



Agenda

**PUBLIC WORKS/CIP & LAND USE
COMMITTEE MEETING
CITY HALL COUNCIL CHAMBERS
MONDAY, AUGUST 26, 2019
5:00 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM AUGUST 12, 2019 PUBLIC WORKS COMMITTEE MEETING

INFORMATIONAL AGENDA

6. Sidewalk Maintenance, Code and Construction(Regina Wheeler, Public Works Department Director, rwheeler@santafenm.gov, 955-6622)

CONSENT AGENDA

7. Request for the Approval of Amendment #2, Contract Time Extension Related to the GCCC Ice Arena ECM Scope, to Original Agreement # 19-0130 with Ameresco, Inc. for the CIP #646A, Energy Conservation Measure Project (Jason M. Kluck, PW Project Administrator, jmkluck@santafenm.gov, 955-9537)

COMMITTEE REVIEW

Finance Committee (Scheduled)

09/16/19

Council (Scheduled)

09/25/19

8. Request for the Approval of a Memorandum of Understanding (MOU) Between Santa Fe County and the City of Santa Fe in the Amount of \$500,000 for the Purpose of MRC Soccer Valley Improvements for Fiscal Year 2019/2020 through Fiscal Year 2021/2022 (Jennifer Romero, MRC Manager, jromero@santafenm.gov, 955-4465)

COMMITTEE REVIEW

Finance Committee (Scheduled)

09/16/19

Council (Scheduled)

09/25/19

9. Request for the Approval of Amendment #1 to NMDOT Funding Agreement, CN S100370 (Munis Contract No. 3200842), to Increase Funding by \$55,000 and to Extend the Termination Date from December 30, 2019 to April 30, 2020 for CIP 852B – Agua Fria Street/Cottonwood Drive Intersection Safety Improvements Project, (Sarah Anderson, PE, Engineering Supervisor, sanderson@santafenm.gov, 955-6672)

COMMITTEE REVIEW

Council (Scheduled)

08/28/19

10. Request for Approval Amendment #2 to NMDOT Funding Agreement, CN S100460 (Munis Contract No. 3200847) to Increase Funding by \$540,000 and to Extend the Termination Date from October 16, 2020 to April 30, 2021 for CIP 801B- Reconstruction of Guadalupe Street from Agua Fria to Paseo de Peralta, (Sarah Anderson, PE, Engineering Supervisor, sanderson@santafenm.gov, 955-6672)

COMMITTEE REVIEW

Council (Scheduled)

08/28/19

11. Request to Publish Notice of Public Hearing to be Held September 25, 2019 for 2018-2019 HUD Required CAPER (Alexandra Ladd, Office of Affordable Housing, agladd@santafenm.gov, 955-6346)

COMMITTEE REVIEW

Council (Scheduled)

08/28/19

12. Request for Approval to Execute a Grant Agreement for the FY2019, Section 5307 Urbanized Area Apportionment in the Total Amount of \$1,711,152 for Transit Operating Expenses; Federal Transit Administration.

- Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$211,152 (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223)

COMMITTEE REVIEW

Finance Committee (Scheduled)

09/16/19

Council (Scheduled)

09/25/19

13. Request for Approval to Execute a Grant Agreement for the FY2016 Section 5339 Urbanized Area Apportionment in the Total Amount of \$143,017 for Transit Capital Expenses, Federal Transit Administration (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223)

COMMITTEE REVIEW

Finance Committee (Scheduled)

09/16/19

Council (Scheduled)

09/25/19

14. Request for the Approval Using State Price Agreement #90-000-18-00005 to Increase the Total Amount of Purchase Order #22000335 by an Additional \$14,977.26 for a Total Amount of \$74,977.26 for the Striping of Taxiway and Runway Pavements; Highway Supply Company (Mark Baca, Airport Manager, mdbaca@santafenm.gov, 955-2901)

COMMITTEE REVIEW

Finance Committee (Approved)

08/19/19

Council (Scheduled)

08/28/19

15. Request for approval of Budget Adjustment Resolution to Cover SFUAD General Liability Insurance (Bradley Fluetch, CFA, Planning and Investment Officer, bfluettsch@santafenm.gov, 955-6885)

COMMITTEE REVIEW

Finance Committee (Approved)

08/19/19

Council (Scheduled)

08/28/19

16. Request for Approval of State Price Agreement #70-805-17-15677 Expected to Exceed an Amount of \$60,000 for the Procurement of Bulk Fuel; Various Vendors (Daniel Garcia, Fleet Section Manager, dgarcia@santafenm.gov, 955-2351)

COMMITTEE REVIEW

Finance Committee (Approved)

08/19/19

Council (Scheduled)

08/28/19

17. Request for Approval of State Price Agreements #90-000-19-0063, 90-000-19-00015, 60-000-16-00050, 90-000-19-00049AA, AB, in the Amount Expected to Exceed \$60,000 for the Procurement of General Repair, Supplies, Maintenance of City Owned Vehicle Equipment; Multiple Vendors (Daniel Garcia, Fleet Section Manager, dgarcia@santafenm.gov, 955-2351)

COMMITTEE REVIEW

Finance Committee (Approved)

08/19/19

Council (Scheduled)

08/28/19

18. Consideration of Resolution No. 2019-___; A Resolution Supporting the Efforts of Global Citizens to Pressure World Leaders to Address the Effects of Climate Change; Urging the Public and Private Sector to Work Together to Address the Effects of Climate Change; and Urging Santa Fe Residents to Support Efforts to Bring Climate Change to the Forefront of Issues Requiring Action From Our Political Leaders (Mayor Webber) (Shirlene Sitton, Environmental Services Director, ssitton@santafenm.gov, 955-2209)

COMMITTEE REVIEW

Finance Committee (Scheduled)

09/03/19

Council (Scheduled)

09/11/19

19. Consideration of Resolution No. 2019-___: A Resolution Opposing Public Service Company of New Mexico's ("PNM") Investment in Nuclear Energy at Palo Verde Nuclear Plant; Urging the New Mexico Public Regulations Commission ("PRC") to Require that PNM's Replacement Power Include as Much Renewable Energy as Possible; Urging the PRC to Hold Ratepayers Harmless for PNM's Cost Recovery; and Evaluating Intervening on Behalf of City of Santa Fe Ratepayers in Cases Before the PRC Involving Palo Verde Nuclear Power Plant (Councilor Villarreal) (Marcos Martinez, Senior Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

COMMITTEE REVIEW

Council (Scheduled)

08/28/19

20. Consideration of Bill No. 2019-30: An Ordinance Amending Section 10-6.5 SFCC 1987 to Consistently Identify the Airport as the Santa Fe Regional Airport; and Amending Section 12-2.4 SFCC 1987 to Consistently Identify the Airport as the Santa Fe Regional Airport (Councilors Harris, Vigil Coppler, Rivera, and Ives) (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)

COMMITTEE REVIEW

Council (Request to Publish) (Scheduled)	08/28/19
Council (Public Hearing) (Scheduled)	09/25/19

21. Consideration of Bill No. 2019-12: An Ordinance Amending Various Sections of Chapter 14, the Land Development Code, to Repeal the Summary Committee, a Subcommittee of the Planning Commission, Repeal Obsolete References to the Business Capitol District Development Review Committee, Clarify Expiration Provisions, and Make Such Other Changes as Are Necessary to Provide Consistency (Councilor Abeyta) (Noah Berke, Planner Manager, nberke@santafenm.gov, 955-6647)

COMMITTEE REVIEW

Planning Commission (Postponed)	06/06/19
Planning Commission (Approved)	08/15/19
Finance Committee (Approved) (as amended)	08/19/19
Council (Request to Publish) (Scheduled)	08/28/19
Council (Public Hearing) (Scheduled)	10/08/19

22. MATTERS FROM STAFF

23. MATTERS FROM THE COMMITTEE

24. MATTERS FROM THE CHAIR

25. NEXT MEETING: MONDAY, SEPTEMBER 09, 2019

26. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520
five (5) working days prior to meeting / date

RECEIVED AT THE CITY CLERK'S OFFICE	
DATE:	August 22, 2019
TIME:	4:12 PM

**SUMMARY OF ACTION
PUBLIC WORKS/CIP & LAND USE COMMITTEE MEETING
CITY HALL COUNCIL CHAMBERS
MONDAY, AUGUST 26, 2019, 5:00 PM**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER		1
ROLL CALL	QUORUM	1
APPROVAL OF AGENDA	APPROVED	1-2
APPROVAL OF CONSENT AGENDA	APPROVED	2
APPROVAL OF MINUTES	APPROVED	2
<u>INFORMATIONAL AGENDA</u>		
SIDEWALK MAINTENANCE, CODE AND CONSTRUCTION	INFORMATION/DISCUSSION	2-7
<u>CONSENT AGENDA</u>		
REQUEST FOR THE APPROVAL OF AMENDMENT #2, CONTRACT TIME EXTENSION RELATED TO THE GCCC ICE ARENA ECM SCOPE, TO ORIGINAL AGREEMENT # 19-0130 WITH AMERESCO, INC. FOR THE CIP #646A, ENERGY CONSERVATION MEASURE PROJECT.	APPROVED	7-8
REQUEST FOR THE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SANTA FE COUNTY AND THE CITY OF SANTA FE IN THE AMOUNT OF \$500,000 FOR THE PURPOSE OF MRC SOCCER VALLEY IMPROVEMENTS FOR FISCAL YEAR	APPROVED ON CONSENT	8

**2019/2020 THROUGH FISCAL YEAR
2021/2022.**

REQUEST FOR THE APPROVAL OF AMENDMENT #1 TO NMDOT FUNDING AGREEMENT, CN S100370 (MUNIS CONTRACT NO. 3200842), TO INCREASE FUNDING BY \$55,000 AND TO EXTEND THE TERMINATION DATE FROM DECEMBER 30, 2019 TO APRIL 30, 2020 FOR CIP 852B - AGUA FRIA STREET/COTTONWOOD DRIVE INTERSECTION SAFETY IMPROVEMENTS PROJECT.	APPROVED	8-9
REQUEST FOR APPROVAL OF AMENDMENT #2 TO NMDOT FUNDING AGREEMENT, CN S100460 (MUNIS CONTRACT NO. 3200847) TO INCREASE FUNDING BY \$540,000 AND TO EXTEND THE TERMINATION DATE FROM OCTOBER 16, 2020 TO APRIL 30, 2021 FOR CIP 801B - RECONSTRUCTION OF GUADALUPE STREET FROM AGUA FRIA TO PASEO DE PERALTA.	APPROVED	9-10
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING TO BE HELD SEPTEMBER 25, 2019 FOR 2018-2019 HUD REQUIRED CAPER.	APPROVED ON CONSENT	10
REQUEST FOR APPROVAL TO EXECUTE A GRANT AGREEMENT FOR THE FY2019, SECTION 5307 URBANIZED AREA APPORTIONMENT IN THE TOTAL AMOUNT OF \$1,711,152 FOR TRANSIT OPERATING EXPENSES, FEDERAL TRANSIT ADMINISTRATION.	APPROVED ON CONSENT	10
REQUEST FOR APPROVAL TO EXECUTE A GRANT AGREEMENT FOR THE FY2016 SECTION 5339 URBANIZED AREA APPORTIONMENT IN THE TOTAL AMOUNT	APPROVED ON CONSENT	10

**OF \$143,017 FOR TRANSIT CAPITAL
EXPENSES, FEDERAL TRANSIT
ADMINISTRATION.**

REQUEST FOR THE APPROVAL USING THE STATE PRICE AGREEMENT #90-000-18-00005 TO INCREASE THE TOTAL AMOUNT OF PURCHASE ORDER #22000335 BY AN ADDITIONAL \$14,977.26 FOR A TOTAL AMOUNT OF \$74,977.26 FOR THE STRIPING OF TAXIWAY AND RUNWAY PAVEMENTS; HIGHWAY SUPPLY COMPANY.	APPROVED ON CONSENT	10
REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT RESOLUTION TO COVER SFUAD GENERAL LIABILITY INSURANCE.	APPROVED ON CONSENT	11
REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #70-805-17-15677 EXPECTED TO EXCEED AN AMOUNT OF \$60,000 FOR THE PROCUREMENT OF BULK FUEL; VARIOUS VENDORS.	APPROVED ON CONSENT	11
REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #90-000-19-0063, 90-000-19-00015, 60-000-16-00050, 90- 000-19-00049AA,AB, IN THE AMOUNT EXPECTED TO EXCEED \$60,000 FOR THE PROCUREMENT OF GENERAL REPAIR, SUPPLIES, MAINTENANCE OF CITY OWNED VEHICLE EQUIPMENT; MULTIPLE VENDORS.	APPROVED ON CONSENT	11
CONSIDERATION OF RESOLUTION NO. 2019 ____; A RESOLUTION SUPPORTING THE EFFORTS OF GLOBAL CITIZENS TO PRESSURE WORLD LEADERS TO ADDRESS THE EFFECTS OF CLIMATE CHANGE; URGING THE PUBLIC AND PRIVATE SECTOR TO WORK TOGETHER TO ADDRESS THE EFFECTS OF CLIMATE CHANGE; AND URGING SANTA FE RESIDENTS TO SUPPORT EFFORTS TO	APPROVED ON CONSENT	11

**BRING CLIMATE CHANGE TO THE
FOREFRONT OF ISSUES REQUIRING
ACTION FROM OUR POLITICAL LEADERS.**

CONSIDERATION OF RESOLUTION NO. 2019 ____; A RESOLUTION OPPOSING PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM) INVESTMENT IN NUCLEAR ENERGY AT PALO VERDE NUCLEAR PLANT; URGING THE NEW MEXICO PUBLIC REGULATION COMMISSION (PRC) TO REQUIRE THAT PNM'S REPLACEMENT POWER INCLUDE AS MUCH RENEWABLE ENERGY AS POSSIBLE; URGING THE PRC TO HOLD RATEPAYERS HARMLESS FOR PNM'S COST RECOVERY; AND EVALUATING INTERVENING ON BEHALF OF THE CITY OF SANTA FE RATEPAYERS IN CASES BEFORE THE PRC INVOLVING PALO VERDE NUCLEAR POWER PLANT.	NO RECOMMENDATION	11-16
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CONSIDERATION OF BILL NO. 2019-22; AN ORDINANCE REPEALING ORDINANCE 2003-33 AND GRANTING A NEW NON-EXCLUSIVE FRANCHISE TO COMCAST OF EASTERN SHORE AND COMCAST OF NEW MEXICO/PENNSYLVANIA (COMCAST" TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE PUBLIC RIGHTS OF WAY AND TO PROVIDE CABLE SERVICE WITHIN A FRANCHISE AREA WITHIN THE CITY OF SANTA FE.	APPROVED ON CONSENT	16
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CONSIDERATION OF BILL NO. 2019-30; AN ORDINANCE AMENDING SECTION 10-6.5 SFCC, 1987 TO CONSISTENTLY IDENTIFY THE AIRPORT AS THE SANTA FE REGIONAL AIRPORT; AND AMENDING SECTION 12-2.4 SFCC 1987 TO CONSISTENTLY IDENTIFY THE AIRPORT AS THE SANTA FE REGIONAL AIRPORT.	APPROVED ON CONSENT	16
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CONSIDERATION OF BILL NO. 2019-12; AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 14, THE LAND DEVELOPMENT CODE, TO REPEAL THE SUMMARY COMMITTEE, A SUBCOMMITTEE OF THE PLANNING COMMISSION, REPEAL OBSOLETE REFERENCES TO THE BUSINESS CAPITOL DISTRICT DEVELOPMENT REVIEW COMMITTEE; CLARIFY EXPIRATION PROVISIONS, AND MAKE SUCH OTHER CHANGES AS NECESSARY TO PROVIDE CONSISTENCY.	APPROVED	16-18
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MATTERS FROM STAFF	INFORMATION/DISCUSSION	18
MATTERS FROM THE COMMITTEE	NONE	18-19
MATTERS FROM THE CHAIR	NONE	19
NEXT MEETING	SEPTEMBER 9, 2019	19
ADJOURN	ADJOURNED	19

**PUBLIC WORKS/CIP & LAND USE COMMITTEE MEETING
CITY HALL COUNCIL CHAMBERS
MONDAY, AUGUST 26, 2019, 5:00 PM**

1. CALL TO ORDER

A regular meeting of the Public Works/CIP & Land Use Committee was called to order on Monday, August 26, 2019, by Councilor Peter Ives, Chair at approximately 5:00 PM in City Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

2. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Councilor Peter Ives, Chair
Councilor Roman Abeyta
Councilor Renee Villarreal
Councilor Michael Harris
Councilor JoAnne Vigil Coppler

MEMBERS EXCUSED:

STAFF PRESENT:

Regina Wheeler, Public Works Director

OTHERS PRESENT:

Elizabeth Martin, Stenographer

NOTE: All items in the Committee packets for all agenda items were incorporated herewith by reference. The original Committee packet is on file in the Public Works Department.

3. APPROVAL OF AGENDA

Ms. Wheeler said on item 10 the request is not only to approve the amendment for the funding agreement, but also the BAR that goes along with the agreement.

MOTION A motion was made by Councilor Abeyta, seconded by Councilor Vigil Coppler, to approve the agenda as amended.

VOTE The motion passed unanimously by voice vote.

4. APPROVAL OF CONSENT AGENDA

Councilor Villarreal said she would like to co-sponsor item 20 and pull item 22 for discussion.

Councilor Abeyta pulled item 19 for discussion.

Councilor Harris pulled items 7, 9, and 10 for discussion.

MOTION A motion was made by Councilor Vigil Coppler, seconded by Councilor Abeyta, to approve the consent agenda as amended.

VOTE The motion passed unanimously by voice vote.

5. APPROVAL OF MINUTES AUGUST 12, 2019.

MOTION A motion was made by Councilor Abeyta, seconded by Councilor Vigil, to approve the minutes as presented.

VOTE The motion passed unanimously by voice vote.

INFORMATIONAL AGENDA

6. SIDEWALK MAINTENANCE, CODE AND CONSTRUCTION Regina Wheeler

Ms. Wheeler reviewed a Power Point presentation.

The presentation is herewith attached to these minutes as Exhibit "1".

Councilor Harris asked in looking at the sidewalks on major arterials, such as Cerrillos Road, is the Parks Division responsible for medians and the sidewalk set back area from the curb to the sidewalk.

Ms. Wheeler said yes.

Councilor Harris asked the sidewalks themselves, those are the responsibility of the property owner.

Ms. Wheeler said correct. We noticed that Parks has gone above and beyond what this slide suggests.

Councilor Harris asked how many citations or notices of violation are issued.

Mr. Greg Smith said dozens of notices and dozens of informal contacts with property owners. We rarely issue citations. His understanding is the responsibility to maintain arterials may be complicated where there are State rights of way. Our practice has been to exempt owners from responsibility. The practice has been that the Parks Department assumes the responsibility. It is not clear in the code regarding homeowner responsibility.

Councilor Harris said confusing language in the code, perhaps. What he has generally seen is that Proscaper was contracted to do medians and the wide area between the curb and the sidewalk.

Mr. Smith said he is not sure where that responsibility lies within the code. We have issued notices of violation on arterials in the past.

Councilor Harris said we need to sort that out internally and with DOT as well.

Councilor Villarreal said she is curious when looking at recreational facilities and Parks and Recreation and the ultimate responsibility, what about the parking lots of facilities or trail heads. Sometimes there is a fine line. Can you describe that a bit more.

Ms. Wheeler said the parking lots at recreational facilities are the responsibility of the recreation facility so we carry them in our CIP plan. Are you talking about Ft. Marcy.

Councilor Villarreal said the senior center and parking lot in that area where weeds have developed between spaces.

Ms. Wheeler said that is the responsibility of the recreational facility.

Councilor Villarreal said we talk about what makes sense so everything gets covered. Is there any way we can elaborate on how the community can be better served as to when Parks steps in and when Streets step in.

Mr. John Munoz said it is a very symbiotic relationship. You can even throw in Keep Santa Fe Beautiful. We handle cracks between curbing and the street. It is as detailed or complex as that. We may be responsible for a certain section of sidewalk and the other piece is the homeowner responsibility. We have a good line of

communication. If there is a way to simplify that or change some of the language in the future, we can definitely consider that as well.

Mr. Javier Martinez said we do maintain sidewalks along City property. We make repairs. As you go inside the property Streets does not do any maintenance.

Chair Villarreal asked what about State roads.

Mr. Martinez said the agreement with the State and the City is that they maintain their own sidewalks.

Chair Villarreal asked what about when we had the sink hole.

Mr. Martinez said we did go out there for that because there was going to be a parade soon. He did let DOT know they have to maintain that.

Councilor Ives asked how many residencies do we have in Santa Fe.

Mr. Smith said when he said dozens his guesstimate is 5 to 7 dozen each year with homeowners.

Councilor Ives said we have about 30,000 residences across the City.

Mr. Smith said that may be a little low.

Councilor Ives said so 60 to 84 is what we looked at for weeds. Are we looking at disrepair.

Mr. Smith said Land Use does not look at that. We refer that to Public Works. We will have more accurate numbers as the new system comes on line.

Chair Ives said the statute talks about eliminating public nuisances and sight blockers and the trimming of trees and shrubs. Have you issued any letters for any of that.

Mr. Smith said one letter, but he can't speak to citations.

Chair Ives asked how do those come in to Land Use.

Mr. Smith said they come in to the inspectors and they look at the site to see if anything is blocking the sidewalks and if so will initiate on a proactive basis conversations with homeowners. Occasionally other City staff members contact our staff on those issues.

Chair Ives asked so you refer all sidewalk matters and repairs to Public Works.

Mr. Smith said he believes so.

Chair Ives asked do you have any sense of how many referrals there have been.

Mr. Smith said he cannot answer that. There are more weeds than sidewalk repairs.

Chair Ives asked so you use the informal notice officially.

Mr. Smith said depending on if they are a repeat offender or not. We try to make informal contact with the property owner.

Chair Ives asked are the penalties civil or criminal.

Mr. Smith said neither. If we follow up with a citation after a notice that goes to Municipal Court. The Land Use Department is in discussions with the City Attorney about various enforcement citations and penalties and about streamlining these and setting up something where routine enforcement violations can be handled similar to parking tickets.

Chair Ives asked are they misdemeanors now.

Mr. Smith said he would have to research that or refer you to Mr. Prinz from the City Attorney's Office.

Mr. Prinz said it is a petty misdemeanor with a possible \$500 fine and 90 days in jail.

Chair Ives asked is there a statute of limitations.

Mr. Prinz said he did not know.

Chair Ives asked how many get to that point.

Mr. Smith said it is extremely rare in Land Use.

Mr. Martinez said we do issue warning notices. An official notice is not given typically. We usually get a response after issuing the warning. Last year we issued 28 warnings, 16 got repaired and the others we never heard from.

Chair Ives asked so if nothing is done that is where it stays.

Mr. Martinez said yes. We are trying to work out the details to get the repairs done.

Chair Ives asked have we done an assessment as to state of repair of our sidewalks.

Mr. Martinez said they did a City wide sidewalk assessment.

Ms. Wheeler said we did an assessment six years ago for the Sidewalk Transition Plan for meeting the ADA code.

Chair Ives asked the findings of that report, has there been any action taken to bring them up to code.

Ms. Wheeler said yes, quite a bit of activity.

Councilor Ives said most of our paving has been the arterials. Do you have any sense of what remains to be done in that ADA report.

Ms. Wheeler said it is decades of work. We are probably 50% on the ramps.

Chair Ives said on Don Diego the properties are set back from the street. The sidewalks are up against the property wall. Then there is a grassy area 4 to 5 feet wide, then the curb. Whose responsibility is that.

Ms. Wheeler said the private property owner.

Councilor Ives asked do you happen to know what our rules on parking are in those type of areas.

Ms. Wheeler said she would have to check specific properties. It varies according to the property lines.

Chair Ives said his take away is that he would like to see us move from criminal to civil penalties and would like to see if we are just waiting for folks to call in or for a report from a City employee. Is there any recommendation on how we could do a better job of enforcement.

Mr. Smith said we have discussed internally how to get ahead of the weeds next year. We lost the participation of some City organizations who used to help us with the weeds. We expect that next year we will be out in front and Parks and our inspectors will do a better job. He encourages the Governing Body to think about adding staff or contracting in some of these areas.

Chair Ives said you indicated sidewalks for repair are referred to Public Works, but they do not have any enforcement capacity. How do we solve that problem.

Mr. Smith said there are a number of potential solutions that could be worked

out. They could be referred to Land Use or the City Attorney's Office depending on the size of the area.

Chair Ives asked do you handle complaints made against City property.

Mr. Smith said no, that is referred to Public Works.

Chair Ives said he is concerned about sidewalks that are impassable and dangerous. Certainly we could come up with a better system to catalogue violations and get things cleaned up.

Mr. Smith said we have inspectors in the field. We are happy to assist in reporting. The Risk Management Division may want to be involved as well in prioritization.

Chair Ives said thank you for your presentation.

CONSENT AGENDA

- 7. REQUEST FOR THE APPROVAL OF AMENDMENT #2, CONTRACT TIME EXTENSION RELATED TO THE GCCC ICE ARENA ECM SCOPE, TO ORIGINAL AGREEMENT # 19-0130 WITH AMERESCO, INC. FOR THE CIP #646A, ENERGY CONSERVATION MEASURE PROJECT.
Jason Kluck**

Councilor Harris said give us a bit of background on this.

Mr. Kluck said we have been working with Ameresco for a few years to get to this point. We have had meetings with user groups and have talked about options. This is for the ice chiller replacement. When we take one skid down for replacement the ice could melt and that would put a stop to the functional use. In order to avert that, and a big hockey season, staff at the facility strongly requested the last few months that we delay the project until after that season is over. He was reluctant to do that, but it looks like there is no adverse impact to that. Ameresco is happy to do it and it is a reasonable request.

Councilor Harris said in the scenario of the one still on line going down, that could happen at any time. What you have said is between the staff at the ice arena and Ameresco the project can be delayed. It seems the procurement of the chillers was to be done by now. Clearly this is something you have been talking about for awhile.

Mr. Kluck said the ice chillers are ordered and will be here in December.

Councilor Harris asked what is the proposed installation window now.

Mr. Kluck said April to June.

Councilor Harris said he just wants to make sure this continues to move along. He does understand your explanation.

MOTION A motion was made by Councilor Harris, seconded by Councilor Vigil Coppler, to approve the request.

Chair Ives asked there are no fees in this in order to postpone it.

Mr. Kluck said correct. Ameresco has agreed to that.

Chair Ives asked no change in cost.

Mr. Kluck said no.

VOTE The motion passed unanimously by voice vote.

- 8. REQUEST FOR THE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SANTA FE COUNTY AND THE CITY OF SANTA FE IN THE AMOUNT OF \$500,000 FOR THE PURPOSE OF MRC SOCCER VALLEY IMPROVEMENTS FOR FISCAL YEAR 2019/2020 THROUGH FISCAL YEAR 2021/2022. Jennifer Romero**

Approved on consent.

- 9. REQUEST FOR THE APPROVAL OF AMENDMENT #1 TO NMDOT FUNDING AGREEMENT, CN S100370 (MUNIS CONTRACT NO. 3200842), TO INCREASE FUNDING BY \$55,000 AND TO EXTEND THE TERMINATION DATE FROM DECEMBER 30, 2019 TO APRIL 30, 2020 FOR CIP 852B - AGUA FRIA STREET/COTTONWOOD DRIVE INTERSECTION SAFETY IMPROVEMENTS PROJECT. Sarah Anderson**

Councilor Harris said it seems like you inherited a bit of a troubled project. This is a project that got off to a reasonable start, but the redesign drove a change. Now it seems we are using approximately \$55,000 of City money.

Ms. Anderson said on this there is no City match. It is all highway safety funds.

Councilor Harris asked the \$55,000 covers the lighting design and right of way acquisition.

Ms. Anderson said the \$55,000 covers \$32,000 for lighting design additional design fees. The rest is associated with right of way costs.

Councilor Harris said he is always concerned that we are able to keep these projects moving. Are you having team meetings.

Ms. Anderson said yes, every 2 to 3 weeks to make sure we stay on schedule. We are trying to make sure we keep it in the forefront of the work load.

Councilor Harris what is your schedule for the project.

Ms. Anderson said we are still shooting on this project for 2020. We have to work with PNM to move some of their polls. We want to push this out so we can get to larger projects. We really are pushing on this one. We anticipate summer construction next year.

Councilor Harris said it is needed. He is glad it is still on target for the summer of 2020.

MOTION A motion was made by Councilor Harris, seconded by Councilor Vigil Coppler, to approve the request.

Chair Ives asked it will be finished in the summer of 2020.

Ms. Anderson said we are proposing to extend the agreement to April 2020. The construction agreement will come next.

VOTE The motion passed unanimously by voice vote.

10. REQUEST FOR APPROVAL OF AMENDMENT #2 TO NMDOT FUNDING AGREEMENT, CN S100460 (MUNIS CONTRACT NO. 3200847) TO INCREASE FUNDING BY \$540,000 AND TO EXTEND THE TERMINATION DATE FROM OCTOBER 16, 2020 TO APRIL 30, 2021 FOR CIP 801B - RECONSTRUCTION OF GUADALUPE STREET FROM AGUA FRIA TO PASEO DE PERALTA.

Sarah Anderson

Chair Ives said this includes the approval of a BAR as well.

Councilor Harris said here we do have a City match. The right of way services, does that have to do with right of way mapping. It seems late in the game.

Ms. Anderson said she was not here for the negotiation of the original contract.

Once we moved beyond 30% we discovered to construct the ADA ramps we needed additional material and on some of the sidewalks we needed additional right of ways.

Councilor Harris said it seems like a good idea. On this stretch of Guadalupe it is hard to say about right of ways.

Ms. Anderson said she think some of the redevelopment cleaned up some of the areas, but we found that we needed to investigate that some more in order to reach the ADA requirements. There is no match on this funding. This is highway safety, DOT funds. For the \$540,000 90% is Federal and 10% is State.

MOTION A motion was made by Councilor Harris, seconded by Councilor Villarreal, to approve the request.

VOTE The motion passed unanimously by voice vote.

- 11. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING TO BE HELD SEPTEMBER 25, 2019 FOR 2018-2019 HUD REQUIRED CAPER. Alexandra Ladd**

Approved on consent

- 12. REQUEST FOR APPROVAL TO EXECUTE A GRANT AGREEMENT FOR THE FY2019, SECTION 5307 URBANIZED AREA APPORTIONMENT IN THE TOTAL AMOUNT OF \$1,711,152 FOR TRANSIT OPERATING EXPENSES, FEDERAL TRANSIT ADMINISTRATION.**

Approved on consent.

- 13. REQUEST FOR APPROVAL TO EXECUTE A GRANT AGREEMENT FOR THE FY2016 SECTION 5339 URBANIZED AREA APPORTIONMENT IN THE TOTAL AMOUNT OF \$143,017 FOR TRANSIT CAPITAL EXPENSES, FEDERAL TRANSIT ADMINISTRATION. Keith Wilson**

Approved on consent.

- 14. REQUEST FOR THE APPROVAL USING THE STATE PRICE AGREEMENT #90-000-18-00005 TO INCREASE THE TOTAL AMOUNT OF PURCHASE ORDER #22000335 BY AN ADDITIONAL \$14,977.26 FOR A TOTAL AMOUNT OF \$74,977.26 FOR THE STRIPING OF TAXIWAY AND RUNWAY PAVEMENTS; HIGHWAY SUPPLY COMPANY. Mark Baca**

Approved on consent.

- 15. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT RESOLUTION TO COVER SFUAD GENERAL LIABILITY INSURANCE. Brad Fluetsch**

Approved on consent.

- 16. REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #70-805-17-15677 EXPECTED TO EXCEED AN AMOUNT OF \$60,000 FOR THE PROCUREMENT OF BULK FUEL; VARIOUS VENDORS. Daniel Garcia**

Approved on consent.

- 17. REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #90-000-19-0063, 90-000-19-00015, 60-000-16-00050, 90- 000-19-00049AA,AB, IN THE AMOUNT EXPECTED TO EXCEED \$60,000 FOR THE PROCUREMENT OF GENERAL REPAIR, SUPPLIES, MAINTENANCE OF CITY OWNED VEHICLE EQUIPMENT; MULTIPLE VENDORS. Daniel Garcia**

Approved on consent.

- 18. CONSIDERATION OF RESOLUTION NO. 2019 ____; A RESOLUTION SUPPORTING THE EFFORTS OF GLOBAL CITIZENS TO PRESSURE WORLD LEADERS TO ADDRESS THE EFFECTS OF CLIMATE CHANGE; URGING THE PUBLIC AND PRIVATE SECTOR TO WORK TOGETHER TO ADDRESS THE EFFECTS OF CLIMATE CHANGE; AND URGING SANTA FE RESIDENTS TO SUPPORT EFFORTS TO BRING CLIMATE CHANGE TO THE FOREFRONT OF ISSUES REQUIRING ACTION FROM OUR POLITICAL LEADERS. Mayor Webber/Shirlene Sitton**

Approved on consent.

- 19. CONSIDERATION OF RESOLUTION NO. 2019 ____; A RESOLUTION OPPOSING PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM) INVESTMENT IN NUCLEAR ENERGY AT PALO VERDE NUCLEAR PLANT; URGING THE NEW MEXICO PUBLIC REGULATION COMMISSION (PRC) TO REQUIRE THAT PNM'S REPLACEMENT POWER INCLUDE AS MUCH RENEWABLE ENERGY AS POSSIBLE; URGING THE PRC TO HOLD RATEPAYERS HARMLESS FOR PNM'S COST RECOVERY; AND EVALUATING INTERVENING ON BEHALF OF THE CITY OF SANTA FE RATEPAYERS IN CASES BEFORE THE PRC INVOLVING PALO VERDE NUCLEAR POWER PLANT. Councilor Villarreal**

Councilor Abeyta said on page 5 of the Resolution it talks about that the City Clerk is directed to send copies of this Resolution to the Public Regulation

Commissioners as official public testimony. Do we know when the hearing is.

Ms. Mariel Nanasi, Attorney and Executive Director, New Energy Economy, said this is a general rate case brought by PNM. We opposed part of the rate case. PNM's investment in the Palo Verde Nuclear Generation Station. PNM made this investment without any financial analysis or any comparison with alternative energy resources. We argued that was imprudent. The Supreme Court has held that ratepayers should be held harmless on the imprudent investments of the utility. What happened was we said imprudent. The Hearing Examiner at the PRC agreed with us. The Commission agreed with us. PNM challenged that decision in the Supreme Court and we won.

Ms. Nanasi read part of the decision.

Ms. Nanasi asked for oral argument before the Commission. We are waiting for a pending decision about what is going to happen. She approached Councilor Villarreal because she knew this Council has taken an affirmative stance to protect ratepayers. The most important thing is that nuclear is three times as expensive as wind or solar. Palo Verde is in Arizona so we do not create any jobs for New Mexico. It is the most water intensive resource as well. We have no answers for the decommissioning of the facility.

Councilor Abeyta said this is interesting to him. Is there a deadline we need to meet. He would like to have a better understanding before he votes on his. Is there an urgency.

Chair Ives said he was asked if this could go to other committees. It is a significant issue. Decommissioning is an issue on his plate for years. If there is no urgency he would love this to get in front of all Council Committees before going to the full Council so everyone gets the opportunity to ask questions. Also he would like more information on decommissioning.

Councilor Villarreal said there was some urgency initially when we put this together. Is there a timeline we need to know about for PRC. This is our statement of values and the City Attorney would look to determine if there is a need to intervene on behalf of the citizens of Santa Fe.

Ms. Nanasi said she knows that it is not on next Wednesday's agenda, but could be on the following one. She does not know. There is some urgency, but she is open to the process and to discuss this as much as the Councilors feel is necessary.

Councilor Harris said this is an important Resolution, no question about it. He has similar concerns to Councilor Abeyta. He thinks we need to consider letting other people look at it and vet it. He appreciates that you introduced the Supreme Court documentation for your information. Lets make sure it gets distributed to everyone through Public Works or the City Attorney's Office. Clearly the Hearing Examiner ruled

against PNM and the PRC supported the Examiner. The Supreme Court seems to have supported the decision. He thinks it is relatively straight forward, but he thinks we need more time.

Ms. Nanasi said there is one issue where the Supreme Court found in favor of PNM and it was around decommissioning. When the Commission issued its punishment to PNM it said all decommissioning costs are not going to be paid by ratepayers. The Supreme Court ruled that PNM did not get proper notice of that because it was first brought up when they deliberated. In her packet is the PNM Board of Directors meeting minutes when they made their decision saying purchasing this will increase the rate base allowing shareholders to earn a return on assets. That is the basis of their decision. That is not supposed to be the basis of a decision.

Councilor Harris said there is a person from PNM here and he thinks, in fairness, we should give them an opportunity to speak.

Councilor Vigil Coppler said on page 5 of the Resolution it speaks to directing the City Attorney to evaluate intervening on behalf of the citizens of Santa Fe, but it does not show any costs in the FIR. She thinks that the FIR should show the staff costs for that evaluation.

Chair Ives said the City did intervene in the initial San Juan shut down and we hired Jeff Albright at the time to represent the City's interest in that matter. We did engage an expert who presented evidence as well. We do have some basis to estimate costs. It would be good to update the FIR if we seriously consider that.

Councilor Vigil Coppler said the language directs the City Attorney to evaluate intervening. We do not really know how much it would cost. We are still evaluating if we should be involved in the first place. Her interpretation of an FIR is you forecast what those costs would be. She thinks it would be good to put all the cards on the table. If we were to intervene we should know what the cost would potentially be. We ought to know the full picture as this goes to other committees, if it does.

Ms. Nanasi said the deadline for intervention in this case is over. She is not saying they would not allow the City of Santa Fe to intervene because it is the City of Santa Fe.

Ms. Wheeler said we may not be able to intervene in this particular case, but it does say we are seeking other opportunities. We could put a range \$10,000 to \$100,000 because we don't know the sense of the case until we get to the case and know if we have partners. Keep in mind the City of Las Cruces intervened in a rate case and saved the ratepayers \$8 million. The return could be significant. You would, of course, have to have the whole package before considering this. She will work with the City Attorney to forecast some of the costs.

Councilor Villarreal said we already delayed this for one Council meeting to get additional information. It is supposed to go to Council on Wednesday. If we need to go to Finance she is afraid we have already missed the deadline to get on the agenda for their next meeting.

Mr. Guillen said correct. This would have to go on the agenda for the second Finance meeting in September.

Councilor Abeyta said that would be the 16th of September.

Councilor Villarreal said she would not want to wait. That is waiting another month and she does not want to wait that long, especially if we don't know when this item will be on the PRC agenda.

Chair Ives said we are ahead of time for for the September 3rd Finance Committee meeting. How strictly are our internal time frames for this.

Councilor Abeyta said he does not have a problem putting it on for the 3rd.

Councilor Villarreal said she is okay with that as long as it does get on that agenda.

Ms. Jamie Aranda, PNM, said she is happy to answer any questions. She does agree with Ms. Nanasi that the Supreme Court did uphold the PRC 2016 decision. The Supreme Court also found that the PRC violated PNM's rights in the decommissioning of Palo Verde.

Councilor Harris asked does PNM have a more complete statement that they would care to submit to the City of Santa Fe on this issue.

Ms. Aranda said she is happy to discuss that with PNM. Palo Verde is an important resource as we move forward to carbon neutrality. We have reliability requirements that we must meet.

Councilor Harris said he encourages you to speak with whomever to see if a more complete statement on the PNM position could be given to us.

Ms. Aranda said she does know that the company had no intention of adding more nuclear. She is happy to get with PNM about that. What is the process of submitting a formal statement.

Chair Ives said get it to the City Clerk with copies to the members of the Committees it comes before.

Councilor Harris said it needs to get in the packet for us.

Ms. Wheeler asked that it be sent to her as well for the packet.

Chair Ives said thank you.

Chair Ives asked about the caption.

Councilor Villarreal said this was adjusted mostly by Legal. She is open to changing it to whatever is needed for the caption.

Councilor Abeyta asked if he has questions between now and Finance who on staff does he send them to.

Chair Ives said Assistant City Attorney Marcos Martinez and include the City Attorney and Ms. Guillen on that as well. If there are other information requests it would be helpful to know now.

Chair Ives said his is if there is any sense of the decommissioning of nuclear plants in general and how cost allocation occurs in this instance.

Ms. Wheeler said she will share those questions with senior staff tomorrow morning at their meeting.

Councilor Villarreal said she wants this to move forward. Is it not coming back here or do you want it to.

Chair Ives said the objective is to move forward. The minutes from the Finance Committee would be available for folks to weigh in on as well as the additional information from staff.

Councilor Villarreal said then we need to vote.

Chair Ives said thank you to the folks who stayed to listen and participate.

Councilor Abeyta said he is going to abstain from voting on this until he has more information.

Chair Ives said we can move with a majority vote to deny or move this forward with no recommendation.

Councilor Harris said he is not opposed to this coming back to Public Works if you want it to come back around. He will hear it in Finance. He has a lot of questions between now and then.

Councilor Villarreal said to make it clean she would like to move this without recommendation for additional information for Finance, Public Works and Council. She

would rather do that.

MOTION A motion was made by Councilor Villarreal, seconded by Councilor Abeyta, to move the item forward without recommendation to Finance, Public Works and Council and for additional information.

VOTE The motion passed unanimously by voice vote.

Councilor Vigil Coppler said she understands the answers on fiscal impact from the City Attorney, but she still wants that information.

Councilor Vigil Coppler left the meeting.

20. **CONSIDERATION OF BILL NO. 2019-22; AN ORDINANCE REPEALING ORDINANCE 2003-33 AND GRANTING A NEW NON-EXCLUSIVE FRANCHISE TO COMCAST OF EASTERN SHORE AND COMCAST OF NEW MEXICO/PENNSYLVANIA (COMCAST" TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE PUBLIC RIGHTS OF WAY AND TO PROVIDE CABLE SERVICE WITHIN A FRANCHISE AREA WITHIN THE CITY OF SANTA FE. Councilor Abeyta/Councilor Lindell**

Approved on consent.

21. **CONSIDERATION OF BILL NO. 2019-30; AN ORDINANCE AMENDING SECTION 10-6.5 SFCC, 1987 TO CONSISTENTLY IDENTIFY THE AIRPORT AS THE SANTA FE REGIONAL AIRPORT; AND AMENDING SECTION 12-2.4 SFCC 1987 TO CONSISTENTLY IDENTIFY THE AIRPORT AS THE SANTA FE REGIONAL AIRPORT. Councilors Harris, Vigil Coppler, Rivera and Ives.**

Approved on consent.

22. **CONSIDERATION OF BILL NO. 2019-12; AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 14, THE LAND DEVELOPMENT CODE, TO REPEAL THE SUMMARY COMMITTEE, A SUBCOMMITTEE OF THE PLANNING COMMISSION, REPEAL OBSOLETE REFERENCES TO THE BUSINESS CAPITOL DISTRICT DEVELOPMENT REVIEW COMMITTEE; CLARIFY EXPIRATION PROVISIONS, AND MAKE SUCH OTHER CHANGES AS NECESSARY TO PROVIDE CONSISTENCY. Councilor Abeyta, Noah Berke**

Councilor Villarreal said she sees where we are going with this to streamline and consolidate. Did you discuss what the appeal process would be if someone does not like the decision of the Land Use Director.

Mr. Berke said the appeal process would go to District Court.

Councilor Villarreal asked if the Land Use Director makes a decision they have to file an appeal in District Court.

Mr. Berke said if the Planning Commission makes a decision on lot splits it is appealed to District Court. If the Land Use Director makes a decision it is appealed to the Governing Body.

Councilor Villarreal asked what is the additional responsibility added to the current workload of the Director if she takes this on and for all of you.

Mr. Berke said the Summary Committee hears maybe one or two cases once a month or every other month. One of the planners would be assigned to lot splits and work in coordination with Director Johnson. She has a lot of responsibility in the code. In terms of case load and planners it would not change much.

Councilor Villarreal said she thought it would be reduced because you don't have to staff the Summary Committee.

Mr. Berke said he staffs the Summary Committee and we have a stenographer and one or two case planners now so it would be reduced in the context of not having the meetings anymore.

Councilor Villarreal asked do you typically see the public attend Summary Committee meetings.

Mr. Berke said not as often as you might think. Councilor Abeyta was on Summary. You might ask him to chime in. Out of every three cases maybe one member of the public would come.

Councilor Abeyta said that is right, but they still have the ability to come speak to the Land Use Director before she makes a decision.

Mr. Berke said that is right.

Councilor Villarreal said as long as there is some way to interact.

Councilor Abeyta said he believes the proposal has language that allows the Land Use Director to send a case to the Planning Commission if it is too controversial.

Councilor Harris said he feels one staff person should be assigned to lot splits.

Chair Ives said if this is implemented how would appeals go forward and to whom under what circumstances.

Mr. Berke said an appeal of the Land Use Director decision goes to the Governing Body and an appeal of the Planning Commission goes to District Court.

Chair Ives asked what is the difference in the jurisdiction of the Land Use Director versus the Planning Commission in these matters.

Mr. Berke said the Land Use Director makes the decision. The Land Use Director can decide before rendering a decision to have the case heard by the Planning Commission.

Chair Ives asked so it is up to her desecration.

Mr. Berke said correct.

Chair Ives asked why is one appeal going in one direction and one the other.

Mr. Berke said if there is a neighbor who never liked his next door neighbor, which we see a lot, and the neighbor has a lot split and meets all the zoning requirements and there is no reason to deny the request except the neighbor did not like the other neighbor that neighbor can come in and make up all these things. The Land Use Director may say there is not enough merit to kick this to the Planning Commission. If there is an actual D restriction we don't know about then that would be something to go to the Planning Commission.

Chair Ives asked what is the logic of the appeal process. We may have some cases going to court and some to the Governing Body. He is puzzled over that. It is the way the code is written he assumes.

MOTION A motion was made by Councilor Abeyta, seconded by Councilor Villarreal, to approve the request.

VOTE The motion passed unanimously by voice vote.

23. MATTERS FROM STAFF

Ms. Wheeler said she is looking forward to having a discussion about the ICIP list at Council. We have provided additional details on Paseo Del Sol and a new City Hall. You might Google the Las Cruces City Hall to see what they did. We will be moving on to the 5 Year Capital Plan next.

24. MATTERS FROM THE COMMITTEE

None.

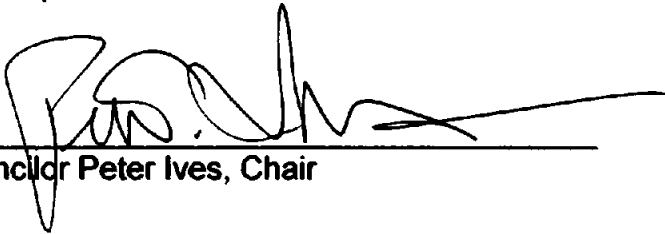
25. MATTERS FROM THE CHAIR

None.

**26. NEXT MEETING
SEPTEMBER 9, 2019**

27. ADJOURN

There being no further business before the Committee the meeting adjourned at 6:50 pm.

A handwritten signature in black ink, appearing to read 'Peter Ives', written over a horizontal line.

Councilor Peter Ives, Chair

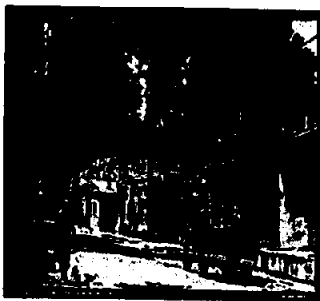
A handwritten signature in black ink, appearing to read 'Elizabeth Martin', written over a horizontal line.

Elizabeth Martin, Stenographer

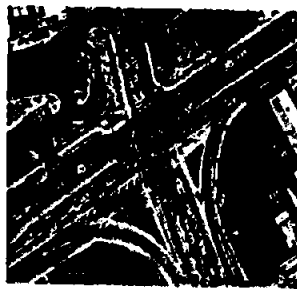
City of Santa Fe Sidewalks

MAINTENANCE, CODE AND CONSTRUCTION

Sidewalk Location Dictates Responsibility



SIDEWALK ADJACENT TO
PRIVATE PROPERTY



SIDEWALK ON MAJOR
THOROUGHFARES



SIDEWALK ON CITY
PROPERTY

On Exhibit "1"

Sidewalks Adjacent to Private Property



Sidewalks constructed by private developer

Code Provisions: Sidewalk Maintenance

- **General:** "Maintenance of the public parkway, generally comprised of the sidewalk setback and the sidewalk itself, is the responsibility of the person owning or in charge or control of the lot or property contiguous to the parkway, exclusive of controlled access arterials. Maintenance shall be to eliminate public nuisances and ensure pedestrian and vehicular safety and visibility, and shall include the eradication of weeds and the trimming of trees and shrubs." SFCC § 14-9.2(H).

Repair Responsibility In City Code

Repair: A property owner is responsible for ensuring that the sidewalk contiguous to the property is not out-of-repair, loose, broken, or otherwise unsafe to pedestrians. SFCC § 23-1.6(A).

- A. If the property owner fails to repair the sidewalk, the Public Works Department Director shall issue a notice of violation, giving the owner 30 days to commence the repairs. SFCC § 23-1.7(A)-(C).
- B. The property owner may appeal the notice of violation to the City Manager, who shall appoint a hearing officer to consider the appeal and make a recommendation. The City Manager's decision is final. SFCC § 23-1.7(D)-(E).
- C. If the owner fails to timely make the repairs, the City may repair a sidewalk at the expense of the owner and place a lien on the property. SFCC § 23-1.7(F)-(G).

[illegible]

City of Santa Fe

**PUBLIC Works Department
Streets and Drainage Maintenance Division
9602 Santa Fe, Santa Fe, NM 87507
Phone Number: (505) 954-2811 or by speed-dial at 3-5-1-1 ext. 211**

Servicing Notice # 19940001

This notice is to inform you that the sidewalk along your property is in violation of City Code.
A citation will be issued if no corrective action is taken within 30 days of receiving this notice.

Cite#55-15-0-1

**Section 15-1-6 Subsection 25-1, Item 1 to 25-1-8
CONSTRUCTION AND MAINTENANCE OF CURBS, GUTTERS AND SIDEWALKS**

Method of Notification:	Certified Mail
Location of Violation:	91 LINCOLN AVE. Santa Fe, NM 87505
Name of Property Owner:	FIRST NATIONAL BANK PO BOX 90 SANTA FE, NM 87504

DESCRIPTION: Sidewalk out of square. Footpath is made in pedestrian area. See attached photos.

Action Required: 30 days to replace sidewalk or 15 days from date of receipt to fix a broken curb edge. If you do not comply a violation will be brought. See attached photo.

A **STOP WORK ORDER** MAY BE ISSUED FOR ANY VIOLATION OF THIS CODE. Any person who violates this code shall be liable for civil penalties.

CA # 0957 951-2009 has been obtained and mailed.

N	City Code Section 15-1-6, Sidewalk Repair, Responsibility - . Notice of violation requiring that a sidewalk be repaired by the owner. (See Items 1, 2, 3, and 4)
M	City Code Section 15-1-7, Repair, Replacement and Construction of Sidewalks - . Notice of violation requiring that a sidewalk be repaired, replaced, or constructed in conformity with the existing sidewalk standards adopted by the municipality in accordance with Items 1, 2, 3, 5, and 6
N	City Code Section 15-1-8, Removal of Curb and Sidewalk Materials - . Notice of violation requiring the removal of materials from public ways. (See Items 1 and 3)

CITY CODE can be viewed on the City of Santa Fe Web Page: <http://www.santafe.org/citycode/> or on the City Clerk's office. The City Clerk's Office can also provide information regarding the City Code. Call 505-954-2822 x120 or 3-5-1-1 ext. 211.

NOTICE and **CEASE** signs are immediately removed from the sidewalk and green designations identifying their respective time zone of use, provided that notice continues to be placed in the street. See items on City Code Sections 25-1-8.

Penalty

The maximum sum of the fines, imprisonment or combination thereof for each violation of this ordinance as printed in final edition is comparable to the default. Therefore, call the Penalties for the Ordinance governing Section 15-1-6 at phone 1-505-954-2822 x120.

REMARKS: City Code Section 15-1-6, Item 1 to 25-1-8

Sidewalks on Major Arterials

Cerrillos, St. Francis and Paseo de Peralta
according to NMDOT agreement

Weeds

- Parks Division

Repairs

- Private Property Owners

Sidewalks On or Adjacent to City Property

- In a Park, at a Recreation Facility or Multimodal Trail
 - Parks and Recreation Maintains

- Adjacent to City Property and Right of Way

- Parks Division clears weeds

- Streets Division performs repairs

- Examples – Fire Stations, Siler Offices, Fort Marcy and
Bishop's Lodge

Engineering Division Constructs New