

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

**Tuesday, May 20, 2008
2:00 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 2:10 PM on the above-cited date in the Law Department Conference Room in the County Administration Building.

ROLL CALL

County Commissioners Present:

Paul Campos
Jack Sullivan
Virginia Vigil

County Commissioner Excused:

Harry Montoya

City Councilors Present:

Patti Bushee [*arrived after roll call*]
Rosemary Romero
Rebecca Wurzburger, Chair

City Councilors Excused:

Matthew Ortiz

Santa Fe RPA Staff:

Mary Helen Follingstad, Executive Director

Santa Fe County Staff Members:

Jack Kolkmeyer, GM Planning & Dev
Shabih Rizvi, Planning

City of Santa Fe Staff Members:

John Bulthuis, Transportation
Frank Katz, Attorney
Richard Macpherson, Planning

Others Present:

William H. Mee, Agua Fria Village Association

APPROVAL OF AGENDA

Commissioner Campos moved to approve the agenda.

Ms. Follingstad suggested that item B.1. Continued discussion of a Rural Protection Zone Ordinance be removed from the agenda. She said that, following a meeting with Commissioner Vigil, Mr. Katz and Jeannie Price, it was decided the subject would need further background work and mapping.

The motion was voted upon to approve the agenda, as amended, seconded by Councilor Romero and approved unanimously.

APPROVAL OF MINUTES FROM APRIL 15, 2008, REGULAR MEETING

Commissioner Campos moved to approve the minutes of April 15, 2008, meeting, seconded by Councilor Romero and approved unanimously.

REGIONAL PLANNING AUTHORITY BUSINESS

- **Modifications to the Regional Planning Authority (RPA) Joint Powers Agreement (JPA)**

Ms. Follingstad presented her memorandum, which outlined changes to the JPA made since the last RPA meeting.

Commissioner Campos asked for a review of the big picture.

Ms. Follingstad reviewed the history of changes to the JPA. The RPA has already approved changes to its JPA earlier this year. But, because of the Settlement Agreement (annexation agreement), it was decided that the RPA would take on a new role for itself, including the elimination of a boundary. A definition section has been added and a list of new responsibilities. These include limited zoning issues such as rural protection and highway corridor buffer zones, but not zoning generally; coordination of the city and county ICIPs with the RPA capital improvement plans; affordable housing; and management of water resources. Transit was added to transportation.

Commissioner Campos asked if the JPA had been discussed with planning staff. Ms. Follingstad replied she had discussed the JPA with the legal staff and did not discuss it with planning because most of the topics on the new list are not land use related. She also talked with the TPB/MPO staff due to their concern with discussions the RPA may have on transportation issues.

Commissioner Sullivan pointed to the sub item on the agenda under the JPA regarding transit and commented that an opportunity has presented itself where the RPA could have a significant role in planning for city and county transit. While the JPA is being worked on, it should be a good time to include transportation.

Councilor Wurzbarger suggested that further discussion of the JPA be held until after the transit topic is addressed.

- **Discussion of role of RPA as the Regional Santa Fe City and County Regional Transit District**

Commissioner Sullivan explained that Santa Fe City and Santa Fe County are currently a member of the North Central Regional Transit District (NC RTD). The NC RTD has proposed to impose a 1/8% GRT for countywide transit, which includes the city. This county GRT would generate about \$4.6 million every year in perpetuity, unless it is repealed. There have been various service plans and scenarios proposed by the NC RTD. The latest one is, of that \$4.6 million collected, approximately \$1.3 million would go to subsidize local connector route services in Rio Arriba and Taos counties, and Santa Fe County would receive \$3.3 million. The total GRT received from the four counties in the district, Los Alamos, Santa Fe, Taos and Rio Arriba, would be about \$8 million. The BCC had concerns about what services the city and county would receive for the funds collected from the county.

This was brought up at the BCC in May and the commissioners asked about the Railrunner and its tax, which was introduced at the last legislative session in HB 400. This would also be a 1/8% tax for everyone in the city and county to operate the Railrunner. In addition, a new transit

district to operate the Railrunner would be created, of which Santa Fe County would be a part, along with Valencia, Bernalillo and Sandoval counties. This would make Santa Fe County a member of two transit districts, notwithstanding promises and guarantees from the secretary of transportation to the MPO that Railrunner operational costs would be paid by a state project.

There have been two meetings with all participants, both of which Commissioner Sullivan has attended, and there was a third meeting last Friday to work up a potential draft JPA for the NC RTD and the Mid Region Council of Governments (MR COG). The failure of that particular document is that it does not include the DOT, which is saying it supports regional cooperation, but may still asked for the 1/8% GRT.

Commissioner Sullivan then requested that Mr. Kolkmeier review the options, statutory obligations and potential to be involved.

Mr. Kolkmeier said he has had discussions with Commissioner Sullivan, county attorney Steve Ross and other staff that grew out of knowing that the role of the RPA was going to change somewhat.

He reviewed the creation of the original JPA for the RPA and pointed to criticisms that questioned if the RPA actually had any authority when it was created. In thinking about transit and becoming involved in the RTD, Mr. Kolkmeier said he felt the RPA does have authority to do a lot of things, which helps along with that discussion. Another criticism of the RPA when it was started was that its jurisdiction was actually only in the county, because the RPA starts at the city limits and goes out to the five mile. So, in considering a new role for the RPA, particularly if it is transit, the city actually is involved from the Plaza, all the way out into the county. This would take away the two arguments that were viewed as critical arguments when the RPA was started initially.

The city and the county originally joined the NC RTD to make sure that Park & Ride would continue. It was turned over to the DOT and has been a very successful program. Also, the Eldorado commuter train got diverted into the Railyard project and all the right of way was taken over by the DOT, and it was pushed off to the side.

The staff discussions led to the question of whether the city and county should be part of the NC RTD when a great deal of its effort is focused to the rural northern part of the state, Taos, Rio Arriba and Los Alamos counties, and would Santa Fe County be getting its fair share. This became important and critical and led to what options there were should the county drop out of the NC RTD.

The county could join in with MR COG, which is one of the options on the table with the GRT, that the NC RTD and MR COG could create one GRT. There is still the argument that there are several ways in which two GRTs could come into the picture, the NC RTD and if a Railrunner GRT was created (HB 400).

Another aspect is that, because there is the NC RTD, and MR COG is composed of big players, Bernalillo County and the City of Albuquerque, Santa Fe County might become the tail being wagged by the dog. The Railrunner RTD would have the same effect.

Mr. Kolkmeier said that he, Jon Bulthuis and several other members of staff have been in serious discussion and looking at the possibility of the City of Santa Fe and Santa Fe County creating their own RTD. He stated that is a possibility, because any two entities can become an RTD, which is within state legislation. He stated that the RPA already has its own budget supplied by both the city and the county and would not have to find funding. The city already puts money into transit through Santa Fe Trails, and the county makes a contribution to that. So there is money available to do certain programs if desired.

An RTD has to be approved and certified by the Highway Commission, which Mr. Kolkmeier said he did not think would be an obstacle.

With regard to the concern about whether the county would be backing off of regional transit issues for the rest of the region, he said that is not necessarily the case because the county can still contract with NC RTD, MR COG, or anybody else.

Mr. Kolkmeier distributed a Proposed Transit Program, which he worked on together with Jon Bulthuis, dated April 17, 2008 that outlines goals and objectives of a county transit program. He said it is essential to get more enhanced transit opportunities with the Community College District (CCD), which is the county's growth area. It would not take much to loop Santa Fe Trails from the CCD to Rancho Viejo and back out. A third area is NM 599/I-25 where the Railrunner stop is located. He said it appears Pojoaque Pueblo will not receive a casino license at Santa Fe Downs, which is why the pueblo has been waiting on its decision on what to do with the Downs. They could decide to turn it into a recreation complex. NM 599/I-25 is the gateway to the CCD and the frontage road is a major entryway into the city.

Mr. Kolkmeier said that transit service connecting to the city from NM 599 is essential, but will not need to happen until the Railrunner starts, which allows planning time.

He said that all this asks the question, why does the county need to be involved in a big organization, when the three things the county wants are also the same things the city wants to work with on cooperatively? The resulting question would be, why not do this as a city and county RTD? He added that the pueblos are extremely important and the county would want to have a discussion about transit and transportation issues with Pojoaque and Tesuque pueblos. Also, there is the issue of whether the MPO and the RPA should again have a relationship.

Ms. Romero asked if the city and the county can come together to create a district, with the possibility of adding Pojoaque and Tesuque, would that mean it is possible for Espanola and Taos to create their own district, which would include Taos Pueblo? And would that leave Los Alamos on its' own?

Mr. Kolkmeier replied the interesting thing about the county withdrawing from the NC RTD is that nothing would happen to the other entities, and they would stay as they are and nothing would be jeopardized for them.

The role of the RTD has changed dramatically, in part because of the Railrunner. The city's and county's internal transit issues are going to have to merge at some point, and they both will have to step up to the plate and figure out what they want their relationship with the Railrunner to be. This might be more expedient for the city and county to do together. This also presents an enormous opportunity for the RPA to have authority, because it would then have bonding

capability. This could be an opportunity to go after transit money and not have it dispersed amongst the other areas.

Mr. Kolkmeier said that he and Mr. Bulthuis are now suggesting that the RTD would be a good function for the RPA. This is an extremely good opportunity to have an overlapping of city and county planning that the RPA has not always had.

He that this will have to go back to the BCC, and he was not sure it has been discussed at City Council. Mr. Kolkmeier said he did not think the NC RTD would want to lose them because Santa Fe is the largest populated county entity and provides a large portion of the GRT. At stake here is what the county wants its regional transit and transportation to become.

Councilor Wurzbarger noted the subject has been discussed amongst several councilors and the mayor, but it has not been a public discussion. She asked for input from the RPA members.

Commissioner Vigil commented that the 1/8% would not be a predictable amount because it would depend on the economy and how much is collected.

Commissioner Sullivan said that the county's history on the GRT in the last 20 years is that it has increased by about 2-3% every year and the county has been able to predict within a few dollars how much it would collect. He acknowledged that it could vary depending on economic conditions.

Councilor Wurzbarger stated that the only tax being considered is the GRT, so it is not a variable in today's discussion. The variable has to do with issues that have been raised with respect to having just one tax, rather than multiple taxes. Secondly, there is an equity issue that the citizens would be paying for something that is happening outside the district. A third question is prioritization with respect to connectivity.

Commissioner Campos said he would like to hear how the councilors feel. He said that the commissioners do not want two taxes and see the advantage of creating a city/county RTD because it could focus on the entire county's needs. The Railrunner will be successful or it will fail depending on what local services are provided. Integrating the city and the county transportation services could take 20 to 40 years into the future.

Mr. Katz said that his understanding is that state legislation controls the Railrunner tax.

Mr. Kolkmeier replied the bill for the tax not pass, but will be brought back. However, the county had previously been told it would not be taxed for operations of the Railrunner.

Councilor Bushee arrived at 2:45 PM.

Chair Wurzbarger explained the foregoing discussion to Councilor Bushee and that the county members have asked what position the city has taken on staying a part of the NC RTD or creating a Santa Fe County RTD.

Commissioner Sullivan added that the issue was tabled at the BCC because the commissioners wanted to investigate what kind of cooperative associations can be created, limit the 1/8% GRT and deal with the Railrunner issue. A problem is that once the RTD requests the issue be put on

the ballot, the county has 75 days to do so, with no say-so over it. The commission's main concern is they did not want two taxes, the RTD and the Railrunner, both of which could grow to 1/4%. Los Alamos is a member of the RTD, but the RTD does not run Los Alamos' bus system. Neither does it run the Santa Fe Trails. Rio Arriba and Taos counties are very much in favor of passing the tax.

Councilor Bushee asked if the other counties can survive on their own.

Commissioner Sullivan explained the transit systems being operated in Rio Arriba and Taos counties were already in place when the RTD was created. Espanola was glad to get rid of the operating costs of their system.

Commissioner Campos pointed out two concerns. One is the possibility of two taxes. The other is the Railrunner and having it totally integrated to make it an effective transportation system, which will not happen unless the city and county work together on a transit plan. Creating the county's own RTD will give the county that ability.

Commissioner Vigil said her understanding is that part of the reason the NC RTD was created is because they would be able to leverage and match federal dollars. She said her understanding is that has not been done well. If the county creates a separate authority, she asked if it would lose the ability to leverage federal dollars.

Commissioner Campos replied it would be the same.

Mr. Kolkmeier stated that the only new RTD program that has been created is the Greater Eldorado Express (GEE). Because of the need for buses while the convention center was being constructed, Santa Fe Trails was not used and the RTD had to contract with All Aboard America. The county could have done that contract itself with All Aboard America or through Santa Fe Trails and not necessarily be dependent on the NC RTD. He went on to say that the county is in a vulnerable position. Since the county does not have its own transit program, it does not have a track record with the Federal Transit Authority. The city does through its transit program. If the city and county were to work in combination with each other, such a federal track record would be established because of the history and the role of Santa Fe Trails. The problems of obtaining federal funds disappear if the city and county are acting together.

Commissioner Vigil stated that the only way the BCC cannot be forced to make a decision on a GRT is if it not a part of the NC RTD. The motion that was tabled was a resolution to remove the county from the RTD. She said that her sense is the Railrunner is going to need additional operational monies, and the state is going to look to local governments for that and it will come up at the next legislative session. The county has been trying to get the RTD to work with DOT and come forth with one GRT that would be able to meet the needs of both these transit systems. That would be far more palatable than having to pass two separate GRTs.

Councilor Romero stated that this issue has been discussed among the councilors individually, but has not gone to the body as a whole. She said what is intriguing is that the RPA would have the ability to bond, to tax and to actually take control of its own destiny in many ways. This puts this issue into the city's court to think regionally and act in a mutual way with the county. There are things the county can do that the city cannot do and there is a lot of mutual capacity with the RPA taking that lead. She said she did not like the idea of leaving out communities like Taos

and Espanola, but the Railrunner will probably not go there for perhaps 20 to 30 years. Santa Fe County is the area that is right now mostly significantly impacted by the Railrunner, and the issue is how to take control of that destiny without being hit by taxation without control. She said that the councilors need to be more intentional about how to take these ideas as a cohesive whole to the City Council.

Councilor Bushee said that, as long as avenues for funding are not being cut off, she could not see why buses coming off the Railrunner couldn't be under whatever version of the tax is passed by the county.

Commissioner Campos stated if the county passes its own tax, it can apportion the money for what the state needs and for what is needed locally.

Councilor Wurzburger pointed out that whenever the city goes to the legislature, they always ask why the city and the county are not working together.

Commissioner Sullivan stated that HB 400 would have produced \$20 million total, annually, to run the Railrunner, but it did not cover interconnective services. He said that was when the BCC pointed out those services are the guts of making the Railrunner successful. He pointed out that MR COG will generate something like \$14 million for Bernalillo, Sandoval and Valencia counties. As a result, the NC RTD has proposed doing a JPA. The problem with that is, the county would not have the power as to where the funds go. Secondly, DOT is not a part of that agreement.

Commissioner Sullivan went on to say that the direction of the BCC was to see if there is an agreeable combination and know that the tax will not be more than 1/8%, and to know that there is enough to run the Railrunner, and to know that there is enough to run the transit services from Santa Fe City and County connecting routes. Jurisdictionally, when you look at the City of Albuquerque, Bernalillo and Valencia, Regional Council of Governments, NC RTD, and two boards and a JPA, that in itself is complicated. But without the DOT being legally invested in the JPA, the county is open to the tax invoked by HB 400. He said he felt that, if the city and the county had its own RTD, there would be sufficient funds to allocate for operations of the Railrunner and to operate regional transit in Santa Fe city and county.

Chair Wurzburger stated that a Santa Fe RTD could offer to help other areas with a bus system to reduce the number of people driving to Santa Fe. It is more a sense of priorities vis-à-vis the taxpayers and the different things they are being asked to do.

Councilor Bushee asked if that would subsume the Santa Fe Trails operation. Chair Wurzburger replied it could stay separate if the city wanted it.

Mr. Kolkmeier said he has spoken with Mr. Bulthuis about what would become the role of the Transportation Advisory Board (TAB). The concerns would have to be, where would Santa Fe Trails have to serve in the county and then who would make the decisions about those programs and service areas. That might be something the TAB continues to do, and that would come back up to the RPA/RTD.

Councilor Bushee stated it would be a very big selling point if the city could retire the bus service out of the quality of life fund and use those funds for library operations and other things,

which actually serve populations of both the city and county. The tax was originally passed for the bus service and then they started to pull from it for fire and libraries. There is currently no way to operate the south-side library ongoing. She said she would like to see the funding for the Santa Fe Trails system come out of the regional effort, and then reallocate those funds for the operations.

Councilor Romero said she wanted to reaffirm something Mr. Kolkmeier had said earlier. If the pueblos were included in the expansion idea, the city bus service actually could be contracted to provide the service to pueblos. With the cost of gas, there is a ready market for the clientele who would use the service that would help expand the bus service to the pueblos who could actually pay for it.

Commissioner Campos agreed there are many possibilities when there are resources. There could be an integrated bus system, with Santa Fe Trails being the core of the system, with money going to the system from the tax. Or a new truly integrated regional transit system in the area could be created. With the higher costs of gasoline, people are ready for transit. The system could have smaller buses or vans and that could provide the kind of transit system people are going to need.

Chair Wurzbarger said that the RPA needs to focus on the question, does it want to be part of this or not. Is there is enough information to say, yes, the options sound good and they would like to put it on the table? If not, there are going to be taxes, which she said is the bottom line concern for which she has the most distaste. She said that a joint resolution could get to the Council very quickly that proposes the RPA will be structured to do this. She did not feel that this was the time to figure out the structure, but that the intention is to put the matter on the agenda for consideration. Since this is so time sensitive, she suggested the RTD issue be separated from the JPA, which goes on a separate track.

Councilor Bushee said she did not think the Council members would be against the RPA if it served a real function. In the past people who have served on it thought it was dysfunctional and not generating much. She thought that, as a better selling point to the council, some of the details of the structure would need to be worked out ahead of time. The county is more time sensitive than the city. If it were acceptable to people that Santa Fe Trails was the core of the operation and that freed up other funding, and if there was a mechanism by which to fund and expand that system, any detractors on the Council should be in favor.

Councilor Romero said she could see two tracks. One is to get the RPA/JPA in place and get it done. As a selling point it should be framed as a broader mutual relationship. Then they could individually sell some of the possibilities for the long term. She felt there is enough momentum and a resolution would be supportive.

Commissioner Campos said that the RTD issue is being presented to the BCC on May 22 as a yea or nay. The RTD has the statutory authority to tell the BCC to place the question on the ballot and they want to have it during the time of the general election in November.

Chair Wurzbarger proposed that today the RPA approve the JPA and then entertain a separate motion that could result in a resolution.

To avoid having to take the JPA to the council and the commission for approval, revise it, and then come back again to each body for approval, Commissioner Sullivan suggested that additional language be drafted quickly. It could be presented to the Council and the BCC as the basic JPA, and it includes the language that would also make the RPA into a transit district.

Commissioner Vigil asked where in the revised JPA transit is addressed. Ms. Follingstad replied on page 2, Paragraph J, it reads "...integrated transportation and transit plan ..."

Commissioner Vigil moved to approve the new JPA as presented and that the RPA recommend to the concurrent governing bodies that it be adopted, seconded by Councilor Romero and approved unanimously.

Councilor Bushee suggested that the RPA conceptually agree to pursue a formation of a Santa Fe County Regional Transit District and that the details be worked out in subsequent meetings.

Commissioner Campos asked if Councilor Bushee was asking for the RPA to ask staff to come up with a feasibility study of some sort.

Councilor Bushee replied she was not suggesting a study, but an actual recommendation as to how to structure the formation of an RTD.

Commissioner Sullivan moved for a proposal that would, number one, indicate the RPA's support for the concept of the RPA becoming a regional transit district comprised of the City of Santa Fe and the County of Santa Fe, and further direct that staff prepare language to that effect. The motion was seconded by Councilor Romero.

Commissioner Sullivan went on to say that language does not need to be developed now, whatever form it took, whether it took the form of a resolution or an amendment to the JPA or a part of the JPA. It would be whatever Mr. Katz and Mr. Ross feel is the appropriate mechanism.

Councilor Romero said it appears there is already a head start on the language, with the work that has been done by Mr. Kolkmeier, Mr. Bulthuis and other staff. She saw the motion as encouraging staff to continue their work, adding any other appropriate departments that are needed to bring forward new ideas to this body.

Mr. Kolkmeier pointed out that the TAB is meeting in a few days and he felt an important piece is for the City Councilors to hear back from the TAB, which is the real advisory committee on the transit issue.

Chair Wurzbarger said she would prefer to move this forward directly to the Council because of the very short time frame and said she was very comfortable the TAB will eventually be involved in it.

Mr. Kolkmeier suggested the simplest way for staff to respond is to come back and say this is how an RTD would be formed and here are the steps.

Councilor Bushee asked Mr. Bulthuis how the unions would feel about becoming a part of a regional system.

Mr. Bulthuis replied that setting up an RTD would not require any of the staff to come out of the union or be anything other than a city employee.

The motion was voted upon and passed with one abstention from Commissioner Vigil.

- **Priority list of topics for RPA discussion in 2008**

Chair Wurzburger suggested that this topic be postponed to the June RPA meeting.

- **Continued discussion of a Rural Protection Zone Ordinance**

This was removed from the agenda by Ms. Follingstad.

- **RPA Meeting Schedule**

Councilor Wurzburger suggested that the meeting time be revised as a courtesy to members who have difficulty meeting at 2 PM and asked for discussion.

Commissioner Vigil moved to change the meeting time of the RPA to 5:30 PM beginning with the July 25, 2008, meeting, seconded by Councilor Bushee and approved unanimously.

Ms. Follingstad said that she will revise the schedule and send emails to everyone concerned.

COMMUNICATIONS FROM THE FLOOR

Mr. Mee, president of the Agua Fria Village Association, said that he came to hear any discussion about the rural protection ordinance and annexation. Mr. Mee said he worked at the highway department in 1981-82 when the metropolitan planning organization was created with the City of Santa Fe.

Ms. Vigil said she would speak to Mr. Mee following the meeting.

MATTERS FROM THE STAFF

Ms. Follingstad stated that Ms. Jeannie Price is drafting the rural protection ordinance and, if it is ready, it will be put on the agenda for June.

MATTERS FROM THE REGIONAL PLANNING AUTHORITY

Commissioner Vigil referred to the rural protection ordinance and said the county is going through a planning process with the Traditional Historic Village to find out if there are any villagers who want to expand the boundaries. If that occurs, and because it is the last rated phased in project with the annexation agreement, it will impact the way the boundaries are set in the map. The county is undergoing that process through the planning division and will initiate meetings with the villagers and surrounding areas.

Chair Wurzburger suggested that this information be included in the agenda for the July meeting when there is further information.

Commissioner Vigil asked Ms. Follingstad for an update on the balance in the joint GRT and what projects have had funds spent on them. Ms. Follingstad replied she would bring a spread sheet to the next meeting.

SET DATE FOR NEXT RPA MEETING

The next RPA regular meeting will be held at 2 PM, Tuesday, June 17, 2008.

ADJOURNMENT

Commissioner Vigil moved to adjourn the meeting, seconded by Councilor Bushee and approved unanimously.

There being no further business to come before the RPA, this Regular Meeting was adjourned at approximately 3:40 PM.

Approved by:

Chair, Regional Planning Authority
Rebecca Wurzburger, Councilor, City of Santa Fe

Minutes transcribed and drafted by: Kay Carlson