

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

**Tuesday, August 21, 2007
4:00 PM
Santa Fe, New Mexico**

The meeting of the City of Santa Fe / Santa Fe County Regional Planning Authority (RPA) was called to order by Chair Rebecca Wurzburger at approximately 4:20 PM on the above-cited date in the County Commission Chambers in the County Administration Building.

ROLL CALL

County Commissioners Present:

Paul Campos
Harry Montoya
Jack Sullivan

County Commissioner Excused:

Virginia Vigil

City Councilors Present:

Mayor David Coss
Rebecca Wurzburger, Chair

City Councilor Excused:

Matthew Ortiz

City Councilor Absent

Miguel Chavez

Santa Fe RPA Staff:

Mary Helen Follingstad, Executive Director

County of Santa Fe Staff Members:

Rachel Brown, Assistant Attorney
Robert Martinez, Roads
Judy McGowan, Planning
Paul Olafson, Open Space
Stephen Ross, Attorney
Doug Sayre, Water Resources

City of Santa Fe Staff Members:

Rick Carpenter, Public Works
David Chapman, Public Works
Anne Lovely, Assistant Attorney
Ann McLaughlin, Parks
Janine Johnston, River Coordinator

Others Present:

Mark A. Basham, B&B PC
Brian Drypolcher, TPL
Rebecca Frankel
Fred Garcia, Property Owner
Tom Keesing, Santa Fe Agency
Mark Ruhlman, Columbus Capital

APPROVAL OF AGENDA

Ms. Follingstad stated she would like to add under Matters From the RPA revisiting the RPA's Rules of Order and Open Meetings Act resolution at the September 18, 2007, meeting.

Mayor Coss moved to approve the agenda, as amended, seconded by Commissioner Sullivan and approved unanimously.

APPROVAL OF MINUTES FROM THE JUNE 19, 2007, REGULAR MEETING

Mayor Coss moved to approve the minutes of June 19, 2007, seconded by Commissioner Sullivan and approved unanimously.

APPROVAL OF NOTES FROM THE JULY 17, 2007, REGULAR MEETING

Since there was no quorum and only discussion was held, it was determined that there was no need for formal approval of the Notes from July 17, 2007.

REGIONAL PLANNING AUTHORITY BUSINESS

- **Election of RPA Chair and Vice Chair for the six-month period July through December 2007**

Mayor Coss moved to elect Commissioner Harry Montoya as Chair of the RPA, seconded by Commissioner Sullivan and approved unanimously.

Mayor Coss moved to elect Councilor Rebecca Wurzbarger as Vice Chair of the RPA, seconded by Commissioner Montoya and approved unanimously.

Commissioner Montoya then took over the meeting as Chair.

- **Set date for public hearing on RPA Annexation Strategy; review recommendation for the RPA Annexation Strategy**

Ms. Follingstad stated that substantial discussion was held at the June 19 meeting on the matter of annexation strategy and which areas should or should not be in the recommendation from the RPA. She pointed to her memorandum included in the meeting packet that outlines the discussion and includes a spreadsheet showing what areas might be part of the city petition to the Municipal Boundary Commission (MBC), what areas might be owner petition, what areas would extend the boundary of Agua Fria Village (AFV) and which areas that would stay permanently in the county.

As a response to a request that fiscal impact to the county be presented, Ms. Follingstad noted that a memorandum addressing such impact from Judy McGowan, Senior Planner with the

county, was also included in the packet. This memorandum was presented to the BCC in December 2006.

Ms. Follingstad stated there was also discussion held about zoning and whether areas would be annexed into the city under its default R-1 zoning or under the RPA future land use zoning recommendations.

Mayor Coss recalled that the land uses under annexation would be identified through the RPA Land Use Plan that was adopted by both the city and county. He said he felt that was similar to the city general plan and there should be no real difficulty to have annexation come in consistent with the RPA Land Use Plan if the city is willing to make the general plan consistent with it.

Councilor Wurzbarger stated her perception was that the RPA Land Use Plan would be used as the basis for land use issues.

Commissioner Campos said he did not understand the use of language in the memorandum and the concept of zoning and districting. He said he felt that the JPA MOU calls for more detail than is being suggested.

Commissioner Sullivan said he has had discussions about this with Steve Ross and his understanding was that it would not be statutorily acceptable to bring annexed lands in as R-1.

Mayor Coss pointed to owner petition annexations and said that, in those, the city does the general plan amendment, the ordinance that annexes them and the zoning at the same time. That is never done under R-1. A problem that is left to resolve is the Rural Zoning designation, which could be worked out if it is put into AFV.

Commissioner Sullivan agreed with Mayor Coss and concurred with the exclusion of AFV in any annexation discussion.

Chair Montoya asked for further thinking on the public hearing.

Ms. Follingstad replied that a hearing was held for areas 15, 16 and 17, and the RPA has adopted a resolution for these three infill areas that are surrounded by the city. She then reviewed the other areas listed on the included spreadsheet.

Commissioner Campos stated the RPA would need to have a consensus prior to any public hearing.

Mayor Coss agreed it is premature and there should be a complete strategy in place prior to any public hearing. He pointed to several pending legal cases that the city manager and attorney and the county attorney and manager have been working together to resolve. In the meantime, he suggested the RPA ask the staffs to look at what zoning designations would go with the RPA Land Use Plan.

Commissioner Sullivan agreed that nothing should be set until the city council and county commission (BCC) are in agreement. He suggested that Ms. Follingstad keep the map entitled Annexation Areas at hand because it is the best document to use at present.

Councilor Wurzbarger said she wanted to go on record that she is not comfortable with the proposed Airport Road area without having some offset means of other annexation opportunity. She said that she has been encouraged by the work being done between the city and county staffs. She said she has always been opposed to the notion of annexing everything and did not any want confusion about her position.

Commissioner Sullivan noted that Councilor Wurzbarger was absent from the June 19 meeting during which the annexation discussion was held. He stated his personal position that, if the city does not take on Airport Road annexation, there is no reason for having any annexation. He personally would not consider annexing any vacant areas without taking in the checkerboard areas that are causing so many problems, which is a key component in his personal view of how annexation should proceed.

Mayor Coss asked if it would be productive and help in the discussions for Ms. Follingstad to ask staff to look at city zoning versus regional land use plan categories to see how far apart the Authority members are.

Ms. Follingstad replied that such an exercise was done about six months ago. She added that she has not been privy to whatever conversations are going on about a city proposal and the county's response. She stated that, if there are underlying conversations that might be parallel to what the RPA is working on, it would be useful to be informed about the content of these conversations so what is presented to the RPA is relevant.

In an attempt to forward the conversation and reach some consensus, Chair Montoya pointed to the annexation recommendation spreadsheet and asked for comments on the recommendations.

Councilor Wurzbarger said that she has attended all the public hearings and her least favorite was the one for Airport Road areas 4, 5 and 6, where large numbers of people voiced their opposition.

Mayor Coss suggested that the parallel paths Ms. Follingstad referred to converge and it can be taken back to the RPA. He suggested another discussion for the next meeting. He said he has always been told there are two methods for annexation, owner petition or MBC. He said he has been to the MBC twice and it was the biggest waste of time, money and effort he has ever seen. The city attorney has suggested an alternative method of annexation by recommendation by the RPA to the EZA through the public process. He said he would like to see the RPA get to an overall geographic annexation strategy. His two requests are to find out how city zoning versus the Regional Land Use Plan lines up and to determine if there is such a thing as an EZA annexation method.

Commissioner Campos said his thinking is the MBC is the better way to go.

Mayor Coss moved to table the agenda item RPA Annexation Strategy for two months so that study information as discussed can be provided to the RPA, seconded by Councilor Wurzburger and approved unanimously.

- **Approval of Joint Regional Gross Receipts Tax (GRT) funding for recommended roads**

Ms. Follingstad presented a memorandum reviewing requests made at the June 19 meeting for the Transportation Coordinating Committee (TCC) through the Transportation Policy Board (TPB) to review the proposed list of roads and give its recommendations to the RPA. Such a list was presented at the July 17 meeting, and the RPA suggested the list be simplified to only those roads with paramount priority.

Ms. Follingstad presented an updated priority list developed with Robert Martinez from the county and Chris Ortega from the city, which includes two road projects, Siler Road extension and South Meadows to SR 599 frontage road. The RPA has voted to spend the accumulated amount of \$875,000 for the Siler Road extension. Starting in FY 2008, it is recommended that funds go to the South Meadows project for the next five years.

Mr. Robert Martinez reviewed the history of these projects and said the South Meadows Road project had been ahead of the Siler Road extension, but Commissioner Vigil and the BCC directed county staff to work with the city to provide more river crossings across the Santa Fe River, which is why the Siler Road extension was funded ahead of South Meadows.

Mr. Martinez explained that the project would begin at the South Meadows-Agua Fría intersection, a bridge would be constructed across the river, the road would continue in a northeasterly direction and tie into the frontage road close to CR 62 where La Familia Medical Center is.

Commissioner Campos said it is reasonable to assume that much of the traffic from South Meadows that goes to the frontage road will eventually connect to CR 62, which at NM 599 is a dangerous at-grade intersection. He stated the only logical way to handle this situation is to package the South Meadows and CR 62 interchange with NM 599 as an above-grade interchange.

Mr. Martinez replied that such an above-grade interchange would cost \$16 to \$20 million, which would greatly increase the cost of the South Meadows project. He said he has been working with the state and he has received approval to use that intersection to access the new public works facility once it is completed. The DOT has done a traffic impact analysis for the public works facility, and he said the DOT has not said it warrants an above-grade interchange.

Commissioner Campos said he would not be in favor of the South Meadows project unless it has a safe connection to NM 599. He added that the DOT is doing a corridor study to see about changing the NM 599 interchanges.

Councilor Wurzbarger asked about the status of the corridor study.

Ms. Follingstad explained that the MPO has been given information regarding the corridor studies for St. Francis Drive, NM 599, and I-25, which includes looking into the interchanges that are thought to be needed by the community along NM 599. She said the study is on hold because the DOT feels that updated data on land uses and traffic is needed. There is modeling that needs to be updated and there is a question as to who is pay for the updating. This data gathering will take at least six months by the time someone is under contract to do the work and the money is found, which would delay he corridor study for at least a year.

Councilor Wurzbarger asked how the MPO voted.

Ms. Follingstad replied that the MPO voted in support of using the regional GRT for the South Meadows project.

Mayor Coss noted that five years ago the RPA was told an above-grade interchange would cost \$8 to \$12 million and now the estimate is \$16 to \$20 million. He added that he personally never crosses NM 599 on the at-grade intersections.

Following further discussion of the funding, Commissioner Sullivan noted that the Siler Road extension is a priority. He suggested that the RPA approve the schedule and recommend to the MPO that the \$875,000 be applied to the Siler Road extension and beginning with FY 2008 the GRT be accrued towards South Meadows. However, should further funds be needed for the Siler Road extension, the RPA could reconsider using the GRT funding for the Siler Extension one more year. If any more is needed than that additional projected \$234,000, the DOT will need to come up with the difference and fully fund the project.

In response to Councilor Wurzbarger's suggestion that the motion be made stronger to support the proposal as recommended by the MPO on the condition that the money is not needed for Siler Road, Commissioner Sullivan said he wanted to leave the motion as first stated.

Commissioner Sullivan moved to approve the priority list of joint project options as presented on the schedule dated July 2007, with the recommendation to the MPO that \$875,000 be applied to the Siler Road extension and, beginning with FY 2008, the GRT be accrued towards the South Meadows project; however, should further funds be needed for the Siler Road extension, the RPA could reconsider funding it with the GRT for only one more year. The motion was seconded by Councilor Wurzbarger and approved unanimously.

- **Approval of Joint Regional GRT funding for recommended Trails and Open Space**

As requested by Councilor Wurzburger at the July meeting, Mr. Olafson presented a spreadsheet with a funding summary of projects the joint monies have funded. He then presented a priority list of staff identified trails and parks joint projects for FY 2008 to 2012.

Ms. Ann McLaughlin, city open space and trails coordinator, added that city and county staffs have worked on and agreed to the list of projects at the staff level, and these are their recommendations.

Mr. Olafson specified that projects being recommend for FY 2008 by staff are: Santa Fe River Trail, \$700,000; Rail Trail, \$580,000; Arroyo Chamiso Trail, \$160,000; Railyard Park, \$470,000; Dale Ball Trail extension, \$70,000; regional trail inventory and mapping project, \$20,000; trails stewardship pilot program, \$50,000; contingency and unforeseen opportunities, \$250,000; for a total of \$2.3 million. He added that the list also includes projected requests for FY 2009, 2010, 2011 and 2012, but they will be brought forward annually in subsequent years for additional discussion.

In response to questions from Commissioner Sullivan, Mr. Olafson confirmed that the reason \$2.3 million is available is because the reserve has been building up for the last three years. In future years, the realistic expectation is around \$750,000 annually from the GRT. The RPA is adopting just the FY 2008 budget recommendations, as well as the five-year plan, which can be amended at any time during the five-year period.

Commissioner Campos asked how the \$470,000 for the Railyard Park for FY 2008 will be spent.

Mr. Olafson replied that the Railyard Park is currently under construction and is approximately a \$13 million project. About \$10 million has been raised. The GRT funding will be a part of the physical construction of the park.

Councilor Wurzburger thanked Mr. Olafson for the chart. She requested that Ms. Follingstad provide the same type of summary for other future issues being brought to the RPA.

Councilor Wurzburger moved to approve the Regional GRT – Open Space and Trails Projects as outlined and presented in the priority list, seconded by Commissioner Sullivan and approved unanimously.

- **Review of resolution on use of Joint Regional GRT funds as matching funds for state and federally funded projects**

At the request of Councilor Wurzburger at the July 19 meeting, Ms. Follingstad presented for discussion a resolution that would add to the policy level of the JPA and the capital plan use of regional GRT funds for matching.

Councilor Wurzbarger suggested this resolution be put as an action item on the agenda for the next meeting so it can be forwarded to the respective governing bodies for review and approval.

Chair Montoya asked if the resolution has been reviewed by city and county staffs.

Ms. Follingstad replied that it has been submitted to both legal staffs for review, but that it may need to be looked at by other city and county staff members. She said that she will submit it to MPO staff also.

Commissioner Sullivan said he was not sure the term matching could be used. He pointed to the \$1.5 million regional commitment to the new Buckman wells that is not a matching component.

Councilor Wurzbarger stated this is what is needed for Buckman. When the city and county representatives have gone to Washington, they have repeatedly said that they are building up their funding to match the federal funds that have yet to be forthcoming.

As a result of speaking with Mr. Rick Carpenter, Mr. Ross added that, for the Buckman project, the resolution could be a useful document to provide to the Washington officials.

Commissioner Campos said he would like to have county staff look at this resolution because there are implications that do not appear clear. This appears to be making commitments for just the Roads and Other Projects portion of the plan.

Ms. Follingstad said that originally the resolution targeted roads, but that she can have it made more generic.

Chair Montoya left the meeting and Councilor Wurzbarger took over as Co-Chair.

Councilor Wurzbarger said the direction is to bring the resolution back to the next meeting as an action item with the clarification that it be made more generic.

- **Continued review of water projects proposed for funding with the Joint Regional GRT funds**

As a response to direction given to staff at the last meeting, Ms. Follingstad presented a memorandum and spreadsheet outlining Joint Regional GRT funding to date that showed the amount of \$1.56 million was allocated in FY 2004 to Buckman Wells numbers 10 to 13. The memorandum documents agreements between the city and county that have been put into place for the Buckman Direct Diversion. The documents were examined for text relating to use of the Joint Regional GRT for funding for water. Staff has recommended the funding be used for the Buckman Direct Diversion Project (BDD), which is in the approved Capital Improvements Plan. This research was done in response to a question that was raised by Councilor Ortiz about Joint Regional Funding. Ms. Follingstad pointed out that it has not been specifically discussed in any of the agreements that have been put into place on BDD.

Mayor Coss said that his understanding was the BDD board had looked at this and said the \$12.8 million balance at FY 2007 and projected revenues from FY 2008 on would be used to bond for the county's share of the BDD. Councilor Wurzburger and Commissioner Sullivan concurred. Mr. Carpenter said that was his recollection as well, and there was no dollar amount to it.

Councilor Wurzburger requested this be put on the next agenda as an action item that reflects this is the RPA's understanding of reality and the allocation be put in written form.

Ms. Follingstad reiterated that it is not specifically discussed in any of the documents what the Joint Regional GRT would be used for.

Commissioner Sullivan said he would not have a problem passing a resolution that states this outlines the estimated contributions towards the BDD if it will be useful.

Mr. Ross said there is a detailed financial plan the BDD board has been reviewing, which was developed for the design-build community to show there is funding to complete the project. He said it is a useful document and might be something for the RPA to review.

For the record, Councilor Wurzburger stated her concern about the incorrect last sentence in the memorandum that reads, "None of these documents clarify the credit of the cost contribution of the Joint Regional GRT to the Buckman Direct Diversion Project." She said the more the RPA can collectively formalize what it has agreed to, the better off they are.

Mayor Coss said he thought there was a provision under the original ordinance that was passed by the county voters that said what spending the Regional GRT would be based on. Even though the city and county are in agreement, and the BDD understands it, unless the RPA says do it, that is the piece that is on the table.

Ms. Follingstad said that the RPA has to have a subsequent agreement between the county and city to spend this money for the roads, the parks and trails, and also this fund.

Commissioner Campos stated there is already an agreement and the resolution takes care of it.

Councilor Wurzburger requested this be brought to the next meeting as an action item.

MATTERS FROM THE REGIONAL PLANNING AUTHORITY

- **Rules of Order and Open Meetings Act**

As a follow up to the July informal meeting that was held because there was no quorum, Ms. Follingstad said the attorneys assigned to RPA have suggested the meeting may or may not have been all right according to the Open Meetings Act. In reviewing past records of RPA

proceedings, the RPA agreed to the Rules of Order and Open Meetings Act resolution. She suggested this be put on the agenda for the September meeting to revisit the issue of meeting proceedings.

ADJOURNMENT

There being no further business to come before the RPA, this Regular Meeting was adjourned at approximately 5:50 PM.

The next regularly scheduled meeting of the RPA will be at 4:00 PM, Tuesday, September 18, 2007.

Approved by:

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

Minutes transcribed and drafted by: Kay Carlson