



# Agenda

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## ***Capital Improvements Advisory Committee***

**Thursday, April 14, 2011**

**3:00 p.m.**

**City Hall, 200 Lincoln Avenue, 1<sup>st</sup> Floor  
City Councilors' Conference Room**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES
  - **Meeting of March 10, 2011**
5. ACTION ITEMS
  - A. **Request to use Impact Fees – Capital Improvements for Zia Station**  
*Using up to \$200,000 from the "Road" Impact Fees account to construct sidewalks and parking improvements near the Zia Rail Runner Station.*
  - B. **Draft Amendments to the Impact Fee Ordinance (14-8.14, SFCC, 1987)**  
(Land Use Department).
6. INFORMATION ITEMS
  - A. **Quarterly Financial Summary & Permit Report (January–March, 2011)**
7. MATTERS FROM THE CHAIR / COMMITTEE
8. MATTERS FROM THE FLOOR
9. NEXT QUARTERLY MEETING DATE (Thursday, July 14, 2011, 3:00 p.m.)
10. ADJOURN

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For questions regarding this agenda, please contact the Long Range Planning Division at 955-6610.

## INDEX OF MINUTES

### CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

April 14, 2011

ITEM	ACTION TAKEN	PAGE(S)
1. CALL TO ORDER		1
2. ROLL CALL	Quorum	1
3. APPROVAL OF AGENDA	Approved	2
4. APPROVAL OF MINUTES: March 10, 2011	Approved [as amended]	2
5. ACTION ITEMS		
A. Request to use Impact Fees-Capital Improvements for Zia Station <i>Using up to \$200,000 from the "Road" Impact Fees account to construct sidewalks and parking improvements near Zia Rail Runner Station.</i>	No approval	2-7
B. Draft Amendments to the Impact Fee Ordinance (14-8.14, SFCC, 1987)	Motion passed (Approved)	8
6. INFORMATION ITEMS		
A. Quarterly Financial Summary & Permit Report (January-March 2011)		9
7. MATTERS FROM THE CHAIR/COMMITTEE	None	9
8. MATTERS FROM THE FLOOR	None	9
9. NEXT QUARTERLY MEETING DATE: Thursday, July 14, 2011 at 3:00 p.m.		9
10. ADJOURNMENT		9

**MINUTES OF THE**  
**CITY OF SANTA FE**  
**CAPITAL IMPROVEMENTS ADVISORY COMMITTEE**  
**April 14, 2011**

**1. CALL TO ORDER**

A regular meeting of the City of Santa Fe Capital Improvements Advisory Committee was called to order by Karen Walker, Chair at 3:10 p.m. on this date in the City Councilors' Conference Room, 1<sup>st</sup> Floor, City Hall, Santa Fe, New Mexico.

**2. ROLL CALL**

Roll call indicated a quorum was present for conducting official business as follows:

**MEMBERS PRESENT:**

Karen Walker, Chair  
Michael Chapman, Vice Chair  
Edmundo Lucero  
Maria Higuera Pope  
Gilbert Romero  
Kim Shanahan  
Neva Van Peski  
Marg Veneklassen

**MEMBERS ABSENT:**

None

**STAFF PRESENT:**

Wendy M. Blackwell, Land Use Department, Technical Review Division Director  
Reed Liming, City of Santa Fe Long Range Planning Division Director  
Eric Martinez, City of Santa Fe Public Works Department  
Matt O'Reilly, City of Santa Fe Land Use Department Director  
Mark Tibbetts, Metropolitan Planning Organization  
Keith Wilson, Metropolitan Planning Organization

**OTHERS PRESENT:**

Jo Ann G. Valdez, Stenographer

### 3. APPROVAL OF AGENDA

**Mr. Chapman moved to approve the agenda as presented. Mr. Lucero seconded the motion, which passed unanimously by voice vote.**

### 4. APPROVAL OF MINUTES: March 10, 2011

The following changes were made to the Minutes of the March 10, 2011 meeting:

Page 3, 5<sup>th</sup> paragraph, 3<sup>rd</sup> sentence was changed to read: *“The first project was the Airport Road Intersection; the next portion was up to Rufina and that was built in 2002-2003; and the last portion, which is Phase A, was built in 2009 from Richards Avenue to Cielo Court.”*

Page 5, 3<sup>rd</sup> paragraph, last sentence was changed to read: *“Do impact fees place a hardship on the commercial industry?”*

**Mr. Chapman moved to approve the Minutes of the March 10, 2011 meeting as amended. Ms. Veneklassen seconded the motion, which passed unanimously by voice vote.**

### 5. ACTION ITEMS

#### A. Request to use Impact Fees-Capital Improvements for Zia Station

*Using up to \$200,000 from the “Road” Impact Fees account to construct sidewalks and parking improvements near Zia Rail Runner Station.*

[Copies of the Memo {*Exhibit 5A*} to the Capital Improvements Advisory Committee from Reed Liming dated April 14, 2011 regarding the City’s request for Impact Fee Funding for Zia Rail Runner Station Public Improvements were distributed in the members’ packets.]

[Copies of the draft Resolution {*Exhibit 5A.1*} were distributed in the members’ packets. The Resolution will amend Table 22 (Page 23) of the City of Santa Fe Impact Fees Capital Improvements Plan regarding planned major road improvements and add “Zia Station Improvements” as an eligible project to receive “Road” Impact Fees.]

Mr. Liming gave a brief overview of the request noting that the Rail Runner started service in 2008 and soon thereafter the Zia Rail Runner Station was constructed as part of the original preparations for Rail Runner service to Santa Fe. However, the Zia Station has not been operable since then. In order for Zia Station to open, additional

public improvements (transit, parking and pedestrian) are necessary to provide access to the Station.

On Monday, March 14, 2011, a public input meeting regarding the potential opening of the Zia Station was held at Capshaw Middle School. The meeting was requested by City Councilor Matthew Ortiz and drew over 200 citizens, most of whom favored the opening of the station. At the meeting, a conceptual plan showing the basic public improvements necessary to open the station was presented. The improvements include sidewalks along both sides of Zia Road between Galisteo and St. Francis Drive and a small transit facility and public parking area next to the platform and adjacent to land contemplated for future development. (A map was attached with *Exhibit 5A*).

As a result of the public meeting, city staff is requesting use of impact fees from the “Roads” impact fee account to pay for the public improvements. The total amount of impact fee “Road” funds requested, \$200,000, is intended to pay for the total cost of the improvements. (Copies of a cost estimate were distributed in the members’ packets.) The total cost estimate is \$154,365.17; \$79,749.33 if they utilize city crews.

Mr. Liming explained that there is no CIP funding to fund the project; therefore impact fees were considered.

Mr. Liming mentioned that Chair Walker asked him to send to all of the members the definition for what is to be considered an eligible “Capital Improvement.” Below is the definition for “Roadways” in the city impact fees ordinance...it is virtually identical to the definition found in the state of NM “Development Fees Act” (the only difference is the fact that the city ordinance definition states “...including arterial and collector roads...” while the state act simply says “...including roads...”.) The definition from the city’s ordinance is the following:

### ***CAPITAL IMPROVEMENT***

*As used in §14-8.14, any of the following facilities that have a life expectancy of ten or more years and are owned and operated by, or on behalf of, the City:*

- (A) Roadway facilities located within the service area, including arterial or collector roads, bridges, bike and pedestrian trails, **bus bays**, rights of way, landscaping, traffic signals, intersection improvements and any local components of state and federal highways;*

Chair Walker asked Mr. Liming if he checked with the Impact Fee Consultant (Clancy) about this.

Mr. Liming said yes he did; and the Consultant was not sure that this would qualify as a “bus bay” aspect of a roadway facility definition.

Chair Walker asked Mr. Liming if the improvements would enhance the city or the Rail Runner, which is a State project.

Mr. Liming said both. He said to his knowledge the sidewalks would be in the public right-of-way so they would be City sidewalks; the improvements will allow pedestrians to get to the train platform without crossing private property. There is private property between Galisteo Street and the train platform.

Referring to the cost estimate, Chair Walker asked if items #13 and #14 were city related or train-related.

Mr. Martinez said these are traffic signs for the parking area and for the ADA accessible parking signs.

Mr. Chapman asked how the city came up with the costs in the estimate.

Mr. Lucero said he is all for the private sector to do the work but the estimate is twice as much. He asked staff if the City does not have the manpower or the equipment, etc. to do the project.

In response, Mr. Martinez said this was a rough estimate; they used an on-call contract pricing to get an estimate. Also, by utilizing city crews they won't have labor costs - there is only the cost of materials.

Ms. Pope said she did not recall any other projects that the CIAC has funded offering a choice of having a contractor do the work; or having city staff do the work. She asked why now the Committee is seeing this-where they present a contractor cost versus the City costs.

Mr. Wilson said because the City was unsure of what the potential funding sources would be so they decided to see what they could do to minimize costs.

Mr. Chapman said the City is really not minimizing costs – you're minimizing the funding request because you simply have a builder for the materials and taking the labor

costs out of somebody else's budget. He said that it was very confusing to suggest that if the City did half of the improvements that perhaps the cost would be half – that the labor is free.

Ms. Pope asked what department the staff would come from who will do the labor.

Mr. Martinez said they are within the Public Works Department; however, the work could also come from other various departments. He said this idea came from trying to save money. He said the reason they are asking for \$200,000 is in case they have to contract the work out. They want to be as frugal as they can, given the tight budget and the financial situation the City is presently in. The \$200,000 also accounts for contingencies or changes in pricing, to give them a little breathing room in the event that prices go up.

Mr. Shanahan asked if they would return what is left of the funding, if they do not use all of the \$200,000 as requested.

Mr. Martinez said yes.

Mr. Shanahan said this whole project is part of a private entity's Master Plan. He asked if they were able to analyze this Master Plan to determine what impact fees they will eventually pay. In other words, can we expect a contractor's or developer's contribution at some point in time that offset what is coming out of our funds right now.

In response, Mr. Liming said he would think somewhere down the road, but he did not know exactly when that would be.

Mr. O'Reilly explained that there is no official development plan for this project. He said in order for the City to do this, they would have to obtain a license agreement from the property owner – in order to install these improvements on private property. He said this would not benefit the developer; it would benefit the residents of Santa Fe and would benefit the city because less people would be driving and this could potentially increase ridership on the Rail Runner.

Chair Walker said the Committee needs to be sure that this project qualifies for Impact Fees in terms of the growth aspect in which impact fees are distributed; and that it is directly tied to the Committee's charge. She asked Mr. Liming if he knew what the impact fees monies could be spent on (in a general concept).

Mr. Liming said that impact fees are for capital improvements in the specified categories and roadway facilities is one of them, which again includes the term “bus bay”. He said the Committee could make some tangential connection between whether a rail facility improves capacity on roadways. If you get some ridership, you’re improving capacity. The definition also states that it has to cost over \$10,000 and that it has to have a life expectancy of ten or more years.

Mr. Chapman said there should be a rational nexus between the impact and the necessary improvements.

Ms. Van Peski said as part of the definition - that capital improvement should have a life expectancy of 10 years or more – this would not necessarily be the case here because the life expectancy would be up to the owner of the land; and whether or not he chooses to keep those improvements in place, as opposed to tearing them up and doing something else with the land.

Mr. O’Reilly said yes this is true, if at any time the property owner would decide he wanted to do something else with this property, the city would have to come in and remove the improvements.

Chair Walker asked if this was the only parking facility that the Rail Runner is asking the City to fund.

Mr. Liming said he thinks there are situations where local governments have been willing to put in some funding.

Mr. O’Reilly wanted to make it clear that the Rail Runner is not asking for this- the Rail Runner has indicated that this needs to be there if we want it to stop here. This is an idea that is being put forward by the City to see if residents want the train to stop there.

Chair Walker asked if anyone asked the Rail Runner if they would fund their stops.

Mr. O’Reilly said he does not know this; and whether or not the Rail Runner is acquiring right-of-ways.



Ms. Van Peski said her inclination is that the Committee should not be using this money to fund private land unless the property owner is willing to give the City something in the nature of a permanent easement.

Mr. Shanahan said it seemed to him that they should give the developer an option to be able to develop the land in the future.

Mr. Chapman said he cannot find the relation between this project and impact fees. He asked why someone who buys a house in Santa Fe should be required to pay for that parking lot.

Ms. Pope thinks that there would be individuals who would use that train station/stop.

Ms. Van Peski and Chair Walker said the problem is that capital improvement impact fees have to be tied to growth. Chair Walker said the question still goes back to what the Committee's mandate and charge is that is specified in the State statute and City ordinance.

Ms. Pope said this is a matter of interpretation.

Mr. Lucero said he agrees with the reasoning, but if the City does not do this, it won't get done in the foreseeable future.

Mr. Romero thinks this stop is needed in the city but he also questions the 10-year life expectancy.

**Ms. Van Peski made a motion that the Committee denies the request. Mr. Chapman seconded the motion. A voice vote was taken and the motion failed on a 3-4 vote; with 4 voting against the motion.**

**Ms. Pope made another motion that the Committee approves the request.**

**Mr. Shanahan offered a friendly amendment to the motion that the condition would be that the City utilize internal crews for the project; and that they recoup whatever is left over from the \$200,000 and put it back to the Capital Improvement Impact Fee Road Fund.**

**The motion died due to a 4-4 vote with the Chair casting the tying vote.**

**B. Draft Amendments to the Impact Fee Ordinance (14-8.14, SFCC, 1987)**

[Copies of the Memo {Exhibit 5B} from Wendy M. Blackwell, Technical Review Division Director to the Capital Improvements Advisory Committee dated April 7, 2011 regarding clarifications for Impact Fee Regulations were distributed and reviewed.]

Ms. Wendy Blackwell referred to Exhibit 5B noting that the Land Use Department is rewriting the entire Development Code. Clarifications were added to address questions that they receive on a regular basis. She mentioned that this is one of the sections that went before the Planning Commission and was approved.

Ms. Van Peski complimented staff for the changes that were made because they seem very clear.

Mr. Shanahan asked about the “packaged food restaurant” category.

Ms. Blackwell explained that the “packaged food restaurant” category was added to assess the fee for a take-out or packaged food service restaurant or bar. They were trying to come up with another fee to charge the appropriate fee because there are a lot of places that are not a ‘sit-down’ restaurant. These types of facilities would be charged the same fee as retail.

Chair Walker referred to 14-8.14 (E) (2) (a) that clarifies that a home occupation business is charged the residential impact fee. She asked how this is related to growth.

Ms. Blackwell said that they do not charge impact fees as commercial unless they are adding a dwelling unit. This is a clarification bullet because it is something they already do; this makes it clear to the reader.

She said that a “Dorm Room” category was also added and would be charged the same as a hotel/motel room. This is how staff has consistently applied the ordinance. By putting the specific line item into the fee chart, it is clear to the reader.

**Ms. Van Peski moved to approve the draft Amendments to the Impact Fee Ordinance (14-8.14, SFCC, 1987). Mr. Shanahan seconded the motion, which passed unanimously by voice vote.**

**6. INFORMATION ITEMS**

**A. Quarterly Financial Summary & Permit Report  
(January – March 2011)**

[Copies of the Impact Fees Annual Report {*Exhibit 6A*} were distributed in the members' packets.]

Mr. Liming briefly reviewed Exhibit 6A noting that they received a lot of money this last quarter from Wal-Mart. Mr. Shanahan suggested that they have a press release about this.

**7. MATTERS FROM THE CHAIR/COMMITTEE**

There were no matters from the Committee.

**8. MATTERS FROM THE FLOOR**

There were no matters from the Floor.

**9. NEXT MEETING DATE: Thursday, July 14, 2011 at 3:00 p.m.**

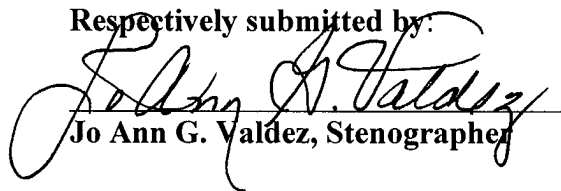
**10. ADJOURNMENT**

Having no further business to discuss, Mr. Shanahan moved to adjourn the meeting, second by Ms. Pope, the meeting adjourned at 4:40 p.m.

**Approved by:**

\_\_\_\_\_  
**Karen Walker, Chair**

**Respectively submitted by:**

  
**Jo Ann G. Valdez, Stenographer**