorandum of Agreement)**

Ms. Follingstad explained that she has worked with Messrs. Ross and Katz to develop the resolution, which directs the RPA to work with the community as a whole, the NC RTD, the City and the County to have oversight of the 86% of the 1/16<sup>th</sup> of the 1/8<sup>th</sup> of one percent of the GRT that will be on the ballot in November for approval. Under this resolution, the RPA will oversee those funds and develop and implement transit service plans to assure high quality regional transit services in Santa Fe City and County.

**Councilor Wurzburger moved to approve the Resolution supporting the RPA role in directing the planning and provision of expanded transit services in Santa Fe County, seconded by Councilor Romero.**

Commissioner Sullivan said he felt that the resolution is a bit too limiting and as such it probably conflicts with the JPA, which is the next item on the agenda. He referred to the last paragraph on the first page that begins with “Now, therefore ...” and ends with “... to transfer passengers from the Rail Runner to designated destinations in Santa Fe City and County.” From the county’s resolution standpoint, those funds should be used for any transit components and not just transferring people from the Rail Runner. Some examples of service are Route 14, Community College District area, Eldorado and Edgewood area. He suggested the resolution be more congruent with some of the suggested language in the JPA, which defines transit as including but not limited to elements that transport or convey passengers within the region by means of a high occupancy vehicle, such as a van, bus or railcar.

Councilor Ortiz suggested amending the language in the last sentence to read “... provide expanded transit services to City and County residents.” He felt that would solve the issue while being consistent with the purpose of the tax and the RPA’s participation with the NC RTD and with the JPA.

Councilor Wurzbarger said she would accept that as a friendly amendment for discussion. She expressed her concern that the resolution should be more explicit regarding subsidizing the expenses in planning for when the Rail Runner arrives.

Commissioner Sullivan added that it will be up to the RPA to decide what the priorities are with regard to transit. He said he would support Councilor Ortiz' amendment and leave it up to the good judgment of the Commissioners and Councilors on the RPA to decide what that incorporates.

Councilor Ortiz commented that the JPA, which is going to be consistent with the resolution, has action points that highlight what those priorities are and what the funding levels are going to be.

Councilor Romero said she is willing to support the resolution with the changes as noted.

**The motion was voted upon, as amended, and approved unanimously.**

Chair Vigil asked if there is an executed agreement between the NC RTD and Santa Fe City and County for distribution of the 86%.

Mr. Valencia replied there is a resolution that committed distribution of the 86%, but there is no agreement.

Commissioner Sullivan suggested an agreement should be entered into quickly and that it should include an explicit statement as to how the funds are to be delivered to the County so funds can be allocated on a steady income stream to meet expenses. This was confirmed by Messrs. Katz and Ross.

- **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**

Ms. Follingstad explained that the language in the JPA regarding the RTD relationship with the RPA is reflected in the minutes of the August 19 meeting and developed with the assistance of Messrs. Katz and Ross. She briefly reviewed the highlighted changes within the JPA.

Councilor Wurzbarger referred to page 10, paragraph 4, line 3, the word "recommending." She asked for clarification and said she thought that the RPA would not be recommending its decisions about the 86% to anyone.

Mr. Ross replied that the NC RTD will receive the tax revenue and will remit to the county. The RPA directs public funds and will tell the County what to write the checks for, and the County will write the checks.

Councilor Ortiz asked if it would be appropriate to insert the word "directing" to replace the term "recommending" in paragraph 4.

Mr. Ross stated that the key word is "allocate" on the bottom of page 10, Section F, first line.

Commissioner Sullivan referred to page 11, Section G, Transit Staff. He referred to the issue of the ongoing need for a transit planner at the County. He felt that, if the RPA is going to be a functioning transit body, it would be totally appropriate that the transit service development planner be an employee of the RPA and report directly to the RPA. This will be an important employee who is going to be developing the service plan and that employee should be accountable to the RPA while working very closely with Santa Fe Trails.

Mr. Bulthuis explained that the intention was to get a close connection between the new staff person and the staff at Santa Fe Trails (Trails), which would be achieved by having that person housed at Trails. It is optional for the RPA to decide whether that person reports to the RPA Director and still be housed and working with the staff at Trails.

Councilor Wurzbarger stated that, at least initially the planner would be focused more within the city particularly around the Rail Runner, which is how this evolved. She was also uncomfortable in saying the RPA should now have another person that does this. When this becomes a priority, it will change Ms. Follingstad's role in terms of responsibility.

Commissioner Sullivan suggested taking out the words "Santa Fe Trails" and said that the structure could be worked out later. He felt it is premature to say the planner will be a Trails employee. He did not think the entire burden should be put on the Santa Fe Trails to plan for Santa Fe City and County transit. He said the city has a good and sophisticated transit planning operation, but they have limited facilities and are working within the City. He said he felt that the county needs a transit employee as a fiduciary obligation to the taxpayers.

Councilor Romero said she would be comfortable leaving the language as it is, because there is no one else right now except Santa Fe Trails, and this is an organic document that will change as more is learned.

Councilor Wurzbarger agreed but expressed her concern that Ms. Follingstad's role be clearly defined, and that the RPA director will assume responsibilities associated with the implementation of the transit plan temporarily over the next year, and the need for a full time transit service development planner will be considered by the RPA.

Chair Vigil said it was not her understanding that Trails would do the planning, but that the RPA would do the planning and Trails would be a component of implementing it.

As a result of the discussion, Chair Vigil requested a motion based on the discussion to amend the JPA on page 11, Section G Transit Staff, the beginning of the first sentence to read "The RPA Director shall initially work closely ..."

**Councilor Wurzbarger moved to approval 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, as amended on page 11, Section G Transit Staff, the beginning of the first sentence to read "The RPA Director shall initially work closely ...", seconded by Councilor Romero.**

Commissioner Sullivan disagreed and stated that the first thing the RPA will need to do is have a service plan if it is going to be in the transit business. The City of Santa Fe has a service plan, but the NC RTD has never had one. He asked who will do the service plan. A consultant could be hired, but then the question is, who will review that consultant's work, and will that be a city employee.

Councilor Ortiz suggested that, following the November election, the RPA will have to take the necessary steps that Commissioner Sullivan has raised. However, at this time, he said the JPA is a culmination of a lot of work and is the initial first step.

**The motion was voted upon and approved 4-0, with Commissioner Sullivan abstaining.**

Commissioner Sullivan referred to the planner mentioned in G that would be financed through County Regional Transit Gross Receipts Tax revenue. He asked if that was defined, or did everyone understand that is the 86%. There was general agreement.

- **Consideration of use of Regional GRT Parks and Trails Contingency Fund for the Rail Yard Park; review of projected revenues spread sheet; update of RCIP**

Ms. Follingstad pointed to a spreadsheet showing projected revenues from the County Capital Outlay Funds regional share. Open Space and Trails funds are generated and much of it was earmarked in a previous decision made by the RPA, which is explained in the attached memo from July 17, 2007. There is a contingency fund for unforeseen opportunities of \$250,000. Ms. Follingstad explained that Ms. Bushee noticed this contingency fund and knew that there was a need for the Rail Yard Park to finish its project. Ms. Follingstad introduced Ms. Jenny Parks from the Trust for Public Lands (TPL), who provided a memorandum for how the funding for the Park occurred, and a spreadsheet showing how much they collected, what has been paid, and what still is needed.

Councilor Ortiz noted that the memo indicates the amount would be matched from the city.

Ms. Parks explained the idea for the match was discussed at a Public Works meeting. She said that Ms. Bushee had mentioned the potential for funding from the RPA and Mr. Robert Romero said he had found some funding for park space. She said that no vote was taken. She added that the city has given \$1.3 million since 2001, at which time the TPL signed an agreement with the city to oversee the construction, design and fundraising for the park.

Ms. Parks thanked the City and the County and said they would not have come this far without their support and the public funding. They have raised \$13 million over the last six years and are close to finishing their goal.

She reviewed several areas that still need to be funded: an area west of the tracks on the plaza that will wait until the movie theater has been constructed; another portion north of Paseo and west of the tracks in front of Market Station and the REI building, a large swath that is rough graded and needs concrete, brick work, picnic tables, lighting and plantings; not completed

signage includes historical interpretive, directional, maps, safety; north of Paseo, bollards are needed to keep traffic from underneath the shade structure; removal of bad soils and import of good soils was an greater expense than anticipated.

Ms. Parks said they will go to legislature if necessary. They are continuing to do private fundraising, but it is difficult after the grand opening to ask for more money for the park. They would like to finish the park and give it over to the City the way it was intended.

Commissioner Vigil asked Mr. Olafson if there other projects that have not had the opportunity to come before the RPA to help complete a particular project.

Mr. Olafson replied he had no knowledge of City projects, but there is no immediate need for the projects the County is working on either jointly with the City or independently.

Council Wurzburger expressed her concern with regard to the present economic situation and the possibility that the GRT will go down at least temporarily and suggested the option of carrying the \$250,000 over to deal with unforeseen economic issues.

Councilor Ortiz stated that the request for the Rail Yard Park is the kind of contingency opportunity that the funds could be used for. He cautioned that he could not guarantee that the City would be able to match the request.

**Councilor Ortiz moved to approve use of Regional GRT Parks and Trails Contingency Fund of \$250,000 to the Trust for Public Land for the Rail Yard Park, seconded by Councilor Romero.**

Councilor Wurzburger suggested an amendment that this money is given as a condition that the final \$250,000 is not to be matched by City or County funds.

Councilor Romero said that the RPA has the opportunity to help finish something that it and the community has supported. She advocated for helping to wrap up what has been started.

Chair Vigil said that she has been speaking to finance directors and is now looking at a conservative approach to spending. If there is any project with an open ended opportunity happening, she feels it would be the Rail Yard, but she agreed there needs to be prioritization.

Following further conversation relating to contingency funds for the next five years, Commissioner Sullivan said that some of the money that is unused as a contingency in 2008 and future years should be kept to roll over and that \$25,000 be carried forward in each fiscal year for contingencies.

To be responsive to the need to carry over a contingency amount, Councilor Ortiz proposed amending his motion to say the request for the Rail Yard Park would be for \$200,000, and that \$50,000 be kept as a carryover for contingencies. Councilor Romero as second to the motion agreed to the amendment.

Councilor Wurzbarger asked if stating that the \$200,000 would be given contingent on a match would be a good fundraising strategy.

Ms. Parks agreed that often matches help, and the TPL has done about five of them from different funders. She cautioned that the longer they put some of the projects off, they will not be the same price that were given in the estimates. She added that the TPL would like to finish the Rail Yard Park, turn it over to the city, and be done with their obligations to it as well.

**The motion was voted upon, as amended to \$200,000 for the Rail Yard Park, holding back \$50,000 as a rollover contingency, and approved unanimously.**

## **COMMUNICATIONS FROM THE FLOOR**

- **Annexation Issues**

Ms. Linda Tigges said that she was representing Youth Shelter Family Services and also some other small projects that have been approved in the presumptive city limit. Many of her clients have questioned how the upcoming EZ ordinance is going to work. She distributed a list of questions that are mostly City questions, but they also apply to the County. She suggested that City and County staff could be asked to prepare administrative rules that answer these questions and perhaps a matrix with a schedule for implementation so that staff and the property owners would know how to proceed.

Mr. Scott Hoeft added that there are perhaps a dozen existing projects that are either in the City or the County that are in the presumptive limits that are trying to understand if the ordinances will change the projects. He said he has met with Mr. Ross and he indicated that another tool may be used to begin to outlay the plan. He expressed concern for how silent the ordinance is regarding their issues. He also plans to meet with Mr. Kolkmeier.

Commissioner Sullivan stated there are a lot of items in the ordinance that have to be worked out administratively. He said that landowners and developers have to understand that, just because they have a master plan approval in the County, they do not have a project until it receives final approval in the County and is recorded with the clerk, and he felt fairly confident that was equally true with the City. The city has a public schedule and will be doing the annexations by area. His suggestion would be if a project is a long way from final approval, it would be a good time to sit down with city planning staff and find out if the project will meet city criteria.

Chair Vigil asked Mr. Robert Romero to highlight some of the questions that have been raised in his meetings with residents regarding the Traditional Historic Village of Agua Fría.

Mr. Romero stated that there is still a population who want to be a part of the Village, and the existing ordinance right now allows property owners to come into the Village. Many of the questions received are related to what the costs will be and if the City is going to provide services. County staff feels comfortable stating what the zoning district means and what that process is. Once the JPA is approved by both the City and the County, all the property approvals within the presumptive annexation boundaries will go to the City.

Councilor Ortiz added that will happen, unless the owners apply to become part of the Traditional Historic Village, which eventually will be a donut hole surrounded by the City, much like the Rodeo Grounds, but larger. He has had conversations with many of the affected residents, and his shorthand version answer is, if you come to the City, you are guaranteed to get water and sewer and you will have to go through a more expensive process. If you stay in the Village, you are probably going to have an easier process with the County, but you are not guaranteed water or sewer. He tells them that they can make their own decisions. He said that the City Council has been rejecting applications to the City from residents in the County who apply for water and sewer systems, and the City is not extending its water service outside the city limits.

Councilor Romero spoke about approving an RFP process with long range planning for doing public involvement in the annexed areas. She said she looked at that RFP for the City issues, including land use and engineering. But she said she did not see the County included as part of that discussion, and so she said they will need to go back and look at that carefully. She requested that Mr. Romero work jointly with City staff to help develop a FAQ so that staff can respond quickly to questions during the public process.

Commissioner Vigil stated there are critical narrow issues, such as family transfer, where there are different requirements. There is the need to have a clear understanding before these answers can be communicated to the community and the members. She said she was aware that the developers have just surfaced the issue and that they have an agenda with regard to protecting their clients, but the citizens of both the City and County need to be protected, and the best way to do that is to start getting these answers.

Councilor Wurzbarger also expressed her concern for developing the answers to the questions on the administrative guidelines.

Councilor Romero requested that Ms. Follingstad be directed to work with long range planning in the RFP process and to bring in County staff as needed to develop the RFP.

Councilor Ortiz agreed that there needs to be source points of information, so that when people start asking questions, there will be readily available information.

Chair Vigil directed Ms. Follingstad to work with City and County staff on the RFP and on the fact sheet. She added that she would also like to get an update on the critical Rural Protection Ordinance. Ms. Follingstad confirmed she will include that on the next agenda.

- **Girls Incorporated**

Ms. Anne Stewart stated that she is on the board of Zona del Sol, which is the umbrella organization for Girls Incorporated. She stated that funding has been received from the City of Santa Fe and the State of New Mexico to expand their current facility on the south side. Unfortunately, the funding fell short by \$260,000, which has forced them to cut classrooms, the kitchen, and many finishes.



Commissioner Sullivan stated this is a sorely needed building facility that serves an area that has not received the amount of funding that is proportionate to its impact population. This allocation would fall under Roads and Other, and it is entirely within the RPA's jurisdiction to recommend how that "Other" is allocated.

Chair Vigil stated that there is the need for an analysis of where the dollars would come from and if there are competing entities for those funds. Rather than rush through a decision, she requested this be put it on a future agenda item for discussion.

Ms. Follingstad confirmed that the request will be included on the next agenda.

#### **MATTERS FROM STAFF**

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

Ms. Follingstad explained that her contract has expired and needs to be extended.

**Councilor Ortiz moved to extend Ms. Follingstad's contract on an interim basis of three months until the RPA can meet in Executive Session, seconded by Councilor Wurzburger and approved unanimously.**

#### **DATE AND TIME FOR NEXT RPA MEETING**

Several members liked the timing of the lunch meeting, but Commissioner Sullivan said it was difficult for him and the later in the day, the better.

The next Regular Meeting of the RPA will be held at 5:00 PM on Tuesday, October 21, 2008.

Councilor Wurzburger said that she will be out of town on October 21.

#### **ADJOURNMENT**

There being no further business to come before the RPA, this Special Meeting was adjourned at approximately 1:50 PM.

Approved by:

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Chair, Regional Planning Authority  
Virginia Vigil, Commissioner, County of Santa Fe

Minutes transcribed and drafted by: Kay Carlson