

**SUMMARY OF ACTION
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE
MAY 13, 2021, 2:30 PM
ATTENDED VIRTUALLY**

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**UP TO \$22,500 OF PARKS AND TRAILS
IMPACT FEES TO PERFORM AN
ENGINEERING STUDY FOR THE DESIGN
OF COTTONWOOD VILLAGE MOBILE
HOME PARK/CAMINO RAEL ACADEMY
CONNECTOR TRAIL**

REQUEST APPROVAL TO ALLOCATE UP TO \$250,000 IN ROADS IMPACT FEE FUNDS TO A LOCATION AND ENGINEERING STUDY (PHASE 1 B) OF THE ARROYO DE LOS CHAMISOS CROSSING PROJECT. **APPROVED** **5-8**

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**CAPITAL IMPROVEMENTS ADVISORY COMMITTEE
MAY 13, 2021, 2:30 PM
ATTENDED VIRTUALLY**

1. CALL TO ORDER

The meeting of the Capital Improvements Advisory Committee was called to order by Mr. Gemora, Land Use Staff, at 2:30 pm and was attended virtually.

A. ROLL CALL

MEMBERS PRESENT

Brian Lewis
Gayla Bechtol
Janet Clow
Miles Conway
Oralynn Guerrerortiz
Ruth Hamilton
Matt O'Reilly
Isaac Pino
John Michael Salazar

OTHERS PRESENT

Noah Berke, Land Use
Carlos Gemora, Land Use
Hannah Burnham, MPO
Erick Aune, MPO
Elena Kayak
Kim Shanahan
Romella Glorioso-Moss, Public Works
Sally Perez, City Attorney's Office
Javier Rosado, Public Works
Zoe Issacson, Land Use
Elizabeth Martin, Stenographer

B. ELECTION OF CHAIRPERSON PRO-TEM

MOTION A motion was made by Mr. O'Reilly, seconded by Ms. Bechtol, to elect Brian Lewis as the Chairperson Pro-Tem.

VOTE The motion passed on a roll call vote as follows:

Brian Lewis, yes; Gayla Bechtol, yes; Janet Clow, yes; Miles Conway, yes; Oralynn Guerrerortiz, yes; Ruth Hamilton, yes; Matt O'Reilly, yes; Isaac Pino, yes; John Michael Salazar, yes.

Ms. Perez gave an overview of the motion and voting process.

2. APPROVAL OF AGENDA

MOTION A motion was made by Ms. Bechtol, seconded by Mr. Salazar, to approve the agenda as presented.

VOTE The motion passed on a roll call vote as follows:

Brian Lewis, yes; Gayla Bechtol, yes; Janet Clow, yes; Miles Conway, yes; Oralynn Guerrerortiz, yes; Ruth Hamilton, yes; Matt O'Reilly, yes; Isaac Pino, yes; John Michael Salazar, yes.

3. INTRODUCTIONS

A. INTRODUCTION OF NEWLY APPOINTED CIAC MEMBERS

The Committee members introduced themselves individually. Members Bechtol, Conway, Guerrerortiz, O'Reilly, and Salazaar identified themselves as representing the real estate, development, and building industries.

B. INTRODUCTION TO RELEVANT DOCUMENTS AND TYPICAL CIAC DUTIES

Mr. Gemora reviewed the main duties of the CIAC. One of the most important is approving the use of Impact Fees that are charged to developers and go into the City Impact Fee Accounts. There are State and local regulations as to how the City can use those monies and the CIAC is the watchdog on the use of those fees. The CIAC also reviews and advises the City about the Impact Fee Capital Improvements Plan, the collection and distribution of funds, and is directed to file an annual report addressing whether there are any inequities related to the collection of impact fees. He has sent a lot of information regarding the regulations and other issues to all of the members.

Mr. Gemora presented a Power Point Presentation on the documents used by the CIAC.

Mr. Conway asked how are the fund requests replenished.

Mr. Gemora referred to Table 80, Projects Eligible for Road Impact Fees in the Impact Fee Capital Improvements Plan. The City has listed \$46 million of road projects that are eligible for impact fees. This is a "wish list" or collection of projects the City may be able to use impact fees on over the next several years. Mr. Gemora then referred to a financial spreadsheet from 2021 which shows a balance in the road funds revenue

account of \$5 million. There are four accounts to draw from depending on the type of funds requested: roads, parks, police and fire. We are not allowed to commingle funds.

Ms. Hamilton asked if the chart was on the City website.

Mr. Gemora said yes and it is also in your packet.

Ms. Bechtol stated that when she reads the duties and responsibilities of the Committee shown on the Resolution there are five duties, but we are only talking about one.

Mr. Gemora said different duties are brought up at different times. The CIAC can request that the City bring up other items. Day to day is revenue and compliance. Last fall the CIAC members were involved in the update of the Plan and the passage of the Land Use Assumptions.

Mr. Lewis said the document is in the email from Carlos.

Ms. Paez said she will get the new Plan and membership updated on the City website.

Mr. Gemora said the City Finance Department prefers CIAC to ask for fiscal year reports to comment on. It has not been done in multiple years.

Mr. Conway said State rules allow impact fees to be used for water projects. Do we steer clear of that?

Mr. Gemora said we do collect water and/or utility fees, but that is not part of this Committee's purview. There is a report conducted about potentially including water and/or utility fees as "impact fees." We could look into that if the Committee wants to.

4. APPROVAL OF MINUTES

A. MEETING MINUTES - JANUARY 26, 2021

MOTION A motion was made by Mr. Conway, seconded by Mr. O'Reilly, to approve the minutes as presented.

VOTE The motion passed on a roll call vote as follows:

Brian Lewis, yes; Gayla Bechtol, yes; Janet Clow, yes; Miles Conway, yes; Oralynn Guerrerortiz, yes; Ruth Hamilton, yes; Matt O'Reilly, yes; Isaac Pino, yes; John Michael Salazar, yes.

5. ELECTIONS

A. ELECTION OF CHAIRPERSON

MOTION A motion was made by Mr. Salazar, seconded by Mr. O'Reilly, to elect Mr. Lewis as Chair of the Capital Improvements Advisory Committee.

VOTE The motion passed on a roll call vote as follows:

Brian Lewis, yes; Gayla Bechtol, yes; Janet Clow, yes; Miles Conway, yes; Oralynn Guerrerortiz, yes; Ruth Hamilton, yes; Matt O'Reilly, yes; Isaac Pino, yes; John Michael Salazar, yes.

B. ELECTION OF VICE CHAIRPERSON

MOTION A motion was made by Mr. Salazar, seconded by Ms. Guerrerortiz, to elect Mr. O'Reilly as Vice Chair of the Capital Outlay Advisory Committee.

VOTE The motion passed on a roll call vote as follows:

Brian Lewis, yes; Gayla Bechtol, yes; Janet Clow, yes; Miles Conway, yes; Oralynn Guerrerortiz, yes; Ruth Hamilton, yes; Matt O'Reilly, yes; Isaac Pino, yes; John Michael Salazar, yes.

C. ELECTION OF SECRETARY

MOTION A motion was made by Ms. Guerrerortiz, seconded by Mr. Salazar, to elect Ms. Clow as Secretary of the Capital Outlay Advisory Committee.

VOTE The motion passed on a roll call vote as follows:

Brian Lewis, yes; Gayla Bechtol, yes; Janet Clow, yes; Miles Conway, yes; Oralynn Guerrerortiz, yes; Ruth Hamilton, yes; Matt O'Reilly, yes; Isaac Pino, yes; John Michael Salazar, yes.

6. ACTION ITEMS

A. REQUEST APPROVAL TO ALLOCATE UP TO \$22,500 OF PARKS AND TRAILS IMPACT FEES TO PERFORM AN ENGINEERING STUDY FOR THE DESIGN OF COTTONWOOD VILLAGE MOBILE HOME PARK/CAMINO RAE ACADEMY CONNECTOR TRAIL

Mr. Gemora reviewed the packet information on this request.

Ms. Issacson presented the project in the packet.

Ms. Guerrerortiz said she knows this is in Segment 3 of the Santa Fe County Greenway Study. Have you been coordinating with Santa Fe County.

Ms. Issacson said yes. We are working in concert with the County, the MPO and the Santa Fe school system. We meet regularly.

Ms. Guerrerortiz asked if this is going to be part of the larger trail plan.

Ms. Issacson said Erick Aune can speak to that. Right now we are looking at two connected pieces of the trail.

Mr. Aune said yes, it is following the spirit of the original design.

Mr. Lewis asked if this item was on their list.

Mr. Gemora said the Public Works Department is considering this as part of the eligible projects list.

Ms. Issacson said the project will directly align with the plan for the Acequia Trail and that is on the list. The exact amount is not to exceed \$22,500. We don't expect to expend the entire amount of money. There is a good chance that there will be future requests for other segments of the trail. We may come back to the Committee for funding.

MOTION A motion was made by Mr. Conway, seconded by Ms. Bechtol, to approve the request.

VOTE The motion passed on a roll call vote as follows:

Brian Lewis, yes; Gayla Bechtol, yes; Janet Clow, yes; Miles Conway, yes; Oralynn Guerrerortiz, yes; Ruth Hamilton, yes; Matt O'Reilly, yes; Isaac Pino, yes; John Michael Salazar, yes

B. REQUEST APPROVAL TO ALLOCATE UP TO \$250,000 IN ROADS IMPACT FEE FUNDS TO A LOCATION AND ENGINEERING STUDY (PHASE 1 B) OF THE ARROYO DE LOS CHAMISOS CROSSING PROJECT.

Ms. Glorioso-Moss reviewed the project information in the packet.

Mr. O'Reilly said he was curious as to if it was anticipated that the City would be

using State or Federal funds to build this connector.

Ms. Glorioso-Moss said Trails has applied for funding from a block grant and funding through Congresswoman Ledger Fernandez from the CARES Act Transportation Impact funding. Together those funds would amount to \$5 million. We will know in late May or June of this year if we get those funds.

Mr. O'Reilly said we are following the NMDOT process. Is there an internal process as well.

Ms. Glorioso-Moss said we don't want to depend on just the impact fees. We need \$4 to \$5 million for this project. We have other projects that need impact fees as well.

Mr. O'Reilly asked has the Public Works Department presented to the City Council a priority list of projects. It seems a lot of funding requests come in piecemeal without following a list that Public Works and Council approve.

Ms. Glorioso-Moss said there is a Resolution that the Governing Body approved in 2018 showing this as a priority. This is a priority of Public Works and is also in the Public Works ICIP.

Mr. O'Reilly said every Resolution that the City passes to add projects to the table on page 80 always say how important it is. It does not really rank what Public Works is planning on building now. It would be helpful for this Committee to see those Public Works priorities to make decisions.

Mr. O'Reilly stated that he was wondering if part of the scope of work on the Committee is looking over connectors for future uses. There are certain alignments that would leave more land and would be perfect for affordable housing.

Ms. Glorioso-Moss said regarding the priority list of the Public Works Department, her Division Director is here. Javier Rosado. We are thinking of that already that we need to prioritize our projects and review all the projects in Table 80.

Mr. Rosado said he is working on how this list is to be worked in the future. We are working on this.

Ms. Glorioso-Moss said in Phase 1A there were three alternatives presented to the public. Affordable housing was not included in any of the alternatives. The best alignment presented to the public and suggested by the public was B. The direct connection to Richards Avenue.

Mr. O'Reilly said that is unfortunate. That goes through developable property that could be impacted by the direct road.

Ms. Guerrerortiz said it looks like in Exhibit C it suggests an amendment for a total of \$150,000. That is a big difference. Can you explain that.

Ms. Glorioso-Moss said the request is \$163,000 including GRT. We are requesting more because the request did not include a face to face public meeting on Zoom. We want to get the public involved. By the end of the year we want to do a face to face public meeting. If we don't need that money we can leave those funds in the project.

Ms. Guerrerortiz said she agrees that is a concern. If it is not used it should be returned to the impact fee account. She is not sure if it is appropriate for you to hold the money for the future.

Mr. Gemora said the appropriation of \$250,000 does not take the funds out of the account. If the department ends up with \$150,000 of contracts only \$150,000 will be removed from the account. The money does not leave the fund until there is an actual contract.

Ms. Guerrerortiz said she understood they are doing the street light data project. Is that necessary anymore.

Ms. Glorioso-Moss said NMDOT advises all City projects to have that study.

Mr. Conway said he heard at the beginning of this that we have an outstanding grant request and we don't quite know if this project is a priority of Public Works. Do we just approve this before the project becomes shovel ready.

Ms. Glorioso-Moss said this project is on Public Work's ICIP as a priority as well as the IFCIP. We studied the alignments. Phase 1A is completed. This is Phase 1B then we are moving to Phase 1C, the Environmental Study. Then Phase 1D. The entire process may take two to three years to be shovel ready. The Governing Body has supported allocating \$3.8 million for this project as well.

Mr. Conway said so the project is moving ahead with or without Federal funding.

Chair Lewis said in the last few years we have spent almost no money. We build up the account balance. That is also not a good use of the money.

Ms. Guerrerortiz left the meeting.

MOTION A motion was made by Mr. O'Reilly, seconded by Ms. Bechtol, to approve the request.

VOTE The motion passed on a roll call vote as follows:

Brian Lewis, yes; Gayla Bechtol, yes; Janet Clow, yes; Miles Conway, yes;

Ruth Hamilton, yes; Matt O'Reilly, yes; Isaac Pino, yes; John Michael Salazar, yes

C. REQUEST APPROVAL TO ALLOCATE UP TO \$650,000 FROM ROADS IMPACT FEE FUNDS FOR ROAD AND LANDSCAPING IMPROVEMENTS AS PART OF THE GUADALUPE ST. RECONSTRUCTION PROJECT.

Ms. Glorioso-Moss reviewed the project details included in the packet adding that the Guadalupe St. Reconstruction Project is on the ICIP and Public Works lists it as a high priority.

Ms. Hamilton commented that she wanted to be sure when the landscaping design is being done the Municipal Tree Board is involved and that there is an effort to ensure the right trees and shrubs are planted in the right places to thrive.

Ms. Glorioso-Moss said she is not quite sure about that. The landscape design will be done by a subcontractor. She can find out for her.

Ms. Hamilton said she was concerned about the challenges that trees and shrubs have on streetscapes. It is critical that the plans are made by closely working with City staff who will be caring for those plantings. She would like follow up on this.

Ms. Glorioso-Moss said the Parks Division will be caring for the landscaping. They are part of Public Works and will be very involved.

Ms. Hamilton said she wanted to be sure the Parks Division would be involved in the design and selection of plantings.

Ms. Glorioso-Moss said the Division Director of Parks has been involved from the start.

Mr. Rosado said our Public Works Director gave him the direction to incorporate Parks in the design and planning and to ensure they have the capacity to maintain the landscaping.

Mr. Conway asked if this goes to Council next. Can we send a recommendation to Council.

Chair Lewis said we are making a recommendation to Council with our vote on this item.

Mr. Gemora said this is an approval. Then it will go to the City for approval. It will go to Finance as well. You are the final word on this if it an approved use of impact

funds.

Mr. Conway asked should it be a zero water use plan. He would like to recommend that the contract take into consideration net zero water consumption. Can we do that.

Ms. Paez said the Committee role is if this is a lawful use of funds. You can put that recommendation as a request to Mr. Rosado and Ms. Glorioso-Moss that Public Works staff pursue net zero.

Ms. Glorioso-Moss said the street landscape is also a safety issue. It provides traffic slowing and safety and beautification. It is a buffer between the pedestrian or bicyclist and the street.

Ms. Paez commented that it is in City code that some landscaping must be done.

Chair Lewis asked Ms. Glorioso-Moss to take that under advisement. This is everyone's downtown. It benefits everyone.

MOTION A motion was made by Mr. Salazar, seconded by Ms. Hamilton, to approve the request.

VOTE The motion passed on a roll call vote of 6 yes and 2 no as follows:

Brian Lewis, yes; Gayla Bechtol, yes; Janet Clow, yes; Miles Conway, no; Ruth Hamilton, yes; Matt O'Reilly, yes; Isaac Pino, no; John Michael Salazar, yes

7. STAFF COMMUNICATIONS

A. IMPACT FEE FINANCIAL UPDATE

Mr. Gemora gave an overview of the report in the packet including using a shared screen to show documents.

Mr. Gemora added that the impact fee funds are not allowed to be banked. If they are not used they must be returned. Right now we are not collecting as much in fees as we can (per calculations in the IFCIP). We are charging half of the expected infrastructure cost. One reason is that there has not been much use of the fees.

Mr. Gemora said the Finance Department has been resistant to providing quarterly reports on impact fee revenue, expenditures, and fund balances. The past CIAC was very frustrated by that. The information in these documents is an estimate.

Mr. Conway left the meeting and said he would be listing by phone.

Ms. Clow asked so no funds were spent in 2019 or 2020.

Mr. Gemora said yes, no funds were expended during that time.

Ms. Clow asked how long do we have before we have to return funds.

Ms. Paez said seven years.

Mr. Gemora reviewed the Fund Activity Report. The City has not been good about spending the funds. The Committee should keep an eye on spending.

8. MATTERS FROM THE FLOOR

A. INTRODUCTION TO THE CIAC FROM PREVIOUS CIAC MEMBER KIM SHANAHAN

Mr. Shanahan commented that this is the strongest CIAC he has seen and that it should assert themselves as a citizen-appointed committee. This Committee has to follow State law and expenditures have to be tied to growth in the community. When Ike and Miles voted against the Guadalupe beautification project he would have as well. The spending of funds has to be tied to growth. Regarding Tierra Contenta, the Committee should be advocates for the Paseo del Sol Road which they agreed to fund in the past and which opens up more space for housing and growth.

The Committee should be more involved more in the planning and evaluation of infrastructural growth and should be providing comments on City bonds. The current Administration has abandoned long range planning. The CIAC has the ability to provide community input, continuity, and institutional memory if the Long Range Planning Subcommittee is not active.

Staff continuity is also important. Carlos has done a great job but if he leaves it would be important for other staff to take on the role of Liaison.

The money issue and lack of reporting from the Finance Department is out of control. The Committee has a fiduciary responsibility to ensure that monies are balanced and both the City and the Committee should be aware of every dollar collected and expended. Sometimes we enter into agreements with developers to waive impact fees because they construct something extra that impact fees would have paid for. We used to be able to track that. It is outrageous that the Finance Department cannot satisfy the demands of this committee.

9. MATTERS FROM THE COMMISSION

Mr. O'Reilly said regarding "deals made". There were no deals made by anyone. The code has a section about impact fee credits. We must do that by law if they do

extras that fit. He would like to ask the Public Works Department, Parks, Police and Fire to prioritize their projects from Table 80 and provide that list to this Committee by the next meeting. He does not feel comfortable expending impact fees on a bit by bit basis. We have an opportunity here. There are some large projects we could begin to do such as the Tierra Contenta road. He asks that staff pass on his request. Put it on the agenda for the next meeting to vote on if necessary. He agrees that this is a strong CIAC. He is honored to work with all of you.

Chair Lewis said he concurs with Mr. O'Reilly. We need the information from the Departments so we can see what is a priority to be done and why.

Mr. Berke announced that Mr. Gemora has resigned to take a new job in Albuquerque where he lives. Thank you for your three years of service with us. He has done amazing work. He will be missed and his shoes cannot be filled.

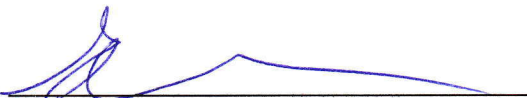
Mr. Gemora said he will still be involved in these issues, but in a different capacity.

Chair Lewis asked that Mr. Berke keep the Committee updated as to what transpires.

10. ADJOURN

There being no further business before the Committee the meeting adjourned at 5:02 pm.

Brian Lewis, Chair



Elizabeth Martin, Stenographer

Signature: Brian Lewis
Brian Lewis (May 16, 2022 17:11 MDT)

Email: brianchilderslewis@gmail.com






2021-5-13 CIAC Minutes Unsigned

Final Audit Report

2022-05-16

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