

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

Tuesday, October 21, 2008

3:00 PM

Santa Fe, New Mexico

The Regular Meeting of the City of Santa Fe / Santa Fe County Regional Planning Authority (RPA) was called to order by Chair Virginia Vigil at approximately 3:15 PM on the above-cited date in the County Commission Chambers in the County Administration Building.

ROLL CALL

County Commissioners Present: County Commissioners Excused:

Jack Sullivan Paul Campos

Harry Montoya

Virginia Vigil, Chair

City Councilors Present: City Councilors Excused:

Patti Bushee Matthew Ortiz

Rosemary Romero Rebecca Wurzbarger

Santa Fe RPA Staff:

Mary Helen Follingstad, Executive Director

**Santa Fe County Staff Members: City of Santa
Fe Staff Members:**

Robert Griego, Planning John Bulthuis, Transportation
Jack Kolkmeier, Planning Frank Katz, Attorney
Paul Olafson, CSD/Projects Katherine Mortimer
Steve Ross, Attorney Nicholas Schiavo, Energy Specialist
Lisa Roybal, County Manager's Office
Duncan Sill

Others Present:

R. Tobey King, Zona/Girls Inc.
Robert Monday, Cibola Engineer
Katherine Ann Siewicki, Zona del Sol

APPROVAL OF AGENDA

Councilor Romero said that she would like to have a discussion on advertisement issues regarding the NC RTD and suggested Matters from the Regional Planning Authority be moved up to item B.2.

Ms. Follingstad stated that Commissioner Sullivan had requested that the presentation by Zona del Sol be moved to an Action Item.

Councilor Bushee expressed concern that the presentation from Zona del Sol had been listed under Review Items and would violate the Open Meetings Act by being moved to an Action Item.

Commissioner Sullivan stated that at the last meeting Zona del Sol had requested to be included on today's agenda and indicated they would need action on their request as soon as possible. He said he had thought it would be put on today's agenda as an Action Item. He said at the last meeting there was a discussion for developing a mechanism to review such items rather than having them brought forward in a random fashion.

Chair Vigil said she recalled that Zona del Sol was at the October 7 meeting and that there was no time to hear from them. Depending on today's discussion, Zona del Sol could be listed as an Action Item at the next meeting.

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

APPROVAL OF MINUTES FROM OCTOBER 7, 2008, SPECIAL MEETING

Councilor Romero moved to approve the minutes of the October 7, 2008, special meeting, seconded by Chair Vigil and approved unanimously.

Councilor Bushee and Commissioner Montoya abstained from voting because they had not been in attendance at the meeting.

REGIONAL PLANNING AUTHORITY BUSINESS

- **Executive Session**

RPA Director Contract – Extension of Term

Chair Vigil recalled that the Authority voted to extend Ms. Follingstad's contract for three months at the October 7 meeting. She asked if the contract needed to be extended for an additional time at this point.

Ms. Follingstad said there has not been a formal amendment to her contract for the three-month extension.

Commissioner Montoya moved to go into Executive Session to discuss the RPA Director Contract – Extension of Term, seconded by Councilor Romero.

Councilor Bushee suggested that the item be listed as Executive Session on a future agenda since Ms. Follingstad's contract has been extended for three months.

The motion to go into Executive Session failed by a roll call vote with 3 no votes and 2 yes votes: Commissioner Sullivan, no; Commissioner Montoya, yes; Commissioner Vigil, no; Councilor Bushee no; Councilor Romero, yes.

Chair Vigil summarized that the terms and conditions of the previous contract with Ms. Follingstad will extend for the three months.

Councilor Bushee moved to list the Executive Session on the November agenda as the first item of business, seconded by Councilor Romero.

Councilor Romero agreed to move the Executive Session forward, but for the record, she felt it is not a good precedent to set for staff to keep them in a stage of limbo, even though they had extended the contract. There have been other opportunities to discuss the contract.

The motion was voted upon and approved unanimously.

- **Presentation on Energy Findings; formation of city and county study group**

Ms. Follingstad stated that the RPA put together a work plan that included a series of topics of discussion to take up during the next year and energy was at the top of the list. She presented a memorandum prepared by city and county staff, Katherine Mortimer, Nick Schiavo, Robert Griego and Duncan Sill, who are present at today's meeting, including Lisa Roybal from the Santa Fe County Manager's Office.

Ms. Roybal explained that City of Santa Fe and Santa Fe County staffs were asked by Councilor Romero and Commissioner Paul Campos to come to the RPA meeting to discuss energy. She introduced Katherine Mortimer from the City of Santa Fe.

Ms. Mortimer said that both the City of Santa Fe and Santa Fe County have adopted the U.S. Conference of Mayor's Agreement on Climate Change, which calls for reduction of carbon emissions consistent with the Kyoto Protocols and have adopted the 2030 Challenge, with a goal of energy efficiency in buildings to be net zero energy by the year 2030. In support of that, city and county staffs have been meeting at least monthly for a year and a half to coordinate the energy efficiency efforts, which are regional in nature. She reviewed the memorandum in the packet to explain the goals and issues. Mr. Schiavo followed up with a further explanation of the meetings and how the utilities will be involved.

Councilor Bushee requested that Mr. Schiavo prepare a report in writing and asked Ms. Mortimer about how the energy costs could remain affordable. Ms. Mortimer stated that the poorest members of the community will be affected by the increase of alternative energy costs. She said there is no solution at present, but as they go forward, they will move carefully to try to prevent this. She said this is somewhat addressed in the Sustainable Santa Fe Plan.

Mr. Sill referred to the issue of supporting energy efficiency and addressing the needs of the lowest socioeconomic demographics in the community. There have been some programs via the affordable housing programs, as well as state supported programs and funds for weatherization and energy efficiency improvements on many levels. The staffs are trying to summarize and consolidate the resources and make them available on a broader long term scale. He said he would list the resources as follow-up documentation for the Authority.

Councilor Romero said she did understand that the RPA had decided that energy issues were a priority, but also knew about a study the county conducted about a year ago. She said she was looking for a coordination of the various efforts that could be brought to the RPA for coordination.

Chair Vigil pointed to issues, one is regionalization, and the other is a joint effort between the city and county to consolidate information and bring the pieces together. She asked if the staff members are requesting that the RPA create a joint energy efficiency committee in an advisory capacity.

Ms. Mortimer replied that staff is responding to what they are hearing from councilors and commissioners about what they want to see. Their ad hoc group has been informal and they feel it should be formalized, with some representation from commissioners and councilors, rather than advisory from the public. It will be up to the pleasure of the RPA what kind of input and guidance it wants to have.

Commissioner Montoya moved to formalize a city and county staff energy group to move forward on the goals and initiatives the staffs have begun, seconded by Commissioner Vigil.

Councilor Romero suggested that the group be a subcommittee of the RPA that would report directly to the RPA and have representation from the city and the county. She felt comfortable

with formalizing the ad hoc group and said it needs a legitimized home, such as with the RPA. The RPA could then make stronger recommendations through resolutions to their respective governing bodies.

Commissioners Montoya and Vigil accepted the amendment to the motion as friendly.

Councilor Bushee asked if the county is participating with a sustainability plan such as the city is doing.

Ms. Mortimer replied that the county as an entity has not participated. City staff has been sharing information with the county staff, but not in a formal manner. The outreach that has been done and the membership is regional in nature, with people from all over the county. Staff has discussed that the county might adopt the plan the city has put together, or make some revisions with additional input through a public process to address specific county issues.

Councilor Bushee suggested that a joint city-county sustainability plan would have more significance and be more far reaching. City Councilor members of the RPA can bring forward a resolution to the city asking that it be an expanded effort and giving a timeline.

Ms. Mortimer added that the sustainability plan is on the agenda for adoption at the next Council meeting. She expressed concern with any delay in the adoption.

Commissioner Montoya asked if the group is going to recommend that both bodies adopt the Kyoto Protocol.

Ms. Mortimer replied that it has been adopted and was embodied in the U.S. Mayor's Agreement on Climate Change. For communities such as the city and the county, the goal is to be 7% below the 1990 greenhouse gas emission levels by the year 2012.

Ms. Roybal added that the resolutions were passed in 2006 by both the city and county.

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

Ms. Follingstad summarized that the subcommittee will consist of the current makeup of the ad hoc committee that has been in practice for a year and a half. This subcommittee of the RPA will report back to the RPA on a regular basis or whenever they have information to bring forward.

Councilor Bushee stated that a formal resolution with terms and goals should be drafted when appropriate.

- Update Implementation of the Settlement Agreement (Annexation); Extraterritorial Jurisdiction

Ms. Follingstad stated that the City has adopted the Joint Powers Agreement that will establish an Extraterritorial Land Use Committee (ELUC) and Extraterritorial Land Use Authority

(ELUA). The County Commission will be considering the same at their November 18 Commission meeting. County staff has been reviewing sections of the EZO that could apply outside the “presumptive city limits”. It is not clear however, what is being done at the city. She said that city and county staffs need to meet together on all the ordinances that need to be thought through.

Mr. Kolkmeier said that county staff wants to convene a meeting with city staff to determine what information the city needs from the county in terms of the presumptive city limit annexation area. The county is continuing its work on what the regulations will apply outside of the presumptive city limit annexation area, whether it is the EZO, the county code, a special review district, or the highway corridor, but efforts have not been coordinated with city staff, although Mr. Ross and Mr. Katz have been working together on the other documents.

Mr. Katz explained that the documents will establish the authorities and duties of the ELUC-ELUA. An ordinance will need to be adopted to replace the current EZO, and the county needs to make sure they have all the kinds of zoning in place they will want to apply in the county areas. And the city needs to get zoning organized for the areas within the presumptive city limits. A question has arisen regarding various approvals through the EZA, and the city badly needs to know who got the approvals and what they are. The objective is to make the annexation as easy as possible, and if the city knows where those approvals are, then the city, in constructing its part of the zoning, can take that into consideration. While not everyone will be satisfied, this knowledge will help avoid disputes.

Ms. Follingstad noted that someone on the county staff needs to be assigned to look into what approvals are out there that do not have a building permit.

Ms. Follingstad pointed to the issue of a rural preservation ordinance, which is still not drafted. She said that should be in place before any annexation takes place, because not all land use approvals are going to happen in priority area One. Applications for lot splits, home occupations, or a small business commonly seen by the EZC and the EZA will continue to be submitted. Some of these requests could be in areas identified for rural preservation. Ms. Follingstad added that she has assembled ideas of what a rural preservation ordinance could include.

Councilor Romero pointed to a draft of an RFP approved by the City Council for public involvement in the areas to be annexed. She said she requested at the October 7 meeting that Ms. Follingstad work with city staff on that RFP and said she thinks now that RPA staff should be encouraged to work with county staff on these issues. Part of the public involvement facilitation is going to include working with residents and property owners who are going to have questions about agricultural issues, home office occupation, etc. She is hearing more and more that there needs to be a greater coordination.

Ms. Follingstad noted that the RFP is limited to having consultants take care of public involvement and does not address the other problem of getting ordinances put into place and the actual procedures for dealing with a developer who has partial approval.

Commissioner Sullivan asked Mr. Katz to further explain the five-year agreement for the term of the ELUC-ELUA and whether or not there could be a problem with the City approving land use before an area is annexed.

Mr. Katz explained that the JPA still has to go to DFA to be approved. Once that happens, the ELUC-ELUA will have the authority to do the subdivision and land use approvals in the presumptive city boundaries for five years until those areas are annexed. But the intent is that the City will have land use jurisdiction in the “presumptive city limits”, and the county will have land use jurisdiction in the five mile area outside the “presumptive city limits”. The ELUA will be made up of four commissioners and three councilors.

Mr. Katz went on to say that the city and county under the Settlement Agreement now need to agree on a phasing schedule to complete the annexation well before the end of five years, which he has drafted and Mr. Ross is looking at. It will be up to the city and county to agree on the schedule.

Commissioner Vigil said that she would like to see a transitional plan with scheduling in order to communicate to residents what they need to do if they are coming forth for a development. Nothing exists at present that gives concrete answers to the questions that have arisen in her district. She said there is also an additional layer of work having to do with a possible expansion of the boundaries of the Agua Fria Traditional Historic Community. The rural protection ordinance is another piece that needs to be a part of this transition.

Ms. Follingstad said that she can put something together on what a transition plan might look like from the perspective that she has been observing. An understanding of whether city underlying zoning could work in the “presumptive city limit” is needed. She has put information together on rural preservation, but nothing has happened so far. She and Mr. Griego have had many discussions about expansion of the boundaries of the Village of Agua Fria and the county’s ordinances for family transfers and affordable housing are very different from the city’s.

Commissioner Vigil summarized directions for staff at this point in time. First is the critical transitional assessment and timetable based on the work Ms. Follingstad has been doing; second, is for the city and county to work together on what changes need to be brought forth with regard to ordinances and to what zoning they will be zeroing in on. There is the need to know who is responsible for what and how these will overlap. This will give a better sense of direction.

Councilor Bushee moved to address Matters from the Regional Planning Authority, seconded by Commissioner Montoya and unanimously approved.

MATTERS FROM THE REGIONAL PLANNING AUTHORITY

- ***Discussion of advertising by the North Central Regional Transit District (NC RTD)***

Councilor Romero said concerns have been raised regarding advertising that the NC RTD is doing and specific things they are promising the public.

Commissioner Vigil requested that Attorney Steve Ross be brought into the meeting because he has met with Attorney Mark Basham regarding the advertisement in question.

Mr. Kolkmeier handed out copies of an advertising flyer developed by the NC RTD and stated that the NC RTD met yesterday and discussed it. The problem is that the advertisement is very specific regarding services to be offered. Mr. Ross was going to suggest some language to them to make it more generalized. This would be in addition to suggestions made by Jon Bulthuis to Jack Valencia of the NC RTD in e-mails exchanged on October 9 (distributed). At the last NC RTD meeting, the County was asked to approve the service plan, which has a number of things in it that staff has not had an opportunity to discuss with the Commissioners and the RPA, so staff abstained from voting until that discussion could take place. At that time, the city was not a member of the NC RTD and so did not have a voice in the issue. When city staff advised the NC RTD that the advertisement should have been general in nature until after there was an opportunity to refine the service plan with the RPA, they were told by Ms. Josette Lucero that it would cost \$10,000 to change the ad.

Mr. Bulthuis stated that the NC RTD plans to distribute the flyer in the New Mexican and the Journal a week from today. Since the city and county rejoined the NC RTD, staff has been trying to work cooperatively with them and to continue to foster the partnership. He noted that the RPA indicated in a public meeting that they want to have control over planning on these service expansions and that the larger service plan presented by the NC RTD may or may not pertain to what the RPA's priorities are. He said he understands from the NC RTD staff that the decision is to go forward with the text as proposed. If the RPA decides not to perform the services promised to the public in the flyer, it could create a difficult political issue.

Commissioner Montoya said that he is bothered by the fact they put services in the ad that no one at the county or the RPA has approved. He felt that the NC RTD should correct the ad or not distribute it.

Councilor Bushee said this seems representative to her of how the NC RTD is operating today. The RPA made a clear statement that it is going to be involved in how the transit connections are going to take place, yet there was no consultation. She asked Mr. Bulthuis if they had permission to use the Santa Fe Trails logo.

Mr. Bulthuis stated that when the city voted to rejoin the NC RTD they were provided with the logo.

Councilor Bushee asked if the GRT amounts quoted appeared to be accurate.

Mr. Bulthuis said they are reasonably close, based on assumptions that the GRT level was at the point in time when the city and county joined the NC RTD.

Mr. Ross said he suggested to the NC RTD at the meeting yesterday that the statement they made be less direct, because it implies that all these items listed are things that are going to happen. It

should have said that the NC RTD anticipates these services. The NC RTD did not have any reason to expect that the items listed would not happen. He said he was told that the NC RTD knew the information was from their service plan, and the city, county and RPA would likely make changes. They said they were going to contact Mr. Bulthuis and discuss changes to the ad.

Mr. Bulthuis said he has not been contacted regarding changes.

Commissioner Sullivan added the NC RTD should have said here are some of the services that have been discussed, and the decision will be up to Santa Fe County and the City of Santa Fe.

Councilor Romero stated that Commissioner Montoya was out of the country when the October 3rd NC RTD meeting was held, and since that time she has been appointed by the city to represent the city at the NC RTD. She spoke to Josette Lucero earlier today and told her it was official and she will request that Mayor Coss send the NC RTD a letter immediately. She said that she and Commissioner Montoya should meet together with the NC RTD as soon as possible to talk about these issues. The representatives should be involved in this discussion. She told Ms. Lucero that the RPA would be discussing the ad, and Ms. Lucero said that neither she nor Mr. Jack Valencia could attend the RPA meeting. Ms. Lucero also said that Attorney Mark Basham had indicated it was all right to move ahead with the ad.

Mr. Ross said he expressed his concerns with the ad to Mark Basham. Mr. Basham indicated he had been uncomfortable with previous versions and is now comfortable with it.

Commissioner Vigil stated this is beyond staff's boundaries now and Commissioner Montoya and Councilor Romero need to intervene, express the concerns and take a strong position.

Following some discussion of where the budget for this ad was coming from, Commissioner Vigil suggested that Commissioner Montoya and Councilor Romero can ask who is paying for this and who will pay for the corrections.

- Update of the Regional Planning Authority Joint Regional GRT Capital Improvements Plan: Introduction and Background; City and County ICIP documents

Ms. Follingstad handed out a chart of what she felt the RPA might consider from a list of items the city and the county have adopted for the ICIP.

- **Presentation by Zona del Sol**

Since there was no longer a quorum, Commissioner Vigil requested that Ms. Follingstad bring the presentation by Zona del Sol to the next meeting as an Action Item.

DATE AND TIME FOR NEXT RPA MEETING

Since the County Commission will be meeting on November 18, the regular meeting day for the RPA, it was decided to hold the next Regular Meeting of the RPA at 5:00 PM on Tuesday, November 11, 2008.

ADJOURNMENT

There being no further business to come before the RPA, this Regular Meeting was adjourned at approximately 4:50 PM.

Approved by:

Chair, Regional Planning Authority
Virginia Vigil, Commissioner, County of Santa Fe
Minutes transcribed and drafted by: Kay Carlson