

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

**Tuesday, August 16, 2011
4:00 PM
Santa Fe, New Mexico**

This Special Meeting of the City of Santa Fe / Santa Fe County Regional Planning Authority (RPA) was called to order by Chair Kathy Holian at approximately 4:10 PM on the above-cited date in the Santa Fe County Commission Chambers in the County Administration Building.

ROLL CALL

County Commissioners Present:

Robert Anaya
Kathy Holian, Chair
Daniel Mayfield (*arrived after roll call*)
Virginia Vigil

City Councilors Present:

Patti Bushee
Chris Calvert, Vice Chair
Rosemary Romero
Rebecca Wurzburger

Santa Fe County Staff Members:

Robert Griego, Planning Manager
Andrew Jandáček, Transportation Planner
Craig O'Hare, Energy Specialist

Santa Fe City Staff Members:

Reed Liming, Long Range Planning Dir.

Others Present:

Keith Wilson, Senior Planner, SF MPO
Jack Valencia, NCRTD
José Villegas Sr., La Cieneguilla

APPROVAL OF AMENDED AGENDA

Chair Holian requested that Item V Communication from the Public be moved to after VIII Matters from Authority Members.

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

APPROVAL OF MINUTES

- **Minutes from May 17, 2011, Regular Meeting**

Councilor Romero moved to approve the minutes of the May 17, 2011, Regular Meeting, seconded by Commissioner Mayfield, voted on and approved unanimously.

[All items in the Board packet for all agenda items are incorporated herewith to these minutes by reference. The original Board packet is on file in the Regional Planning Authority office.]

DISCUSSION AND POSSIBLE ACTION ITEMS

- **Transit Plan Amendment for Edgewood/Santa Fe Bus Service**

Chair Holian explained the RPA approved the 2012 Transit Plan at the May 17 meeting. For consideration today is an amendment to the Edgewood service portion of that plan.

Commissioner Anaya explained that subsequent to the May 17 meeting he had further discussions with staff and input was received from the community to expand the route from Edgewood all the way into Santa Fe. This would eliminate the need for the Edgewood riders to get off the bus in Eldorado and board another bus to Santa Fe. Today's request is to allow for ten months of direct service from Edgewood to Santa Fe.

Mr. Jandáček, Transportation Planner, confirmed that the issue on the table for discussion is whether this route will terminate in Eldorado or in the City of Santa Fe. He referred to his memorandum in the members' packets with background information on the route. In May, the RPA moved to include an Edgewood to Eldorado route without a driver at the yearly cost of \$22,481, which comes to \$1,873 per month. Subsequent to the RPA meeting, NCRTD staff held a public meeting at Edgewood senior center and discussed the new route with potential ridership. Staff also worked to recruit potential drivers for the route. His memorandum includes a summary of the public input from the June 27 meeting, during which everyone in attendance requested that the route go all the way into Santa Fe instead of terminating in Eldorado. The request from the public was that the return service be earlier, between 4:30 and 5 PM, to best serve the ridership.

Following that June 27 meeting, he and Chris Barela, Commissioner Anaya's liaison, attended a town council meeting in Edgewood to also gather input there. Their concerns were about gross receipts that were collected in the southern portion of the county and whether they are being equitably distributed countywide. There were also concerns that the parking facility have a high visibility to reduce the chance for break-ins during the day.

The budget that was presented initially to the RPA was for 12 months of service. Since there are now 10 months remaining in the fiscal year, it was determined that the cost of \$22,481 would be sufficient to run the Edgewood service for 10 months.

Mr. Valencia confirmed that there is sufficient money in the budget to provide the extended direct service into Santa Fe from Edgewood for the remaining 10 months of this fiscal year. The estimate to run this route for 12 months is \$25,499, which would need to be approved during the budgetary process for fiscal year 2013.

Councilor Romero stated that the NCRTD board will put this proposed route on its agenda for its September 2 meeting for approval if it is approved by the RPA.

Following concern expressed by Councilor Bushee about the cost and inefficiency of delivery of service of the prior route from Edgewood, Mr. Valencia explained that a smaller, less expensive vehicle will be used – a van to hold 14 passengers and a driver. There will be no stop in Eldorado. Four potential drivers have been identified and two are included in the participants of the route. The parking area is at Buford Steakhouse, which should be safe from vandalism and closer for the riders.

In response to Commissioner Mayfield's suggestion for advertising on the bus, Mr. Valencia explained that the NCRTD has an advertising policy that was adopted late in 2010 in a shared public-private partnership as far as attainment of revenues.

Councilor Romero added that marketing to the people in an area is critical. This route may serve as a model for other routes in that these are people from the community who are being trained to drive, and there is ownership with them taking pride that they are helping to get this route into Santa Fe. She added that the RTD board is looking at this carefully as a test for other routes.

Councilor Wurzbarger agreed that this route is needed and asked how much the riders pay for the fare. Mr. Valencia replied there will be no fare, as with every other route in RTD's purview. He cautioned that the route is limited to 15 individuals and they may have to be ready to address the potential expansion of ridership.

Commissioner Vigil said she would like to make a policy statement. While she has been supportive and made the motion in May to approve the Edgewood route, she pointed out that there is no transit system from north of NM 599 and also western areas such as La Cienega, La Cieneguilla and Cieneguitta. On behalf of her constituents, she did not feel she could support this amendment without involving the other areas that have no public transportation. Commissioner Holian noted that her district has no bus service either.

In response to Councilor Calvert, Mr. Valencia explained the service will initiate in Edgewood, travel to Moriarty, Stanley, Galisteo, St. Vincent, NM DOT, South Capitol, PERA building, terminating at Sheridan Street station. Councilor Calvert pointed out that all those stops take a long time and people lose their incentive because of that.

Councilor Bushee said that the RPA will rely on staff in 2012 to determine the efficiency of the route.

Councilor Romero moved that the RPA approve the amended route from Edgewood to the City of Santa Fe as recommended by County staff, with the affiliated budgeted amount that was allocated as noted by RTD staff. The motion was seconded by Commissioner Anaya, voted on and passed by a vote of 7 to 1, with an opposing vote cast by Commissioner Vigil.

Commissioner Vigil explained that she opposed the motion because she will have to justify it to her constituents.

- **Update by the Energy Task Force**

Councilor Wurzburger suggested that staff provide a written summary for the next update.

Mr. Craig O'Hare explained that he is providing staff support to the RPA's Energy Task Force (ETF) and would report on items being discussed with respect to city and county joint efforts.

PNM has a very aggressive energy efficiency incentive program offering that they are required to have under the State Efficient Use of Energy Act. The incentives in the commercial sector are impressive with respect to financial help on energy efficiency improvements for businesses from restaurants to lodging. He is drafting a resolution for the BCC and Mr. Nick Schiavo for the City Council to link arms with PNM to co-promote and co-market these energy efficiency program offerings. In connection with this, training for electrical contractors has been held at SFCC on how the energy efficiency incentives work. Councilor Calvert said that he would take issue with the description of PNM's program as being aggressive. At stake is \$12 million that PNM needs to spend by year end. Consumers are probably already paying for it in the rates and it should be taken advantage of.

PNM has had incentives for commercial and residential rooftop solar installations for quite a while. Unfortunately, the way it was structured by the PRC, the incentives are going by the wayside. Thanks to Mr. Schiavo's aggressiveness, the City of Santa Fe was fortunate to get a number of large scale rooftop solar projects in at the highest renewable energy incentive at 15 cents per kilowatt hour. In some instances these incentives are now down to 8 cents per kilowatt hour and some are used up completely. The ETF has discussed whether the city and county might be interested in making a joint statement through formal intervention, commenting through letters, and/or meeting with the commissioners about stimulating the rooftop solar industry and the importance to local job creation and economic development to maintain those incentives.

The RPA authorized \$20,000 towards a municipal electric utility study with funding to be shared by New Energy Economy. The contract has been signed and will need to be completed by the end of 2012 fiscal year. Boulder, Colorado, is going through the same process.

While the ETF has not discussed this, Mr. O'Hare said he would like to see the county and the city work together to pursue a direct install minimal weatherization program for low income households. PNM has a 9.2% rate increase that just got passed and New Mexico Gas Company currently has a rate increase before the PRC. A group like Earthcare or Youthworks could be involved.

Santa Fe County is still working on the PACE program, especially on the commercial side and working in its new sustainable plan with Homewise to partner on a program similar to what the city has done with the green building code and what Homewise is doing on their own. A challenge is who would do the inspections in the county. The ETF is looking into the possibility of partnering with the city in terms of inspection staff and have the same rules for developers countywide.

The sustainable growth management plan that was adopted by the BCC in November has aggressive statements about cost effective green building and including that in the land

development code. An option that would make the most sense is working with Kim Shanahan of Santa Fe Area Homebuilders Association to develop a parallel energy efficiency standard in the county such as the city has adopted. It primarily uses a Home Energy Rating Standard (HERS) of 70, which is basically 30% more energy efficient than the reference home and about 15% more energy efficient than code. The Construction Industries Division (CID) basically does the county's building code enforcements. Mr. O'Hare has had a dialogue with CID to work with the county to help enforce a HERS standard.

There are Federal Qualified Energy Conservation Bonds (QECB) available to New Mexico from the federal government for energy conservation, but the Governor has to request them. A goal of the ETF is to have the city and county jointly ask the Governor to issue a declaration for them, because it could mean as much as \$1.5 million for Santa Fe County and a state allocation of \$20 million. If the funds are leveraged right, \$6 million could be loaned out. Mr. O'Hare has drafted a letter to Governor Martinez that is at present before the county manager and that would either come from BCC Chair Vigil or from the county manager asking to meet with the Governor's chief of staff. Boulder used their QECB allocation to buy down the interest rate from 6% down to 2%.

Councilor Wurzbarger said that she appreciated the report and the work the ETF is doing and agreed that the county and city need to have a unified strategy of working together to request the meeting. She suggested that a parallel request be made to the secretary of economic development, John Barela, with whom she and the mayor have met on another project. She stressed the importance of writing the letter quickly.

Councilor Wurzbarger moved to approve sending a letter to Governor Martinez, to include the appropriate State officials, asking that the Governor request the Federal Qualified Energy Conservation Bond Allocation for New Mexico. The motion was seconded by Councilor Calvert.

Mr. O'Hare added that he has spoken with Paul Gutierrez, the executive director of the Association of Counties, to help in providing access to enable the county to receive the allocation.

Councilor Bushee said that she would support the motion and encouraged staff to determine the appropriate recipients of the letter. She requested that Mr. O'Hare keep the RPA informed via email.

The motion was voted upon and approved unanimously.

Councilor Calvert suggested that the RPA give direction to staff to determine whether the city or the county should become interveners on the 2012 Renewable Energy Procurement Plan filing that PNM submitted to the PRC and that has a deadline for intervention early in September. As an option and has happened in the past, the city and county might be able to piggyback along with Albuquerque at a lesser cost.

Councilor Calvert moved to provide direction to staff to look into the options for the City of Santa Fe and Santa Fe County to intervene in the case before the PRC regarding renewable energy credits or any kind of incentives for renewable energy.

The motion was seconded by Councilor Wurzburger with a friendly amendment that the BCC and City Council independently with their legal staffs proceed without having to first come back to the RPA because of the timing.

Councilor Calvert agreed to the friendly amendment and requested ongoing communication with RPA members.

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

MATTERS FROM AUTHORITY MEMBERS

Councilor Romero advocated for a discussion about the funds that are available to the RPA and where the funds should be spent. Commissioner Holian confirmed that this will be an agenda item in September.

Commissioner Vigil reported that the affordable housing task force has been meeting with regard to conceptualization for direction and coordination with possible joint city and county efforts.

Councilor Romero requested that Mr. Griego keep the entire RPA membership informed about the membership of the task forces and when they are meeting.

Councilor Wurzburger reported that she and Commissioner Mayfield have met regarding the economic development task force and have developed a matrix comparing what the county and the city have been doing. They are focusing on possible areas, one being the film industry, another broadband. The next step is to add at least two more members and to invite other RPA members to brainstorm with them.

Commissioner Holian stated that an agenda item for the next RPA meeting will be to discuss how the task forces operate and when they meet.

Councilor Calvert pointed out that energy efficiency endeavors would also benefit homes in terms of affordability and help to stimulate the economy.

Commissioner Anaya expressed his concerns about the existence of the RPA and pointed to the Metropolitan Planning Organization in Albuquerque that goes well beyond the breadth of the city and encompasses the entire region. He felt that any regional planning entity should be truly regional.

COMMUNICATIONS FROM THE PUBLIC

Verbatim – I am Jose Villegas Senior, coming here as a resident and property owner in La Cieneguilla. I've been trying to think of a way in how I can address this, you guys, the RPA, about my issues in my community. I've been in the community for almost 31 years and I think I can speak clearly and concisely of my concerns that are impacting the community right now. One of the issues is water. I've got a problem with the issue of water.

I have a granddaughter, her name is _____, she's a year and four months old. I have a grandson whose name is Ricardo Andreas, and he is going on five months old. Whatever I do here today is, I'll explain to you why I'm here, because I'm here for my kids. Not only my kids, but my grandchildren. ... I won't take up too much of your time ... My legacy is my passion for my community.

My community, La Cieneguilla, as you all know, we are having an issue of water, do we have a water shortage or we don't. Do we have dry conditions in the community, or not. What is going on with the Hagerman well. Every time I come to a meeting and I haven't been here in a long time, people, you guys know that. I carry my suitcase. That suitcase is so heavy. I'm getting tired of carrying it. I've been fighting too long in my community to preserve what we have. And it's getting harder. And as you all know, we don't have the community activism like we used to, and that's because people are burnt out. People have lost faith in the system. People, the system is, the political bodies in the city and county ... it's just a system. It is not a personal attack ...

This issue ... when I ask for information with county staff or city staff, the only thing I would get from the people – it's not their fault, but it is what it is, it's policies and procedures – give me a _____ for the public records act. And when I do that, the information that I get is not what I need. I already have the information. I want to make sure that they're giving me the right stuff. So I need to know about the Hagerman well, and if you know the issue of the Hagerman well, tell me you know. But ... the water issue, what's going on with that land. Who owns the well ... the county owns the well, 75%, and the polo ground owns 2% of the well ... So what's going on with that water. We have a drought in our city and our county. What is going on over there at the polo grounds where it's green. It's green! Green, green, green! And the rest of the city and the county is having water shortages. That Hagerman well is the same water source that goes into my tap in the sink that I use for my kids, for myself, for washing, for whatever. It's the same water source. It's potable water.

The issue of the Hagerman well goes back to 1962. the county of Santa Fe is _____ the 10% or whatever water they're giving the First National Bank of Los Alamos to irrigate that field for aesthetic purposes. Because eventually, they're going to sell that property.

Discussion with the RPA:

Commissioner Vigil and Councilor Bushee stated that the water being used there is effluent

Mr. Villegas went on to say that he has spoken to "Pedro" in the water utilities department. He expressed his frustration as a community member that, because of litigation issues with Kokesh, they will not release information to him.

Commissioner Anaya invited Mr. Villegas to see him at any time.

Commissioner Vigil said that she could not speak to the litigation. At present, the county does not know what the production capability of the Hagerman well is and once that data is available, there will be a better sense of how to handle the permits.

Back to verbatim from Mr. Villegas ... for the entire area where I live, but that's not the entire thing. The problem with water, if you have private landowners downstream that area, for

example, spigots on his 45 acre of land, that's taken care of at the SEO, I took care of that. The water that's coming out of the treatment plant, that's city water, who does it belong to, City of Santa Fe or State Engineer. If you look at the Santa Fe judication case, there is a case with Reynolds versus City of Roswell, talks about effluent waters, the title of it and the use of it. The senior water rights, the impairment rights. The impairment rights along that, it's not the Santa Fe River, this is treated water that comes out of the sewer plant. There's no Santa Fe River ... we were granted in La Cieneguilla as a property owner, 3 acre feet of water, additional, because we cannot use the river any more. We are concerned because of what is going on with the trees, beavers, you cannot tell me that these beavers have dammed ... even before ... heirs of the land grant can tell you, where did those beavers come from ... mountains, what. My concern is the beavers don't belong there, the cottonwood trees don't belong there. Is adjacent to an FAA approved airport next to a landing zone. Waiting for an airplane crash.

Verbatim from Commissioner Anaya ... I am ecstatic you brought it up. This is an opportunity to convey that the deceivers listed in the resolution and the mayor, I have had discussion with mayor and staff, those deceivers do not work because of the physics associated with the depths you need. The beaver issue is a problem, am concerned, as are the people who are not receiving water in La Bajada who are dry because a lot of the water is being held up in the dams. Ask for each of you to look at the situation and what has transpired, because it is affecting longstanding uses of water. A question has come up relative to the legality. I have received feedback it is city water and they do not have obligations. This is information received from the city, do not have information from the SEO. Ask you to continue to look and help with the situation because the riverbed is dry in La Bajada and they are not able to irrigate fields.

Commissioner Holian stated that the BCC passed a resolution at its last meeting addressing possible solutions to the beavers on the river. She explained that beavers were on the Santa Fe River for thousands of years. In the 1800s they were exterminated and eradicated from a large part of the Continental United States. Beavers play an important role in various situations. They cause wetlands to occur, which creates an environment for other plants and animals. They are known as a cornerstone species, and if they are killed, the trees chopped down, and the riverbed paved to make sure the water gets through, there may be unintended consequences. Such action may cause less water to percolate into the aquifers and others would lose their water supply. It is a good idea to bring all possible science into the issue, have a discussion with everyone who is involved and affected, and try to come up with a solution. Commissioner Holian said she was reminded of an incident in 2003 when the bark beetle was prevalent. A friend of hers, who is a scientist at LANL, ordered the most toxic poison he could get. Because it was not sold in the United States, he had to order it from another country. He sprayed all of his trees, which died anyway. As a result of the spraying, he created a dead zone because the birds and all the other animals had been killed off by the poison, and there were no birds left to eat the beetles. She stated that sometimes a solution seems obvious, but creates those unintended consequences.

Verbatim from Mr. Villegas - I agree, I just want peace in the community. La Cieneguilla, La Cienega, La Bajada, are close knit families. It would be nice if Forest Guardians had come and talked to us and they didn't. They shoved this stuff down our throats, no choice, now we have the trees. At least make the effort. We told these people we would have issues later on. I am the peacemaker, not the warmaker. Now we have a monster in our community.

What can you do to help mediate this in a positive way, bring everybody to the table, the right people are the ones who are being impacted big time. Don't talk for me or my family, I can speak for my own community. I ask each one of you to work with me and resolve this. Culture and traditions are still alive in the community that I am trying to preserve and defend. The RPA is a good organization. You have made a big difference in the community, and I support you.

Commissioner Holian said that she would like to talk to Mr. Villegas one on one. There are people in the community who understand water and how to use every drop effectively. It is important to bring people into the discussion who have that kind of knowledge.

DATE AND TIME FOR NEXT RPA MEETING

The next Regular Meeting of the Regional Planning Authority will be held at 4 PM, Tuesday, September 20, 2011, in the County Commission Chambers.

ADJOURNMENT

This Special Meeting of the RPA was adjourned at approximately 5:50 PM.

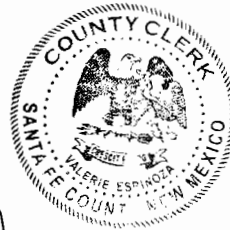
Approved by:

Kathy Holian
Chair, Regional Planning Authority
Kathy Holian, Santa Fe County Commissioner

Minutes transcribed and drafted by Kay Carlson

Attest:

Valerie Espinoza
Valerie Espinoza, County Clerk



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

RPA MINUTES
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I Hereby Certify That This Instrument Was Filed for Record On The 13TH Day Of January, 2012 at 12:22:18 PM And Was Duly Recorded as Instrument # 1657341 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy County Clerk, Santa Fe, NM

SFC CLERK RECORDED 01/13/2012