

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

**Tuesday, February 17, 2009
4:00 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 4:15 PM on the above-cited date in the Santa Fe County Commission Chambers in the County Administration Building.

ROLL CALL

County Commissioners Present:

Kathy Holian
Harry Montoya
Liz Stefanics [arrived after roll call]
Virginia Vigil, Chair

County Commissioners Excused:

City Councilors Present:

Patti Bushee
Matthew Ortiz
Rosemary Romero

City Councilors Excused:

Rebecca Wurzbarger

Santa Fe RPA Staff:

Mary Helen Follingstad, Executive Director

Santa Fe County Staff Members:

Robert Griego, Planning
Andrew Jandácek, Transportation Planner
Rita Maes, Constituent Liaison
Lisa Roybal, County Manager's Office
Duncan Sill, Economic Dev. Planner

City of Santa Fe Staff Members:

Jon Bulthuis, Santa Fe Trails
Frank Katz, Attorney
Katherine Mortimer, Planning
Chris Ortega, Public Works
Nick Schiavo, Energy Planner

Others Present:

David Bacon
Ivan Guillen, Assistant Regional Coordinator
Robert Lieb, Ohkay Owingeh
Mary Lou Quintana, Santa Clara
Larry Samuel, Tesuque
Mark Sardello
Jack Valencia
Tom Romero, Santa Fe Community College

APPROVAL OF AGENDA

Ms. Follingstad said that Mr. Chris Ortega, City Engineering, had requested a discussion regarding the Siler Road extension project. She suggested that discussion be added to Item A.4.

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

APPROVAL OF MINUTES FROM JANUARY 20, 2009, REGULAR MEETING

Councilor Ortiz moved to approve the minutes of the January 20, 2009, Regular Meeting, seconded by Commissioner Montoya, and approved unanimously.

REGIONAL PLANNING AUTHORITY BUSINESS

- **Resolution Determining Reasonable Notice for Public Meetings and Rules of Order of the Santa Fe City and County Regional Planning Authority**

Councilor Romero moved to approve the Resolution Determining Reasonable Notice for Public Meetings and Rules of Order of the Santa Fe City and County Regional Planning Authority, seconded by Commissioner Holian, and approved unanimously.

- **Update on Transit Planning; Approval of Scope of Work for Contract Transit Staff; Approval of Public Meeting Dates**

Ms. Follingstad stated that the RPA directed staff to proceed with hiring a consultant to develop a service plan for use in the expansion of transit services in the Santa Fe area. In response, she worked with city and county staff to develop a scope of work for the RPA to adopt. Once quotes from consultants have been secured, staff will proceed with preparation of a contract.

Councilor Romero stated that she and Commissioner Montoya are the city and county representatives at the NCRTD. They reported to the board that the RPA is developing a service plan and will be going out to the public with the public meetings.

Mr. Jon Bulthuis explained that the purpose of the public meetings are educational to inform the public what is currently be done in terms of connections to the Rail Runner. They are also asking for comment about what transit options people would like to see in the future. They have focused on four general areas for expansion. Within the city itself, making new connections to the Rail Runner stops that exist today. Looking to the south, Eldorado and CCD, and interfacing with the NM 599 Rail Runner station currently under

construction. Then to the north to see how transit can help bring people into the county and the city along the Pojoaque corridor.

Mr. Bulthuis pointed to the press release in the packet that included a schedule for the public meetings being held in various parts of the county. So far they have had a fairly strong response in terms of people communicating what they would like to see. He added that once the service plan is developed, it will be brought to the RPA for prioritization of how the funds that will be coming in will be invested and spent to provide service.

Councilor Bushee asked if the overall funding to come from the tax increment to be channeled through to the RPA is in place, what the amount will be and when it will be available. She also asked if that funding will pay for the consultant contract.

Ms. Follingstad replied that the overall funding that was approved for transit services by the voters will begin to accrue in July, but significant numbers will not be seen until the end of the first quarter. It is intended that those funds will be used for the purpose of the expanded services, which will probably include staff. As adopted in the JPA, the initial staff would be herself, Mr. Bulthuis for the city and Andrew Jandácek from the county. The contractor that was approved by the RPA at the January 2009 meeting will be paid for with the existing RPA budget.

Ms. Follingstad stated that the total received from the GRT will not be known until the end of the first year. A resolution was passed by the NCRTD to provide the RPA with 86% of one-half of the funds for this purpose. The county will be the fiscal agent, the funds will be passed through to the county, and the RPA will make the decisions.

Councilor Bushee said she has heard that the NCRTD is considering building a new facility of some kind and asked for an update. She also asked for assurance that the funds will be received.

Mr. Jack Valencia presented to the board a copy of the NCRTD service plan that was adopted by its board. The building referred to by Councilor Bushee will be funded through the stimulus monies and/or any other funding source. Rio Arriba County pledged to the NCRTD twelve acres that was set aside as part of a congressional discretionary fund dating back to May 2007. This has been an ongoing application through the congressional delegation. The hub of many of the NCRTD's activities are centralized in and around Rio Arriba County for distributions to Los Alamos, Pojoaque, Taos and into Santa Fe.

Commissioner Montoya stated that he invited NCRTD board members from Tesuque, Ohkay Owingeh, and Santa Clara Pueblos to this meeting because they need to be part of the service plan and everything that is done in terms of connectivity to the northern part of the county.

Commissioner Montoya added that the service plan referred to by Mr. Valencia was the NCRTD service plan. He said he has made it clear to the NCRTD board that the RPA is the planning body that will develop the service plan for Santa Fe County, which will be presented to the NCRTD board. .

Commissioner Montoya asked why connectivity with the pueblos was not included in the scope of work.

Ms. Follingstad replied that was overlooked in the draft. She stated that assistance and consideration of the needs of the pueblos and communities to the north will be added as part of the project. She stated it can be included under the “Data Collection and Plan Review” and also under “Initial Development of Expanded Services and New Proposed Routes.”

Councilor Romero suggested the wording to include would be “in consultation with tribes within Santa Fe County.” She also felt appropriate mention of the pueblos should be in “Public Meetings/Stakeholder Input Process.”

In response to Commissioner Montoya’s request that coordination of the 86% and the 14% be clearly delineated, Ms. Follingstad replied that the scope of work was created specifically for the person that would bring all the coordination together and that understanding of the county’s role as fiscal agent and the 86% and 14% will be clarified under the financial plan.

Mr. Robert Lieb, representative from Ohkay Owingeh, stated that one of the most important things is that the RTD has set up a structure subcommittee, and within that subcommittee are the various tribes as well as Santa Fe County individuals. It is important that Ohkay Owingeh participate so that they can lay out their plans, objectives and goals. Even though the community is in Rio Arriba County, it needs to have efficient, effective and affordable transit services to the hospitals and to the schools in Santa Fe.

Mr. Larry Samuel, representative from Pueblo of Tesuque, said their community has concerns on connectivity to the City of Santa Fe since it is so close. Their tribal council is working with the other pueblos and the NCRTD so they also have input on what will be done.

Commissioner Vigil asked if the members from the pueblos were satisfied with the discussions so far to include the pueblos in the scope of work. She received positive verbal replies from the pueblo members present.

In response to questions from Councilor Bushee about current services, whether there will be duplication, and if the NCRTD will participate with the consultant to be hired, Mr. Valencia explained that the NCRTD is presently providing services in and around northern Santa Fe County bringing people to the Indian school, the hospital, connections at the DOT with the Rail Runner and connections with Santa Fe Trail at the Sheridan station. They plan to enhance the services with a variety of opportunities with additional funding. There are presently contracts for services with Tesuque Pueblo. They have received monies awarded to Tesuque and Pojoaque, which will enable them to expand their services, in addition to San Ildefonso, Santa Clara, and Ohkay Owingeh.

Mr. Valencia stated that regional transportation is about connectivity and continuity and that it has always been part of the NCRTD planning process to participate and coordinate with the Santa Fe County RTD.

Mr. Tom Romero, representative from the Santa Fe Community College (SFCC), said he has been attending the public meetings and the SFCC would like to actively participate in and have input to the planning work to help meet the needs of the students, staff and faculty. The IAIA has similar interests because their students who take the bus have to get off at the college and walk a mile and a half to their campus because there is presently no connection. Generally, there is a great deal of interest in having better access and better alternate transportation than just automobile commuting, which fits into the college's direction of reducing carbon emissions and the green economy by reducing how much commuting is done to the college.

Commissioner Romero stated that the RPA should coordinate with the NCRTD tribal subcommittee to maximize the efficiency of the process.

Mr. Valencia suggested that the tribal subcommittee assemble at 2 PM for a meeting preceding the regular RPA meeting, which is held the third Tuesday of each month at 4 PM.

Speaking on behalf of the tribal pueblos of Tesuque, Santa Clara and Ohkay Owingeh, Mr. Lieb said that they are comfortable moving forward with the joint MOU working together with Santa Fe County and the NCRTD in order to work effectively and efficiently regarding issues for their communities.

Receiving consensus from the RPA, Commissioner Vigil gave direction to staff to assist in coordinating the meetings with the pueblos.

Councilor Bushee agreed that receiving public input for future consideration of routes is a good idea and suggested a route up to the ski basin.

Commissioner Vigil noted that some routes may be seasonal, such as the ski basin, and the informal public meetings and discussions will help to incorporate a comprehensive transportation plan of connectivity and help to identify and narrow the scope of the needs.

Councilor Romero reiterated the suggested amendments to the wording in the Scope of Work to be included under the paragraphs entitled “Data Collection and Plan Review,” “Initial Development of Expanded Services and New Proposed Routes,” “Public Meetings/Stakeholder Input Process,” and “Plan Document and Presentations.” The suggested wording would be “in consultation with tribes within Santa Fe County” or whatever the appropriate and most efficient tribal representation should be used.

Councilor Romero moved to approve the Scope of Work for Contract Transit Staff, as amended above, seconded by Councilor Bushee

Councilor Bushee felt that the “Purpose” paragraph should not spell out any specific community or entity and suggested that the paragraph end after the words “in Santa Fe County.”

Councilor Romero accepted the friendly amendment to the motion.

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

- **Review and Action on Process for Seating the Regional Planning Authority’s Energy Task Force**

Ms. Follingstad stated that the RPA gave staff direction to develop process options for selection of members of the RPA Energy Advisory Task Force (ETF), pursuant to resolutions adopted at the January 2009 meeting. Ms. Follingstad pointed to her memorandum in the packet and reviewed the options that were developed following meetings with staff. There is also included a list of suggested nominees with expertise in energy matters. The memorandum went on to state what criteria should be for membership, with options that the RPA may wish to pursue.

Commissioner Holian asked staff members who are present at today’s meeting to state their opinion as to whether they would like to be on the committee. Mr. Schiavo replied that, for him, it would be challenging to be on the committee, since all of his time is allocated elsewhere.

Ms. Mortimer explained it will be important to have staff from both the city and the county present and on the committee, rather than having staff be in a facilitating role.

Commissioner Holian asked how the RPA might give the ETF more solid goals than the wording that is used, “charged with producing a comprehensive regional energy plan.”

Ms. Mortimer replied it is up to the pleasure of the RPA what kind of advice it is looking for, whether it is seeking a specific plan or having this group researching and advising on technical matters on an ongoing basis.

Commissioner Vigil suggested holding a study session once the ETF is identified. She stated that the focus of the immediate decision is how to create the ETF.

Councilor Romero said that option two would be an efficient way to move forward, since the recommended nominees are people with experience and knowledge who have expressed interest. Another piece of work needed to be done is to be clear what the RPA is asking of the ETF through the scope of its own mission.

Councilor Bushee expressed her concern with the clarity of the existing resolution. She also pointed to the “Now therefore the RPA establishes the ...” paragraph, which has one sentence that runs 11 lines and includes timelines and goals. She said she would personally run away from trying to serve on something like that and it is not focused on what the ETF is trying to achieve. She suggested that the RPA look at very specific outcomes in specific timeframes.

Commissioner Holian agreed that the resolution is nebulous and should be tightened.

Commissioner Stefanics stated that the timeline for the ETF should be identified as to whether it is a one-year activity with very specific recommendations to result or if it is a long-term effort.

Commissioner Montoya said he would also prefer option two. He asked if the charge for the ETF will continue to facilitate the work that was begun by the ad hoc group that had been meeting previously.

Ms. Mortimer explained that the specific idea of having a comprehensive energy plan came up in the developing of the resolution itself and from feedback received from the RPA. It was not a task that the ad hoc committee took on.

Commissioner Montoya agreed that it would make sense to have a plan developed as a result of the ETF. He noted that some of the individuals on the list are people who have expressed an interest but not necessarily submitted a letter of intent. He also suggested that the Santa Fe County Manager be consulted with regard to the staff assigned to the ETF.

Councilor Bushee noted that the Bicycle Advisory Committee was given a very clear mission, including advising on funding and how the funding should move forward. She said that the mission of a committee can always be expanded. It also would be hard to

make the appointment at this juncture without knowing how long the committee would serve. She said the charge should be narrowed down in terms of the focus.

Councilor Romero suggested that as a first step a small ad hoc group of RPA members, staff and others meet to create the scope of work.

Commissioner Vigil summarized that the resolution as it was adopted was general and needed fine tuning. A first step would be to create an entity to assist in generating more specific recommendations regarding terms, focus, and vision as amendments to the resolution. She asked for volunteers from the RPA who would be willing to serve on an ad hoc subcommittee with the staff that has been working on the ETF. Councilor Bushee, Commissioner Holian, Councilor Romero, and Commissioner Vigil stated they would serve on the ad hoc subcommittee. Commissioner Vigil asked Commissioner Holian to chair the subcommittee.

Commissioner Holian moved to create an ad hoc subcommittee of the RPA to generate specific recommendations regarding goals and vision to the scope of the charge to the RPA Energy Advisory Task Force, consisting of Councilor Bushee, Commissioner Holian, Councilor Romero, and Commissioner Vigil, seconded by Councilor Ortiz. The motion was voted upon and approved unanimously.

Commissioner Holian said that she will schedule a meeting of the ad hoc subcommittee and meet with county staff to lay out homework assignments and bring to the meeting for discussion.

- **Policy on applications for grants from the Regional Gross Receipts Tax**

Ms. Follingstad reported that the RPA gave staff direction to prepare a statement to use as a response to new applications requesting portions of the Regional Gross Receipts Tax (GRT). She read the statement into the record.

Due to uncertainty in the amount of funds that may accrue to the regional one-half of the County Capital Projects Gross Receipts Tax fund in the next fiscal year, the Santa Fe Regional Planning Authority will not accept applications for review of projects seeking an award of funds.

Commissioner Vigil received consensus from the RPA for approval of the statement.

Mr. Chris Ortega, City Public Works Department, distributed a handout as an update on the Siler Road extension project. The project will be advertised for construction bid starting February 19 that will last for three weeks. On March 11 the bids will be opened. Part of the local match was from the RPA Regional GRT of \$875,000.

Included in Mr. Ortega's review of the update were construction cost estimates for noise mitigation. He reviewed the options that are in the construction plans for berms or walls and associated costs because the City is anticipating about a \$1.3-\$1.5 million shortfall in funds for the construction contract. The City has requested approval from the economic stimulus for \$1.5 million to cover the shortfall. If it comes through, the City may not have to seek additional funding from any other source. If not, they may have to come back to the RPA and the City's capital impact fees for help.

In response to Commissioner Stefanics, Mr. Ortega stated that bids will be received March 11, the project is 100% designed, and all certifications and environmental documentation are in place, giving it higher chances of receiving the funding. He has been communicating and meeting with the FHA and the DOT District 5 office, which has said they have about \$10.2 million to award in economic stimulus projects for transportation. They are accepting applications, and Siler Road and four other projects, Airport Road, Rodeo Road median, Cerrillos Road, and the downtown bridge over the Santa Fe River at Guadalupe Street, have been submitted to them. District 5 will take their list to the State Transportation Commission at its February 26 meeting. The State Highway Commission is the ultimate authority, and those projects will have to be deemed to qualify for use of federal funds because it is federal funding. District 5 is acting as a clearinghouse for those projects to determine project readiness and to make their recommendations as to how to distribute the \$10.2 million.

Commissioner Montoya asked what funds might be available from the RPA Regional GRT at this point.

Ms. Follingstad replied there is around \$250,000 in the "Other" category. She said that she will bring spreadsheets to the next meeting to explain the funds available.

Commissioner Vigil asked when they would hear back on the stimulus decision.

Mr. Ortega replied that, assuming the State Transportation Commission will act on the statewide list of projects at its meeting on February 26, they will know preliminarily on March 1.

- **Update on Implementation of the Settlement Agreement (Annexation); Extraterritorial Jurisdiction; Transition Plan; Status of ELUC and ELUA and Zoning Ordinance**

Ms. Follingstad stated that ELUC met last week. It has 10 members, and county staff said the meeting went very well.

Mr. Katz explained that both the city and the county enacted ordinances to establish ELUC and ELUA and have entered into a JPA. The zoning ordinance anticipated for ELUC and ELUA is being developed for introduction at the ELUC and ELUA for adoption. The ordinance will basically direct that zoning and planning for subdivisions outside the Presumptive City Limits (PCD) will come under county rules and within the PCD under city rules.

Adoption by the city of zoning for the areas to be annexed is proceeding also. A zoning map for the PCD that will basically follow the future land use map and the city's general plan is being created. The inclusion of areas already built on may further inform that map. Additional meetings for areas that did not have the kind of scrutiny the Southwest Area Plan had may be needed.

The annexation phasing agreement has been signed by the city and the county. Phase one includes the areas close to I-25, and that petition is just about ready for filing. Phase two will be the Airport Road area, and that petition should be filed before the end of 2011. Phase three is the area east of the city and the area northeast of the Agua Fría Traditional Historic Community (THC), which may be filed before the end of 2012. The final piece is that the county had agreed to enact the property tax credit, which is expected to come before the Board of County Commissioners (BCC) soon.

At present in the PCD, the city does not have the authority to issue building permits or do inspections and neither does the county. It is done by CID. Mr. Katz said he has asked the CID to empower the county and the city to do those functions because they obviously have fairly substantial planning and land use departments with the capability to do building permits and inspections. Generally, in the state, where a county or small municipality does not have that capacity, the CID does it. He is hoping that, within a month or two, the city will have all the pieces in place to do all of the zoning and development plan approvals, but will have to go to CID for the actual building permits.

Commissioner Montoya stated that county staff is currently evaluating the cost and staff time involved in developing its own permitting process. He asked if there could be coordination between the city and county.

Mr. Katz replied that the city has had its permitting and inspection in place for years and also grants occupancy certificates. The city is trying to inform CID that the city is competent to do the process and would like the county to deputize the city to do that in the PCD. He felt that the city land use staff would be more than happy to work with the county land use staff to lend expertise to the county in this area.

Commissioner Vigil asked about the public process for the annexation areas. Mr. Katz replied the city is planning to hire someone to help do the notifications for the annexations through the ENNs so there is proper notice to everyone.

- **Review of City Policy on Water and Sewer Extensions; Reconnaissance of Water and Sewer Infrastructure in Agua Fría Village**

Commissioner Vigil suggested that this item be removed from the agenda until someone from the Agua Fría Water Association can be in attendance.

Ms. Follingstad stated that she will request their attendance at the next meeting when this is discussed, as Agua Fría Village (AFV) is concerned they will get lost within the Settlement Agreement because they were not mentioned in it.

As an informational item, she presented a memorandum with an update on AFV, a map showing the infrastructure with city water lines in the vicinity and a map showing water lines in the village from the MDWCD, and excerpts from the City Code regarding extensions of water and sewer outside the city limits.

Ms. Follingstad said there is much detail having to do with infrastructure development in the AFV, including agreements with the county on water service, and some existing agreements that will stay in place with the city. Once the Settlement Agreement is implemented, there is an agreement with the city for supplemental water that will stay in place. But the county water utility has a more recent agreement with AFV to provide them with Buckman (BDD) water, and they are in the process of acquiring additional water rights for that.

Commissioner Vigil requested that Ms. Follingstad meet with AFV prior to the March RPA meeting and put together a packet containing all of the historical documents, agreements, authorizing ordinances and resolutions that have been enacted by the city and by the county with the AFV Water Association. She asked that this condensation be presented to the RPA on the record for a clear picture.

Councilor Romero suggested that enough time be allowed within the meeting agenda for this issue because it is so complex.

Ms. Follingstad confirmed that she will work with AFV for this presentation.

COMMUNICATIONS FROM THE FLOOR

Mr. Ivan Guillen, NCRTD Assistant Regional Coordinator, distributed to the RPA a letter that went to Mayor Coss announcing a \$100,000 award from the RTD for a regional project contiguous to the City of Santa Fe. The RTD has requested that the city provide a project description by February 28 so that it can be reviewed and they can go forward with Santa Fe Trails on whatever project the city feels appropriate for this. Last year the RTD had suggested to the Transportation Advisory Board (TAB) that the \$100,000 could have been used for a route to service SFCC and IAIA. However, that never came to fruition. Mr. Guillen said he wanted to make sure that the RPA is aware of this money and the upcoming deadline.

Councilor Romero added that she and Jon Bulthuis also received copies of the letter and encouraged them to respond quickly. She said that she was surprised the NCRTD had not heard back and will follow up with Mr. Bulthuis and Mayor Coss immediately.

Mr. Valenti said that he appeared before TAB many times last year in trying to bring a cohesive approach to spending the money and it was always the desire of TAB to try to initiate something in the SFCC and IAIA corridor. However, that never came about, the deadlines were not met, the money expired and was used elsewhere. It was during the same period of time in which there was the debate of Santa Fe County being members of the NCRTD.

He explained these are the monies that Los Alamos has generously given all the regional partners, so it is being utilized in Taos, Española, and Santa Fe County, which is utilizing their \$100,000 in this fiscal year for participation in the Eldorado project, along with a \$120,000 match from the county and with other federal matches.

This year, the NCRTD has been granted another \$100,000, and the point within the regional partnership agreement is that regional routes are defined contiguous to the City of Santa Fe. Presently, a portion of the Richards Avenue route runs outside the city limits going to the SFCC. These funds could be utilized to enhance that route to provide greater service.

Commissioner Stefanics requested that city councilors put in a good word for the Richards Avenue, SFCC, IAIA route.

Councilor Ortiz commented that this expanded service would have to be continued on a recurring basis and expressed his concern about where the funds for that would come from in the future.

MATTERS FROM THE REGIONAL PLANNING AUTHORITY

Commissioner Montoya again requested that transit planning always be the first item on the meeting agendas and give enough time for discussion, as it is the RPA's foremost initiative.

MATTERS FROM STAFF

Ms. Follingstad alerted the members that the March meeting agenda will include election of the RPA chair and vice-chair as an action item.

DATE AND TIME FOR NEXT RPA MEETING

The next regular meeting of the Regional Planning Authority will be held at 4 PM on Tuesday, March 17, 2008, in the County Commission Chambers.

ADJOURNMENT

There being no further business to come before the RPA, this Regular Meeting was adjourned at approximately 6:10 PM.

Approved by:

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

Minutes transcribed and drafted by: Kay Carlson