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**COMMUNITY DEVELOPMENT COMMISSION
JULY 15, 2026, 3:00 PM
COUNCILORS' CONFERENCE ROOM, CITY HALL
SANTA FE, NEW MEXICO**

1. CALL TO ORDER

A meeting of the Community Development Commission was called to order by Councilor Alma Castro, Chair, at 3:04 pm, on July 15, 2026, in the Councilors' Conference Room, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT

Councilor Alma Castro, Chair
Commissioner Rosario Torres
Commissioner Ken Hughes
Commissioner Anne Watkins
Commissioner Garron Yepa
Commissioner Alissa Keny-Guyer
Commissioner Russell Brott

OTHERS PRESENT

Heather Lamboy, Director, Land Use Department
Christina Browning, Deputy Director, Affordable Housing
Travis Dutton-Leyba, Chief Procurement Officer
JoAnn Lovato, Procurement Manager
Elizabeth Martin, Stenographer

3. APPROVAL OF AGENDA

MOTION A motion was made by Commissioner Torres, seconded by Commissioner Watkins, to approve the agenda as presented.

VOTE The motion passed on a voice vote.

There was discussion regarding setting a date for the evaluation of applications. No date was decided upon.

4. APPROVAL OF MINUTES

A. REQUEST FOR APPROVAL OF THE MAY 20, 2026 COMMUNITY

DEVELOPMENT COMMISSION MEETING MINUTES.

MOTION A motion was made by Commissioner Keny-Guyer, seconded by Commissioner Torres, to approve the minutes as presented.

VOTE The motion passed on a voice vote.

B. REQUEST FOR APPROVAL OF THE MAY 26, 2026 COMMUNITY DEVELOPMENT COMMISSION SPECIAL MEETING MINUTES

MOTION A motion was made by Commissioner Keny-Guyer, seconded by Commissioner Watkins, to approve the minutes as presented.

VOTE The motion passed on a voice vote.

C. REQUEST FOR APPROVAL OF THE JUNE 17, 2026 COMMUNITY DEVELOPMENT COMMISSION MEETING MINUTES

There was a document distributed by Councilor Keny-Guyer with specific changes and additions requested to the minutes. After discussion, it was decided that staff would reach out to the City Clerk regarding the appropriate way to handle the document and changes. This document is attached to these minutes as Exhibit (1).

The approval of the minutes of June 17, 2026 was postponed.

5. EXECUTIVE SESSION

A. IN ACCORDANCE WITH THE OPEN MEETINGS ACT, NMSA 1978, SECTION 10-15-1, SUBPART (H)(6), INTERVIEWS REGARDING THE CONTENTS OF COMPETITIVE SEALED PROPOSALS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT IN RESPONSE TO RFP #FY26-RFP-096

Chair Castro said she did not feel that an Executive Session was necessary.

There was discussion around the need for an Executive Session and what the content of the Executive Session would be.

MOTION A motion was made by Commissioner Keny-Guyer, seconded by Commissioner Torres, to enter into Executive Session in accordance with the Open Meetings Act, NMSA 1978, Section 10-15-1, Subpart (H)(6).

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

Commissioner Torres, yes; Commissioner Yepa, yes; Commissioner Keny-Guyer, yes; Commissioner Hughes, yes; Commissioner Hughes, yes; Commissioner Brott, yes; Chair Castro, yes.

The Commission entered into Executive Session at 3:19 pm.

MOTION A motion was made by Commissioner Watkins, seconded by Commissioner Torrez, to reconvene in open session and that no action was taken in Executive Session.

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

Commissioner Torres, yes; Commissioner Yepa, yes; Commissioner Keny-Guyer, yes; Commissioner Hughes, yes; Commissioner Hughes, yes; Commissioner Brott, yes; Chair Castro, yes.

The Commission reconvened in open session at 4:10 pm.

6. PRESENTATIONS

None.

7. DISCUSSION REGARDING THE POLICY SUBCOMMITTEE AND APPOINTMENT OF MEMBERS

Commissioner Brott said there are four points in the authority that created this Commission. Forming some type of subcommittee makes sense.

Ms. Lamboy said the direction of the four points relates to the purpose of the subcommittee. There has been discussion in the past about the General Plan being under the Planning Commission. Affordable Housing is part of Land Use now. Possibly, a couple of the CDC Commissioners could be part of that subcommittee with the Planning Commissioners. We develop economic strategy. The Planning Commission leads the charge.

Commissioner Brott said he never said that. His goal is to fulfill the mandate from the Ordinance.

Chair Castro said her intention is to align our code with what we are actually doing. It has not been looked at for awhile. We don't serve in that capacity now, but we did. Johanna Nelson is the Director of Economic Development and is in charge of forming the economic development plan and strategy for the City. She could make a presentation to this Commission.

Commissioner Watkins said she and Commissioner Brott brought forward recommendations of things we can be doing when there is limited staff.

Ms. Lamboy said we have a great opportunity here with the merging of Land Use and Affordable Housing. Some of these items and issues are already managed by our long range planning team. Commissioners Watkins and Hughes are already part of the planning team.

Chair Castro read what the Ordinance says and stated that we need to clean up the language. She will be reaching out to the Commissioners on this. We can have three or fewer of the Commissioners serving on the subcommittee.

8. MATTERS FROM STAFF

None.

9. MATTERS FROM THE COMMITTEE

Commissioner Watkins said she would like to add to the agenda a discussion of what Commission members think we might be able to do to move along some of the processes in the City.

Commissioner Hughes asked for a report of the Study Session at a future meeting.

Commissioner Watkins said she asked for financial reports. Who has gotten money from us, who expanded and who did not spend what they were given. She would also like reports on the monitoring of what we are doing on the projects.

Commissioner Keny-Guyer said she echos that.

Commissioner Keny-Guyer asked that a discussion on procurement be added to the agenda of the next meeting. She would like discussion of the RFP process for the Affordable Housing Trust Fund to also be added to the next agenda. She would like to respond to the Santa Fe New Mexican article. It said we were not invited to give input into that process. She believes we were invited multiple times to give input. She knows Commissioner Brott brought something forward. For the record. she wants to mention that Commissioner Brott had asked for permission when the logistical question was asked. To see a Commission disparaged when asked why they were kicked off of Zoom and no one from City staff said no, people put a lot of volunteer time into this. In the newspaper it raised the question of integrity about what a Commissioner is said to have done. She needed to say that. It is not okay.

Commissioner Brott said his reputation has been impugned in the public. He has a private business. His credibility has been questioned. The City can cancel an

RFP. It is their right when it is in the best interest, but it was said by City staff it was materially compromised. That has to be backed with evidence. He has not been provided with any evidence. He wants his name cleared publically.

Commissioner Brott handed out a document stating his concerns and thoughts as to what transpired and what the article in the Santa Fe New Mexican reported. That document is attached to these minutes as Exhibit (2).

Commissioner Keny-Guyer stated that she shares the same concerns.

10. MATTERS FROM THE CHAIR

Chair Castro said as Chair, she found it extraordinarily challenging to work through this process. She has tried to be an advocate. She does not think our policy aligns with what we are trying to do. She is working with staff for more capacity. She has spoken to her colleagues to find a way to work through some of the discussions. Thank you for being respectful and understanding. She commends you all for the hard work. Our next Affordable Housing discussion will be better. She is committed to better communication.

11. NEXT MEETING: WEDNESDAY, AUGUST 19, 2026

12. ADJOURN

There being no further business before the Commission, the meeting adjourned at 4:58 pm.

Councilor Alma Castro, Chair

Elizabeth Martin, Stenographer

EXHIBIT 1

I move that we make the following amendments to the Minutes:

Page 11:

1) Original:

The members introduced themselves, sharing their areas of expertise.

Amended:

The members introduced themselves, sharing their areas of expertise. In response to the Mayor's comments that the City is not required to have the CDC, Commissioners Keny-Guyer, Yepa, Rosario, and Brott said they hoped the CDC would continue because of its robust discussions and value to the community; Commissioner Watkins said she wasn't sure.

2) Original:

Commissioner Keny-Guyer said she feels strongly that it is very clear that you make the decisions.

Amended:

Commissioner Keny-Guyer said she feels strongly that it is very clear that you (the governing body) make the decisions.

3) Original:

Commissioner Keny-Guyer said she understands by lowering the amount of area median income, the fee in lieu of would be more and bring in more money. She is a strong supporter of inclusionary zoning and thinks it is important that we have mixed income neighborhoods. She has been disappointed that because it has been so low, almost every development has used fee in lieu of. What is on the incentive side. A State law was passed that gave more incentives to developers such as waiving fees. She is all for raising the fee in lieu of costs. A goal of having more mixed income neighborhoods is critical, but has to be balanced with incentives so we do not lose developers

Amended:

Commissioner Keny-Guyer said she understands by lowering the amount of area median income, the fee in lieu of would be higher and bring in more money. She is a strong supporter of inclusionary zoning and thinks it is important that we have mixed income neighborhoods for the benefit of schools, day care, and small businesses. She has been disappointed that because the fee has been so low, almost every development has used fee in lieu of. ~~What is on the incentive side. A State law was passed that gave more incentives to developers such as waiving fees.~~ She is all for raising the fee in lieu of costs with the goal of having more mixed income neighborhoods is critical, but it has to be

balanced with incentives so we do not lose developers who will do projects in other cities instead.

Land Use Direct Lamboy responded that Phase 1 has offered a variety of incentives, including waiving the \$38k per acre foot for water rights, waiving permit fees, allowing more density bonuses, and leasing city owned land rather than selling it to lower up front costs to speed up the development process.

Page 13:

4) Original:

Chair Castro said the process was invalidated because we broke Executive Session. That gives us an opportunity to look at the RFP and clarify what we want to standardize and what we want.

Ms. Lamboy said it is important to make sure we do this right. The procurement process is the responsibility of government. It has to be done with proper procedures and ethics.

Amended:

Chair Castro said the process was invalidated because we broke Executive Session. That gives us an opportunity to look at the RFP and clarify what we want to standardize and what we want.

Chief Procurement Officer Dutton-Leyba said that the rules state that Commissioners can't communicate with applicants individually, and that there was a concern about abiding by the scoring outcomes because one of the highest scoring offers was not recommended - which to him is backwards. He said this is a chance to level set, and Commissioners should give feedback about relevant criteria or points on the RFP. He asked, why have scoring if you are going to use other factors?

Procurement Manager Lovato added that we can work together to come up with a more solid RFP to include what the commissioners want to see. She asked for input: if there is anything missing in the old RFP, recommend changes. She said we have to ask everyone the same questions.

Commissioner Keny-Guyer said that for the record, she was very disturbed about re-doing the process all over when she doesn't understand the need for it. As the media revealed last fall, we need to do a better job of getting the funds out into the community where the need is so great. On scoring, the scores are a useful initial tool to see which groups score very low so we can focus the applicant interviews on those who score higher. However those interviews and the discussion among commissioners is critical to the final award decisions. We can't ask the exact same questions of every applicant since each case is different. For instance, we ask applicants who haven't expended all of its previous funds, why, which is irrelevant to those who have no unused funds.

It was suggested that the discussion on procurement be put on the following month's agenda.

Ms. Lamboy said it is important to make sure we do this right. The procurement process is the responsibility of government. It has to be done with proper procedures and ethics.

EXHIBIT 2 MEMORANDUM

TO: Councilor Alma Castro. Committee Chair
FROM: Russell Brott, Commissioner
DATE: July 15, 2026
SUBJECT: Submission for the Record — AHTF RFP Cancellation

Please accept the attached document(s) into the official record for the meeting held on July 15, 2026. Because time constraints during the meeting prevented a full verbal presentation, I am exercising my right to submit this information in writing.

Legal and Procedural Authority

- **Robert's Rules of Order:** Members of a public body maintain the procedural right to submit written reports and relevant data to the Secretary or Stenographer to ensure a complete record. If necessary, a formal motion to "receive the document" may be introduced to confirm its inclusion.
- **New Mexico Open Meetings Act (OMA):** State law requires public bodies to maintain accurate and complete minutes that reflect the true substance of all matters discussed or considered.
- **Inspection of Public Records Act (IPRA):** Once submitted to the body, this material becomes an official public record and must be retained as part of the public archive.

Action Requested

- **Stenographer/Secretary:** Please formally accept this document and attach it directly to the official minutes of this meeting.
- **Committee Chair:** Please ensure the minutes reflect that this document was received and entered into the record.

Thank you for ensuring the accuracy and completeness of our public record.

Re: The AHTF Cancellation — What the Rules Actually Say, and What the Record Actually Shows

Colleagues,

The stated basis for this cancellation does not survive scrutiny of the applicable rules or the record of what actually occurred. I want to set out my findings and correct several points that have been inaccurately communicated to this body and the City at large.

Start with what is not in dispute.

When the City says it cancelled the RFP simply because it is in the best interest of the City, that's its call to make. But the City did not say that — it said the process was 'materially compromised.' That's an accusation that something went wrong, and an accusation has to be backed by evidence. To this point, the City has not provided any. A cancellation built on a violation that never happened isn't a judgment call; it's exactly the kind of decision that can be challenged by offerors and Commissioners alike.

I. The reasons offered for this cancellation, examined.

- 1. The late start explanation.** Under the Open Meetings Act, actions are valid where the meeting was properly noticed and had quorum, agenda, and minutes (NMSA 1978 § 10-15-1; invalidation under § 10-15-3). All were satisfied. The NM Attorney General's OMA Compliance Guide is clear that departing from a body's own scheduling practice is not a statutory violation. A late start voids nothing. This is contrary to the explanation given to the CDC.¹
- 2. The text.** A Homewise employee texted me during executive session asking why they had been removed from the Zoom. I announced the message to the room, with a procurement staff member present. No one objected. My reply noted that we had gone into executive session. That is all of it. No information was sought and none was given. The Director of the Land Use Department is on record saying the contact compromised the process "regardless of the content or intent". The Procurement Code's trigger for offeror contact is a campaign contribution or thing of value (Manual § XXVII). Nothing of value was conveyed. Furthermore, nothing in the state statute, City procurement code or the "Instructions for Participation on an Evaluation Committee and a Confidentiality and Standards Agreement" make any mention of a prohibition on CDC Commissioners communicating with applicants.

¹ <https://www.nmag.gov/wp-content/uploads/Open-Meetings-Act-Compliance-Guide.pdf>

The New Mexico General Services Department's own RFP Guide spells out how to handle contact from a potential offeror. It says "If a potential offeror calls, simply explain that a public procurement process has been initiated and any contact outside of the process could jeopardize the potential offeror's ability to submit a proposal." This is in line with the text I sent.²

3. **The information-sought claim.** The Director of Land Use told the Santa Fe New Mexican that "Additional information was sought at an inappropriate time during the project review outside of the official applicant interview." It is unclear who the Director is referring to, but I categorically deny providing any information to any applicant outside of the official applicant interview. If the City has evidence to the contrary, it should provide that evidence to this entire Committee.
4. **Different questions posed to the RFP respondents.** An RFP invites differing, proposal-specific responses. An interview that clarifies each offeror's unique proposal is not a defect in the process; it is the process. The City's own RFP language confirms this through "follow-up questions, discussions, and deeper understanding of proposed projects, especially in areas where more detail is needed to inform decision-making".³ The clarifying questions asked are, by definition, tailored to what each offeror actually proposed. Because the proposals differed, the questions necessarily differed.

II. What this is costing.

Cancelling and re-running this process delays money that housing organizations need now, discards submissions from qualified applicants who met the original deadline, and throws away this Commission's completed work. Because the re-run adds eligibility rules never published in the first round, it also invites challenge from the original applicants. One applicant from the original round is now barred from applying under the new rules. Because that exclusion mirrors public criticism of that applicant, it exposes the City to claims of favoritism and to liability from the excluded party.

Requested Action.

The City originally provided this body with two invalid reasons to cancel the AHTF RFP and added two more since the May meeting. While the City has the authority to cancel this RFP, it does not have the authority to invent a reason — and it should not need to impugn a volunteer's reputation to do it. Specifically, I request that the City (a) place the written determination and any evidence supporting the 'materially compromised' finding

² <https://generalservices.state.nm.us/wp-content/uploads/2021/02/rfpguide.pdf>

³ See Page 11, RFP#: FY26-RFP-076 - FY27 Affordable Housing Trust Fund (AHTF)

into the procurement file and immediately provide it to this Commission, (b) bring the original recommendations to the full Governing Body, and (c) correct the record where necessary about the validity of the procurement process and those involved in it.

Respectfully,

Russell Brott
Commissioner, City of Santa Fe Community Development Commission