

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

**Tuesday, October 20, 2009
4:00 PM
Santa Fe, New Mexico**

This Regular Meeting of the City of Santa Fe / Santa Fe County Regional Planning Authority (RPA) was called to order by Chair Harry Montoya at approximately 4:05 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, Chair
Liz Stefanics
Virginia Vigil

City Councilors Present:

Rebecca Wurzburger

City Councilors Excused:

Patti Bushee
Matthew Ortiz
Rosemary Romero

Santa Fe RPA Staff:

Mary Helen Follingstad, Executive Director

Santa Fe County Staff Members:

Penny Ellis-Green, Assistant County Manager
Andrew Jandáček, Transportation Planner
Steve Ross, County Attorney

Santa Fe City Staff Members:

Jon Bulthuis, Santa Fe Trails

Others Present:

Save Sun Mountain
 Andy Ault, Save Sun Mountain Coalition
 Jennie Parks, Trust for Public Land
 Stephen Post
Dr. Sam Pallen, COLTPAC
Josette Lucero, NCRTD
Thomas Romero, SFCC
Mark Tibbetts, Santa Fe MPO

APPROVAL OF AGENDA

Ms. Follingstad stated that agenda item VIII.C. Charlier Contract Amendment would not be a part of the meeting today because it is not permitted to add on to a contract that used the process of bidding up to \$50,000, and so the approval could not yet be done.

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

APPROVAL OF MINUTES FROM SEPTEMBER 28, 2009, SPECIAL MEETING

Commissioner Stefanics moved to approve the minutes of the September 28, 2009, Special Meeting, seconded by Councilor Wurzburger 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.]

COMMUNICATIONS FROM THE PUBLIC

- **Sun Mountain**

Ms. Jennie Parks, State Director, Trust for Public Land, explained that she was approached six months ago by the Save Sun Mountain Coalition. There were plans by developer Doug McDowell to build home sites on the western flank of Sun Mountain, which is adjacent to City of Santa Fe land and close to St. John's College. The developer has entered into a purchase agreement with the coalition to sell the property if the coalition can raise \$3.2 million to acquire the property. The coalition is a dedicated and passionate group that has obtained 3,000 petition signatures and raised \$2.67 million in the last five months, \$1.4 million of which is from a conservation buyer and the rest from individuals. This is an iconic property, and excellent access to the top of Sun Mountain to public can be provided. If the coalition is successful, they can donate 11 to 12 acres to the City of Santa Fe, with a conservation easement to provide pedestrian/hiking access from Old Santa Fe Trail to the top of Sun Mountain. The conservation buyer would own the land and has agreed to strip development rights off the property except for two house sites, both of which would be below the existing Watson house on the side of the hill. The Watson house, the two other house sites, and the rest of the property would be preserved in perpetuity.

There is currently an approximately \$500,000+ gap, and Ms. Parks requested funding from the RPA for \$100,000. Also, the Watson house will be sold to help make up the difference. Should the funds be obtained, the coalition will acquire 23 acres, then do a lot line adjustment, with acreage donated to the City; the Watson house with one acre will be sold in an open bidding process; and the remainder of 10 acres will go to the conservation buyer. The appraisal for just the land came to \$3.1 million, which means the property will be obtained for well below the appraised value.

Mr. Andy Ault, a resident of Old Santa Fe Trail, said he comes to the purchase of the property from an interest in its history, as a hiker, and as a board member of Santa Fe Conservation Trust. He pointed out that the land has been historically stewarded by a family that took care of it for almost one hundred years. He said that this is an opportunity to add to the history of open space and trails with access to Sun and Moon mountains that can be a gift to the City.

Commissioner Stefanics clarified that, while the RPA is hearing this presentation and it might be a worthwhile project, a criteria to use for such requests has not been established, and so this presentation is for informational purposes only.

Councilor Wurzburger added that she has attempted to get the Save Sun Mountain Coalition on previous agendas and has gone to the option to have it be informational in order to have it heard.

Commissioner Holian said she asked the County COLTPAC committee to evaluate the purchase because they have experience in ramifications of open space purchases.

Dr. Sam Pallen, Vice Chair of COLTPAC, explained they are an advisory body that assists county Commissioners with acquisition of open space and trails on behalf of the public. He said that the committee usually receives requests from prospective sellers, rather than from the commissioners. The coalition has done an incredible job of negotiating and raising funds, and their goal is within reach. COLTPAC had an active discussion and reached consensus with one dissenting member. The land is expensive, yet public funds will only be a fraction of the total cost. The committee has six criteria by which it recommends approval of acquisitions, and this property meets five of them, although there is no definite answer that the city will accept the acres being offered to provide public access. Questions that arose are, who would be responsible for management and maintenance, trailhead design, parking, and it is not known whether the neighboring landowners will continue to be supportive once they learn there will be public access. The three private residences will occupy approximately half of the property, and the committee has not been privy to covenants or restrictions. Dr. Pallen concluded by saying that the group agreed this is a beautiful piece of property that deserves to be preserved and has received excellent public support.

Commissioner Stefanics thanked COLTPAC for their objectivity and taking the time to look at the project.

Councilor Wurzbarger thanked Dr. Pallen for the input. She added that there is a resolution indicating that the City would accept the property if it were to be purchased that has gone through the Finance committee with no opposition and has to go through two more committees and [the](#) City Council.

Ms. Parks stated there is a list of restrictions and covenants on the houses, and the conservation buyer has agreed that the two new buildings will not be larger than 5,000 square feet or higher than 16 feet. In addition, there are more cosmetic type restrictions, as well as being subject to hillside ordinance restrictions. The coalition is in preliminary stages of working with city staff and planners about the possibility of off-street parking for the trailhead, similar to other trailheads. A group of community citizens, the neighborhood association from Sun Mountain, as well as the Save Sun Mountain Coalition, have agreed to take on volunteer responsibilities to help care for the land and help the city with maintenance.

Commissioner Vigil asked about the history of the property.

Mr. Ault explained that Judge Jack Watson bought the property in the late 1920s and began building in the 1930s with a local contractor. He kept the footprint purposefully small and the two-level house is approximately 1,960 square feet, built mostly of Pen tile with oak flooring. This is a land that has been loved for 90 years by one family that did two unique things. They liked their trails and built them over time and invited the public to enjoy the land and the access as much as they did. Therefore, it has had a long history of public use and support.

INFORMATION ITEMS

- **Transit**

▪ **NCRTD member report**

Commissioner Stefanics explained that she and Councilor Romero sit on the NCRTD board. In October there was a ribbon cutting of the NCRTD facility that is being purchased and renovated with a stimulus grant, not using any of the GRT funds. It is an old blue metal building on a couple of acres in Española. She thanked everyone from Santa Fe County who came to the ceremony.

▪ **NCRTD Resolution No. 2009-07**

Commissioner Stefanics referred to the resolution included in the packet and pointed out a conflict with one of the items in the transportation priorities approved at the September 28 RPA meeting that did not mesh with the resolution (Priority #2 – “D” existing service reductions).

She said she believed the other priorities approved were in synch with the resolution.

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Commissioner Montoya said his understanding is that the MOU agreed to between the County and the NCRTD was that the RPA will make the decision of which routes to fund. He said this is inconsistent with the NCRTD resolution 2009-07.

Mr. Ross agreed that the only limitation in the resolutions enacted about a year ago by the County when it reentered the NCRTD and by the NCRTD when it accepted the County as a new member was that the funds be used in Santa Fe County.

Mr. Bulhuis explained that the item put forward at the last meeting was a local transit priority to prevent further Santa Fe Trails (SFT) service reductions, the first stage of which will occur November 2. SFT is not looking for the funds to roll back the first round of service cuts, but as a safety net to prevent further cuts to the system. The rationale from the RPA was to keep the core service area intact. He added that there is now some debate as to whether those funds are needed, because the City’s receipts are coming close to the current budget.

In response to discussion about what action to take regarding these inconsistencies, Commissioner Stefanics replied this is not an action item, but is information she wanted to bring up at this meeting.

• **Energy Task Force**

▪ **Report from the Chair on Energy Task Force meeting September 25, 2009**

Commissioner Holian explained there have been five meetings of the Energy Task Force (ETF), the last two under the Open Meetings Act, which the county legal department determined was needed, since at some point in time the ETF may be making decisions. At present, its discussions have been strictly informational. Many of the ETF members have expertise that is helpful in the various issues being considered.

The ETF has been discussing the Renewable Energy Financing District because the County is involved in trying to set it up as efficiently and quickly as possible. At its next meeting on October 27, the BCC will consider approval of the ordinance creating the district. This is considered the public hearing and once the ordinance is passed, there is a wait of 30 days before it can be implemented and people can apply for the renewable energy financing. A Request for Proposals (RFP) for a contractor to assist with implementation of the Financing District is now

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in the legal department has three basic program elements. The first is program development, the second is application processing, and the third is funding. One entity may be chosen to help with all three, or it is possible there can be three different entities.

Commissioner Holian said it is fairly easy for the city to opt into this program, but they have to pass a resolution to do so.

To help expedite the City's resolution, Councilor Wurzbarger asked Commissioner Holian to come to the next meeting of the public utilities committee that she chairs.

Commissioner Stefanics asked if other governmental bodies within Santa Fe County will be approached.

Mr. Duncan Sill explained that County Manager Roman Abeyta sent a letter seeking interest in participation to Edgewood and Española. He has met with Edgewood councilors who expressed an interest in working with them.

Commissioner Stefanics said that when she saw the presentation on this district from the attorneys, it included all governmental bodies within the county. She suggested that the attorney review this with Peter Franklin to determine whether or not the tribes are invited to participate on a formal basis.

Chair Montoya suggested that the governors of the tribes be contacted.

Commissioner Holian explained that the resolution states that the Renewable Energy Financing District board will consist of the five County Commissioners. As other entities are included, the ordinance can be amended to bring in participation from whoever else joins.

Commissioner Stefanics asked if in the beginning the ordinance should be worded that as governmental bodies the tribes have a seat on the board as they are added to the agreements. Commissioner Holian said she will check that out.

Commissioner Holian went on to explain that there are two PRC cases that have to do with PNM. One is the renewable energy portfolio for PNM for 2010 and the other is an issue about using third party providers for renewable energy products. The County of Santa Fe is a party to this second case, the only local government, and legal staff attends the meetings. On the third party providers, the county is not a party, but the City of Santa Fe and Buckman are.

Councilor Wurzbarger thanked Commissioner Holian for her work on the ETF. A project to consider is energy issues for affordable housing, which has used up the stimulus funds from the federal government.

Commissioner Stefanics noted the ETF has a one-year lifetime attached to it and asked if it is looking at what can be put forward and recommended within that one year.

Commissioner Holian confirmed they are.

- **Metropolitan Planning Organization (MPO)**

- **Report from MPO Staff**

Mr. Mark Tibbetts explained that the MPO's focus has been on the update of the Metropolitan Transportation Plan. With regard to activities between the RPA, NCRTD and SFT regarding the Rail Runner, the Santo Domingo station will open before Christmas, and there will be a Sandia Pueblo stop to open a few months after that. Monies have been appropriated and approved for these stops that will eventually bring in the need for local service. These stops will change the express nature of the Rail Runner.

Regarding bikeways, the North Central rail line stopped service around 1929 and travels west of Eldorado, through Rancho Viejo and the Santa Fe Community College (SFCC). The Transportation Policy Board (TPB) is looking to have the state and county sponsor right-of-way acquisition for design and construction of an all weather bike/walk trail as an alternate to the Rail Trail, which in its present state is fine from Rabbit Road north, but is problematic because of crossings and is basically an equestrian, all-purpose trail.

MPO staff attended the mayor's commission on ADA issues and is looking to help write the section on pedestrian crossings of the arterials.

They are looking to have public meetings in January 2010 regarding the Long-Range Plan. The Federal Highway Administration (FHA) has required a study specifically for a roadway connection to Eldorado at I-25. The corridor studies of St. Francis, NM 599 and I-25 are anticipated to come to their phase B in December and January and should be scheduled for the next TPB meeting at the end of November and early December.

Commissioner Stefanics asked for more information regarding the Eldorado access.

Mr. Tibbetts explained that it has been determined at this point not to focus on extending St. Francis to the south partly because of the terrain. Basically, Eldorado is a cul de sac very similar to many other subdivisions, such as the Community College District (CCD). The federal government has directed the state to study whether there will be an increased need of an interchange at Richards Avenue based on traffic coming from the west side of Eldorado.

Commissioner Stefanics requested that Mr. Tibbetts supply her with a copy of the directive from the FHA to help in her conversations with the Eldorado representatives.

Commissioner Stefanics explained that, at the last MPO meeting, she asked staff to look at the resolution the county just passed on bike paths along roadways and what the federal, state, city and county governments are doing to see where there may be disconnects in resolutions and regulations on bicycles and bike paths.

- **Regional Capital Outlay GRT issues**
 - **Update of the regional Capital Outlay Plan**
 - **Projects listed in the City and County ICIP**
 - **Projects eligible for funding; adjustments to the process**

Ms. Follingstad pointed to her memorandum in the packet regarding projects that could receive funding from the RPA. She also included in the packet the criteria adopted by the RPA and an

executive summary from the Regional Capital Improvements Plan adopted by the RPA in 2002. She presented an ICIP projects spreadsheet that included a ranking of both city and county projects.

Ms. Follingstad said the RPA requested that staff propose a process for how to go about determining the projects eligible for funding. She presented Resolution 2002-2 that was approved by the RPA setting up a Capital Improvements Program that was pursuant to the Capital Improvements Plan adopted when the county ordinance was done. She said there is now a pot of money that can be awarded to projects, but there is not a new capital improvements program against which to make the decision.

As a future next step, Ms. Follingstad recommended that a new resolution updating the Capital Improvement Plan be adopted. The plan itself is a hefty document rationalizing water, park, trail and road projects, but it did not deal with the "Other" category. The resolution would update the plan listing projects, to help in making decisions about spending the money.

Ms. Follingstad noted that Zona del Sol and Esperanza Shelter are on both documents.

Councilor Wurzbarger said she would like to take the following public position. Given today's economy, the last thing she would want to spend time on is doing a detailed plan. She suggested what is needed is a two-hour workshop or mini-planning session of the RPA that determines what funds are available in the "Other" category, that times are different and new things have happened since the RPA last did the planning. By brainstorming together, the RPA can develop a two-to-three-year action plan and share the relative priorities of both the city and the county. She did not feel the list would be long and the RPA should be able to make additions based on extenuating circumstances, which she would argue for Sun Mountain. Looking at criteria and not extenuating circumstances in the economy, the RPA could come up with a list of possibilities and rank them.

Commissioner Vigil noted that some of the projects on the ICIP spreadsheet are outdated and added that South Meadows is in need of being a focus. She agreed that the mini-planning session is very necessary as she looks at the priorities. In conjunction with the annexation strategy, there are many joint projects to start creating the focus on for those annexed, incorporated or unincorporated areas that have joint impact on both the city and the county.

Commissioner Stefanics noted that the legislature is cutting funding from many projects that have been on the burner for both the city and the county. Before the RPA holds its study session, an analysis should be done to determine if there are any other sources of funding for the projects on the list. If there is no funding and the projects are important to the city and the county, the RPA will have to keep them under consideration. She added there are water projects in the northern part of the county that are being de-funded by the state.

Councilor Wurzbarger said she was supportive of the suggestion by Commissioner Stefanics and stated that cuts in funding could be a new criteria.

- **Transportation planning: MPO requirements; RPA Joint Powers Agreement (JPA)**

This item was not addressed under this heading.

DISCUSSION AND POSSIBLE ACTION ITEMS

- **Discussion and possible action on the Transit Service Plan**
 - **Use of remaining funds for FY2010**
 - **Use of all funds for FY2011**
 - **Transit Service Plan (draft document)**

Ms. Follingstad presented the Santa Fe City and County Regional Planning Authority Regional Transit Service Plan put together by the consultant, Charlier & Associates. Starting on page 10 of the report are proposed routes and the consultant's analysis of those based on data collected on ridership, viability and feasibility. A separate sheet to be included as page 15 is titled Pueblo Express Service.

Ms. Follingstad referred to additional emails in the members' packet regarding special events that are high on the city's priority list. In discussion at the September 28 meeting, the RPA suggested using the extra part of the 14% that is currently not assigned to administrative services for the special events. She added this possibility was confirmed by Ms. Lucero, Director of the NCRTD.

Since the allocation to Priority #2, "D" existing service reductions, may not be needed, Mr. Bulthuis said some of those funds might be available for special events that have always been a budgeting issue because it is not included in SFT's annual operating budget. However, those events come every year and there are always requests to service them. He said it would be helpful to identify a recurring revenue source that relates to the Rail Runner service and coordinates the whole transportation picture.

Chair Montoya asked if Mr. Bulthuis was recommending that Priority #2 be replaced with special events.

Ms. Bulthuis replied that there is a real possibility those funds may not be needed for existing service reductions, which would create more money on the table than what was outlined at the previous meeting.

Commissioner Stefanics suggested a motion to delete Priority #2, "D" existing service reductions, and replace it with transportation for special events.

Councilor Wurzbarger said she would second the motion for discussion and asked Mr. Bulthuis if he was comfortable with this allocation, knowing the other City Councilors who made the decision at the last meeting were not in attendance today.

Mr. Bulthuis said he did not want to speak for the other Councilors. He also did not want to forecast the future and say that no future service reductions will be needed, but he was pointing out there are other things that were identified as priorities.

Councilor Wurzbarger asked for clarification of the other monies on the table that were not allocated at the September 28 meeting and how much was allocated to Priority #2.

Ms. Follingstad replied there was approximately \$265,000 still not allocated to a service. The purpose of getting this being on today's agenda was to see what to do with the extra funds. There was \$100,000 allocated to Priority #2.

Councilor Wurzburger said her position is that she would not want to change a decision made by her colleagues. She began to address a substitute motion to keep that priority and use the 14% or \$22,000 for the special events.

It was then determined that Commissioner Vigil had left the meeting and there was no longer a quorum.

Mr. Ross noted that once a quorum is lost, all the RPA can do is adjourn or just hold a discussion.

Because the decision was critical, Ms. Follingstad said that there was time to advertise a special RPA meeting on October 29 at 4 PM. This would be the only item on the agenda. She said she will send out an email and advertise the meeting.

Since there was no longer a quorum present, the remaining possible action items were not addressed.

- **Discussion and possible action on Regional Capital Outlay GRT matters**
- **Budget for Energy Task Force**
- **Charlie Contract Amendment** (*taken off the agenda*)
- **RPA Staff**

Chair Montoya said there was the need to begin discussions of whether to continue with the RPA or not.

Commissioner Stefanics said that she and Councilor Wurzburger were unable to attend the October 7 subcommittee meeting and that she had a different take on the recommendations, referring to Councilor Romero's email and her response.

Since this should be discussed with the full membership of the RPA, Councilor Wurzburger suggested if there is time at the special meeting on October 29, this could be addressed then or at the next regular meeting. She added that the RPA is the one forum that is not specific to a topic.

Ms. Follingstad explained that the MPO works on transportation planning and does not cover the entire area of issues addressed by the RPA.

Commissioner Holian said there is the need to discuss who will staff the RPA and the ETF meetings after October 29 and how the RPA will be organized.

Chair Montoya requested that Ms. Ellis-Green ask County Manager Abeyta how he suggests the RPA be staffed. Chair Montoya also suggested that the agenda items under VIII, Discussion and possible action items, not addressed today be included on the October 29 agenda: A. Discussion and possible action on the Transit Service Plan, 1. Use of remaining funds for FY2010, 2. Use of

all funds for FY2011, 3. Transit Service Plan (draft document); B. Budget for Energy Task Force; and D. RPA Staff.

DATE AND TIME FOR NEXT RPA MEETING

A special meeting of the Regional Planning Authority will be held at 4 PM, Thursday, October 29, 2009, in the County Commission Chambers.

The next regular meeting of the Regional Planning Authority will be held at 4 PM, Tuesday, November 27, 2009, in the County Commission Chambers.

ADJOURNMENT

There being no quorum for action items, this Regular Meeting of the RPA was adjourned at approximately 5:55 PM.

Approved by:

Chair, Regional Planning Authority
Harry Montoya, Commissioner, County of Santa Fe

Minutes transcribed and drafted by Kay Carlson