



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 9, 2013
CITY COUNCIL CHAMBERS

AMENDED AGENDA

Added Item #10-f

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 1-8-13 TIME 1:50 pm

SERVED BY

RECEIVED BY

A handwritten signature in black ink, appearing to read "Linda Carter", written over the "RECEIVED BY" line.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – December 12, 2012
9. PRESENTATIONS
 - a) Introduction of Law Enforcement Academy Graduates, Lateral Hire and Internal Affairs. – (Police Chief Ray Rael) (5 minutes)
 - b) Introduction of Dr. Ana M. "Cha" Guzmán, Santa Fe Community College President. (5 minutes)
 - c) Introduction of Americorps Members Serving for Santa Fe Habitat for Humanity. (Ted Swisher) (5 minutes)
 - d) C-SPAN's Nationwide LCV Cities Tour. (Deborah Lamb, LCV Coordinating Producer) (5 minutes)



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10. CONSENT CALENDAR

- a) CONSIDERATION OF RESOLUTION NO. 2013-____. (Mayor Coss)
A Resolution Repealing Resolution No. 2012-1 Relating to the Open Meetings Act; Adopting the State of New Mexico Open Meetings Act by Reference; and Adopting Notice Requirements. (Yolanda Y. Vigil)
- b) Request for Approval to Fund Ten (10) Positions for Wildland Hand Crew from New Mexico Youth Conservation Corps Grant Reimbursements. (Fire Chief Barbara Salas)
- c) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Calvert and Councilor Wurzbarger)
A Resolution Relating to the New Mexico Veterans' National Cemetery Fund Established by Section 7-1-6.1 NMSA 1978; Designating Funds Received from the New Mexico Department of Veterans' Services (NMDVS) for Programs for Local Veterans; Directing Staff to Establish a Fund in the Budget for the Monies Received from NMDVS to be Deposited in; Directing Staff to Enter into an MOU with NMDVS to Designate a Date Specific on an Annual Basis in which the NMDVS Should Transfer Funds Collected to the City; and Directing Staff to Schedule a Summit with the NMDVS and Other Veteran Service Entities to Establish a Process in Which to Use the Funds for Veteran Programs. (Judith Amer)
- d) Request for Approval of Amendment No. 4 to Professional Services Agreement – Additional Funding for Private Security at Santa Fe Depot and North Railyard Development; Santa Fe Railyard Community Corporation. (Bob Siqueiros)
 - 1) Request for Approval of Budget Increase – Santa Fe Railyard Project Fund.
- e) Request for Approval of Grant Agreement and Award – Purchase of Explosive Ordinance Detection (EOD) Robot for City of Santa Fe Police Department Bomb Squad; New Mexico Department of Homeland Security and Emergency Management. (Andrew Phelps)
 - 1) Request for Approval of Budget Increase – Grant Fund.



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- f) Request for Approval of Agreement Between Owner & Landscape Architect – Southwest Activity Node Park – Phase I (SWAN) (RFP #13/06/P); Surroundings Studio, LLC. (Mary MacDonald)
11. **Case #2012-152.** Request for Approval of the Recommendation of the City Attorney Pursuant to Santa Fe City Code §14-3.17(D)(6) that the Governing Body Dismiss the Appeal of Diane Taliaferro from the December 11, 2012 Decision of the Historic Districts Review Board in Case #H-12-088, Driveway Relocation and Related Improvements at 719 Gildersleeve Street. (Kelley Brennan)
12. CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Wurzbarger, Mayor Coss and Councilor Calvert)
A Resolution Expressing Condolences to the Victims' Families, Friends and Community in Newtown, Connecticut who Have Forever Been Impacted by the Recent Act of Gun Violence; Inviting the Community of Santa Fe to Join the City of Santa Fe in Lobbying the President of The United States and Congress to Enact Federal Legislation to Ban Assault Weapons and Other High-Capacity Magazines and Close the Gun Show Loophole. (Geno Zamora and Melissa Byers)
13. Presentation of Plan and Projected Construction Cost for Renovation of the City Council Chambers Pursuant to Resolution No. 2012-84; Request for Direction Regarding Renovation of the City Council Chambers. (Chip Lilienthal).
14. CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Bushee)
A Resolution Declaring that City Staff Shall Take No Further Action to Connect Montano Street and Make it a Continuous Street. (Eric Martinez and Melissa Byers)
15. MATTERS FROM THE CITY MANAGER
16. MATTERS FROM THE CITY ATTORNEY
17. MATTERS FROM THE CITY CLERK
18. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE



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THE GOVERNING BODY
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CITY COUNCIL CHAMBERS

- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Sister Cities Committee
 - Sustainable Santa Fe Commission
- H. PUBLIC HEARINGS:
 - 1) Request from Abiqui St. Flour, Inc. for a Transfer of Location of Dispenser License #2773 from Osaka Grill and Seafood, 3501 Cerrillos Road, Suite A-14A to The Locker Room, 2831 Cerrillos Road. (Yolanda Y. Vigil)
 - 2) Rzig Incorporated has Requested the Following: (Yolanda Y. Vigil)
 - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Beer and Wine at Umami Grill, 1005 St. Francis Drive, Suite 105 Which is Within 300 Feet of The New Mexico School for the Deaf, 1060 Cerrillos Road.
 - b) If the Waiver of the 300 Foot Restriction is Granted, a Request from Rzig Incorporated for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Umami Grill, 1005 St. Francis Drive, Suite 105.
 - 3) Request from Kristin Johnson for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine at Kristin Johnson Fine Art, 323 East Palace Avenue Which is Within 300 Feet of The Church of the Holy Faith, 311 East Palace Avenue. The Request is for an Opening to be Held on January 18, 2013 from 5:00 p.m. to 8:00 p.m. (Yolanda Y. Vigil)
 - 4) CONSIDERATION OF RESOLUTION NO. 2013-_____. (Councilor Wurzbarger)
A Resolution Establishing that A Determination Has Been Made Not To Update Land Use Assumptions, Capital Improvements Plan or Impact Fees According to the New Mexico Development Fees Act, §§5-8-1 to 5-8-43 NMSA 1978. (Reed Liming)



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- 5) CONSIDERATION OF BILL NO. 2012-41: ADOPTION OF ORDINANCE NO. 2013-____. (Mayor Coss)
An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting an Amended Local Economic Development Project Participation Agreement Between the City of Santa Fe and Rodeo Property, Inc. for an Indoor Multipurpose Facility, a Local Economic Development Project. (Nick Schiavo and Fabian Trujillo)
 - a) Request for Approval of Economic Development Amended Project Participation Agreement Between the City of Santa Fe and Rodeo Property, Inc.
- 6) CONSIDERATION OF BILL NO. 2012-39: ADOPTION OF ORDINANCE NO. 2013-____. (Councilor Dominguez and Mayor Coss)
An Ordinance Relating to the Water Code, Chapter 25 SFCC 1987; Amending Section 25-1.3 SFCC 1987 to Exempt Santa Fe Public Schools from Compliance with Portions of Chapter 14 SFCC 1987 (Land Development Laws) When the City and the Santa Fe Public Schools Have Entered Into a Memorandum of Understanding Regarding Development of Public School Projects Within the Presumptive City Limits and Making Such Other Stylistic or Grammatical Changes That Are Necessary. (Matthew O'Reilly)
- 7) CONSIDERATION OF BILL NO. 2012-40: ADOPTION OF ORDINANCE NO. 2013-____. (Councilor Dominguez, Councilor Rivera, Councilor Wurzbarger and Councilor Dimas)
An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987 Regarding Airport Road; Creating a New Section 14-5.5(C) SFCC 1987 To Establish an Airport Road Overlay District and Making Such Other Stylistic or Grammatical Changes That Are Necessary. (Matthew O'Reilly)
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I. ADJOURN



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



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THE GOVERNING BODY
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CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 1-4-13 TIME 2:10 pm

SERVED BY

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[Signature]

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
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SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
January 9, 2013

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AMENDED AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved	2
CONSENT CALENDAR LISTING		2-3
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – DECEMBER 12, 2012	Approved	4
<u>PRESENTATIONS</u>		
INTRODUCTION OF LAW ENFORCEMENT ACADEMY GRADUATES, LATERAL HIRE AND INTERNAL AFFAIRS		4
FIRE ACADEMY GRADUATES		4
INTRODUCTION OF DR. ANA M. “CHA” GUZMAN, SANTA FE COMMUNITY COLLEGE PRESIDENT		4-5
INTRODUCTION OF AMERICORPS MEMBERS SERVING FOR SANTA FE HABITAT FOR HUMANITY		5
C-SPAN'S NATIONWIDE LCV CITIES TOUR		5
<u>CONSENT CALENDAR DISCUSSION</u>	No items removed	5
<u>CASE #2012-152. REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY, PURSUANT TO SANTA FE CITY CODE §14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF DIANE TALIAFERRO FROM THE DECEMBER 11, 2012 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD IN CASE #H-12-088, DRIVEWAY RELOCATION AND RELATED IMPROVEMENTS AT 719 GILDERSLEEVE STREET</u>	Approved	7

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2013-3 A RESOLUTION EXPRESSING CONDOLENCES TO THE VICTIM'S FAMILIES, FRIENDS AND COMMUNITY IN NEWTOWN, CONNECTICUT WHO HAVE FOREVER BEEN IMPACTED BY THE RECENT ACT OF GUN VIOLENCE; INVITING THE COMMUNITY OF SANTA FE TO JOIN THE CITY OF SANTA FE IN LOBBYING THE PRESIDENT OF THE UNITED STATES AND CONGRESS TO ENACT FEDERAL LEGISLATION TO BAN ASSAULT WEAPONS AND OTHER HIGH-CAPACITY MAGAZINES AND CLOSE THE GUN SHOW LOOPHOLE	Approved	7-8
PRESENTATION OF PLAN AND PROJECTED CONSTRUCTION COST FOR RENOVATION OF THE CITY COUNCIL CHAMBERS PURSUANT TO RESOLUTION NO. 2012-84; REQUEST FOR DIRECTION REGARDING RENOVATION OF THE CITY COUNCIL CHAMBERS	Direction to move forward	8-12
CONSIDERATION OF RESOLUTION NO. 2013-4. A RESOLUTION DECLARING THAT CITY STAFF SHALL TAKE NO FURTHER ACTION TO CONNECT MONTANO STREET AND MAKE IT A CONTINUOUS STREET	Approved	12-13
MATTERS FROM THE CITY MANAGER	None	13
MATTERS FROM THE CITY ATTORNEY	None	13
MATTERS FROM THE CITY CLERK	None	13
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	13-18
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	19
PETITIONS FROM THE FLOOR		19-20
<u>APPOINTMENTS</u>		
Sister Cities Executive Committee	Approved	20
Sustainable Santa Fe Commission	Approved	20

ITEM**ACTION****PAGE #****PUBLIC HEARINGS**

REQUEST FROM ABIQUI ST. FLOUR, INC.,
FOR A TRANSFER OF LOCATION OF
DISPENSER LICENSE #2773 FROM OSAKA
GRILL AND SEAFOOD, 3501 CERRILLOS
ROAD, SUITE A-14A TO THE LOCKER ROOM,
2831 CERRILLOS ROAD

Approved

21

RZIG INCORPORATED HAS REQUESTED THE
FOLLOWING:

PURSUANT TO §60-6B-10 NMSA 1978, A
REQUEST FOR A WAIVER OF THE 300 FOOT
LOCATION TO ALLOW THE SALE OF BEER
AND WINE AT UMAMI GRILL, 1005 ST. FRANCIS
DRIVE, SUITE 105, WHICH IS WITHIN 300 FEET
OF THE NEW MEXICO SCHOOL FOR THE
DEAF, 1060 CERRILLOS ROAD

Approved

21-22

IF THE WAIVER OF THE 300 FOOT
RESTRICTION IS GRANTED, A REQUEST
FROM RZIG INCORPORATED FOR A
RESTAURANT LIQUOR LICENSE(BEER
AND WINE ON-PREMISE CONSUMPTION
ONLY) TO BE LOCATED AT UMAMI GRILL,
1005 ST. FRANCIS DRIVE, SUITE 105

Approved

21-22

REQUEST FROM KRISTIN JOHNSON FOR A
WAIVER OF THE 300 FOOT LOCATION RESTRICTION
AND APPROVAL TO ALLOW THE DISPENSING/
CONSUMPTION OF WINE AT KRISTIN JOHNSON FINE
ART, 323 EAST PALACE AVENUE WHICH IS WITHIN
300 FEET OF THE CHURCH OF THE HOLY FAITH, 311
EAST PALACE AVENUE. THE REQUEST IS FOR AN
OPENING TO BE HELD ON JANUARY 18, 2013, FROM
5:00 P.M. TO 8:00 P.M.

Approved

22-23

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2012-40: ADOPTION OF ORDINANCE NO. 2013-1. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING AIRPORT ROAD; CREATING A NEW SECTION 14-5.5(C) SFCC 1987, TO ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY	Approved [amended]	23-35
CONSIDERATION OF RESOLUTION 2013-5 A RESOLUTION DIRECTING STAFF TO EXPLORE THE OPTIONS FOR INCORPORATING A HEALTHY FOOD ZONE LEGISLATION INTO THE AIRPORT ROAD OVERLAY DISTRICT ORDINANCE	Approved [amended]	23-35
CONSIDERATION OF RESOLUTION NO. 2013- ____ RESOLUTION ESTABLISHING THAT A DETERMINATION HAS BEEN MADE NOT TO UPDATE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN OR IMPACT FEES ACCORDING TO THE NEW MEXICO DEVELOPMENT FEES ACT, §§5-8-1 TO 5-8-43 NMSA 1978	Postponed to 01/30/13	35
CONSIDERATION OF BILL NO. 2012-41: ADOPTION OF ORDINANCE NO. 2013-2. AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; APPROVING AND ADOPTING AN AMENDED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC., FOR AN INDOOR MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT REQUEST FOR APPROVAL OF ECONOMIC DEVELOPMENT AMENDED PROJECT PARTICIPATION AGREEMENT – INDOOR MULTIPURPOSE FACILITY; RODEO PROPERTY, INC.	Approved [amended]	36-37
	Approved	36-37

ITEM**ACTION****PAGE #**

CONSIDERATION OF BILL NO. 2012-39:
ADOPTION OF ORDINANCE NO. 2013-3 .
AN ORDINANCE RELATING TO THE WATER
CODE, CHAPTER 25 SFCC 1987; AMENDING
SECTION 25-1.3 SFCC 1987, TO EXEMPT
SANTA FE PUBLIC SCHOOLS FROM
COMPLIANCE WITH PORTIONS OF CHAPTER
14 SFCC 1987 (LAND DEVELOPMENT LAWS)
WHEN THE CITY AND THE SANTA FE PUBLIC
SCHOOLS HAVE ENTERED INTO A
MEMORANDUM OF UNDERSTANDING
REGARDING DEVELOPMENT OF PUBLIC
SCHOOL PROJECTS WITHIN THE
PRESUMPTIVE CITY LIMITS AND MAKING
SUCH OTHER STYLISTIC OR GRAMMATICAL
CHANGES THAT ARE NECESSARY

Approved

38-42

ADJOURN

42

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
January 9, 2013**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on Wednesday, January 9, 2013, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Peter N. Ives

Others Attending

Robert Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AMENDED AGENDA

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzbarger, to amend the Amended Agenda to move Item #H(7) on the Evening Agenda to be heard after Item #H(3), and to approve the Amended Agenda as amended.

FRIENDLY AMENDMENT: Councilor Wurzbarger asked to withdraw Item #H(4) from the Evening Agenda and postpone it to the Council meeting of January 30, 2012, at which time she will be introducing a Substitute Resolution. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

DISCUSSION: Robert Romero said the Fire Academy Graduates are here this evening and he would like to have them introduced.

Mayor Coss said that can be done with the new Police Officers.

Yolanda Vigil noted that Item #10(f) was added to the Afternoon Agenda.

VOTE: The motion, as amended, was approved on a voice vote with Councilors Calvert, Dimas, Dominguez, Rivera, Trujillo and Councilor Wurzbarger voting for the motion, none voting against and Councilor Bushee absent for the vote.

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to approve the following Consent Calendar, as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent for the vote: Councilor Bushee.

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 8, 2013, regarding Item 10(b) is incorporated herewith to these minutes as Exhibit "1."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 8, 2013, regarding Item 10(c) is incorporated herewith to these minutes as Exhibit "2."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 7, 2013, regarding Item 10(b) is incorporated herewith to these minutes as Exhibit "3."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 8, 2013, regarding Item 10(d) is incorporated herewith to these minutes as Exhibit "4."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 8, 2013, regarding Item 10(e) is incorporated herewith to these minutes as Exhibit "5."

A copy of an Action Sheet, with attachments, from the Public Works/CIP and Land Use Committee meeting of Monday, January 7, 2013, regarding Item 10(f) is incorporated herewith to these minutes as Exhibit "6."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 8, 2013, regarding Item 10(f) is incorporated herewith to these minutes as Exhibit "7."

- a) **CONSIDERATION OF RESOLUTION NO. 2013-1 (MAYOR COSS). A RESOLUTION REPEALING RESOLUTION NO. 2012-1, RELATING TO THE OPEN MEETINGS ACT; ADOPTING THE STATE OF NEW MEXICO OPEN MEETINGS ACT BY REFERENCE; AND ADOPTING NOTICE REQUIREMENTS. (YOLANDA Y. VIGIL)**
- b) **REQUEST FOR APPROVAL TO FUND TEN (10) POSITIONS FOR WILDLAND HAND CREW FROM NEW MEXICO YOUTH CONSERVATION CORPS GRANT REIMBURSEMENTS. (FIRE CHIEF BARBARA SALAS)**
- c) **CONSIDERATION OF RESOLUTION NO. 2013-3 (COUNCILOR CALVERT AND COUNCILOR WURZBURGER). A RESOLUTION RELATING TO THE NEW MEXICO VETERANS' NATIONAL CEMETERY FUND ESTABLISHED BY SECTION 7-1-6.1 NMSA 1978; DESIGNATING FUNDS RECEIVED FROM THE NEW MEXICO DEPARTMENT OF VETERANS' SERVICES (NMDVS) FOR PROGRAMS FOR LOCAL VETERANS; DIRECTING STAFF TO ESTABLISH A FUND IN THE BUDGET FOR THE MONIES RECEIVED FROM NMDVS TO BE DEPOSITED IN; DIRECTING STAFF TO ENTER INTO AN MOU WITH NMDVS TO DESIGNATE A DATE SPECIFIC ON AN ANNUAL BASIS IN WHICH THE NMDVS SHOULD TRANSFER FUNDS COLLECTED TO THE CITY; AND DIRECTING STAFF TO SCHEDULE A SUMMIT WITH THE NMDVS AND OTHER VETERAN SERVICE ENTITIES TO ESTABLISH A PROCESS IN WHICH TO USE THE FUNDS FOR VETERAN PROGRAMS. (JUDITH AMER)**
- d) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – ADDITIONAL FUNDING FOR PRIVATE SECURITY AT SANTA FE DEPOT AND NORTH RAILYARD DEVELOPMENT; SANTA FE RAILYARD COMMUNITY CORPORATION. (BOB SIQUEIROS)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – SANTA FE RAILYARD PROJECT FUND.**
- e) **REQUEST FOR APPROVAL OF GRANT AGREEMENT AND AWARD – PURCHASE OF EXPLOSIVE ORDNANCE DETECTION (EOD) ROBOT FOR CITY OF SANTA FE POLICE DEPARTMENT BOMB SQUAD; NEW MEXICO DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. (ANDREW PHELPS)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – DECEMBER 12, 2012

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzbarger, to approve the minutes of the Regular City Council meeting of December 12, 2012, as presented.

VOTE: The motion was approved on a voice vote with Councilors Calvert, Dimas, Dominguez, Rivera, Trujillo and Councilor Wurzbarger voting for the motion, none voting against, and Councilor Bushee absent for the vote.

9. PRESENTATIONS

(a)(1) INTRODUCTION OF LAW ENFORCEMENT ACADEMY GRADUATES, LATERAL HIRE AND INTERNAL AFFAIRS. (POLICE CHIEF RAY RAE)

Chief Rael introduced the new hires and graduates of the Law Enforcement Academy.

(a)(2) FIRE ACADEMY GRADUATES.

Greg Cliborn, Training Officer, Santa Fe Fire Department, representing Chief Salas, introduced the new Fire Academy Graduates.

b) INTRODUCTION OF DR. ANA M. "CHA" GUZMAN, SANTA FE COMMUNITY COLLEGE PRESIDENT.

Commissioner Vigil introduced Dr. Ana M. "Cha" Guzman, the new Santa Fe Community College President.

Dr. Guzman announced that this morning, the Higher Education Department, approved for the Santa Fe Community College to build the higher education center. She said this means they will have Bachelor's and Masters's Degrees from UNM, Highlands and IAIA, noting she spoke with Dr. Pacheco, Interim President at NMSU, and he will be presenting to his Cabinet and is very interested in joining the other universities to provide the Bachelor's and Master's Degrees at SFCC.

Dr. Guzman spoke about her education and expertise, and her vision and plans for the future of the Community College, and her future efforts with state and local government. She spoke about the rewards of serving as the President of a Community College. She is committed to working with Superintendent Boyd to quadruple the number of dual credit high school/community college students. She said she has met with the Mayor regarding the City's need for a trained workforce to which she is committed, noting she will be seeking grants from the Departments of Labor and Agriculture to do training. She said she is always willing to work with the Governing Body and looks forward to the challenges and opportunities that lie ahead of her.

Dr. Guzman invited the Governing Body to the groundbreaking of the new higher education center in May, as well as to visit the Community College so she can show them what a beautiful College it is and how proud they can be of this outstanding Community College. She spoke about the plans for growth and expansion of programs and to truly serve the workforce needs of Santa Fe.

Councilor Wurzbarger welcomed Dr. Guzman and expressed support for her vision for what can be done with apprenticeship programs and reaching out to build the workforce that we need in Santa Fe. She looks forward to the evolution of this really important institution in Santa Fe and making it work for the benefit of the community.

Councilor Trujillo welcomed Dr. Guzman, saying the higher education center is really needed, and that it is nice to know our children can get a bachelor's degree in Santa Fe in the future.

Councilor Bushee arrived at the meeting.

Councilor Dominguez welcomed Dr. Guzman, saying he will support her efforts, and knows the importance that dual education is to learning. He is excited about the potential for training for health care professionals. He is committed to the idea of having a trained workforce in Santa Fe.

Councilor Rivera added his congratulations and welcomed Dr. Guzman, noting he too was a student at the Community College, and concurs with the wonderful things she has said about it. It is a beautiful campus, with great teachers, great students and said he has nothing but wonderful things to say about it. He has two children in the master's program at the Charter High School at the Community College who are receiving dual credits, and appreciates her commitment to that program which he thinks is fabulous.

Councilor Dimas said his daughter just graduated from the Community College through the Highlands University program and now teaches at Amy Beal down the street from the Community College. He is glad to see the new higher education learning center. He offered his support to Dr. Guzman and to the efforts of the Community College. He said in the early years of statehood, Santa Fe had the choice of a university or the penitentiary and chose the penitentiary. We are so lucky now to have the Community College in Santa Fe.

Councilor Bushee welcomed Dr. Guzman to Santa Fe, and thanked her for her commitment to the workforce training.

Councilor Calvert welcomed Dr. Guzman and added his congratulations, commenting that he wants to continue the good working relationship.

Dr. Guzman thanked the Governing Body for their support and said she looks forward to working with them in the future.

c) INTRODUCTION OF AMERICORPS MEMBERS SERVING FOR SANTA FE HABITAT FOR HUMANITY. (TED SWISHER)

Ted Swisher introduced the 3 AmeriCorps volunteers, who will be spending the next 1-3 years to help build affordable housing in Santa Fe.

Mayor Coss thanked the AmeriCorps volunteers for coming to Santa Fe, saying AmeriCorps is a great thing, noting it isn't easy to get into AmeriCorps, we appreciate it very much.

d) C-SPAN'S NATIONWIDE LCV CITIES TOUR. (DEBORAH LAMB, LCV COORDINATING PRODUCER)

Deborah Lamb said she and two others are representing C-SPAN which is traveling around to various cities, and spending a week in each City and featuring its unique history and literary life. They are here in Santa Fe, and will be collecting programming for C-SPAN 2 and C-SPAN 3. She said there are 3 networks with 24 hours of public affairs programming and C-SPAN was created to carry the House of Representatives live gavel-to-gavel when in session and the Senate on C-SPAN 2, and C-SPAN 3 was created to get program on air when the House and Senate are in. She said on the weekends, on C-SPAN 2 they can do 48 hours of non-fiction book-related programming and on C-SPAN 3 American History or history programming.

Ms. Lamb said Santa Fe was chosen as a City which is very rich in history and, and found to be rich in its literary life as well, thanks to the help of Pat Hodapp and the input of Councilor Wurzbarger. The idea is to give their national audience an inside look into these cities which wouldn't be able to see it otherwise. She said everything they have produced will air February 2-3, 2013, on C-SPAN 2 and C-SPAN 3, and everything they've shot in Santa Fe will be available on-line indefinitely. They have a video library with more than 190,000 hours of C-SPAN programming, noting anything ever recorded on C-SPAN is available to view on line for free. She said Santa Fe will have its own special City page, so they will create a City link. She thanked the Mayor and Council and Sebastian Gurule for their help, as well as Terese Prada, Kate Noble.

Ms. Lamb said a lot of people think C-SPAN is funded by the government, but they receive no taxpayer dollars or funding from the Government. They provide a variety of points of view showing events from beginning to end without editorial comment or commercials. They have no advertising dollars, so they don't make any money for anyone. They partner with their cable affiliates which carry this as a public service.

Mayor Coss thanked Ms. Lamb and wished her a great week in Santa Fe.

CONSENT CALENDAR DISCUSSION

No items were removed from consent for discussion.

11. **CASE #2012-152. REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY, PURSUANT TO SANTA FE CITY CODE §14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF DIANE TALIAFERRO FROM THE DECEMBER 11, 2012 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD IN CASE #H-12-088, DRIVEWAY RELOCATION AND RELATED IMPROVEMENTS AT 719 GILDERSLEEVE STREET. (KELLEY BRENNAN)**

A Memorandum, with attachments, to the Members of the Governing Body, from Kelley Brennan, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "8."

A letter dated November 2, 2012, To Whom It May Concern, from Geoffrey Thompson, Personal Representative of the Estate of Jennifer Thompson, is incorporated herewith to these minutes as Exhibit "9."

Ms. Brennen presented information regarding this matter from her Memo with attachments. Please see Exhibit "8" for specifics of this presentation.

Councilor Wurzbarger thanked Ms. Brennan, saying her Memorandum was extremely clear.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the request by the City Attorney, pursuant to Santa Fe City Code §14-3.7(C)(6), to dismiss the appeal of Diana Taliaferro from the December 11, 2012 decision of the Historic Districts Review Board in Case #H-12-088, Driveway Relocation and related improvements at 719 Gildersleeve Street as presented by staff.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

12. **CONSIDERATION OF RESOLUTION NO. 2013-3 (COUNCILOR WURZBURGER, MAYOR COSS AND COUNCILOR CALVERT). A RESOLUTION EXPRESSING CONDOLENCES TO THE VICTIM'S FAMILIES, FRIENDS AND COMMUNITY IN NEWTOWN, CONNECTICUT WHO HAVE FOREVER BEEN IMPACTED BY HE RECENT ACT OF GUN VIOLENCE; INVITING THE COMMUNITY OF SANTA FE TO JOIN THE CITY OF SANTA FE IN LOBBYING THE PRESIDENT OF THE UNITED STATES AND CONGRESS TO ENACT FEDERAL LEGISLATION TO BAN ASSAULT WEAPONS AND OTHER HIGH-CAPACITY MAGAZINES AND CLOSE THE GUN SHOW LOOPHOLE (GENO ZAMORA AND MELISSA BYERS)**

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 8, 2013, regarding this item, is incorporated herewith to these minutes as Exhibit "10."

Councilor Wurzbarger this is an effort to help organize the community, recognizing that we can't do this currently as a city or a state, but we want to express our concern, and provide the resources of the City to unite our voices about this tragedy.

Mr. Zamora presented information regarding this item. Please see the Legislative Summary, which is in the packet, for specifics of this presentation.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Resolution No. 2013-3, as presented by staff.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Explaining her vote: Councilor Bushee said, "Yes and I added my name at finance."

Explaining his vote: Councilor Dimas said, "Yes, and you can add my name too."

Mayor Coss said he will be in Washington, D.C. next week attending the U.S. Conference of Mayors and they will be having an event with Mayors against illegal guns, so we can present this Resolution and get it to Washington next week.

13. PRESENTATION OF PLAN AND PROJECTED CONSTRUCTION COST FOR RENOVATION OF THE CITY COUNCIL CHAMBERS PURSUANT TO RESOLUTION NO. 2012-84; REQUEST FOR DIRECTION REGARDING RENOVATION OF THE CITY COUNCIL CHAMBERS. (CHIP LILIENTHAL)

Jason Kluck presented information from his Memorandum of January 2, 2013, to the Mayor and City Council, regarding this matter. Please see this Memorandum which is in the Committee packets for specifics of this presentation. Mr. Kluck presented the 3 options which range from \$20,000 to \$50,000, noting he met with Councilors Rivera and Dimas to discuss the preliminary plan and options.

Councilor Calvert said he received an email from the Mayor's Committee on Disabilities, and asked if this has, or if it will it go to them for review.

Mr. Kluck said they are happy to go for a review to the Committee for an ADA review. He said, "If we are under \$25,000 in the budget, as it says in the memo, we're not bound to, but yes, we're happy to. The answer is yes."

Councilor Calvert said he sees a project total of \$50,000, and asked if the \$25,000 is only a certain aspect of this renovation.

Mr. Kluck said, "Right, if we go to the subtotal, which is the minimum that was required, that's \$20,000, so therefore we wouldn't necessarily need to. And encompassed in that, we would be making all of the ADA improvements that are involved in that work that are also in the Transition Plan. If some of the options are taken, then obviously that would put us over \$25,000, and then we would go to an ADA review."

Councilor Calvert asked if this would impact the cost.

Mr. Kluck said, "I couldn't say, but it could affect it up to \$10,000."

Councilor Calvert asked if this is an action item, or is this just a presentation.

Mr. Kluck said staff would like further direction.

Councilor Wurzbarger said, "My direction on this, if we had voted, my vote would be no. And with all due respect to those who presented this. The Public Works Committee for the past 6 months has been engaged in looking at each and every facility that we own, and we're about 1/3 of the way through this process. And we've identified such problems such as having the automotive bays actually leaking gas fumes into secretaries' offices. So I feel that I can't justify spending this money at this point in time until we have a big picture, which we will have within 2 months, and of course it's going to be a lot more than \$50,000. With respect to concern about not having visual contact, I'm happy to trade seats and I'm not trying to minimize that concern. But I would really, respectfully request, that we wait until we have a big picture and look at this request in light of that, in terms of the other priorities."

Responding to Councilor Dominguez, Councilor Wurzbarger said they are a little more than 1/3, so it should take 2-3 months more.

Councilor Dominguez said, "So what you're anticipating is fitting this into that discussion."

Councilor Wurzbarger said, "I would like to have the vote on this in the context of the other needs that we have in the City which are tremendous."

Mayor Coss asked, "Does the Public Works Committee work include this building."

Councilor Wurzbarger said, "Yes. We walked this building. We spent two... I did it over the holidays, and we spent over 2 hours looking at the needs in this building which alone, are tremendous, starting with the basement. And there may be even implications, once we do the whole process, of looking at how else could we do other kinds of changes to the chambers that should be considered, depending upon moving other functions in City Hall, and perhaps even this function – having this somewhere else. It's kind of a wild idea, but anyway, that's where I'm coming from on it, and I'm sorry I didn't talk to you about it before this."

Councilor Rivera said, "I think what we are asking for is direction, or what the Public Works Department is asking for is direction on how to proceed. This project could be as little as \$20,000, or as much as \$50,000, depending on where we want to go. And I agree with you on cost. And the intention of this was to keep costs as low as possible. So with just doing the basic remodel, it could be as little as \$20,000, and I believe that's what's being asked for, if we want to continue with option 1 and 2 and the ADA transition, it will be \$50,000, if we want to do a minimal remodel. And I believe a drawing is attached to this, that portion of it would \$20,000. I just wanted to make that clear."

Councilor Wurzbarger thanked him, saying she understands this.

Mayor Coss said, "My own thought on this is if the Council decides to proceed now, I would like to include the ADA, because I'm always uncomfortable when people come down with wheelchairs and get stuck right there. And I think that's something, if we are going to fix things, we should fix that as well. Would this next then go back to the Public Works Committee."

Councilor Wurzbarger said, "I don't know."

Councilor Bushee asked when the last time anything was done with this "1970s looking dias that I sit on."

Councilor Dimas said, "I can answer that. I'm sitting in exactly the same place I sat at in 1984. It's never been renovated as far as I know, well not since I was here back in 1984."

Mr. Kluck said the plans from which they are working are from 1976.

Councilor Bushee said, "I guess my feeling in general is, I look at the outside of this building, and then I look at some of the uncomfortable work arrangements we have. Personally, I've always been... you know this is a small amount of money, but you know I look at our new facility at the Convention Center and I look at what we have next to it. And we spent money on other plans that are just sitting on a table for Siler Road for a whole complex that I didn't vote for because I thought we don't have the money, we're never going to build this anytime that I can see. And I see the immediate needs in and around here. I'm glad we're at least fixing the front sidewalks so people don't trip on the bricks that were upended. And honestly, I don't know, that money came from... the money to do the whole installation for the new sculpture and all that, that came from where."

Mr. Romero said, "The Arts Commission."

Councilor Bushee said, "I understand. It's all I guess about prioritization and I certainly emphasize with the terrible working conditions in some of our facilities, but I really think that we can't keep ignoring City Hall ever."

Councilor Wurzbarger said, "And, we're not."

Mayor Coss said, "I think it is time, but I do think it's all of City Hall. I was just out front, and a woman from Spain didn't know me. I said, can I help you. She said, I'm looking for your City Hall. And I said this is it. And she said no, you're Santa Fe. This can't be your City Hall and I said, no this is it. But we did fix the gym. But I agree with you Councilor Bushee. We have a beautiful new convention center and we did not touch City Hall, and I think the time has come."

Councilor Bushee said, "And my follow-up question had been, there's still some money kicking around in that Convention Center Fund. We didn't choose to spend it on the landscaping, because we felt that wasn't a priority, and I think, Dr. Morgan, I think I asked somebody, and I may have gotten a response that we can somehow reissue that money. And I'd like to still follow up with that Finance and see, as we approach the budget, and see if some of it can't be used at least for the front. And I know this may actually be an historic building, because isn't a John Gaw Meem..."

Mayor Coss said, "The old part is."

Councilor Bushee said, "I would like to not throw this out of the mix. I don't know how the gentleman that brought this Resolution, the timing for things, but I think we should continue... and the ADA is a priority."

Councilor Dimas said he believes "we should do this project. That would be the direction that I would like to see this Council go forward with. I don't think it's a lot of money to ask for, so.."

Councilor Wurzbarger said, "I'll just try one more time, and I'm not disagreeing with you or with any statement about the condition of this building and what it should be, but I would respectfully request that if we could wait 3 months to make this decision, that we might have completely different ideas, one might imagine. We have a beautiful building next door that some of the Council functions could held in part of that building which is not used all the time. And I know that's kind of thinking out of the box. But again, if we could get time to look at the plan, or develop the plan for what the priorities are in this building, of which this is a priority, I would just feel more comfortable with making that decision. And in the meantime, I'm serious, I'm not trying to diss it, if you want to change chairs for 3 months, I'm cool. I don't mind sitting over there. Anyway, that's all I'm asking is if we could have that kind of timeline on it. But I just want to make certain that no one who is supporting this is interpreting my comments to mean that I don't think that we need to do something about this space and have a better space for us to work in and better represent the public."

Councilor Trujillo said, "If this is approved, what would your time frame of when would you need to come in – right away next week and start demolishing and fixing this place up."

Mr. Kluck said the earliest they could start construction would be mid-March or mid-April.

Councilor Trujillo said, "Even if this is approved tonight Councilor, we're still looking at April, so we're giving you February, March, April."

Councilor Wurzbarger said, "We've made a commitment here, but we might want to spend it downstairs or wherever. I'm just saying, it's doing a piecemeal plan in a building that probably needs total renovation. Anyway. I thank you. But you're right. I understand that."

Councilor Rivera said his recommendation is to go with the \$20,000, including Option 1 and 2 and the ADA transition plan, which would make it \$50,000. It still has to go through the Committee process, and each Committee would still have the ability to make changes or recommendations before it comes to the full City Council again. He said he is unsure whether or not we take a vote.

Mr. Zamora said, "I know this is going to be a bit confusing. We had this issue just last month where the title of request for direction was actually in the title of the original resolution, and so it was just a title. Here, I've reviewed this Resolution. There is nothing in the title that talks about a request for direction, so as it's drafted here, it is two things. A presentation of a plan, one, and two, and a request for direction, just like any of the other requests that you have on your agenda, request for approval. So you may do a motion just to provide direction. It's up to the discretion of the Governing Body, but as advertised and this is different in this instance than last month, but as advertised, it does provide the opportunity for a motion if the Governing Body chooses to do so."

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to go with the \$20,000, including Option 1 and 2 and the ADA transition plan, which would make it \$50,000, and to take this through the Committee process.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera and Councilor Trujillo.

Against: Councilor Wurzbarger.

14. CONSIDERATION OF RESOLUTION NO. 2013-4 (COUNCILOR BUSHEE). A RESOLUTION DECLARING THAT CITY STAFF SHALL TAKE NO FURTHER ACTION TO CONNECT MONTANO STREET AND MAKE IT A CONTINUOUS STREET (ERIC MARTINEZ AND MELISSA BYERS)

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 8, 2013, regarding this Item is incorporated herewith to these minutes as Exhibit "11."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 7, 2013, regarding this Item is incorporated herewith to these minutes as Exhibit "12."

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to adopt Resolution No. 2013-4, with the Public Works amendment.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

15. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

16. MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

17. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

18. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of January 9, 2013, is incorporated herewith to these minutes as Exhibit "13."

Councilor Calvert

Councilor Calvert introduced the following:

1. A Resolution urging the New Mexico State Legislature, during the 2013 Session to pass a budget for the Interstate Stream Commission that includes a recurring budget item of an additional \$400,000 for the update of four regional water plans each year. He asked, because of time constraints for this item to go to Finance Committee and City Council on January 30, 2013. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."
2. A Resolution directing the City Manager to explore the options for establishing a Parks, Trails and Open Space Public-Safety type position to monitor parks, trails and open space and ensure that the uses of the parks, trails and open space are protected from vandalism and other public safety hazards, and to enforce the ordinances of the City of Santa Fe in

the parks, trails and open space areas. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15."

Councilor Calvert said this position is evolutionary, noting a lot of expansion of the trails systems and parks was done through two parks bonds, and we have open space areas which nobody ever patrols. This is similar to what Albuquerque does along the Bosque with this type of position, to prohibit illegal activity and for fire prevention. He is mostly interested in trails and remote open space areas which don't have regular patrol and which is difficult to access via patrol vehicles. He said the bicycle patrol are committed to a variety of areas. He is asking staff to look at this during the budget cycle to see how this might fit with an overall plan for providing these services in the community

Councilor Bushee asked to cosponsor this Resolution.

Councilor Wurzbarger said she would like to cosponsor the Resolution and asked if he would be open to a discussion to use the position to coordinate volunteers to be a part of this.

Councilor Calver said he is willing, noting we want involvement of the Neighborhood Watch Programs.

Councilor Dimas

Councilor Dimas said he is a little confused with Councilor Calvert's Resolution and asked if this would be a certified law enforcement position(s).

Councilor Calvert said yes, if we follow Albuquerque's example. However, he isn't trying to pre-define this, and he's asking staff to look at it and see where it will work best in the community. He hasn't put any pre-conditions on it, so staff can provide recommendations and we can weigh-in on that..

Councilor Dimas said this is a preliminary kind of thing where he will be looking at different ideas.

Councilor Calvert said he wants to look at creating this position to see if it fits with the overall strategy for policing all areas of the City and some that he thinks have been neglected so far.

Councilor Dimas said we have been going through this already with the Railyard.

Councilor Calvert said he understands, and believes this will fit in the overall discussion of how we can best handle different areas. If we have people that are specialized in patrolling these areas routinely, proactively, it might free the regular patrols to do the neighborhoods like we would like them to. He doesn't know that's the best strategy, but that's what he's asking staff to look into.

Councilor Dimas said he is sure he will have a lot more questions and more ideas on ways we can do this better as this moves forward. He said it is a good idea and he is "certainly willing to take a look at it and lend a helping hand any way I can on it."

Councilor Bushee said BTAC, COLTPAC and POSAC are pushing a Trails maintenance Coordinator Position which she sees very distinct from this and wants to be clear about that.

Councilor Calvert said, "As we encourage all of their employees as they are doing their very specific duties, they can also help us with their eyes to point out things that need fixing."

Councilor Bushee said, "After the meeting today, we have a whole set of problems up off Hyde Park that we want to look at separately maybe, but, so I actually, when you get to me will bring forward probably the coordinator position for trails and maintenance, so we can at least put them in the mix as the budget goes forward."

Responding to the Mayor, Councilor Dimas said he had no further communications.

Councilor Trujillo

Councilor Trujillo wished his daughter Krystianna a Happy Birthday, noting she turned 11 years old last Sunday.

Councilor Rivera

Councilor Rivera said he would like to direct staff to coordinate and prepare a presentation recognizing the St. Michaels High School Football State Championship team.

Mayor Coss said we should schedule this.

Councilor Rivera would like to do this before the end of Basketball and Wrestling Season "because we will be here again for those."

Councilor Trujillo said for the past two years, St. Michaels were the City champions, so we should recognize them for those as well.

Councilor Wurzbarger

Councilor Wurzbarger said the Story Group is here from National Public Radio, and will be here for a month. She said they're parked on the Plaza, and you can call and sign up to tell your story, or if you have constituents whose stories you think should be told, noting she will be taking Mary Lou Cook and Rabbi Hellman.

Mayor Coss said the group will be staying through February.

Councilor Dimas said the first team to receive the City Championship Trophy was his girls' basketball team from Santa Fe High School, and Councilor Wurzbarger said this is a story that could be told.

Councilor Bushee said people can visit them at www.storycorps.org or call 1-800-850-4406, to make an appointment, noting she was the inaugural story this morning. She said Councilor Dimas can bring somebody that can talk about when City Hall was the High School.

Councilor Dimas said his mother went to High School in this building and he is sure she would be willing to do this.

Councilor Bushee said the stories will be shared on KSFR if not, on NPR.

Councilor Bushee

Councilor Bushee asked, with regard to the gun buyback, if the Mayor could include buyback for large capacity ammunition feeding devices if he is going to continue the program.

Mayor Coss said he will speak to the Chief to look into that. He said the plan is to do 3 of them, but to bring it to the Council to review how it went. He said depending on the success, we may want to do more.

Councilor Bushee said Albuquerque does it without money and she didn't see an enormous success rate in Albuquerque, and hopes it will be successful in Santa Fe.

Councilor Bushee acknowledged the passing of Jane Littlefield Bent.

Councilor Bushee introduced the following:

1. A Resolution supporting proposed State legislation, Senate Bill 13 ("SB 13"), relating; reducing corporate income tax rates; and requiring combined reporting for certain unitary corporations. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."
2. A Resolution supporting proposed State legislation, Senate Bill 18 ("SB 18"), relating to the labeling of food and commercial feed that contains genetically modified material. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."
3. An Ordinance relating to camping on City property; amending Section 23-4.11 SFCC 1987, and creating a new Section 23-4.12 SFCC 1987. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "18."

4. An Ordinance relating to large capacity ammunition feeding devices; creating a new Article 20-6 SFCC 1987, to prohibit the transfer, possession or sale of large capacity ammunition feeding devices. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "19."

Councilor Bushee said, "I've worked on this with outside legal counsel, and we've put it in City format. It is coming from the Brady Bill organization and I will get you greater detail, but I've done lots of research into our State Constitution, of course the Second Amendment and I believe we have the ability to consider regulating ammunition feeding devices, and again these are large capacity. And I don't have a copy of it to read some sections of it. You'll get it and we'll get into it in greater detail. But what I would say is that other parts of the world, and I still have some more research to do, but my understanding is there are actual statistics that show that it helps reduce the kind of slaughtering that we've had to witness in the last few years. So I would look forward to folks reading it and consider cosponsoring.

Councilor Wurzbarger asked if she would mind bringing it to Public Works, and Councilor Bushee said she has no problem doing that.

5. Councilor Bushee said she is also introducing something on Senate Bill 15, but she can't remember what it is about.

Councilor Bushee said she has spoken with Mr. Romero about graffiti, and would like follow-up on things she's already initiated and one was today and the other was the "HRC stuff that we started."

Councilor Dominguez

Councilor Dominguez said Capital High School actually beat St. Michaels and Santa Fe High in the tournaments over the holidays.

Councilor Dominguez introduced an Ordinance related to user fees and rates at the Municipal Recreation Complex and City sports fields; amending Section 23-7.3 to reduce the user fees and rates at City of Santa Fe Sports Fields. Councilors Rivera and Dimas asked to be added as cosponsors. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "20."

Mayor Coss

Mayor Coss announced that the first of 3 gun buy-backs will be held at the Police Department on Saturday, starting at 9:00 a.m. to 3:00 p.m. He said it's \$100 for a long rifle or shotgun, \$150 for a pistol and \$200 if it's an assault rifle. He said we are setting an example, noting Rio Rancho and Bernalillo County are looking at our program.

Councilor Trujillo said then we will be purchasing the guns and then destroying them, and the Mayor said this is correct.

Councilor Trujillo asked if we will be looking at those guns to see if they were used in a crime.

Mayor Coss said we're not going to ask any questions, or take any pictures, but every gun will be checked for a serial number and to make sure it hasn't been used in a current crime. If that is the case, then it will be treated differently, and will be saved for evidence.

END OF AFTERNOON SESSION AT 6:30 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Coss David Coss, at approximately 7:00 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor Coss David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Peter N. Ives

Others Attending

Robert P. Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

A copy of a letter dated January 9, 2012, with attachments, including 64 petition signatures, and 7 comment sheets, to the Honorable David Coss and City Council members, signed by Charlene Ortiz and Nadine Kennedy, is incorporated herewith to these minutes as Exhibit "21."

Mayor Coss gave each person 2 minutes to petition the Governing Body.

Barbara Ortiz said, "The people that signed this petition were not informed about any of the meetings or resolutions. 100% of the 72 people that signed, and we are just asking that they have the possibility of being heard concerning the Montano Street continuation. All of them voiced the concerns that this was pushed through from November through January and even Councilman Calvert said, you know, I had to catch up, that it was rushed through on the January 7th meeting, so they felt the same. These signatures were acquired in one 3 hour span in an afternoon, before the January 7th meetings from the areas of Barela, Velarde and of course the Agua Street area. And knowing that the Council people would like to hear from all of their constituents, I'd like to submit these signatures. And my sister put your

name on each of them. I did turn in the originals at the January 7th meeting, but I understand those just went to the Committee and we wanted to make sure that the Council people had a copy of these signatures.”

Mayor Coss asked Ms. Ortiz to give them to the Clerk, who will see the members of the Governing Body get them.

G. APPOINTMENTS

Sister Cities Executive Committee

Mayor Coss made the following appointments to the Sister Cities Executive Committee:

Carol Robertson Lopez – Reappointment – term ending 10/2015;
Bernard Rubenstein – Reappointment – term ending 10/2015;
Ling Tong (alternate) – Reappointment – term ending 10/2014; and
Jeff Case – to fill unexpired term ending 10/2014.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Rivera, to approve these appointments.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Rivera, Trujillo and Councilor Wurzbarger voting in favor of the motion and none voting against.

Sustainable Santa Fe Commission

Mayor Coss made the following appointments to the Sustainable Santa Fe Commission:

Maria Rotunda – to fill unexpired term ending 05/2013; and
Andrea Romero – to fill unexpired term ending 05/2015.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve these appointments.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Rivera, Trujillo and Councilor Wurzbarger voting in favor of the motion and none voting against.

H. PUBLIC HEARINGS

- 1) **REQUEST FROM ABIQUI ST. FLOUR, INC., FOR A TRANSFER OF LOCATION OF DISPENSER LICENSE #2773 FROM OSAKA GRILL AND SEAFOOD, 3501 CERRILLOS ROAD, SUITE A-14A TO THE LOCKER ROOM, 2831 CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting it is not within 300 feet of a church or school, and there are staff reports in the packet regarding litter, noise and traffic. She said staff recommends it be noted that this business is required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Rivera, to approve the request from Abiqui St. Flour, Inc., for a transfer of location of Dispenser License #2773, from Osaka Grill and Seafood, 3501 Cerrillos Road, Suite A-14A, to the Locker Room, 2831 Cerrillos Road.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 2) **RZIG INCORPORATED HAS REQUESTED THE FOLLOWING:**
 - a. **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION TO ALLOW THE SALE OF BEER AND WINE AT UMAMI GRILL, 1005 ST. FRANCIS DRIVE, SUITE 105, WHICH IS WITHIN 300 FEET OF THE NEW MEXICO SCHOOL FOR THE DEAF, 1060 CERRILLOS ROAD.**
 - b. **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM RZIG INCORPORATED FOR A RESTAURANT LIQUOR LICENSE(BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT UMAMI GRILL, 1005 ST. FRANCIS DRIVE, SUITE 105.**
(YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting there is a letter in the packet from Ronald J. Stern, Superintendent, New Mexico School for the Deaf, stating they have no objection to the request. She said there are staff reports in the packet regarding litter, noise and traffic, and staff recommends it be noted that this business is required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to grant the waiver of the 300 foot location restriction and allow the dispensing and consumption of beer and wine at Umami Grill, 1005 St. Francis Drive.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None:

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the request from Rzig Incorporated, for a Restaurant Liquor License (beer and wine on premise consumption only), at Umami Grill, 1005 St. Francis Drive, Suite 105.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 3) **REQUEST FROM KRISTIN JOHNSON FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF WINE AT KRISTIN JOHNSON FINE ART, 323 EAST PALACE AVENUE WHICH IS WITHIN 300 FEET OF THE CHURCH OF THE HOLY FAITH, 311 EAST PALACE AVENUE. THE REQUEST IS FOR AN OPENING TO BE HELD ON JANUARY 18, 2013, FROM 5:00 P.M. TO 8:00 P.M. (YOLANDA VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting in the Council packet, there is a letter of no objection to the request from Robert Jones, Treasurer of the Church of the Holy Faith.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to grant the request for a waiver of the 300 foot location restriction by Kristin Johnson, Kristin Johnson Fine Art, and approve the dispensing/ consumption of beer and wine at an opening to be held on January 18, 2013, from 5:00 p.m. to 8:00 p.m.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent for the vote: Councilor Dominguez.

- 7) **CONSIDERATION OF BILL NO. 2012-40: ADOPTION OF ORDINANCE NO. 2013-1. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING AIRPORT ROAD; CREATING A NEW SECTION 14-5.5(C) SFCC 1987, TO ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (MATTHEW O'REILLY)**
 - a) **CONSIDERATION OF RESOLUTION 2013-5 (COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO EXPLORE THE OPTIONS FOR INCORPORATING A HEALTHY FOOD ZONE LEGISLATION INTO THE AIRPORT ROAD OVERLAY DISTRICT ORDINANCE. (MATTHEW O'REILLY)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 7, 2013, with attached amendment, regarding Item H(7) is incorporated herewith to these minutes as Exhibit "22."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 7, 2013, regarding Item H(7)(a) is incorporated herewith to these minutes as Exhibit "23."

The staff report was presented by Matthew O'Reilly who noted the packet contains two amendment sheets, including an amendment that was added at the Public Works Committee on Monday. Mr. O'Reilly reviewed the amendments which are on packet page 6.

Councilor Dominguez said the second amendment is on page 4 of the Ordinance, line 20, as follows: "... ~~clear~~ dual pane windows." [Exhibit "22"]

Public Hearing

Speaking to the request

Mayor Coss gave each person 2 minutes to speak to this request.

Devin Vasquez, 6552 Calle [inaudible], Capital High School SWAT team, said when he drives through his neighborhood, he doesn't see a lot to entertain him, noting he is 18 years old. There is Auto Zone. He said he isn't particularly proud of where he lives, because when he goes into a field or into the street he sees broken beer bottles, crushed beer cans, and a lot of advertisements for alcohol on Airport Road. He isn't particularly happy about this. He said it isn't fun for the young kids driving with their parents. He said there are poster board advertisements for liquor. He said you see miniature alcohol bottles thrown around a lot. He said it is disappointing to see them. He hopes for a big grass field where kids can go and play sports and be athletic. He is here to ask for help to improve the area where he lives to make it a place he can be proud to live.

Timmy Vigil, 1087 Village Way north of Airport Road, on behalf of the ATC SWAT team. He said the idea of reducing the density of alcohol solicitors in the Airport Road district is a great idea in his opinion. He said if the selling of alcohol is more spread out, then there is less advertising in one specific area which leads to a better place to grow up with less trash, less vandalism.

Roberta Lopez-Trujillo, 7412 Alcon Road, off Airport Road, and on behalf of the ATC SWAT Team, asked the Mayor and Council to support the Ordinance, and she wants the alcohol gone.

Jasmine Vasquez, 80 Calle la Cerrante, said she here to talk in favor of a clean environment where she can hang out with her friends and family, and your support of this Ordinance can help her perfect neighborhood come true.

[inaudible] Tafoya, 10 Ranchitos de Baca Road, La Cienega, said she lives out of town, and Airport Road is the closest to her. There isn't a lot to do on Airport Road. She would like to see more grocery stores and a nice park where she can hang out with friends, walk her dog, ride a bicycle. She said the ideas proposed tonight will be good and is a good step toward a healthy Airport Road community.

Kyle Winklemeyer, SWAT Team, Ortiz Lane in Eldorado. He said this Ordinance is necessary especially reducing the density of sales and advertising, which will improve the quality of life for the people who live there. More important it will help to protect people, particularly minors such as his friends and himself.

Shanette Jaramillo, 4160 Chaparral Place, and on the Capital SWAT team, said she is afraid to walk on Airport Road, and tries to avoid it because it feels really unsafe. She said adding more outdoor lighting and cutting back on alcohol vendors would make it a more comfortable place to be and more safe for people her age and younger to spend more time. She said the Council decision will affect a lot of families.

Robert Maldonado said he has a business at 4986 Airport Road. He has been doing business for 33 years, mainly with the 87507 area zip code which is the Airport Road area. He deals with more than 2000 families living in the 87507 zip code. He is encouraged by the Ordinance and hopes it can be adopted, because it will promote a better life for all of these families, and as you're hearing, specifically for the youth of our City which is what we're trying to better for.

Ramona Flores Lopez, Chair, Education Committee, Santa Fe Underage Drinking Prevention Alliance, said her entire career has been dedicated to health, commenting prevention has always been her passion. She is here to speak in support of the Airport Road Overlay District. She supports this as a sound, public health measure, for this area of Santa Fe. It seeks to create a healthy community for the residents of this section of the City, especially children. The 2010 census documented that 40% of the City's population below age 18 resides in this area of the City – the south side. She sees it as a public health initiative because she adheres to the World Health Organization definition of health which is "health is a state of complete physical, mental and social well being and not merely the absence of disease or infirmity." She said "Public Health is the science and art of preventing disease, prolonging life and promoting health through the organized efforts and informed choices of society organizations, public and private communities and individuals." She spoke about the tenants of the ordinance which address the goals of providing a healthy environment in the Airport Road Area. She thanked Councilor Dominguez and asked for the support of the Council in adopting this Ordinance.

Anna Mae Levy, Christus St. Vincents Regional Medical Center, Community Health Department, said she has been a member of the Underage Drinking Prevention Alliance for about 8 months as a part of her work in researching issues. She said the population of the Airport Road area is about 22,000, with 7,519 children and youth. She is glad the SWAT team members showed up to talk about the importance of the Ordinance. She would echo what Ms. Flores Lopez said about reduction in alcohol outlets and advertising, and banning of the sales of miniatures. These are fantastic measures which will help to make the area more safe and urged passage of the Ordinance.

Lynn Mark, School Nurse, Ortiz Middle School, and lives at 6797 Camino Rojo which is in this area and urged support for the bill before the Council. She said in September they surveyed 750 students, and got 571 surveys back, which asked them to list the top 5 issues which concerned them. She said 43% said domestic violence and family problems; 27% said drug and alcohol abuse; 27% said gangs and violence and 27% listed bullying.

Kate Greenway, Counseling Coordinator for the Santa Fe Public Schools, said she is a resident of Eldorado and has been working with the Schools since 1988 as a Health Counselor when Capital High opened. She said at that time there was nothing around Capital High School, and there was great optimism about that area at the time. She said what exists now in the Airport Road area is quite a striking contrast. She said this Council has the opportunity to take a powerful step to reversing some of the trends, and bring it to a more optimistic and health focused area, especially for the children in the area. She said they can think ahead 10 years and what the difference might be if you vote for the Overlay District tonight.

Allen Steele, Chair of Santa Fe County DWI Planning Council, 3001 Camino del Bosque, said he is here to support the Airport Road Overlay District which puts this part of the City on an excellent track, and addresses the built environment by encouraging safe, workable neighborhoods and will do much for this part of the City. He said he applauds Councilor Dominguez for his work and the proposal to reduce the density of alcohol establishments and associated advertising. He said he is the Chair of a private school, which looked at property in the Airport Road area, but decided not to proceed because of the reputation of the area. He said this is an opportunity to create something as near perfect as possible in Santa Fe.

Lupe Sanchez, Coordinator, County DWI Program, thanked Councilor Dominguez and the Governing Body for doing this. He said it presents an opportunity for the area, noting there are many ills associated with alcohol use, and this could have a dramatic impact on domestic violence, DWI's and DWI-related auto crashes and fatalities. He urged passage of the Ordinance saying he stands in full support of the Ordinance.

Patricia Lankin, Project Coordinator, Santa Fe Underage Prevention Alliance, Drug Free Communities Initiatives. She said understands the process and the importance of the issues. She said she would echo the sentiment expressed in editorial in the January 8, 2013 Santa Fe New Mexican which applauded Councilor Dominguez for his vision of the future and for initiating the planning process to ensure this neighborhood is able to develop as a family-friendly environment. She said they recognize this level of visionary planning will yield substantive and sustainable health communities, which are proven to be the most effective strategies for preventing a multitude of public health and social problems. It is truly a wonderful undertaking and she is pleased to be here tonight to support these efforts.

Lisa Grace Giuffra, Project Coordinator, Santa Fe Underage Prevention Alliance, thanked Councilor Dominguez for his leadership and integrity for his vision for the southwest area and Airport Road. She said the public wants clean, safe, walkable streets; educational opportunities; parks and recreation; healthy food; a vital business community and access to health care. She said the bombardment of promotional liquor advertisement negatively impacts a community and how that is considered in this Ordinance is respectful of all our citizens. She said when our community leaders respond to our needs, it is an opportunity to stand in support of this positive leadership. She expressed thanks to the Councilors and staff for their work in this regard.

Shelley Mann-Lev, Chair, Santa Fe Underage Prevention Alliance, said she is also the Safe Schools Healthy Students Coordinator for SF Public Schools. She is glad to recognize the incredible efforts of our City Councilors led by Councilor Dominguez, the staff and residents involved in this process, which has been an astounding process to watch. She said this is an opportunity to create a beautiful, safe, healthy place for every child, every family, every member of our City.

Jim Lean, 7047 Vuelto Vistoso, Tierra Contenta, said he is the Board President for the Zona del Sol Youth and Family Center in Tierra Contenta. He said the saying that "It takes a village to raise a child," needs to be extended to the environment of the village as well, which is what this Ordinance speaks to. He said this Ordinance is a positive statement for creating a village that can raise children to the best of their talents and abilities.

Rick Martinez, President of Neighborhood Network, said the Network is in support of this effort, and will show the City that the south side is well represented and will make a good place for the people living in the area.

Sandra Brice, Director of Events, Santa Fe Railyard Community Corporation, said she is here to represent the Corporation and express its support for this Ordinance which creates a healthier and safer environment for their neighbors on the south side in addressing the alcohol density and advertising issues. She spoke about the work of the Corporation, and urged passage of the proposed Ordinance.

Subi Bowden congratulated Councilor Dominguez and Councilor Trujillo and the other Councilors for their strong support of the bill. She served on the Planning Commission when they developed the last General Plan. She is a resident of the south side. She said Tierra Contenta came before the Planning Commission in 1996 for the first time, to present all of its phasing. She said there was no Southwest Corridor Study nor an annexation plan, and a southwest recreation center was a whole new idea and Airport Road was an edge. It has now become a center, which happened "so shockingly quickly." She is concerned that this is just the beginning of the conversation with this neighborhood. She is glad this conversation has strong support and will be addressing signage, alcohol, landscape standards and all the things the neighborhood has talked about today. She said we will be doing our next 15 year General Plan in the next two years, and she would like to carry the ideas the south side has been talking about to a much much deeper level, where we take 34% of the use and give them a place where they can live in that neighborhood the rest of their lives – a very strong range of prices and homes and churches and real parks and a forest in some of the open space. We make it a neighborhood where people want to and can afford to live. We need to push high-end housing on the south side. We need it to be a wide, healthy, vibrant neighborhood.

The Public Hearing was closed

Mayor Coss asked for a round of applause for all of the young people and the neighborhood.

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to adopt Ordinance No. 2013-1. as amended.

DISCUSSION: Councilor Dominguez said, "There's a lot of people I need to thank tonight. First of all, the young people who came out to speak tonight. All the other people that came out to speak tonight, all the people that have called me up and have shown their support for this piece of legislation. I also want to thank them. I also need to thank you Robert for assigning a pretty awesome staff to work with me on this initiative, and part of the staff really, such as Kathryn Mortimer and the team of people that she was able to work with to bring some of this to the table. I wanted to thank the Underage Drinking Prevention Alliance, all the ladies from there, especially Shelley Mann-Lev for all the work that you've done and helped me with on this, Matt O'Reilly and your land use staff for this particular part of the initiative that's much larger than what we're talking about tonight, Mr. Maldonado for your support as well. And I wanted to also thank Eliza Suzanne who's been there to talk to me about things that I may have had doubts about and talked me out of them. So I want to give her some credit."

Councilor Dominguez continued, "This is something that was first conceived about a year and half ago, so

we've been working on this for quite some time now. And out of that work, is a potential 15 resolutions and 18 ordinances that come from the work that we've done over the course of about a year. And all of it is really to promote healthy communities and that is the overarching theme, if you will, to this first part of the initiative. The initiative is something that came from the ground up and that's why it's taking so much time. Not only did I have to meet with staff and stakeholders, but we wanted to take this out to the community so they had an opportunity to talk to us about what their priorities were, so they had an opportunity to let us know how they thought incentives could help them in their quality of life and to just have a general conversation of the work they felt a healthy community was, or is. And so it was somewhat of an opportunity to create community through that work."

Councilor Dominguez continued, "And I can tell you there were 300 to 500 people that passed through the process. It was very difficult to get people engaged. And so my plea to all of you tonight who were kind enough to come up here and speak is to please be diligent. Because this is something that needs to be sustained, and it can't just be something that happens over the course of one night. It's something that has to happen for quite some time. And so I would plead to you that you continue to be as engaged as you are and to help promote this."

Councilor Dominguez continued, "And so this is really the first significant step in making sure that all of Santa Fe has an opportunity to live healthy and that they have healthy options in their neighborhoods. This is just the first step. As I said, this is one of 18 resolutions and 15 ordinances, so there's more to come. Just real quickly, the highlights of this overlay are the introduction of architectural integrity beyond Chapter 14, and alcohol regulations that have been introduced by the Santa Fe Underage Drinking Prevention Alliance, that proven to be best practice to address things like alcohol and substance abuse."

Councilor Dominguez continued, "I'm really interested in taking this conversation beyond just the Airport Road Corridor and making sure that through this motion, we can direct staff to start looking at how we can do a City-wide ban on the sale of miniature alcohols in the City. So I'm hoping that this is going to be a good test case, this is going to help set the precedent I hope. And thank you Alfred, for the work that you've done in ironing out some of those wrinkles in that issue. That's really all I have to say Mayor. I wanted to also thank the cosponsors and the Governing Body for the support that they've given in this endeavor as well."

Councilor Bushee thanked everybody involved, particularly Councilor Dominguez for his leadership, and hopes we leave here with a roadmap for other growing parts of town. Councilor Bushee asked Mr. O'Reilly the models from which this Ordinance was drafted.

Mr. O'Reilly said, "If I could take a second to thank my staff, Tamara Baer and Bill Lamboy, who have vast planning experiences in different states, looked all over the place and really cobbled together what we felt were the best ideas from different places, so there was no one source for any of this."

Councilor Bushee said, "On page 5, when I read rooftop equipment needs to be screened, I wanted to make sure that didn't include solar equipment. I think we already have separate ordinances that deal with solar, but I don't want to discourage the incorporation of rooftop solar."

Mr. O'Reilly said, "The way this is written, it would include screening solar equipment, but of course, we never require the screening to make the solar equipment non-functional."

Councilor Bushee said, "I think it was forced on us by the Legislature. If my memory serves me correctly, Senator Griego put something in, had to do with The Lofts in the Railyard project, and the neighbors were concerned, wanted screening and I think we are prohibited... Geno, I don't know if you all looked at that..."

Mr. O'Reilly said, "If I may, you are correct. We do have the ability to do screening of solar equipment in the historic districts."

Councilor Bushee said, "No, I actually think we are prohibited in more ways than not."

Mr. O'Reilly said, "We are prohibited from prohibiting solar equipment. We do have a little bit more leeway in the historic districts to require screening. This section that you're referring to, does not prohibit solar panels or solar equipment. It simply says they have to be screened from view, because the way the Ordinance is written, rooftop equipment would include solar panels."

Councilor Bushee said, "Yes, except I think actually even in historic... my problem... most rooftop solar would be very difficult to screen. You're trying to get the correct angle to get the correct sun. So I guess I just wondered if there was a chance to make an exception."

Councilor Dominguez said, "However, if we can direct staff to clean up that language to make sure that we are allowing for solar facilities and to do as much screening as possible, if any can be done at all. It sounds like we're able to do some screening."

Councilor Bushee said, "Could you give us some generic language, because we're going to try and pass this tonight."

Mr. Zamora said, "Again, as Councilor Dominguez has mentioned, this evening's Ordinance has been thoroughly vetted and worked on for a year and a half. I do have a concern about changing language that may have unintended effects. We can go back and examine this and if an amendment is necessary, we can bring an amendment that's right on point. But, based on the representations and experience that our Land Use Director has, at this moment, I believe we're in compliance. But if we go back and search and find something that isn't, we'll hastily bring forward an amendment."

Councilor Bushee said, "Well, the fully screened part..."

Councilor Dominguez said, "We can just simply say on line 14 at the end, just say, I think maybe Councilor Calvert might have some ideas, but just simply say..."

FRIENDLY AMENDMENT: Councilor Calvert suggested an amendment on page 5, "Rooftop solar equipment will be screened to the extent that it doesn't impair the performance of the equipment." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Bushee said, "I'm up for whatever, I just don't want to hinder the proliferation of rooftop solar as a sustainable way to live.... I'm just bringing that. I just thought you'd have it off the top of your head."

Councilor Bushee said, "The next thing I want to say is I really think that some of these things like screening backflow prevention for irrigation systems should be mandated throughout the City. I see no reason why we couldn't."

Councilor Bushee said, "And then just on page 6, Section 9, I guess it is, and that's of the packet, under Site Furnishings, I love the requirement of benches and I love the mention of bicycle racks needed and benches and all that, needing to be coordinated in design, style and color, but I really think there should be a line in that section to emphasize, we already have a requirement for bike racks, but I really think, given that you're trying to so previously in another section of the Ordinance, where you mention walkable neighborhoods, I really think you should mandate or require more bike racks. And I know we have an Ordinance reference to that, it's part of our building permit check plan. I just wanted to see if you could insert a line in there promoting the addition of bike racks."

Councilor Dominguez said, "If you have any recommendations, Councilor Bushee, I certainly don't oppose additional bike racks beyond what is in Chapter 14, but I don't know how to quantify that, other than to say, including bike racks. I don't know. What do we require in Chapter 14 now."

Mr. O'Reilly said, "There is a formula for how many bike racks you need, based on the type of development. I apologize. I don't have that calculation on the tip of my tongue. There's no reason why, in this overlay district, we couldn't require more bike racks than we do other places. It's not clear to me how we would quantify that standing here at the podium. As the City Attorney said, if this is important enough, we could come back relatively quickly with an amendment about bike racks, but I hesitate to do it tonight without."

Councilor Bushee said, "What about saying 'encourage the addition of bike racks above and beyond the requirements of Chapter 14,' or something like that. I don't know."

Mr. O'Reilly said, "The problem with the word encourage is it has no real force, and if we have a developer that doesn't want to do it, then they're not going to do it..."

Councilor Bushee said, "I can tell you in even the existing downtown we have a dearth of bike racks. People didn't put them in for years, and then we didn't follow up on making sure they were installed, and if you really, truly want to encourage walkable neighborhoods and trails and bike riding that's just something I noticed."

Councilor Bushee said, "And then on... you know, I'm not trying to slow this down in any way, but I also know you probably don't want to open up a whole much more, so I thought you guys could be wizards over there, write something real quick."

FRIENDLY AMENDMENT: Councilor Bushee would like to amend Item (c) line 8, page 8, as follows: (c) Community Gardens and Orchards. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY**

Councilor Bushee said, "Really my main comments have to with the alcohol section, and Albert [Alfred?] you know we've been engaged in a discussion for some time. I am hoping that... the legal position had been in the past, when I inquired about limiting the sale of miniatures or any other kind of measures that it did not pass Constitutional muster, something about prohibiting commerce. So can you please expand on that, so that I can... I guess the answer I got from the Legal Department was, well Carmichael just ignored our advice. And I hope that we're all going to ignore you advice in the future and pass that City-wide. So tell me that you feel like this is not going to be challenged legally or that you think we can meet any challenges legally, because I do believe that we should be doing this City-wide."

Mr. Walker said, "I'm afraid I don't recognize the reference to commerce. I think my advice has been consistent from when spoke about this a year ago or so, that's it's possible to have an ordinance, I believe we were talking about the miniatures at the time, and as an attorney, my advice to any client would be that litigation is always possible. And what I think is my job as an Assistant City Attorney is to try to develop an ordinance, if requested, in such a manner so that whatever challenges might be raised to it would be... we could meet as best we could. I certainly cannot guarantee that there won't be any challenges to this particular ordinance."

Councilor Bushee said, "If you took this specific language that's in the section that deals with alcohol and you just put it in a City-wide ordinance, you would be comfortable at this point."

Mr. Walker asked of which language she is speaking.

Councilor Bushee said, "The whole section on Page 9, Section 13, Alcoholic Beverage Sales Activities, all the way through, well the end here that's not on alcohol. You start getting into vendors then, but it goes all the way to page 14, and 15."

Mr. Walker said, "I think my position on doing this City-wide, would be the same as my position on doing it in the Overlay District. That what staff tried to do when developing this language was to achieve what was requested in a manner that we were comfortable would meet any challenge the best way that we could."

Councilor Bushee said, "Great. Well at the next meeting, we'll have a City-wide Ordinance available for introduction. For a long time I'd been told I didn't want to mess this one up, but I really want to see that come forward."

Councilor Dominguez said, "I certainly appreciate Councilor Bushee's comments. I think one of the things that I... part of my vision is to do some of this stuff City-wide. But you also have to understand that I didn't decide from one meeting to the next to do stuff on the sale of miniatures. We actually were able to collect a lot of data that indicated that there were certain circumstances that may or may not exist in other parts of the community that had to do with 911 calls that relate to alcohol abuse or alcohol-related calls into dispatch. And so there was a lot of work that was put into making sure that this was something that wasn't just ideological, but something that had some data and substance behind it. I certainly am willing to work with you or anybody else to try to do this on a City-wide level, but it's not as if staff ignored anything that, or that I ignored anything that staff was recommending. Again, I worked very hard and not only me, but the whole group of people worked very hard to collect that data to indicate that there may be circumstances that are different than other places in the community. And so that's really where it comes from. It's not just something that happened from one meeting to the next."

Councilor Bushee said, "I had the floor, and I guess I'm just suggesting that if you feel like you can support this legally, I don't see why... I mean, you go in the Railyard area, there's 5 liquor establishments within walking distance of the Railyard. And you can follow the trail of the miniatures and the cheap booze and those that are using it and the problems that stem from that. And I looked through it in great detail. The same with signage and trying to not have a concentration of too many liquor sales. They already exist there, but why would this not be applicable in those areas. I'm asking because I've genuinely been trying to get this done for a long time."

Mr. Walker said, "Certainly, if directed, staff can come up with an ordinance."

Councilor Wurzbarger said, "Well, on that point, I would simply argue that it's not an issue of applicability, and again, in honoring the work that has been done for the past year and a half, I think that if one is really interested in that, that if we spend even a tiny point of the effort that has been devoted to this, other than trying to amend it tonight, that would be a great benefit to the community. And... excuse me, I have the floor, thank you. I would be very happy to work on extending this. We've talked about this previously, with respect to the Re: Mike area. But again, we spend a year and a half, and I feel the energy going from, I guess the last quote I'll say, one of the highest things for me that you've said tonight, and I want to reaffirm that for you, is that this is an opportunity to create something near perfect. And I think it behooves others of us on the Council when we want to apply it to our District and the whole City, to spend time to see how we can move toward that."

Councilor Calvert said, "I had discussions with Alfred, after I read about this, the question of were we going to get challenged on this stuff. And, I'll paraphrase it, because I certainly won't remember, quoting it word for word. But I think basically what Alfred's been saying is, he tried the best he possibly could when working with staff to come up with something that would minimize our exposure to challenge, but he doesn't necessarily think that we will go without a challenge. And so I think that we want to... this is an initiative, and I think we're testing things here and we want to see how they work. And it would behoove us to see how they work here before we go City-wide."

Councilor Calvert continued, "I also think it might jeopardize the ability to do this in this area if we immediately try to do it City-wide, because we're going to draw a whole lot more attention from people who have a lot of money and interest to defeat those kind of things. So I think we should let it go with this area, and see how it works, and not jeopardize the ability to be able to get something that they worked very hard to get in this area. And then once we see how that works, maybe we can do.... I appreciate Councilor Bushee's sentiments, and I have heard on some of those same issues myself, but I think that for now, we should limit it to this one, see how it works, and not jeopardize their chances for success in doing this."

Councilor Bushee said, "I would like to see it written up, at least for the overlay district that I might need to create. Thanks."

VOTE: The motion, as amended, was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Explaining his vote: Councilor Dominguez said, "I didn't pay anybody to speak tonight. I just want to disclose that. Yes."

Explaining his vote: Councilor Trujillo said, "I want to congratulate Councilor Dominguez, soon to be Senator. Carmichael you've been working hard on this, way before you got on the Council, so good job. I vote yes."

Explaining her vote: Councilor Wurzbarger said, "Yes. And I want to thank you, and I look forward to saying I knew you before you were a Senator."

Explaining his vote: Councilor Dimas said, "I also want to congratulate you. You used to be my Councilor when I lived in District 3 for a number of years, and I lived in that Airport area, and I also have to bring up that I asked you for several years to get Calle Tajo paved, which you never did, but you did accomplish this and you did it well and I know you've put in a lot of hours, and I can honestly say that I'm very proud to have you as my former City Councilor in that area. And I vote yes."

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzburger, to adopt Resolution 2013-05, with an amendment to add the following language, "BE IT FURTHER RESOLVED that the Governing Body support the effort of local schools by promoting the health of children and desires to regulate the location and operation of mobile food vendors near schools, parks, libraries and recreation centers, and therefore directs staff to organize a discussion regarding mobile food vendors within the City limits of Santa Fe."

EXPLAINING HIS MOTION: Councilor Dominguez said what he's trying to say is with the discussion of healthy food zones that we also come up with a City-wide policy on mobile food vendors.

FRIENDLY AMENDMENT: Councilor Wurzburger would like to amend the amendment to add Vending Machines as well. Councilor Dominguez said he would like to give direction to staff that we can get a healthy vending machine out here right away. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY**

VOTE: The motion, as amended, was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzburger.

Against: None.

Explaining his vote: Councilor Dimas said, "I'm sorry, but the Councilor and I were just talking about, if we are taking the vending machines out of City Hall, what are we going to use for dinner here." Councilor Dominguez said we're not taking them out, we're just going to add one more, maybe. Councilor Wurzburger said we're going to try to have one more row there, like an apple or something." Councilor Dimas said, "We couldn't bear not having our dinner here. With that said, yes."

- 4) **CONSIDERATION OF RESOLUTION NO. 2013- ____ COUNCILOR WURZBURGER). A RESOLUTION ESTABLISHING THAT A DETERMINATION HAS BEEN MADE NOT TO UPDATE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN OR IMPACT FEES ACCORDING TO THE NEW MEXICO DEVELOPMENT FEES ACT, §§5-8-1 TO 5-8-43 NMSA 1978. (REED LIMING)**

This item was withdrawn from the Amended Agenda and postponed to the City Council meeting of January 30, 2013.

- 5) **CONSIDERATION OF BILL NO. 2012-41: ADOPTION OF ORDINANCE NO. 2013-2 (MAYOR COSS). AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; APPROVING AND ADOPTING AN AMENDED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC., FOR AN INDOOR MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT (MAYOR COSS). (NICK SCHIAVO AND FABIAN TRUJILLO)**
- A. **REQUEST FOR APPROVAL OF ECONOMIC DEVELOPMENT AMENDED PROJECT PARTICIPATION AGREEMENT – INDOOR MULTIPURPOSE FACILITY; RODEO PROPERTY, INC.**

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 8, 2013, regarding this Item is incorporated herewith to these minutes as Exhibit "24."

The staff report was presented by Fabian Trujillo, noting this amends the Project Participation Agreement which was passed in 2011. It memorializes the matching funds which was awarded to the Rodeo for this project for \$81,000 from the State and \$19,000 from the County. He said this is the first phase of building.

PROPOSED AMENDMENT: Ms. Amer said the Rodeo has asked to change the security from a letter of credit to a performance bond in the amount of \$200,000, which would change the wording of Paragraph 3 of the Amended Agreement, Exhibit A Page 7 of the packet, which would read: *"QE will simultaneous to the execution of this agreement, execute a performance bond or other indenture in the amount of \$200,000, in favor of the City as security for the City, State and County Funds. Attachment see hereto."*

Public Hearing

Speaking to the request

David Cowper, President, Rodeo Properties, said they did \$81,000 from the State, and \$19,000 from the County. The RFP was awarded to S&P local architects with John Padilla in the Santa Office. He said S&P is located with [inaudible] who specializes in equestrian arenas and stadiums. They met with the neighborhood associations twice, which are generally supportive. They have encumbered most of the funds. It is planned to have the final packet ready by January 15, 2013. They will be seeking \$250,000 from the Legislature in 2013 for the architectural design and the infrastructure engineering documents.

Jim Butler, President, Rodeo de Santa Fe, read a statement into the record as follows: "The Santa Fe community is our first priority in remaining a locally minded, charitable organization is our intent. We consider the City of Santa Fe as well as the County and general region, our partners and will continue

respectful consideration of that partnership throughout the duration of the project as well as the management of the facility. We've always been a community minded organization, we will remain that. We don't want this facility to be so big that the community couldn't use it, so we're keeping with that. The community will still be able to use the facility for all sorts of events."

The Public Hearing was closed

Councilor Bushee asked if "we are done pursuing annexation into the City. Are we ever going to consider being annexed into the City."

Mr. Butler said they already are, noting the Rodeo grounds were annexed a few years back.

Mayor Coss said the County Fairgrounds are in the County.

Councilor Wurzbarger said this is a visionary project which already has taken a lot of work.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Trujillo to adopt Ordinance No. 2013-2, as amended

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, to approve the Economic Development Amended Project Participation Agreement between the City of Santa Fe and Rodeo Property, Inc.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 6) **CONSIDERATION OF BILL NO. 2012-39: ADOPTION OF ORDINANCE NO. 2013-3 (COUNCILOR DOMINGUEZ AND MAYOR COSS). AN ORDINANCE RELATING TO THE WATER CODE, CHAPTER 25 SFCC 1987; AMENDING SECTION 25-1.3 SFCC 1987, TO EXEMPT SANTA FE PUBLIC SCHOOLS FROM COMPLIANCE WITH PORTIONS OF CHAPTER 14 SFCC 1987 (LAND DEVELOPMENT LAWS) WHEN THE CITY AND THE SANTA FE PUBLIC SCHOOLS HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING REGARDING DEVELOPMENT OF PUBLIC SCHOOL PROJECTS WITHIN THE PRESUMPTIVE CITY LIMITS AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (MATTHEW O'REILLY)**

The staff report was presented by Matthew O'Reilly. Please see the Legislative Summary for the specifics of this presentation. Mr. O'Reilly said if the Governing Body adopts this Ordinance nothing changes unless the City and the Public Schools enter into a Memorandum of Understanding. If the City and School are unable to enter into an MOU, then we stay at the status quo and the City's position always has been that Public Schools projects must comply with each and every part of the Land Development Code.

Councilor Bushee asked who sees the MOUs. Do they just go before the City Manager or does the Council see it.

Mayor Coss said the Council would have to approve it.

Councilor Bushee asked about ENN requirements noting it's "scratched out" on page 2 from previously, and wants to understand how that applies for School projects, even with an MOU.

Mr. O'Reilly said, "The reason it's crossed out here, and not to put too fine a point on it, but I think the Mayor made this statement at one of our earlier meetings about this a few weeks ago. The Public Schools simply do not believe that they have to comply with any of our Municipal Codes, including the ENN requirements. What we've discovered in the course of beginning our negotiations with them on a Memorandum of Understanding which will come before this body, is that the Public Schools apparently do have a similar, but not exact copy of our ENN guidelines. They do have a system for notifying people, so we felt that it wasn't necessary to put this in here because we would negotiate a MOU that insured that the public would have early input into their projects. So, I guess what I'm saying is any parts of Chapter 14, be they Early Neighborhood Notification requirements, meeting requirements, requirements with regard to terrain management, or traffic or drainage, we can assure that those things will be taken into account if we put them into the Memorandum of Understanding that we sign with the schools. And if we can't agree on that, if we want things in the MOU that the Schools don't want, and the two entities cannot agree, then we go right back to the status quo and they have to comply with everything. So it really is more of I would say a cleanup to take it out of this section, but we can have Neighborhood Notifications in the MOU."

Mr. O'Reilly continued, "And the other thing I wanted to point out is the reason we added Impact Fees there right before the ENN requirements is that this is one area, in which I think it's fair to say, that the State law is very clear that all governmental entities must pay impact fees. Whereas, there could be some argument or disagreement about which State entities had to comply with our Code and which didn't. Our Water Development Budgets and our Impact Fees sections are areas where there is no doubt about that, and that's why they're in there and the Early Neighborhood Notifications are scratched out."

Councilor Bushee said they still fall under our ENN. She said, "We made every entity fall under when we extend water. We had them also have to comply with all our ordinances, so why would you exempt the ENN. They fall under our Historic Ordinance. We just dealt with the Manderfield School not long ago, so why would you take out ENN. I understand you're going to the MOU format. I understand the School's position. It makes no sense. The City falls under the ENN Ordinance as well."

Mr. O'Reilly said, "We can leave the ENN procedures in here. I think if we do, we risk not being able to come to some sort of an agreement through an MOU with the Schools, and I do understand that when Ordinance 2009-54 was approved by the Governing Body that it did require that anyone who wanted water to comply with all of Chapter 14, including ENNs. The Public Schools simply disagree and say, no, we don't have to and we're not going to. And so we have the choice..."

Councilor Bushee said, "Can you give me an example of a project that they did not want to comply with an ENN."

Mr. O'Reilly said, "All."

Councilor Bushee said, "Give me... like when we provided water."

Mr. O'Reilly said, "The proposed K-8 School in Tierra Contenta, Kaune Elementary, the new school that's being built right now on South Meadows Drive in Phase 2 of the Annexation area. All of those are public school projects in which their contention has been that they need not follow our Land Development Code or any of the processes therein."

Councilor Bushee asked how those projects went forward.

Mr. O'Reilly said, "They simply went forward and they got their building permits from the State Construction Industries Division."

Councilor Bushee asked if there is an upcoming project on which he wants to use the MOU format.

Mr. O'Reilly said, "In particular, there is a proposed 100,000 sq. ft., K-8 school, that they are proposing to build next to Capital High School. That would be the one that's most pressing. But the way the Ordinance is drafted, we would prefer that if we can agree through an MOU that the MOU apply to everything they do in the future. That it lay a guideline for the City and the School District to work together

to address public health and safety concerns, rather than simply have the MOU address projects one by one. So that is really, I think, is one option, is pursuing it the way we're doing here. The other way of pursuing it would be to get into protracted litigation with the Public Schools about whether they have comply with our Chapter 14 or not. And one of the things that would result from that I think, is money expended by the City for one, probably some negative press on both sides, and more to the point it might delay the construction of a needed school. So we can go that way if the Governing Body wants to do that, or this is an alternative."

Councilor Bushee said, "I'm getting the picture, but I'm just asking. I don't know that we've ever raised it from body to body like the School Board members to the Councilors. I don't know where the resistance were to start – at the building project manager level. Who's been resistant."

Mayor Coss recognized Councilor Dominguez.

Councilor Dominguez said that's something that staff really needs to answer. It's really coming from whatever governing body for the school district builds at that time.

Councilor Bushee said we haven't met with them in a long time, and we should talk to them about it.

Mr. O'Reilly said, "In a way, we are talking to them. Our little negotiating team is working with their little negotiating team and in the process of doing that, we're hearing what their concerns are. They're hearing what our concerns are. And I hope that we get an MOU we can bring before the Governing Body and the School Board that's acceptable to both entities. Obviously, you all get to make that decision, whether you think it's a good thing for the City or not and it remains to be seen what they think."

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Calvert and Councilor Wurzbarger to adopt Ordinance 2013-3.

DISCUSSION: Councilor Dominguez said he is somewhat torn on this issue, because on one hand, knowing the conditions that exist in that part of our community, the rapid growth, the number of children, the reasonable reasons the School District says it needs to have this School and the infrastructure which helps the school and the entire community. However, on the other hand he doesn't like the idea that we would have go to this point of no return with them, or even the threat of doing that. He said what he likes about this is that there is an opportunity for staff to get together and discuss concerns which the governing

bodies will have with one another, and we can memorialize those concerns, hopefully resolved, through the MOU and the reason he is supporting this.

Councilor Wurzbarger said she agrees with that. She thanked Mr. O'Reilly for meeting with her earlier today because she too had concerns, starting with water, and the whole issue of public input, and he satisfied her concerns that we can start with the premise that we can hear what their ENN is, and we can react and accept or not accept it. Her main concern had to do with public safety issues, and the school shouldn't give up that responsibility with respect to transportation – traffic, engineering, circulation and such. She was convinced that the MOU is a good way to start with a hierarchy of objectives.

Councilor Trujillo said what the Schools have done in the past doesn't conform to the development area, such as Kearney which is a big blue building that doesn't conform. He said he has calls from constituents about painting the school brown and make it look more like the neighborhood. This is his concern. He is hearing staff say they can just go to the Construction Industries and get their permit and say, "to heck with the City. We're just going to build it no matter what. We've already got our permit."

Councilor Calvert said our only bargaining tool is providing water.

Mr. O'Reilly said, "Again, I hesitate to talk too much about legal matters in the presence of the City attorney, but Geno did you want to weigh in about water and about impact fees at all."

Mr. Zamora said, "Mayor, if I may, and Councilor Trujillo, to address your concerns. I slightly want to back it up a little bit, as far as mandating one way or another. This is not a unique issue. This is an issue that all School Districts face with all cities in New Mexico. And the stance of the Schools is that the cities are mandating requirements on the schools. And the stance of the cities, are that the schools are mandating what they want to do on the cities. The bottom line is that there is not appellate case law to provide any clarity. And the reason why is the issue that was addressed by Matt earlier, is that if a school sues the city or the city sues the schools to settle this, it needs appellate decisions, which means 3-5 years of expensive litigation. And so what we've done to alleviate that issue through the Land Use Department's negotiations and through the City Attorney's support, is to put in a provision that avoids that, brings everyone together to negotiate an MOU that both bodies would have to consider and approve. And it avoids litigation that would delay a school or several schools for 4-5 years."

Councilor Trujillo said he supports this, and said perhaps we need to have a meeting with the School Board in this regard.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.


Against: None.

Explanation of her vote: Councilor Wurzburger said, "Yes, and I'd like to pick up on Councilor Trujillo's comment and suggest that when we go through the process with the MOU, we might early on consider such a meeting at a sit down on the MOU between the policymakers."

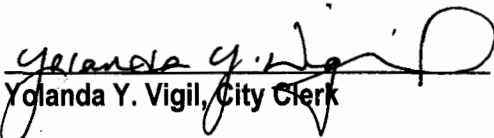
I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:45 p.m.

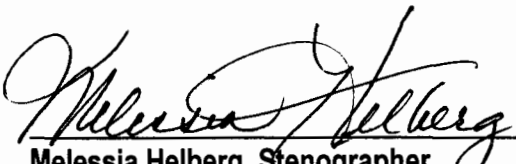
Approved by:


Mayor David Coss

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer

ACTION SHEET
CITY COUNCIL MEETING OF 01/09/13
ITEM FROM FINANCE COMMITTEE MEETING OF 01/08/13

ISSUE:

11. Request for Approval to Fund Ten (10) Positions for Wildland Hand Crew from New Mexico Youth Conservation Corps Grant Reimbursements. (Fire Chief Barbara Salas)

FINANCE COMMITTEE ACTION: Approved as Discussion Item

Requested approval to fund ten (10) positions for Wildland Hand Crew from New Mexico Youth Conservation Corps grant reimbursements in the amount of \$156,802. Budget is available in wildland fire grant reimbursement fund.

SPECIAL CONDITIONS OR AMENDMENTS:

Ask finance and fire to get together to figure out how to purchase equipment to increase reimbursements so that it is paid for through grant reimbursements.

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	X		
COUNCILOR DIMAS	X		
COUNCILOR IVES	Excused		
CHAIRPERSON DOMINGUEZ			

MLM 3-19-12/FCMissue

Exhibit "1"

ACTION SHEET
CITY COUNCIL MEETING OF 01/09/13
ITEM FROM FINANCE COMMITTEE MEETING OF 01/08/13

ISSUE:

15. Request for Approval of a Resolution Relating to the New Mexico Veterans' National Cemetery Fund Established by Section 7-1-6.1 NMSA 1978; Designating Funds Received from the New Mexico Department of Veterans' Services (NMDVS) for Programs for Local Veterans; Directing Staff to Establish a Fund in the Budget for the Monies Received from NMDVS to be Deposited in; Directing Staff to enter into an MOU with NMDVS to Designate a Date Specific on an Annual Basis in which the NMDVS should Transfer Funds Collected to the City; and Directing Staff to Schedule a Summit with the NMDVS and other Veteran Service Entities to Establish a Process in which to use the Funds for Veteran Programs. (Councilors Calvert, Wurzbarger and Bushee) (Terrie Rodriguez)

Committee Review:

Public Works (scheduled)

01/07/13

City Council (scheduled)

01/09/13

Fiscal Impact – Yes

FINANCE COMMITTEE ACTION: Approved as Consent Item**SPECIAL CONDITIONS OR AMENDMENTS:**

Add Councilor Bushee as co-sponsor.

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	X		
COUNCILOR DIMAS	X		
COUNCILOR IVES	Excused		
CHAIRPERSON DOMINGUEZ			

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JANUARY 7, 2013**

ITEM 15

REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO THE NEW MEXICO VETERAN'S NATIONAL CEMETERY FUND ESTABLISHED BY SECTION 7-1-6.1 NMSA 1978; DESIGNATING FUNDS RECEIVED FROM THE NEW MEXICO DEPARTMENT OF VETERAN'S SERVICES (NMDVS) FOR PROGRAMS FOR LOCAL VETERANS; DIRECTING STAFF TO ESTABLISH A FUND IN THE BUDGET FOR THE MONIES RECEIVED FROM NMDVS TO BE DEPOSITED IN; DIRECTING STAFF TO ENTER INTO A MOU WITH NMDVS TO DESIGNATE A DATE SPECIFIC ON AN ANNUAL BASIS IN WHICH THE NMDVS SHOULD TRANSFER FUNDS COLLECTED TO THE CITY; AND DIRECTING STAFF TO SCHEDULE A SUMMIT WITH THE NMDVS AND OTHER VETERAN SERVICE ENTITIES TO ESTABLISH A PROCESS IN WHICH TO USE THE FUNDS FOR VETERAN PROGRAMS (COUNCILORS CALVERT AND WURZBURGER) (TERRIE RODRIGUEZ)

PUBLIC WORKS COMMITTEE ACTION: Approved on consent

SPECIAL CONDITIONS OR AMENDMENTS:**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	Excused		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "3"

ACTION SHEET
CITY COUNCIL MEETING OF 01/09/13
ITEM FROM FINANCE COMMITTEE MEETING OF 01/08/13

ISSUE:

20. Request for Approval of Amendment No. 4 to Professional Services Agreement – Additional Funding for Private Security at Santa Fe Depot and North Railyard Development; Santa Fe Railyard Community Corporation. (Bob Siqueiros)

A. Request for Approval of Budget Increase – Santa Fe Railyard Project Fund

FINANCE COMMITTEE ACTION: Approved as Discussion Item

Requested approval of amendment no. 4 to professional services agreement for additional funding for private security at Santa Fe Depot and North Railyard Development with Santa Fe Railyard Community Corporation in the amount of \$28,800 for a total amount not to exceed \$530,622. Budget is available in project fund.

SPECIAL CONDITIONS OR AMENDMENTS:

Need to establish a sub-station in and around the train station.

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	X		
COUNCILOR DIMAS		X	
COUNCILOR IVES	Excused		
CHAIRPERSON DOMINGUEZ			

MLM 3-19-12/FCMissue

ACTION SHEET
CITY COUNCIL MEETING OF 01/09/13
ITEM FROM FINANCE COMMITTEE MEETING OF 01/08/13

ISSUE:

19. Request for Approval of Grant Agreement and Award – Purchase of Explosive Ordinance Detection (EOD) Robot for City of Santa Fe Police Department Bomb Squad; New Mexico Department of Homeland Security and Emergency Management. (Andrew Phelps)

A. Request for Approval of Budget Increase – Grant Fund

FINANCE COMMITTEE ACTION: Approved as Consent Item

Requested approval of grant agreement and award for purchase of Explosive Ordinance Detection (EOD) Robot for City of Santa Fe Police Department Bomb Squad with New Mexico Department of Homeland Security and Emergency Management in the amount of \$107,020.

SPECIAL CONDITIONS OR AMENDMENTS:**STAFF FOLLOW-UP:**

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	X		
COUNCILOR DIMAS	X		
COUNCILOR IVES	Excused		
CHAIRPERSON DOMINGUEZ			

MLM 3-19-12/FCMissue

Exhibit "5"

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JANUARY 7, 2013**

ITEM 8

CIP #474B – SOUTHWEST ACTIVITY NODE PARK – PHASE I

- REQUEST FOR APPROVAL OF AWARD OF RFP #13/06/P, APPROVAL OF THE AGREEMENT BETWEEN OWNER AND LANDSCAPE ARCHITECT, SURROUNDINGS STUDIO LLC., IN THE AMOUNT OF \$538,173.31 (MARY MACDONALD)

PUBLIC WORKS COMMITTEE ACTION: Approved with corrected memo with revised amounts which was passed out at meeting. The correct contract sum is \$496,921.42 with an additional \$4,000 in contingency for a total of \$500,921.42.

SPECIAL CONDITIONS OR AMENDMENTS:**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	Excused		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "6"

City of Santa Fe, New Mexico


memo

DATE: January 7, 2013

TO: Public Works, CIP, Land Use Committee

VIA:


Isaac J. Pino, P.E., Public Works Department Director

David Pfeifer, Facilities Division Director 

FROM: Mary MacDonald, Project Administrator, Facilities Development Section *mm*

ISSUE: CIP Project # 474B, Southwest Activity Node Park – Phase I
Award of RFP # '13/06/P (Exhibit A)
Approval of Agreement Between Owner & Landscape Architect (Exhibit B)
SURROUNDINGS STUDIO LLC

Fee	\$ 420,015.00
NMGRT (0.081875)	\$ <u>34,388.73</u>
Total Basic Fee	\$ 454,403.73
Reimbursable Expenses	\$ <u>42,517.69</u>
Total Contract Sum	\$ 496,921.42

SUMMARY:

In September, 2009 the City Council approved Resolution 2009-86, authorizing the development of Southwest Activity Node (SWAN) Park, a new regional park. The park will be located in the southwest area of Tierra Contenta subdivision, east of Veterans Memorial Highway (NM 599), and south of Jaguar Dr. A Master Plan was completed and approved by the City of Santa Fe in 2011. In February, 2012, the voters approved the 2012 General Obligation Bond, which included \$500,000 for design and \$5,000,000 for construction of the first phase of park development.

The Request For Proposals (RFP '13/06/P) for SWAN Park Phase I design services was advertised on August 30, 2012. Five proposals for design services were received on October 1, 2012. These proposals were evaluated and interviews held with the two firms who received the highest initial scores. The final scores for the two firms were as follows:

Surroundings Studio LLC/Wilson & Co.: 4686
Design Office LLC/Wenk Associates/Wilson & Co.: 4482.5

Refer to Exhibit B, the Written Evaluation & Interview Proposal Scores.

PROJECT SCOPE:

Design SWAN Park Phase I development; refer to Exhibit C, a map showing the park area and elements included in Phase I. Also included in the design scope of work is coordination with private developers, Tierra Contenta Corporation, geological sampling and testing, all environmental and permitting agencies, and obtaining the required permits. (The regulatory work is included in the reimbursable amount.) Construction phase design services is not included in the scope of work.

PROJECT SCHEDULE:

Recommendation of Award to Finance Committee:	Jan. 8, 2013
Recommendation of Award to City Council:	Jan. 9, 2013
Notice to Proceed with Design:	Jan. 17, 2013
Advertise for Construction Bids (estimated)	August, 2013

PROJECT BUDGET:

Funds in the amount of \$500,921.42 are required to award this contract: \$496,921.42 is the amount of the contract, including tax, plus a design contingency of in the amount of \$4,000.00 is being requested. The required amount, \$500,921.42, is available in Business Unit 32814 (SW Activity Node) as follows:

Line item 572960 WIP Design (from impact fees):	\$1,341.00
Line item 572960.0108400 WIP Design (from Park Bond '08):	\$377,890.00
Line item 572960.0110400 WIP Design (from Park Bond '10):	<u>\$121,860.00</u>
	\$501,091.00

The Summary of Contracts form is attached (Exhibit D).

ACTION:

Please recommend to the Finance Committee and City Council, approval of Award of RFP No. '13/06/P, the Agreement Between Owner and Landscape Architect with Surroundings Studio LLC, Exhibit A, in the amount of \$496,921.42, and approval of the design contingency in the amount of \$4,000.00.

Exhibits: "A" Agreement
 "B" Proposal Interview Scores
 "C" SWAN Park Phase I park elements
 "D" Summary of Contracts form

xc: Ben Gurule, Parks Division Director
 Shirley Rodriguez, Purchasing Division
 Project/book file

City of Santa Fe, New Mexico

memo

DATE: December 7, 2012

TO: Finance Committee

FROM: Robert Rodarte, Purchasing Officer
Purchasing Division

VIA: Dr. Melville L. Morgan, Director
Finance Department *mel*

ISSUE: Award of Request for Proposal # '13/06/P
Landscape Architectural Design Services
Southwest Activity Node (SWAN) Park Phase I

SUMMARY:

On October 1, 2012, five proposals were received for the above referenced service as follows:

	Evaluation Score	Interview Score	Local Preference
Surroundings Studio, Santa Fe	4967.5	4260	4686
Design Office, Santa Fe	4980	4075	4482.5
Dekker/Perrich/Sabatini, Albuquerque	4667.5		
Morrow Reardon Wilkinson Miller, Albuquerque	4610		
Cohen + Partners, Mn	4010		

The evaluation criteria consisted of cost (20%); project understanding & approach (15%); project team experience, training & education (10%); past performance (15%); knowledge of local conditions (10%); quality assurance (5%); quality of proposal (10%); and resource availability (15%). The proposal was reviewed and evaluated by Robert Rodarte, Purchasing, Mary MacDonald, David Pfeifer, CIP, John Romero, Robert Siqueros, Public Works and Ben Gurule, Parks.

The using department has reviewed the proposals and recommends award to Surroundings Studio, Santa Fe in the amount of \$454,403.73 inclusive of GRT plus reimbursable expenses in the amount of \$42,517.69 for a total of \$496,921.42 inclusive of GRT.

Budget is available as outlined in memo of recommendation from using department.

ACTION:

It is requested that this recommendation of award to Surroundings Studio, Santa Fe in the amount of \$496,921.42 inclusive of GRT be reviewed, approved and submitted to the City Council for its consideration.

Attachment(s):

1. Memo of recommendation from the using department.
2. A copy of the professional service agreement.
3. A copy of tabulation score sheet.

EALUATION SCORES

Landscape Architectural Design Services Southwest Activity Node (SWAN) Park Phase I

'13/06/P

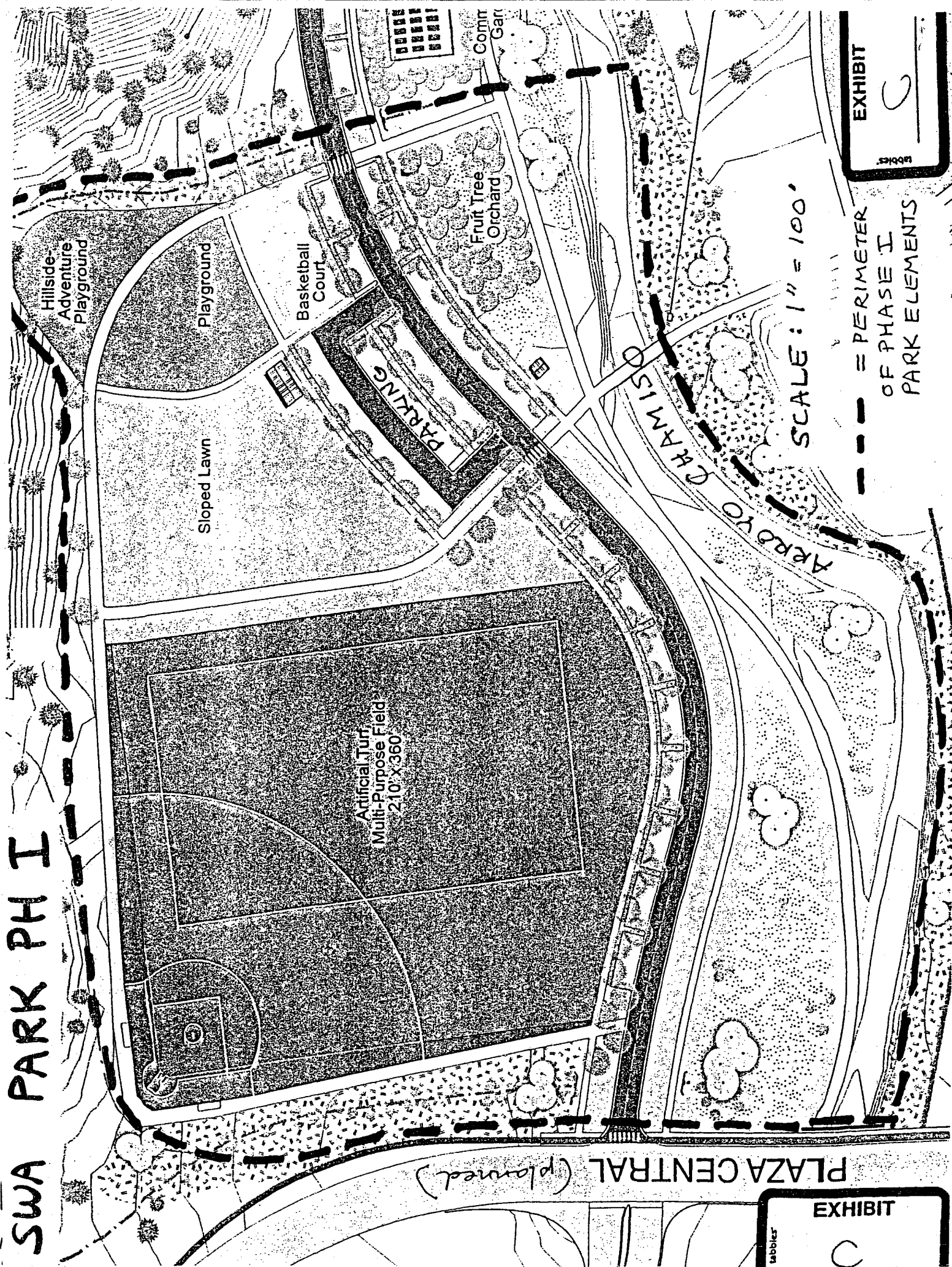
Written Evaluation

Evaluation Committee	Design Office	Surroundings Studio	Dekker/Perrich/ Sabatini	Morrow Reardon Wilkinson Miller, LTD	Cohen + Partners
Robert Rodarte	920	905	810	800	875
Mary MacDonald	860	885	905	785	745
David Pfeifer	695	725	690	700	635
John Romero	810	765	755	740	545
Robert Siqueros	850	842.5	812.5	805	645
Ben Gurule	845	845	695	780	665
Total	4980	4967.5	4667.5	4610	4010
Local Preference	5478	5465			

Interview Evaluation

Evaluation Committee	Surroundings Studio	Design Office
Mary MacDonald	870	865
David Pfeifer	780	715
John Romero	840	785
Robert Siqueros	830	855
Ben Gurule	940	855
Total	4260	4075
Local Preference	4686	4482.5

SWA PARK PH I



EXHIBIT

tabbier

--- = PERIMETER
OF PHASE I
PARK ELEMENTS

SCALE: 1" = 100'

EXHIBIT

tabbier



City of Santa Fe
Summary of Contracts, Agreements, & Amendments

tion to be completed by department for each contract or contract amendment

- | | | | |
|--------------------------|-------------------------------------|-----------------------------|--------------------------|
| 1 FOR: ORIGINAL CONTRACT | <input checked="" type="checkbox"/> | CONTRACT AGREEMENT | <input type="checkbox"/> |
| MAINTENANCE AGREEMENT | <input type="checkbox"/> | LICENSE AGREEMENT | <input type="checkbox"/> |
| LEGAL SERVICES AGREEMENT | <input type="checkbox"/> | MEMORANDUM OF UNDERSTANDING | <input type="checkbox"/> |
| MEMORANDUM OF AGREEMENT | <input type="checkbox"/> | JOINT POWERS AGREEMENTS | <input type="checkbox"/> |
| GRANT AGREEMENTS | <input type="checkbox"/> | CHANGE ORDERS | <input type="checkbox"/> |

2 Name of Contractor Surroundings Studio LLC

3 Complete information requested

☐ Plus GRT

☒ Inclusive of GRT

Original Contract Amount: \$496,921.42

Termination Date: January 31, 2014

☒ Approved by Council Date: (pending)

☐ or by City Manager Date: _____

Contract is for: Design of Southwest Activity Node (SWAN) Park Phase I improvements.

Amendment # _____ to the Original Contract# _____

Increase/(Decrease) Amount \$ _____

Extend Termination Date to: _____

☐ Approved by Council Date: _____

☐ or by City Manager Date: _____

Amendment is for: _____

4 History of Contract & Amendments: (option: attach spreadsheet if multiple amendments)

☐ Plus GRT

☐ Inclusive of GRT

Amount \$ _____ of original Contract# _____ Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Total of Original Contract plus all amendments: \$ 496,921.42

EXHIBIT

D



City of Santa Fe
Summary of Contracts, Agreements, & Amendments

5 Procurement Method of Original Contract: (complete one of the lines)

RFP ☒ RFQ ☐ Sole Source ☐ Other ☐

6 Procurement History: First year of two year contract.
example: (First year of 4 year contract)

7 Funding Source: Southwest Act Node Park/WIP Design BU/Line Item: 32814.57296

8 Any out-of-the ordinary or unusual issues or concerns:
none
(Memo may be attached to explain detail.)

9 Staff Contact who completed this form: Mary MacDonald Phone # 955-5934

Division Contract Administrator: David Pfeifer *David Pfeifer*

Division Director: David Pfeifer, Facilities Division Director *DP*

Department Director: Isaac J. Pino, P.E., Public Works Department Director *Isaac J. Pino*

10 Certificate of Insurance attached. (if original Contract) ☒

11 Description of your efforts to reduce the cost of the contract including information on efforts to obtain other quotes for the contracted activity: We advertised the Request For Proposals and had it listed with online plan rooms and sent paper copies of the RFP to two Albuquerque plan rooms
Amount of proposed fee was included in the score points for evaluating the proposals received.

12 Prior year's contract amount?: N/A

13 Describe service impact from an ongoing commitment to the contractor: N/A

14 Why staff cannot perform the work?: The scope and quantity of design work for this large project is beyond the time available from staff.

15 If extending contract, why?: N/A

16 Was a Santa Fe company awarded contract? If not, why?: Yes, the prime consultant and a couple of the sub-consultants are Santa Fe companies.

17 Has the contract has been approved as to form by City Attorney's Office?: yes

18 Is this for City Manager or Council approval?: Council

To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____



SURRS-1

OP ID: MG

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/06/12

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER First SF Ins Serv Inc - SF AX 505-798-5890 620 Jefferson NE Albuquerque, NM 87109 Margaret Gallegos		Phone: 505-798-5850 Fax: 505-798-5890		CONTACT NAME: Liz Goodner PHONE (A/C, No, Ext): 505-798-5850 FAX (A/C, No): 505-798-5890 E-MAIL ADDRESS: liz@fsfins.com																						
INSURED Surroundings Studio LLC c/o Kenneth & Sandra 1600 Lena St., #E-3 Santa Fe, NM 87505		<table border="1"><thead><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A:</td><td>American Hallmark Ins Services</td><td></td></tr><tr><td>INSURER B:</td><td>ITT Hartford</td><td></td></tr><tr><td>INSURER C:</td><td>Travelers Insurance Group</td><td>19038</td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></tbody></table>				INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	American Hallmark Ins Services		INSURER B:	ITT Hartford		INSURER C:	Travelers Insurance Group	19038	INSURER D:			INSURER E:			INSURER F:		
INSURER(S) AFFORDING COVERAGE		NAIC #																								
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INSURER B:	ITT Hartford																									
INSURER C:	Travelers Insurance Group	19038																								
INSURER D:																										
INSURER E:																										
INSURER F:																										

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

SR	TYPE OF INSURANCE	ADOL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY					
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	<input checked="" type="checkbox"/>	44CL45449803	05/23/12	05/23/13	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
						MED EXP (Any one person) \$ 5,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS - COMP/OP AGG \$ included
	GEN'L AGGREGATE LIMIT APPLIES PER:					
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					
	MOBILE LIABILITY					
	ANY AUTO		44CL45449803	05/23/12	05/23/13	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per person) \$
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/>				BODILY INJURY (Per accident) \$
						PROPERTY DAMAGE (Per accident) \$
						\$
	UMBRELLA LIAB					EACH OCCURRENCE \$
	EXCESS LIAB					AGGREGATE \$
	DED RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/>	34WECPU7551	03/09/12	03/09/13	E.L. EACH ACCIDENT \$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$ 100,000
						E.L. DISEASE - POLICY LIMIT \$ 500,000
	Professional Liab		10270551	04/23/12	04/23/13	occ limit 1,000,000
						agg limit 3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

DESCRIPTION OF OPERATIONS:

JTHWEST ACTIVITY NODE (SWAN) PARK; CIP PROJECT #474B

CERTIFICATE HOLDER**CANCELLATION**

City of Santa Fe
PO Box 909
Santa Fe, NM 87504

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Margaret Gallegos

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AIA® Document B101™ – 2007

Standard Form of Agreement Between Owner and Architect

AGREEMENT made as of the day of in the year 2012

BETWEEN the Owner:

City of Santa Fe
200 Lincoln Ave.
Santa Fe, New Mexico 87501

and the Landscape Architect:

Surroundings Studio LLC
1600 Lena St. Suite E3
Santa Fe, New Mexico 87505

for the following Project:

Southwest Activity Node Park Phase I
Tierra Contenta subdivision, south of Jaguar Dr. and east of Hwy 599
Design of the west end of this new park, as shown on Exhibit A, including an artificial turf multipurpose field with lights, lawn area, family picnic area with shade structure and covered picnic tables, basketball court, playground, perimeter pathways, access road, parking and landscaping. Also included is the Arroyo Chamiso on the south edge of the area outlined in Exhibit A.

The Owner and Landscape Architect agree as follows.

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

EXHIBIT

tabbies

A

Init.

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User Notes:

(1701392754)

TABLE OF ARTICLES

1	INITIAL INFORMATION
2	LANDSCAPE ARCHITECT'S RESPONSIBILITIES
3	SCOPE OF LANDSCAPE ARCHITECT'S BASIC SERVICES
4	ADDITIONAL SERVICES
5	OWNER'S RESPONSIBILITIES
6	COST OF THE WORK
7	COPYRIGHTS AND LICENSES
8	CLAIMS AND DISPUTES
9	TERMINATION OR SUSPENSION
10	MISCELLANEOUS PROVISIONS
11	COMPENSATION
12	SPECIAL TERMS AND CONDITIONS
13	SCOPE OF THE AGREEMENT

EXHIBIT A INITIAL INFORMATION

ARTICLE 1 INITIAL INFORMATION

§ 1.1 This Agreement is based on the Initial Information set forth in this Article 1 :

The project is the design of Southwest Activity Node Park, Phase I, the design of the western portion of the park, as shown and described in Exhibit A. The design will be in accordance with the approved Master Plan for the park (Exhibit B). The maximum allowable construction cost of Phase I will be \$5,000,000, including tax, contingency, all required permits and utility extensions. The dedication plat for the park, Exhibit C, shows the existing park boundaries and easements. Basic services plus reimbursables in this Agreement includes the work of providing an environmental assessment, the anticipated work to obtain the required permits from agencies, the cost of applying for those permits, geological testing, and geomorphology services. Construction phase design services are not included in this Agreement. The anticipated procurement method for construction will be construction documents for bidding, a combination of lump sum and unit prices. The primary Owner's representative for the project will be the City Project Manager.

§ 1.2 The Owner's anticipated dates for commencement of construction and Substantial Completion of the Work are set forth below, a construction period of one hundred twenty three (123) days:

1 Commencement of construction date:

October 15, 2013

2 Substantial Completion date:

February 15, 2014

Init.

§ 1.3 The Owner and Landscape Architect may rely on the Initial Information. Both parties, however, recognize that such information may materially change and, in that event, the Owner and the Landscape Architect shall appropriately adjust the schedule, the Landscape Architect's services and the Landscape Architect's compensation.

ARTICLE 2 LANDSCAPE ARCHITECT'S RESPONSIBILITIES

§ 2.1 The Landscape Architect shall provide the professional services as set forth in this Agreement.

§ 2.2 The Landscape Architect shall perform its services consistent with the professional skill and care ordinarily provided by Landscape Architects practicing in the same or similar locality under the same or similar circumstances. The Landscape Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.

§ 2.3 The Landscape Architect shall identify a representative authorized to act on behalf of the Landscape Architect with respect to the Project.

§ 2.4 Except with the Owner's knowledge and consent, the Landscape Architect shall not engage in any activity, or accept any employment, interest or contribution that would reasonably appear to compromise the Landscape Architect's professional judgment with respect to this Project.

§ 2.5 The Landscape Architect shall maintain the following insurance for the duration of this Agreement. If any of the requirements set forth below exceed the types and limits the Landscape Architect normally maintains, the Owner shall reimburse the Landscape Architect for any additional cost:

(Identify types and limits of insurance coverage, and other insurance requirements applicable to the Agreement, if any.)

1 General Liability

Each Occurrence \$1,000,000, Damage to Rented Premises (Ea occurrence) \$100,000, Med Exp (Any one person) \$5,000, Personal & Adv Injury \$1,000,000, General Aggregate \$2,000,000, Products – Comp/Op Agg included,

2 Automobile Liability

Combined Single Limit (Ea accident) \$1,000,000

3 Workers' Compensation

E.L. Each Accident \$100,000, E.L. Disease – Ea. Employee \$100,000, E.L. Disease – Policy Limit \$500,000

4 Professional Liability

Ea. Claim \$1,000,000, Aggregate \$3,000,000

ARTICLE 3 SCOPE OF LANDSCAPE ARCHITECT'S BASIC SERVICES

§ 3.0 The Landscape Architect's Basic Services consist of those described in Article 3 and include usual and customary civil engineering, structural, mechanical, and electrical engineering services. Also included in basic services are regulatory submittals for permits and approvals tasks, field survey, geological testing and geomorphology. Services not set forth in this Article 3 are Additional Services.

§ 3.0.1 The Landscape Architect shall manage the Landscape Architect's services, consult with the Owner, research applicable design criteria, attend Project meetings, communicate with members of the Project team and report progress to the Owner.

§ 3.0.2 The Landscape Architect shall coordinate its services with those services provided by the Owner and the Owner's consultants. The Landscape Architect shall be entitled to rely on the accuracy and completeness of services and information furnished by the Owner and the Owner's consultants. The Landscape Architect shall provide prompt

written notice to the Owner if the Landscape Architect becomes aware of any error, omission or inconsistency in such services or information.

§ 3.0.3 As soon as practicable after the date of this Agreement, the Landscape Architect shall submit for the Owner's approval a schedule for the performance of the Landscape Architect's services. The schedule initially shall include anticipated dates for the commencement of construction and for Substantial Completion of the Work as set forth in the Initial Information. The schedule shall include allowances for periods of time required for the Owner's review, for the performance of the Owner's consultants, and for approval of submissions by authorities having jurisdiction over the Project. Once approved by the Owner, time limits established by the schedule shall not, except for reasonable cause, be exceeded by the Landscape Architect or Owner. With the Owner's approval, the Landscape Architect shall adjust the schedule, if necessary, as the Project proceeds until the commencement of construction.

§ 3.0.4 The Landscape Architect shall not be responsible for an Owner's directive or substitution made without the Landscape Architect's approval.

§ 3.0.5 The Landscape Architect shall, at appropriate times, contact the governmental authorities required to approve the Construction Documents and the entities providing utility services to the Project. In designing the Project, the Landscape Architect shall respond to applicable design requirements imposed by such governmental authorities and by such entities providing utility services.

§ 3.0.6 The Landscape Architect shall assist the Owner in connection with the Owner's responsibility for filing documents required for the approval of governmental authorities having jurisdiction over the Project.

§ 3.1 PROGRAMMING PHASE SERVICES

§ 3.1.1 The Landscape Architect shall conduct a strategic start up meeting with the project team, including key City staff to confirm scope, schedules, deliverables, communication procedures and the project team meeting schedule.

(Paragraphs deleted)

§ 3.1.2 Key tasks for the project team during the programming phase include performing an environmental assessment, performing and mapping the field survey, coordination with and detail programming with all the relevant agencies, utilities and City departments. The Landscape Architect will schedule and conduct a utility coordination meeting, and schedule initial meetings with FEMA, USACE, NMED and other agencies who will be reviewing the park plans.

§ 3.1.3 Simultaneously to working on the key tasks noted above, the project team will meet with the Parks Division and sports league representative on dimensional and operational requirements preferences. All of the Phase I area park components will be defined more precisely for the program refinement.

§ 3.1.4 The Landscape Architect will compile and submit the program report, review it with key City staff, and incorporate City comments to finalize the report.

§ 3.2 SCHEMATIC DESIGN PHASE SERVICES

§ 3.2.1 The Landscape Architect shall review the approved program and other current information furnished by the Owner, and shall review laws, codes, and regulations applicable to the Landscape Architect's services.

§ 3.2.2 Based on the Owner's approval of the program report, the Landscape Architect shall evaluate program, schedule, budget for the Cost of the Work, Project site, and the proposed procurement or delivery method and other current information, each in terms of the other, to ascertain the requirements of the Project. The Landscape Architect shall notify the Owner of (1) any inconsistencies discovered in the information, and (2) other information or consulting services that may be reasonably needed or eliminated for the Project.

§ 3.2.3 The Landscape Architect shall present its evaluation to the Owner and shall discuss with the Owner alternative approaches to design and construction of the Project, including the feasibility of incorporating environmentally responsible design approaches. The Landscape Architect shall reach an understanding with the Owner regarding the requirements of the Project.

§ 3.2.4 Based on the Project's requirements agreed upon with the Owner, the Landscape Architect shall prepare and present for the Owner's approval a preliminary design illustrating the scale and relationship of the Project components.

§ 3.2.5 Based on the Owner's approval of the preliminary design, the Landscape Architect shall prepare Schematic Design Documents for the Owner's approval. The Schematic Design Documents shall consist of drawings and other documents including a site plan, if appropriate, and preliminary building plans, sections and elevations; and may include some combination of study models, perspective sketches, or digital modeling. Preliminary selections of major building systems and construction materials shall be noted on the drawings or described in writing.

§ 3.2.5.1 The Landscape Architect shall consider environmentally responsible design alternatives, such as material choices and building orientation, together with other considerations based on program and aesthetics, in developing a design that is consistent with the Owner's Master Plan, program, schedule and budget for the Cost of the Work. The Owner may obtain other environmentally responsible design services under Article 4.

§ 3.2.5.2 The Landscape Architect shall consider the value of alternative materials, building systems and equipment, together with other considerations based on program and aesthetics, in developing a design for the Project that is consistent with the Owner's Master Plan, program, schedule and budget for the Cost of the Work.

§ 3.2.6 The Landscape Architect shall submit to the Owner an estimate of the Cost of the Work prepared in accordance with Section 6.3.

§ 3.2.7 The Landscape Architect shall submit the Schematic Design Documents to the Owner, and request the Owner's approval.

§ 3.3 DESIGN DEVELOPMENT PHASE SERVICES

§ 3.3.1 Based on the Owner's approval of the Schematic Design Documents, and on the Owner's authorization of any adjustments in the Project requirements and the budget for the Cost of the Work, the Landscape Architect shall prepare Design Development Documents for the Owner's approval. The Design Development Documents shall illustrate and describe the development of the approved Schematic Design Documents and shall consist of drawings and other documents including plans, sections, elevations, typical construction details, and diagrammatic layouts of building systems to fix and describe the size and character of the Project as to landscaping, architectural, civil engineering, structural, mechanical and electrical systems, and such other elements as may be appropriate. The Design Development Documents shall also include outline specifications that identify major materials and systems and establish in general their quality levels.

§ 3.3.2 The Landscape Architect shall update the estimate of the Cost of the Work.

§ 3.3.3 The Landscape Architect shall submit the Design Development Documents to the Owner, advise the Owner of any adjustments to the estimate of the Cost of the Work, and request the Owner's approval.

§ 3.4 FINAL DESIGN PHASE SERVICES

§ 3.4.1 Based on the Owner's approval of the Design Development Documents, and on the Owner's authorization of any adjustments in the Project requirements and the budget for the Cost of the Work, the Landscape Architect shall prepare Construction Documents for the Owner's approval. The Construction Documents shall illustrate and describe the further development of the approved Design Development Documents and shall consist of Drawings and Specifications setting forth in detail the quality levels of materials and systems and other requirements for the construction of the Work. The Owner and Landscape Architect acknowledge that in order to construct the Work the Contractor will provide additional information, including Shop Drawings, Product Data, Samples and other similar submittals.

§ 3.4.2 The Landscape Architect shall incorporate into the Construction Documents the design requirements of governmental authorities having jurisdiction over the Project. The Landscape Architect shall incorporate into the Construction Documents the City-provided information about the Community Workforce Agreement.

§ 3.4.3 During the development of the Construction Documents, the Landscape Architect shall assist the Owner in the development and preparation of (1) bidding and procurement information that describes the time, place and conditions

of bidding, including bidding or proposal forms; (2) the form of agreement between the Owner and Contractor; and (3) the Conditions of the Contract for Construction (General, Supplementary and other Conditions). The Landscape Architect shall assist the City with compilation of a project manual that includes the Conditions of the Contract for Construction and Specifications and may include bidding requirements and sample forms.

§ 3.4.4 The Landscape Architect shall update the estimate for the Cost of the Work.

§ 3.4.5 The Landscape Architect shall submit the Final Design and Construction Documents to the Owner, advise the Owner of any adjustments to the estimate of the Cost of the Work, take any action required under Section 6.5, and request the Owner's approval.

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(Paragraphs deleted)

ARTICLE 4 - ADDITIONAL SERVICES

§ 4.1 Additional Services listed below are not included in Basic Services but may be required for the Project. The Landscape Architect shall provide the listed Additional Services only if specifically designated in the table below as the Landscape Architect's responsibility, and the Owner shall compensate the Landscape Architect as provided in Section 11.2.

Additional Services	Responsibility (Architect, Owner or Not Provided)	Location of Service Description (Section 4.2, below or in an exhibit attached to this document and identified below)
§ 4.1.1 Programming		
§ 4.1.2 Multiple preliminary designs		
§ 4.1.3 Measured drawings		
§ 4.1.4 Existing facilities surveys		
§ 4.1.5 Site Evaluation and Planning (B203™-2007)		
§ 4.1.6 Building information modeling		
§ 4.1.7 Civil engineering		
§ 4.1.8 Landscape design		
§ 4.1.9 Landscape Architectural Interior Design (B252™-2007)		
§ 4.1.10 Value Analysis (B204™-2007)		
§ 4.1.11 Detailed cost estimating		
§ 4.1.12 On-site project representation		
§ 4.1.13 Conformed construction documents		
§ 4.1.14 As-Designed Record drawings		
§ 4.1.15 As-Constructed Record drawings		
§ 4.1.16 Post occupancy evaluation		
§ 4.1.17 Facility Support Services (B210™-2007)		
§ 4.1.18 Tenant-related services		
§ 4.1.19 Coordination of Owner's consultants		
§ 4.1.20 Telecommunications/data design		
§ 4.1.21 Security Evaluation and Planning (B206™-2007)		
§ 4.1.22 Commissioning (B211™-2007)		
§ 4.1.23 Extensive environmentally responsible design		
§ 4.1.24 LEED® Certification (B214™-2007)		
§ 4.1.25 Fast-track design services		
§ 4.1.26 Historic Preservation (B205™-2007)		
§ 4.1.27 Furniture, Furnishings, and Equipment Design		

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§ 4.2 Insert a description of each Additional Service designated in Section 4.1 as the Landscape Architect's responsibility, if not further described in an exhibit attached to this document.

none

§ 4.3 Additional Services may be provided after execution of this Agreement, without invalidating the Agreement. Except for services required due to the fault of the Landscape Architect, any Additional Services provided in accordance with this Section 4.3 shall entitle the Landscape Architect to compensation pursuant to Section 11.3 and an appropriate adjustment in the Landscape Architect's schedule. Geological testing and analysis shall be provided later as an Additional Service, with an appropriate adjustment in compensation.

§ 4.3.1 Upon recognizing the need to perform the following Additional Services, the Landscape Architect shall notify the Owner with reasonable promptness and explain the facts and circumstances giving rise to the need. The Landscape Architect shall not proceed to provide the following services until the Landscape Architect receives the Owner's written authorization:

- 1 Services necessitated by a change in the Initial Information, previous instructions or approvals given by the Owner, or a material change in the Project including, but not limited to, size, quality, complexity, the Owner's schedule or budget for Cost of the Work, or procurement or delivery method;
- 2 Services necessitated by the Owner's request for extensive environmentally responsible design alternatives, such as unique system designs, in-depth material research, energy modeling, or LEED® certification;
- 3 Changing or editing previously prepared Instruments of Service necessitated by the enactment or revision of codes, laws or regulations or official interpretations;
- 4 Services necessitated by decisions of the Owner not rendered in a timely manner or any other failure of performance on the part of the Owner or the Owner's consultants or contractors;
- 5 Preparing digital data for transmission to the Owner's consultants and contractors, or to other Owner authorized recipients;
- 6 Preparation of design and documentation for alternate bid or proposal requests proposed by the Owner;
- 7 Preparation for, and attendance at, a public presentation, meeting or hearing, except for the first public meeting, which is included in basic services;
- 8 Preparation for, and attendance at a dispute resolution proceeding or legal proceeding, except where the Landscape Architect is party thereto;
- 9 Evaluation of the qualifications of bidders or persons providing proposals;
- 10 Consultation concerning replacement of Work resulting from fire or other cause during construction; or
- 11 Assistance to the Initial Decision Maker, if other than the Landscape Architect.

§ 4.3.2

(Paragraphs deleted)

If the services covered by this Agreement have not been completed within twenty four (24) months of the date of this Agreement, through no fault of the Landscape Architect, extension of the Landscape Architect's services beyond that time shall be compensated as Additional Services.

(Paragraphs deleted)

ARTICLE 5 OWNER'S RESPONSIBILITIES

§ 5.1 Unless otherwise provided for under this Agreement, the Owner shall provide information in a timely manner regarding requirements for and limitations on the Project, including space requirements and relationships, flexibility, expandability, special equipment, systems and site requirements. Within 15 days after receipt of a written request from the Landscape Architect, the Owner shall furnish the requested information as necessary and relevant for the Landscape Architect to evaluate, give notice of or enforce lien rights.

§ 5.2 The Owner shall establish and periodically update the Owner's budget for the Project, including (1) the budget for the Cost of the Work as defined in Section 6.1; (2) the Owner's other costs; and, (3) reasonable contingencies related to all of these costs. If the Owner significantly increases or decreases the Owner's budget for the Cost of the

Work, the Owner shall notify the Landscape Architect. The Owner and the Landscape Architect shall thereafter agree to a corresponding change in the Project's scope and quality.

§ 5.3 The Owner shall identify a representative authorized to act on the Owner's behalf with respect to the Project. The Owner shall render decisions and approve the Landscape Architect's submittals in a timely manner in order to avoid unreasonable delay in the orderly and sequential progress of the Landscape Architect's services.

§ 5.4 Unless otherwise provided for under this Agreement, the Owner shall furnish surveys to describe physical characteristics, legal limitations and utility locations for the site of the Project, and a written legal description of the site. The surveys and legal information shall include, as applicable, grades and lines of streets, alleys, pavements and adjoining property and structures; designated wetlands; adjacent drainage; rights-of-way, restrictions, easements, encroachments, zoning, deed restrictions, boundaries and contours of the site; locations, dimensions and necessary data with respect to existing buildings, other improvements and trees; and information concerning available utility services and lines, both public and private, above and below grade, including inverts and depths. All the information on the survey shall be referenced to a Project benchmark.

§ 5.5 Unless otherwise provided for under this Agreement, the Owner shall furnish services of geotechnical engineers, which may include but are not limited to test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials, seismic evaluation, ground corrosion tests and resistivity tests, including necessary operations for anticipating subsoil conditions, with written reports and appropriate recommendations.

§ 5.6 The Owner shall coordinate the services of its own consultants with those services provided by the Landscape Architect. Upon the Landscape Architect's request, the Owner shall furnish copies of the scope of services in the contracts between the Owner and the Owner's consultants. The Owner shall furnish the services of consultants other than those designated in this Agreement, or authorize the Landscape Architect to furnish them as an Additional Service, when the Landscape Architect requests such services and demonstrates that they are reasonably required by the scope of the Project. The Owner shall require that its consultants maintain professional liability insurance as appropriate to the services provided.

§ 5.7 The Owner shall furnish all legal, insurance and accounting services, including auditing services, that may be reasonably necessary at any time for the Project to meet the Owner's needs and interests.

§ 5.8 The Owner shall provide prompt written notice to the Landscape Architect if the Owner becomes aware of any fault or defect in the Project, including errors, omissions or inconsistencies in the Landscape Architect's Instruments of Service.

§ 5.9 Except as otherwise provided in this Agreement, or when direct communications have been specially authorized, the Owner shall endeavor to communicate with the Contractor and the Landscape Architect's consultants through the Landscape Architect about matters arising out of or relating to the Contract Documents. The Owner shall promptly notify the Landscape Architect of any direct communications that may affect the Landscape Architect's services.

§ 5.10 Before executing the Contract for Construction, the Owner shall coordinate the Landscape Architect's duties and responsibilities set forth in the Contract for Construction with the Landscape Architect's services set forth in this Agreement. The Owner shall provide the Landscape Architect a copy of the executed agreement between the Owner and Contractor, including the General Conditions of the Contract for Construction.

§ 5.11 The Owner shall provide the Landscape Architect access to the Project site prior to commencement of the Work and shall obligate the Contractor to provide the Landscape Architect access to the Work wherever it is in preparation or progress.

(Paragraph deleted)

ARTICLE 6 COST OF THE WORK

§ 6.1 For purposes of this Agreement, the Cost of the Work shall be the total cost to the Owner to construct all elements of the Project designed or specified by the Landscape Architect and shall include contractors' general

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conditions costs, overhead and profit. The Cost of the Work does not include the compensation of the Landscape Architect, the costs of the land, rights-of-way, financing, contingencies for changes in the Work or other costs that are the responsibility of the Owner.

§ 6.2 The Owner's budget for the Cost of the Work is included in the maximum allowable construction cost, which is defined and provided in Initial Information, and may be adjusted throughout the Project as required under Sections 6.4 and 6.5. Evaluations of the Owner's budget for the Cost of the Work, the preliminary estimate of the Cost of the Work and updated estimates of the Cost of the Work prepared by the Landscape Architect, represent the Landscape Architect's judgment as a design professional. It is recognized, however, that neither the Landscape Architect nor the Owner has control over the cost of labor, materials or equipment; the Contractor's methods of determining bid prices; or competitive bidding, market or negotiating conditions. Accordingly, the Landscape Architect cannot and does not warrant or represent that bids or negotiated prices will not vary from the Owner's budget for the Cost of the Work or from any estimate of the Cost of the Work or evaluation prepared or agreed to by the Landscape Architect.

§ 6.3 In preparing estimates of the Cost of Work, the Landscape Architect shall be permitted to include contingencies for design, bidding and price escalation; to recommend what materials, equipment, component systems and types of construction are to be included in the Contract Documents; to make reasonable adjustments in the program and scope of the Project; and to include in the Contract Documents alternate bids as may be necessary to adjust the estimated Cost of the Work to meet the Owner's budget for the Cost of the Work. The Landscape Architect's estimate of the Cost of the Work shall be based on current area, volume or similar conceptual estimating techniques. If the Owner requests detailed cost estimating services, the Landscape Architect shall provide such services as an Additional Service under Article 4.

§ 6.4 If the Bidding or Negotiation Phase has not commenced within 90 days after the Landscape Architect submits the Construction Documents to the Owner, through no fault of the Landscape Architect, the Owner's budget for the Cost of the Work shall be adjusted to reflect changes in the general level of prices in the applicable construction market.

§ 6.5 If at any time the Landscape Architect's estimate of the Cost of the Work exceeds the Owner's budget for the Cost of the Work, the Landscape Architect shall make appropriate recommendations to the Owner to adjust the Project's size, quality or budget for the Cost of the Work, and the Owner shall cooperate with the Landscape Architect in making such adjustments.

(Paragraphs deleted)

ARTICLE 7 COPYRIGHTS AND LICENSES

§ 7.1 The Landscape Architect and the Owner warrant that in transmitting Instruments of Service, or any other information, the transmitting party is the copyright owner of such information or has permission from the copyright owner to transmit such information for its use on the Project. If the Owner and Landscape Architect intend to transmit Instruments of Service or any other information or documentation in digital form, they shall endeavor to establish necessary protocols governing such transmissions.

§ 7.2 The Landscape Architect and the Landscape Architect's consultants shall be deemed the authors and owners of their respective Instruments of Service, including the Drawings and Specifications, and shall retain all common law, statutory and other reserved rights, including copyrights. Submission or distribution of Instruments of Service to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication in derogation of the reserved rights of the Landscape Architect and the Landscape Architect's consultants.

§ 7.3 Upon execution of this Agreement, the Landscape Architect grants to the Owner a nonexclusive license to use the Landscape Architect's Instruments of Service solely and exclusively for purposes of constructing, using, maintaining, altering and adding to the Project, provided that the Owner substantially performs its obligations, including prompt payment of all sums when due, under this Agreement. The Landscape Architect shall obtain similar nonexclusive licenses from the Landscape Architect's consultants consistent with this Agreement. The license granted under this section permits the Owner to authorize the Contractor, Subcontractors, Sub-subcontractors, and material or equipment suppliers, as well as the Owner's consultants and separate contractors, to reproduce applicable portions of the Instruments of Service solely and exclusively for use in performing services or construction for the

Project. If the Landscape Architect rightfully terminates this Agreement for cause as provided in Section 9.4, the license granted in this Section 7.3 shall terminate.

§ 7.3.1 In the event the Owner uses the Instruments of Service without retaining the author of the Instruments of Service, the Owner releases the Landscape Architect and Landscape Architect's consultant(s) from all claims and causes of action arising from such uses. The Owner, to the extent permitted by law, further agrees to indemnify and hold harmless the Landscape Architect and its consultants from all costs and expenses, including the cost of defense, related to claims and causes of action asserted by any third person or entity to the extent such costs and expenses arise from the Owner's use of the Instruments of Service under this Section 7.3.1. The terms of this Section 7.3.1 shall not apply if the Owner rightfully terminates this Agreement for cause under Section 9.4.

§ 7.4 Except for the licenses granted in this Article 7, no other license or right shall be deemed granted or implied under this Agreement. The Owner shall not assign, delegate, sublicense, pledge or otherwise transfer any license granted herein to another party without the prior written agreement of the Landscape Architect. Any unauthorized use of the Instruments of Service shall be at the Owner's sole risk and without liability to the Landscape Architect and the Landscape Architect's consultants.

ARTICLE 8 CLAIMS AND DISPUTES

§ 8.1 GENERAL

§ 8.1.1 The Owner and Landscape Architect shall commence all claims and causes of action, whether in contract, tort, or otherwise, against the other arising out of or related to this Agreement in accordance with the requirements of the method of binding dispute resolution selected in this Agreement within the period specified by applicable law, but in any case not more than 10 years after the date of Substantial Completion of the Work. The Owner and Landscape Architect waive all claims and causes of action not commenced in accordance with this Section 8.1.1.

§ 8.1.2 To the extent damages are covered by property insurance, the Owner and Landscape Architect waive all rights against each other and against the contractors, consultants, agents and employees of the other for damages, except such rights as they may have to the proceeds of such insurance as set forth in AIA Document A201-2007, General Conditions of the Contract for Construction. The Owner or the Landscape Architect, as appropriate, shall require of the contractors, consultants, agents and employees of any of them similar waivers in favor of the other parties enumerated herein.

§ 8.1.3 The Landscape Architect and Owner waive consequential damages for claims, disputes or other matters in question arising out of or relating to this Agreement. This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination of this Agreement, except as specifically provided in Section 9.7.

§ 8.2 MEDIATION

§ 8.2.1 Any claim, dispute or other matter in question arising out of or related to this Agreement shall be subject to mediation as a condition precedent to court. If such matter relates to or is the subject of a lien arising out of the Landscape Architect's services, the Landscape Architect may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by binding dispute resolution.

§ 8.2.2 The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

(Paragraphs deleted)

§ 8.3 CONSOLIDATION OR JOINDER

§ 8.3.1 Either party, at its sole discretion, may consolidate an arbitration conducted under this Agreement with any other arbitration to which it is a party provided that (1) the arbitration agreement governing the other arbitration permits consolidation; (2) the arbitrations to be consolidated substantially involve common questions of law or fact; and (3) the arbitrations employ materially similar procedural rules and methods for selecting arbitrator(s).

§ 8.3.4.2 Either party, at its sole discretion, may include by joinder persons or entities substantially involved in a common question of law or fact whose presence is required if complete relief is to be accorded in arbitration, provided that the party sought to be joined consents in writing to such joinder. Consent to arbitration involving an additional person or entity shall not constitute consent to arbitration of any claim, dispute or other matter in question not described in the written consent.

§ 8.3.4.3 The Owner and Landscape Architect grant to any person or entity made a party to an arbitration conducted under this Section 8.3, whether by joinder or consolidation, the same rights of joinder and consolidation as the Owner and Landscape Architect under this Agreement.

ARTICLE 9 TERMINATION OR SUSPENSION

§ 9.1 If the Owner fails to make payments to the Landscape Architect in accordance with this Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at the Landscape Architect's option, cause for suspension of performance of services under this Agreement. If the Landscape Architect elects to suspend services, the Landscape Architect shall give seven days' written notice to the Owner before suspending services. In the event of a suspension of services, the Landscape Architect shall have no liability to the Owner for delay or damage caused the Owner because of such suspension of services. Before resuming services, the Landscape Architect shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of the Landscape Architect's services. The Landscape Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

§ 9.2 If the Owner suspends the Project, the Landscape Architect shall be compensated for services performed prior to notice of such suspension. When the Project is resumed, the Landscape Architect shall be compensated for expenses incurred in the interruption and resumption of the Landscape Architect's services. The Landscape Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

§ 9.3 If the Owner suspends the Project for more than 90 cumulative days for reasons other than the fault of the Landscape Architect, the Landscape Architect may terminate this Agreement by giving not less than seven days' written notice.

§ 9.4 Either party may terminate this Agreement upon not less than seven days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.

§ 9.5 The Owner may terminate this Agreement upon not less than seven days' written notice to the Landscape Architect for the Owner's convenience and without cause.

§ 9.6 In the event of termination not the fault of the Landscape Architect, the Landscape Architect shall be compensated for services performed prior to termination, together with Reimbursable Expenses then due and all Termination Expenses as defined in Section 9.7.

§ 9.7 Termination Expenses are in addition to compensation for the Landscape Architect's services and include expenses directly attributable to termination for which the Landscape Architect is not otherwise compensated, plus an amount for the Landscape Architect's anticipated profit on the value of the services not performed by the Landscape Architect.

§ 9.8 The Owner's rights to use the Landscape Architect's Instruments of Service in the event of a termination of this Agreement are set forth in Article 7 and Section 11.9.

ARTICLE 10 MISCELLANEOUS PROVISIONS

§ 10.1 This Agreement shall be governed by the law of the place where the Project is located

§ 10.2 Terms in this Agreement shall have the same meaning as those in AIA Document A201-2007, General Conditions of the Contract for Construction.

§ 10.3 The Owner and Landscape Architect, respectively, bind themselves, their agents, successors, assigns and legal representatives to this Agreement. Neither the Owner nor the Landscape Architect shall assign this Agreement without

the written consent of the other, except that the Owner may assign this Agreement to a lender providing financing for the Project if the lender agrees to assume the Owner's rights and obligations under this Agreement.

§ 10.4 If the Owner requests the Landscape Architect to execute certificates, the proposed language of such certificates shall be submitted to the Landscape Architect for review at least 14 days prior to the requested dates of execution. If the Owner requests the Landscape Architect to execute consents reasonably required to facilitate assignment to a lender, the Landscape Architect shall execute all such consents that are consistent with this Agreement, provided the proposed consent is submitted to the Landscape Architect for review at least 14 days prior to execution. The Landscape Architect shall not be required to execute certificates or consents that would require knowledge, services or responsibilities beyond the scope of this Agreement.

§ 10.5 Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Owner or Landscape Architect.

§ 10.6 Unless otherwise required in this Agreement, the Landscape Architect shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the Project site.

§ 10.7 The Landscape Architect shall have the right to include photographic or artistic representations of the design of the Project among the Landscape Architect's promotional and professional materials. The Landscape Architect shall be given reasonable access to the completed Project to make such representations. However, the Landscape Architect's materials shall not include the Owner's confidential or proprietary information if the Owner has previously advised the Landscape Architect in writing of the specific information considered by the Owner to be confidential or proprietary. The Owner shall provide professional credit for the Landscape Architect in the Owner's promotional materials for the Project.

§ 10.8 If the Landscape Architect or Owner receives information specifically designated by the other party as "confidential" or "business proprietary," the receiving party shall keep such information strictly confidential and shall not disclose it to any other person except to (1) its employees, (2) those who need to know the content of such information in order to perform services or construction solely and exclusively for the Project, or (3) its consultants and contractors whose contracts include similar restrictions on the use of confidential information.

§10.9 INDEMNIFICATION

The Contractor shall indemnify, hold harmless and defend the City from all losses, damages, claims or judgments, including payments of all attorneys' fees and costs on account of any suit, judgment, execution, claim, action or demand whatsoever arising from Contractor's performance under this Agreement as well as the performance of Contractor's employees, agents, representatives and subcontractors.

§ 10.10 APPROPRIATIONS

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the City for the performance of this Agreement. If sufficient appropriations and authorization are not made by the City, this Agreement shall terminate upon written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.

§ 10.11 THIRD PARTY BENEFICIARIES

By entering into this Agreement, the parties do not intend to create any right, title or interest in or for the benefit of any person other than the City and the Contractor. No person shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary of this Agreement.

§ 10.12 STATUS OF CONTRACTOR; RESPONSIBILITY FOR PAYMENT OF EMPLOYEES AND SUBCONTRACTORS

A. The Contractor and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Contractor, and its agents and employees, shall not accrue

leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to employees of the City as a result of this Agreement.

B. Contractor shall be solely responsible for payment of wages, salaries and benefits to any and all employees or subcontractors retained by Contractor in the performance of the services under this Agreement.

C. The Contractor shall comply with City of Santa Fe Minimum Wage, Article 28-1-SFCC 1987, as well as any subsequent changes to such article throughout the term of this Agreement.

§ 10.13 CONFLICT OF INTEREST

The Contractor warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. Contractor further agrees that in the performance of this Agreement no persons having any such interests shall be employed.

§ 10.14 ASSIGNMENT: SUBCONTRACTING

The Contractor shall not assign or transfer any rights, privileges, obligations or other interest under this Agreement, including any claims for money due, without the prior written consent of the City. The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City.

§ 10.15 RELEASE

The Contractor, upon acceptance of final payment of the amount due under this Agreement, releases the City, its officers and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the City to any obligation not assumed herein by the City unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

§ 10.16 INSURANCE

A. Contractor shall also obtain and maintain Workers' compensation insurance, required by law, to provide coverage for Contractor's employees throughout the term of this Agreement. Contractor shall provide the City with evidence of its compliance with such requirement.

B. Contractor shall maintain professional liability insurance throughout the term of this Agreement providing a minimum coverage in the amount required under the New Mexico Tort Claims Act. The Contractor shall furnish the City with proof of insurance of Contractor's compliance with the provisions of this section as a condition prior to performing services under this Agreement.

§ 10.17 RECORDS AND AUDIT

The contractor shall maintain, throughout the term of this Agreement and for a period of three years thereafter, detailed records that indicate the date, time and nature of services rendered. These records shall be subject to inspection by the City, the Department of Finance and Administration, and the State Auditor. The City shall have the right to audit the billing both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments.

§ 10.18 APPLICABLE LAW: CHOICE OF LAW: VENUE

Contractor shall abide by all applicable federal and state laws and regulations, and all ordinances, rules and regulations of the City of Santa Fe. In any action, suit or legal dispute arising from this Agreement, the Contractor agrees that the laws of the State of New Mexico shall govern. The parties agree that any action or suit arising from this

Agreement shall be commenced in a federal or state court of competent jurisdiction in New Mexico. Any action or suit commenced in the courts of the State of New Mexico shall be brought in the First Judicial District Court.

§ 10.19 AMENDMENT

This Agreement shall not be altered, changed or modified except by an amendment in writing executed by the parties hereto.

§ 10.20 NON-DISCRIMINATION

During the term of this Agreement, Contractor shall not discriminate against any employee or applicant for an employment position to be used in the performance of services by Contractor hereunder, on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual orientation, physical or mental disability, medical condition, or citizenship status.

§ 10.21 SEVERABILITY

In case any one or more of the provisions contained in this Agreement or any application thereof shall be invalid, illegal or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

10.22 NOTICES: Any and all notices provided for hereunder shall be in writing and shall be deemed delivered, given and received when (i) personally delivered, or (ii) five days after the same are deposited in the United States Postal Service mail, postage prepaid, certified mail, return receipt requested, addressed to the applicable party at the address indicated below for each party, or at such other address as may be designated by either party in a written notice to the other party.

OWNER:

Facilities Division, Public Works Department
City of Santa Fe
PO Box 909
Santa Fe, New Mexico 87504-0909

LANDSCAPE ARCHITECT:

Surroundings Studio LLC
1600 Lena St. Suite E3
Santa Fe, New Mexico 87505

10.23 NEW MEXICO TORT CLAIMS ACT: Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

ARTICLE 11 COMPENSATION

§ 11.1 For the Landscape Architect's Basic Services described under Article 3, the Owner shall compensate the Landscape Architect as follows:

four hundred twenty thousand fifteen dollars and zero cents (\$420,015.00 plus New Mexico gross receipts tax (rate of 0.081875) in the amount of thirty four thousand three hundred eighty eight dollars and seventy three cents (\$34,388.73), for a total amount of four hundred fifty four thousand four hundred three dollars and seventy three cents (\$454,403.73).

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User Notes:

(1701392754)

§ 11.2 For Additional Services designated in Section 4.1, the Owner shall compensate the Landscape Architect as follows:

none

§ 11.3 For Additional Services that may arise during the course of the Project, including those under Section 4.3, the Owner shall compensate the Landscape Architect as follows:

none

§ 11.4 Compensation for Additional Services of the Landscape Architect's consultants when not included in Section 11.2 or 11.3, shall be the amount invoiced to the Landscape Architect or as otherwise stated below:

none

§ 11.5 Where compensation for Basic Services is based on a stipulated sum or percentage of the Cost of the Work, the compensation for each phase of services shall be as follows, including tax:

Programming Phase	\$101,258.09	(22.3	%)
Schematic Design Phase	\$124,215.47	(27.3	%)
Design Development / Final Design Phase	\$191,091.58	(42.1	%)
Regulatory Approvals	\$37,838.59	(8.3	%)

(Row deleted)

Total Basic Compensation	\$454,403.73	(100	%)
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§ 11.6 When compensation is based on a percentage of the Cost of the Work and any portions of the Project are deleted or otherwise not constructed, compensation for those portions of the Project shall be payable to the extent services are performed on those portions, in accordance with the schedule set forth in Section 11.5 based on (1) the lowest bona fide bid or negotiated proposal; or (2) if no such bid or proposal is received, the most recent estimate of the Cost of the Work for such portions of the Project. The Landscape Architect shall be entitled to compensation in accordance with this Agreement for all services performed whether or not the Construction Phase is commenced.

§ 11.7 The hourly billing rates for services of the Landscape Architect and the Landscape Architect's consultants, if any, are set forth below. The rates shall be adjusted in accordance with the Landscape Architect's and Landscape Architect's consultants' normal review practices.

not applicable

§ 11.8 COMPENSATION FOR REIMBURSABLE EXPENSES

§ 11.8.1 Reimbursable Expenses are in addition to compensation for Basic and Additional Services and include expenses incurred by the Landscape Architect and the Landscape Architect's consultants directly related to the Project, as follows:

(Paragraphs deleted)

- 1 Fees paid for securing approval of authorities having jurisdiction over the Project;
- 2 Printing, reproductions, plots, standard form documents;

(Paragraph deleted)

- 3 Postage.
- 4 Expense of overtime work requiring higher than regular rates, if authorized in advance by the Owner;

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- .5 Renderings, models, mock-ups, professional photography, and presentation materials requested by the Owner;
- .6 Milage
- .7 GPS for field survey
- .8 workstation charges for survey
- .9 taxes on reimbursable expenses

(Paragraph deleted)

§ 11.8.2 For Reimbursable Expenses the compensation shall be up to thirty nine thousand three hundred dollars and zero cents (\$39,300.00) plus applicable tax, for a total amount of forty two thousand five hundred seventeen dollars and sixty nine cents (\$42,517.69), for the expenses incurred by the Landscape Architect and the Landscape Architect's consultants plus zero percent (0 %) of the expenses incurred.

§ 11.9 COMPENSATION FOR USE OF LANDSCAPE ARCHITECT'S INSTRUMENTS OF SERVICE

If the Owner terminates the Landscape Architect for its convenience under Section 9.5, or the Landscape Architect terminates this Agreement under Section 9.3, the Owner shall pay a licensing fee as compensation for the Owner's continued use of the Landscape Architect's Instruments of Service solely for purposes of completing, using and maintaining the Project as follows:

to be negotiated later, if required

§ 11.10 PAYMENTS TO THE LANDSCAPE ARCHITECT

§ 11.10.1 Unless otherwise agreed, payments for services shall be made monthly in proportion to services performed. Payments are due and payable within twenty one (21) days of undisputed request for payment..

§ 11.10.2

(Paragraphs deleted)

The Owner shall not withhold amounts from the Landscape Architect's compensation to impose a penalty or liquidated damages on the Landscape Architect, or to offset sums requested by or paid to contractors for the cost of changes in the Work unless the Landscape Architect agrees or has been found liable for the amounts in a binding dispute resolution proceeding.

§ 11.10.3 Records of Reimbursable Expenses, expenses pertaining to Additional Services, and services performed on the basis of hourly rates shall be available to the Owner at mutually convenient times. Receipts for printing & other reimbursable expenses shall be submitted with the request for payment. Reimbursable expense for milage shall be designated on the invoice as the number of round trips between Albuquerque and Santa Fe, NM.

(Paragraph deleted)

ARTICLE 12 SPECIAL TERMS AND CONDITIONS

Special terms and conditions that modify this Agreement are as follows:

not applicable

ARTICLE 13 SCOPE OF THE AGREEMENT

§ 13.1 This Agreement represents the entire and integrated agreement between the Owner and the Landscape Architect and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Owner and Landscape Architect.

§ 13.2 This Agreement is comprised of the following documents listed below:

- .1 AIA Document B101™-2007, Standard Form Agreement Between Owner and

(Paragraphs deleted)

Landscape Architect

- .3 Other documents:

Exhibit A Vicinity Map and Southwest Activity Node Park - Phase 1 Park Area

Exhibit B Master Plan

Init.

- Exhibit C Dedication Plat
- Exhibit D Project Schedule
- Exhibit E Landscape Architect's Certificate of Liability Insurance
- Exhibit F List of Consultants, with key contacts, addresses and phone numbers

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

CITY OF SANTA FE:

DAVID COSS, MAYOR

DATE:

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

LANDSCAPE ARCHITECT:
SURROUNDINGS STUDIO LLC

BY:

FAITH OKUMA, PRINCIPAL

NM LICENSE NO. 100

NM Taxation and Revenue CRS No.:

03-136127-007

City of Santa Fe Business Registration No.:

12-00036639

APPROVED AS TO FORM:

Judith Amador for
GENO ZAMORA, CITY ATTORNEY

APPROVED:

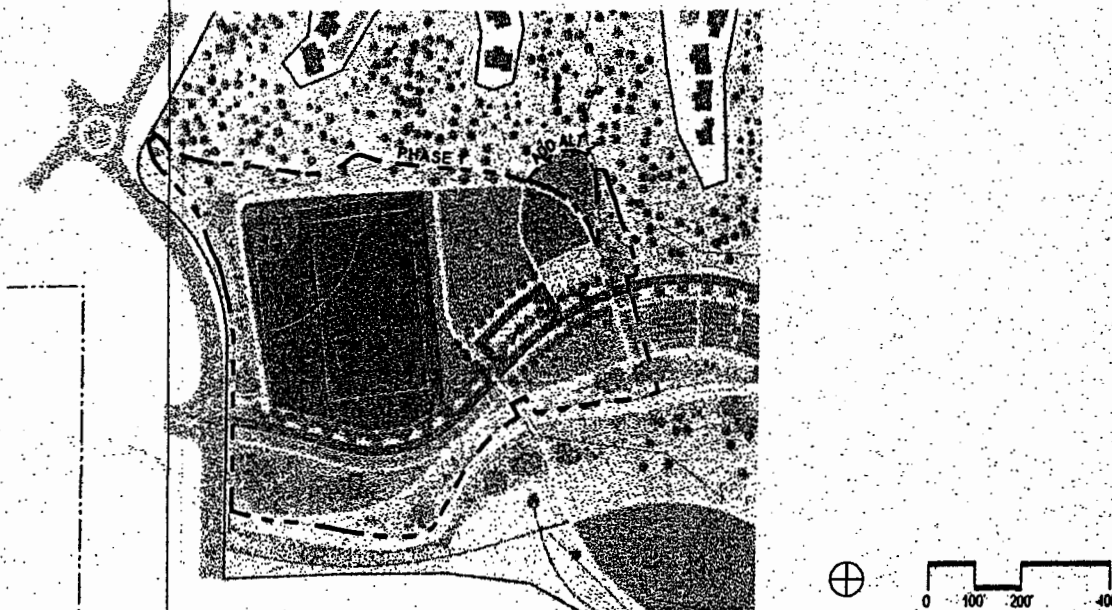
DR. MELVILLE L. MORGAN
FINANCE DEPARTMENT DIRECTOR

32814-572960.0108400 & 32841-572960.0110400

(Table deleted)

Business Unit/Line Items

Init.



Southwest Activity Node Park – Phase 1 Work

The Master Plan for the SWAN Park was conceived as a plan that could be implemented logically in phases. The phasing scenario outlined in the SWAN Master Plan document, dated September 2011 will not be applicable to Phase 1, because the maximum allowable construction cost is \$5,000,000.

Phase 1 improvements will concentrate improvements at the west end of the park, east of the planned extension to Plaza Central, shown on Exhibit B to this Agreement. This includes the following amenities for Phase 1:

- artificial turf multipurpose field (baseball field – little league, 210' x 360' field)
- lawn area
- family picnic area (with shade structure and covered picnic tables)
- basketball court
- playground
- perimeter pathways
- access road + parking
- landscaping

The proposed Phase 1 improvements as illustrated above amount to approximately \$5.8 million (including NMGRT and a contingency). Detailed design, value engineering, and a competitive bidding environment could result in a cost of \$5 million for this scope of work.

Additive alternate amenities for Phase 1 could include:

- multipurpose field sports lighting
- adventure playground (labeled on map as: Add Alt 2)

Utilities connected as part of Phase 1 include electric and treated effluent. It is anticipated that water, sewer, and gas lines would be installed when the park maintenance building and restroom building are installed in a later phase. Sleeving for these utilities would be installed as needed as part of the Phase 1 effort to minimize future construction in already completed areas.

SOUTHWEST ACTIVITY NODE PARK

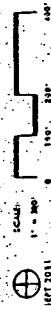
PARK MASTER PLAN

LEGEND

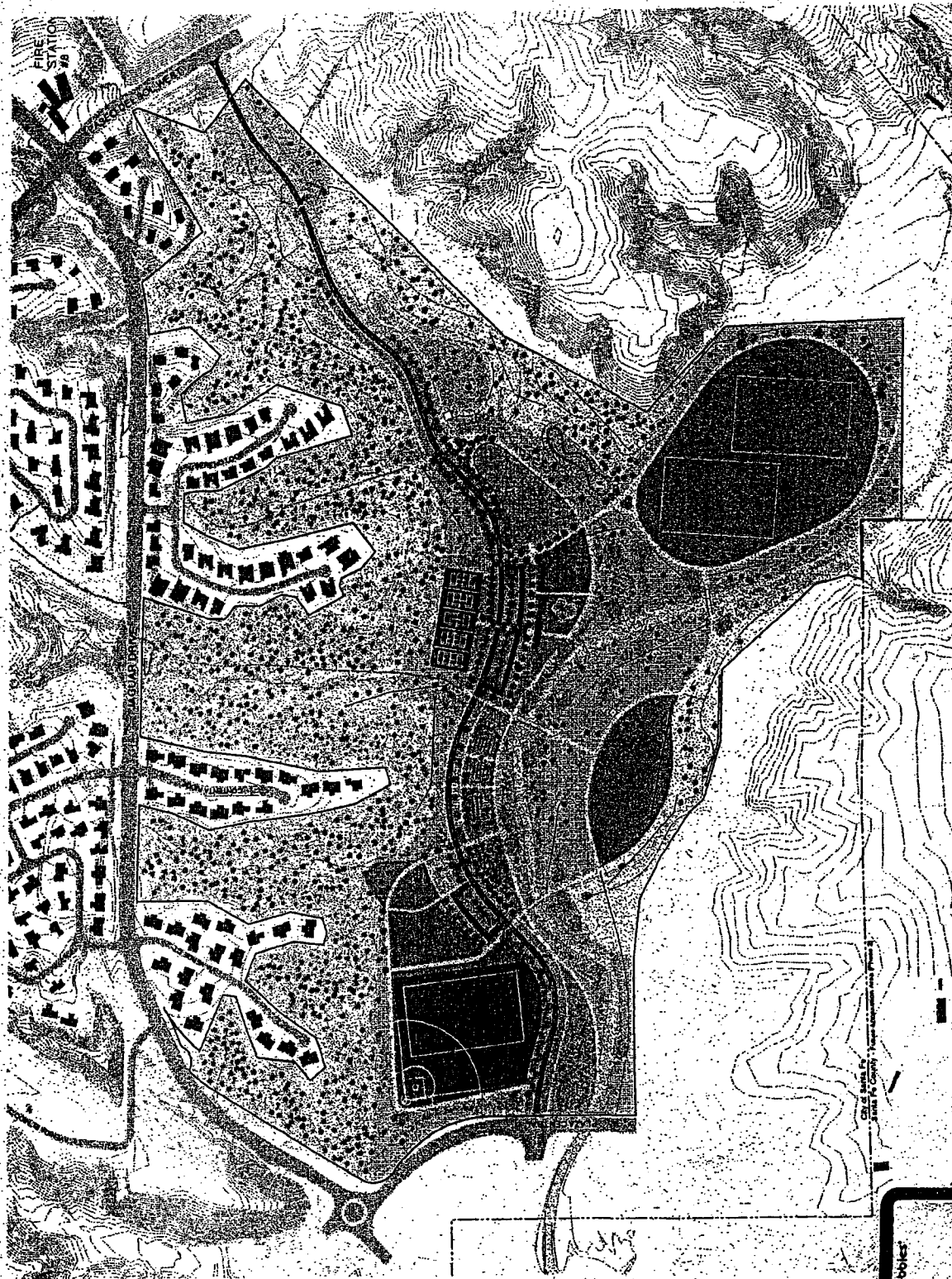
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- City / County Boundary
- Building Footprint
- Topography, 2.4 Contour
- Drainage, Major Arroyo
- Drainage, Minor
- Open Space, Existing Native Landscape
- Open Space, Enhanced Native
- Open Space, Water Quality Pond
- Open Space, Enhanced Riparian Area
- Park Landscape
- Grass, Irrigated Turf Lawn
- Trees, Evergreen - Pines + Juniper
- Trees, Deciduous - Broadleaves
- Trees, Deciduous - Riparian

- 1 Multi-Purpose Sports Field (Artificial Turf)
- 2 Playground
- 3 Historic Mexican Playground
- 4 Sanitized Court
- 5 Fuel Tank Overhead
- 6 Community Garden
- 7 Irrigation Pit / Nucleus
- 8 Fertilizer Line
- 9 Tennis/Pickleball Courts
- 10 Maintenance/Restroom/Concession Building
- 11 Water Playground
- 12 Community Lawn
- 13 Skate Park/ Plaza
- 14 Solar Pump Truck
- 15 Multi-Purpose Sports Fields (Natural Grass)
- 16 Dog Park
- 17 Park Overlook
- 18 Handicap Bar Trailhead

ILLUSTRATIVE PLAN PARK MASTER PLAN



Produced for the City of Santa Fe
Design Office: West + Associates, Wilson & Company



EXHIBIT

B

(2 sheets)

SOUTHWEST ACTIVITY NODE PARK

PARK MASTER PLAN

LEGEND

- Master Plan Project Boundary
- City / County Boundary
- Building Footprint
- Topography 2-4 Contour
- Drainage / Water Arroyo
- Drainage / Water Arroyo
- Open Space, Existing Native Landscape
- Open Space, Enhanced Native
- Open Space, Water Quality Pond
- Open Space, Enhanced Riparian Area
- Park Landscape
- Grass, Irrigated Turf Lawn
- Tree, Evergreen - Pines - Juniper
- Tree, Deciduous - Streetcane
- Tree, Deciduous - Riparian
- POSED EFFLUENT LINE
- Effluent, Effluent Line (200)
- Utility Line, Effluent, Planned Future
- Utility, Effluent Line, All Years, Planned Future
- Utility, Effluent Line, Peak Hydrated, Planned Future
- Utility, Effluent Line, Treated Wastewater, Planned Future

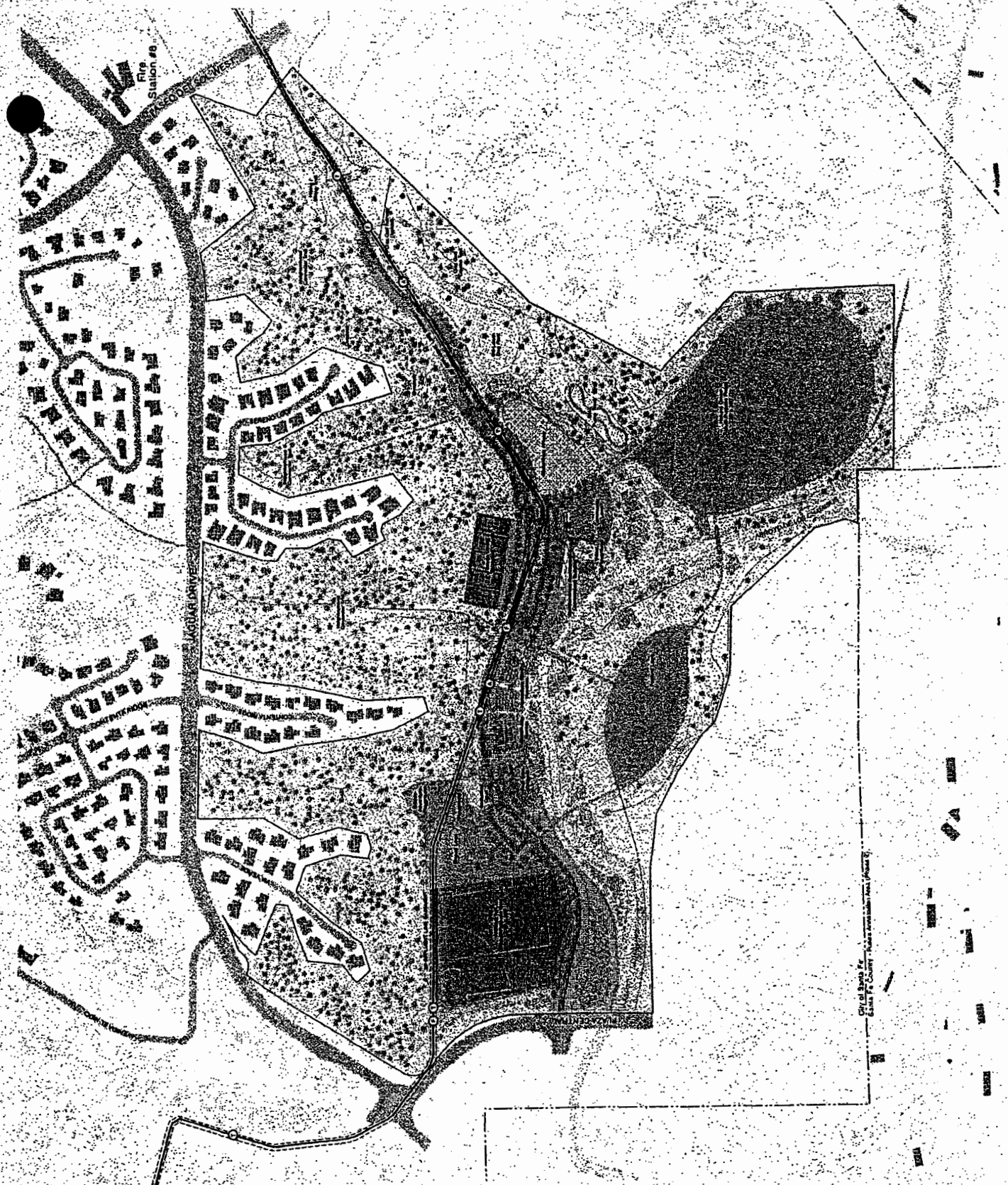
**ROPOSED
FFLUENT LINE**

ARK MASTER PLAN

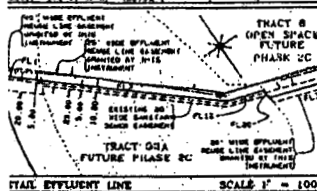
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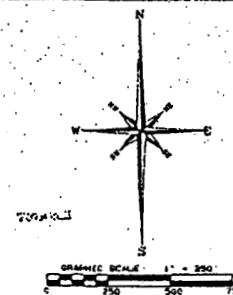
Produced for the City of Santa Fe
by office + associates, Wilson & Company



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37	453-47-02-7	4-50				130	379-18-18-7	43-47			
38	453-47-02-7	4-50				130	379-18-18-7	43-47			
39	453-47-02-7	4-50				130	379-18-18-7	43-47			
40	453-47-02-7	4-50				130	379-18-18-7	43-47			
41	453-47-02-7	4-50				130	379-18-18-7	43-47			
42	453-47-02-7	4-50				130	379-18-18-7	43-47			
43	453-47-02-7	4-50				130	379-18-18-7	43-47			
44	453-47-02-7	4-50				130	379-18-18-7	43-47			
45	453-47-02-7	4-50				130	379-18-18-7	43-47			
46	453-47-02-7	4-50				130	37				



EXISTING OPEN SPACE
TIERRA CONTENTA SUBDIVISION
PHASE II UNIT I
PLAT BOOK 208, PAGES 812-81

20' WIDE EFFLUENT
REUSE LINE EASEMENT
GRANTED BY THIS
INDEMNITY

MECO GRANT
139.76
SECTION 13
GOVERNMENT LOT 8
NOT A PART OF THIS SURVEY

TRACT 8A3-7C
109.5486 Acres
TIERRA CONTENTA CORP
RESIDUAL PORTION OF
TRACT 8A3-7

TRACT 8A3-7B
54.9586 Acres
DEDICATED BY
THIS INSTRUMENT

TRACT 8A3-7A
57.6499 Acres±
TIERRA CONTENTA CORP
RESIDUAL PORTION OF
TRACT 8A3-7

SURVEYOR'S CERTIFICATE

1. JAMES D. SANCHEZ, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR CERTIFY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING PRACTICING IN NEW MEXICO.

JAMES B. RANNEY, P. S. No. 12655

MEXICO
SANTA FE 88

2011, BY JAMES A. SANCHEZ, JUDICIAL COUNCIL OF CALIFORNIA

11-10-1963

100

the 1990s, the number of people in the world who are illiterate has increased from 400 million to 600 million. The number of illiterate people in the world is expected to reach 700 million by the year 2015. The number of illiterate people in the world is expected to reach 800 million by the year 2020. The number of illiterate people in the world is expected to reach 900 million by the year 2025. The number of illiterate people in the world is expected to reach 1 billion by the year 2030. The number of illiterate people in the world is expected to reach 1.1 billion by the year 2035. The number of illiterate people in the world is expected to reach 1.2 billion by the year 2040. The number of illiterate people in the world is expected to reach 1.3 billion by the year 2045. The number of illiterate people in the world is expected to reach 1.4 billion by the year 2050. The number of illiterate people in the world is expected to reach 1.5 billion by the year 2055. The number of illiterate people in the world is expected to reach 1.6 billion by the year 2060. The number of illiterate people in the world is expected to reach 1.7 billion by the year 2065. The number of illiterate people in the world is expected to reach 1.8 billion by the year 2070. The number of illiterate people in the world is expected to reach 1.9 billion by the year 2075. The number of illiterate people in the world is expected to reach 2 billion by the year 2080. The number of illiterate people in the world is expected to reach 2.1 billion by the year 2085. The number of illiterate people in the world is expected to reach 2.2 billion by the year 2090. The number of illiterate people in the world is expected to reach 2.3 billion by the year 2095. The number of illiterate people in the world is expected to reach 2.4 billion by the year 2100.

the 1990s, the number of people in the world who are illiterate has declined from 750 million to 510 million. The number of illiterate people in the world is still high, but the rate of illiteracy has declined from 21% to 15% of the world population. The rate of illiteracy has declined in all regions, but the decline has been most rapid in the developing countries. In the developed countries, the rate of illiteracy has declined from 10% to 5% of the population. In the developing countries, the rate of illiteracy has declined from 30% to 15% of the population. The rate of illiteracy has declined in all regions, but the decline has been most rapid in the developing countries. In the developed countries, the rate of illiteracy has declined from 10% to 5% of the population. In the developing countries, the rate of illiteracy has declined from 30% to 15% of the population.

the 1990s, the number of people in the United States who are 65 years of age or older is projected to increase from 20 million to 30 million, and the number of people 75 years of age or older is projected to increase from 10 million to 15 million (U.S. Census Bureau, 1997).

[illegible]

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

SEE 100-106848 WITH CAP STAMPED
7-25-68 (C) - NUTS 10000
POINT FOUND 7-25-68 WITH CAP
STAMPED 7-25-68 (C) - NUTS 10000
UNLESS OTHERWISE NOTED
CALCULATED POINT NOT FOUND ON SET
A. SANTA FE CONTROL MONUMENT
PINE MONUMENT
WATER VALVE
MANHOLE
WINERY LIGHT
EDGE OF EASEMENT
JAIL/INER PROPERTY LINE
GRASS OF APPROX.
EXISTING TOC MAIL SYSTEM
EXISTING FENCE LINE
TANTARY SCENE LINE

NTA FE SURVEYING COMPANY

BOX 2904, SANTA FE, NM 87506 • 210 LUNA BL., SUITE 8
DUNN 2ND FL. MOBILE OFFICE 900-555-7426 DUNN 900-555-7004

SUBJECT No.: 16081314-T-C P280

FIELD BY: JES DATE: 12-26-10

VISION	DATE BY
NO. 100-106848	12-26-10
NO. 100-106848	12-26-10

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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1000

the 1990s, the number of people in the world who are illiterate has increased from 1.2 billion to 1.5 billion. The number of illiterate people in the world is projected to reach 1.7 billion by the year 2015. The number of illiterate people in the world is projected to reach 1.7 billion by the year 2015.

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion (United Nations, 1994).

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2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 26

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...and the β values are

SWAN-Phase I Schedule Target / Begin Construction in 2013

Dec. 12, 2012

Task	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
City approvals																	
Start-up																	
Surveying / Topo + SUE																	
Environmental																	
Geo-test / fields-roads																	
Research report																	
Agency reviews																	
Permit applications																	
Programming																	
Interviews, confirm program																	
DTR Reviews + others																	
Schematic Design																	
Worksession + design																	
Public Presentation																	
DTR Reviews + others																	
Construction Documents							50	95	F								
Design 50/95 & Final							50	95	F								
Geo-test/light footings																	
Agency follow-up																	
PM + DTR Reviews						P	P	P	D								
Bidding/Contract Approval																	
Bid period																	
Contract Award																	
Begin Construction																	
Prairie Dog /Mitigation																	
CLOMR - After CD's																	
CLOMR - Early Separate																	

tabbles

EXHIBIT



CERTIFICATE OF LIABILITY INSURANCE

SURRS-1

OP ID: MG

DATE (MM/DD/YYYY)

11/06/12

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES. LOW: THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. IF SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER First SF Ins Srv Inc - SF FAX 505-798-5890 7620 Jefferson NE Albuquerque, NM 87109 Margaret Gallegos		Phone: 505-798-5850 Fax: 505-798-5890		CONTACT NAME: Liz Goodner PHONE (A/C No. Ext.): 505-798-5850 E-MAIL ADDRESS: liz@fsins.com FAX (A/C No.): 505-798-5890													
INSURED Surroundings Studio LLC c/o Kenneth & Sandra 1600 Lena St, #E-3 Santa Fe, NM 87505		INSURER(S) AFFORDING COVERAGE <table border="1"><tr><td>INSURER A: American Hallmark Ins Services</td><td>NAIC#</td></tr><tr><td>INSURER B: ITT Hartford</td><td></td></tr><tr><td>INSURER C: Travelers Insurance Group</td><td>19038</td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>				INSURER A: American Hallmark Ins Services	NAIC#	INSURER B: ITT Hartford		INSURER C: Travelers Insurance Group	19038	INSURER D:		INSURER E:		INSURER F:	
INSURER A: American Hallmark Ins Services	NAIC#																
INSURER B: ITT Hartford																	
INSURER C: Travelers Insurance Group	19038																
INSURER D:																	
INSURER E:																	
INSURER F:																	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS												
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENERAL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	<input checked="" type="checkbox"/>	44CL45449803	05/23/12	05/23/13	<table border="1"><tr><td>EACH OCCURRENCE</td><td>\$ 1,000,000</td></tr><tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$ 100,000</td></tr><tr><td>MED EXP (Any one person)</td><td>\$ 5,000</td></tr><tr><td>PERSONAL & ADV INJURY</td><td>\$ 1,000,000</td></tr><tr><td>GENERAL AGGREGATE</td><td>\$ 2,000,000</td></tr><tr><td>PRODUCTS - COMP/OP AGG</td><td>included</td></tr></table>	EACH OCCURRENCE	\$ 1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000	MED EXP (Any one person)	\$ 5,000	PERSONAL & ADV INJURY	\$ 1,000,000	GENERAL AGGREGATE	\$ 2,000,000	PRODUCTS - COMP/OP AGG	included
EACH OCCURRENCE	\$ 1,000,000																	
DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000																	
MED EXP (Any one person)	\$ 5,000																	
PERSONAL & ADV INJURY	\$ 1,000,000																	
GENERAL AGGREGATE	\$ 2,000,000																	
PRODUCTS - COMP/OP AGG	included																	
	UTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$		44CL45449803	05/23/12	05/23/13	<table border="1"><tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td>\$ 3,000,000</td></tr><tr><td>BODILY INJURY (Per person)</td><td>\$</td></tr><tr><td>BODILY INJURY (Per accident)</td><td>\$</td></tr><tr><td>PROPERTY DAMAGE (Per accident)</td><td>\$</td></tr><tr><td>EACH OCCURRENCE</td><td>\$</td></tr><tr><td>AGGREGATE</td><td>\$</td></tr></table>	COMBINED SINGLE LIMIT (Ea accident)	\$ 3,000,000	BODILY INJURY (Per person)	\$	BODILY INJURY (Per accident)	\$	PROPERTY DAMAGE (Per accident)	\$	EACH OCCURRENCE	\$	AGGREGATE	\$
COMBINED SINGLE LIMIT (Ea accident)	\$ 3,000,000																	
BODILY INJURY (Per person)	\$																	
BODILY INJURY (Per accident)	\$																	
PROPERTY DAMAGE (Per accident)	\$																	
EACH OCCURRENCE	\$																	
AGGREGATE	\$																	
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/>	34WECPU7651	03/09/12	03/09/13	<table border="1"><tr><td><input checked="" type="checkbox"/> WC STATUS <input type="checkbox"/> OTHER</td><td></td></tr><tr><td>E.L. EACH ACCIDENT</td><td>\$ 100,000</td></tr><tr><td>E.L. DISEASE - EA EMPLOYEE</td><td>\$ 100,000</td></tr><tr><td>E.L. DISEASE - POLICY LIMIT</td><td>\$ 500,000</td></tr></table>	<input checked="" type="checkbox"/> WC STATUS <input type="checkbox"/> OTHER		E.L. EACH ACCIDENT	\$ 100,000	E.L. DISEASE - EA EMPLOYEE	\$ 100,000	E.L. DISEASE - POLICY LIMIT	\$ 500,000				
<input checked="" type="checkbox"/> WC STATUS <input type="checkbox"/> OTHER																		
E.L. EACH ACCIDENT	\$ 100,000																	
E.L. DISEASE - EA EMPLOYEE	\$ 100,000																	
E.L. DISEASE - POLICY LIMIT	\$ 500,000																	
C	Professional Ljab		10270551	04/23/12	04/23/13	<table border="1"><tr><td>occ limit</td><td>1,000,000</td></tr><tr><td>agg limit</td><td>3,000,000</td></tr></table>	occ limit	1,000,000	agg limit	3,000,000								
occ limit	1,000,000																	
agg limit	3,000,000																	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

DESCRIPTION OF OPERATIONS:

SOUTHWEST ACTIVITY NODE (SWAN) PARK; CIP PROJECT #174B

EXHIBIT

tabler

E

CERTIFICATE HOLDER

City of Santa Fe
PO Box 909
Santa Fe, NM 87504

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Margaret Gallegos

LIST OF SUB-CONSULTANTS

1. Wilson & Company Inc., Engineers & Architects
1421 Luisa Street Suite E
Santa Fe, NM 87505

2600 The American Rd., SE Suite 100
Rio Rancho, NM 87124
Phone 505-348-4000

Key contacts: Mario Juarez-Infante, PE, Associate Vice President, Lead Civil Engineering
Donald Duneman, PE, Project Manager

2. Stream Design, LLC
3330 Larimer Street, Suite 1b
Denver, CO 80205
Phone 720-663-7352

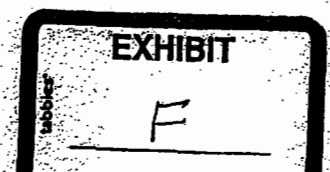
Key contact: Jesse Clark, President, Principal, RLA

3. Marron and Associates, Inc.
7511 4th Street Northwest
Los Ranchos, NM 87107
Phone 505-898-8848

Key contact: Eric Johnson, Environmental Assessment Lead

4. Irrigation Services, LLC
44 Good Drive
Belen, NM 87002
Phone 505-861-1536

Key contact: Jeffery Good, Principal, Owner, Lead Irrigation Designer



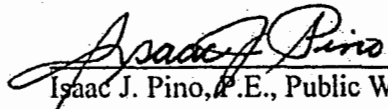

City of Santa Fe, New Mexico

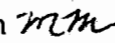
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DATE: January 2, 2013

TO: Public Works, CIP, Land Use Committee

VIA:


Isaac J. Pino, P.E., Public Works Department Director
David Pfeifer, Facilities Division Director 

FROM: Mary MacDonald, Project Administrator, Facilities Development Section 

ISSUE: CIP Project # 474B, Southwest Activity Node Park – Phase I
Award of RFP # '13/06/P (Exhibit A)
Approval of Agreement Between Owner & Landscape Architect (Exhibit B)
SURROUNDINGS STUDIO LLC

Fee	\$ 460,095.00
NMGRT (0.081875)	\$ 37,670.28
Total Basic Fee	\$ 497,765.28
Reimbursable Expenses	\$ 40,408.03
Total Contract Sum	\$ 538,173.31

SUMMARY:

In September, 2009 the City Council approved Resolution 2009-86, authorizing the development of Southwest Activity Node (SWAN) Park, a new regional park. The park will be located in the southwest area of Tierra Contenta subdivision, east of Veterans Memorial Highway (NM 599), and south of Jaguar Dr. A Master Plan was completed and approved by the City of Santa Fe in 2011. In February, 2012, the voters approved the 2012 General Obligation Bond, which included \$500,000 for design and \$5,000,000 for construction of the first phase of park development.

The Request For Proposals (RFP '13/06/P) for SWAN Park Phase I design services was advertised on August 30, 2012. Five proposals for design services were received on October 1, 2012. These proposals were evaluated and interviews held with the two firms who received the highest initial scores. The final scores for the two firms were as follows:

Surroundings Studio LLC/Wilson & Co.: 4686
Design Office LLC/Wenk Associates/Wilson & Co.: 4482.5

Refer to Exhibit B, the Written Evaluation & Interview Proposal Scores.

PROJECT SCOPE:

Design SWAN Park Phase I development; refer to Exhibit C, a map showing the park area and elements included in Phase I. Also included in the design scope of work is coordination with private developers, Tierra Contenta Corporation, geological sampling and testing, all environmental and permitting agencies, and obtaining the required permits. (The regulatory work is included in the reimbursable amount.) Construction phase design services is not included in the scope of work.

PROJECT SCHEDULE:

Recommendation of Award to Finance Committee:	Jan. 8, 2013
Recommendation of Award to City Council:	Jan. 9, 2013
Notice to Proceed with Design:	Jan. 17, 2013
Advertise for Construction Bids (estimated)	August, 2013

PROJECT BUDGET:

Funds in the amount of \$500,921.42 are required to award this contract: \$496,921.42 is the amount of the contract, including tax, plus a design contingency of in the amount of \$4,000.00 is being requested. The required amount is available in Business Unit 32814 (SW Activity Node) as follows:

Line item 572960 WIP Design (from impact fees):	\$1,341.00
Line item 572960.0108400 WIP Design (from Park Bond '08):	\$377,890.00
Line item 572960.0110400 WIP Design (from Park Bond '10):	<u>\$121,860.00</u>
	<u>\$501,091.00</u>

The Summary of Contracts form is attached (Exhibit D).

ACTION:

Please recommend to the Finance Committee and City Council, approval of Award of RFP No. '13/06/P, the Agreement Between Owner and Landscape Architect with Surroundings Studio LLC, Exhibit A, in the amount of \$496,921.42, and approval of the design contingency in the amount of \$4,000.00.

Exhibits: "A" Agreement
 "B" Proposal Interview Scores
 "C" SWAN Park Phase I park elements
 "D" Summary of Contracts form

xc: Ben Gurule, Parks Division Director
 Shirley Rodriguez, Purchasing Division
 Project/book file

Evaluation res

Landscape Architectural Design Services Southwest Activity Node (SWAN) Park Phase I

'13/06/P

Written Evaluation

Evaluation Committee	Design Office	Surroundings Studio	Dekker/Perrich/ Sabatini	Morrow Reardon Wilkinson Miller, LTD	Cohen + Partners
Robert Rodarte	920	905	810	800	875
Mary MacDonald	860	885	905	785	745
David Pfeifer	695	725	690	700	635
John Romero	810	765	755	740	545
Robert Siqueros	850	842.5	812.5	805	645
Ben Gurule	845	845	695	780	665
Total	4980	4967.5	4667.5	4610	4010
Local Preference	5478	5465			

Interview Evaluation

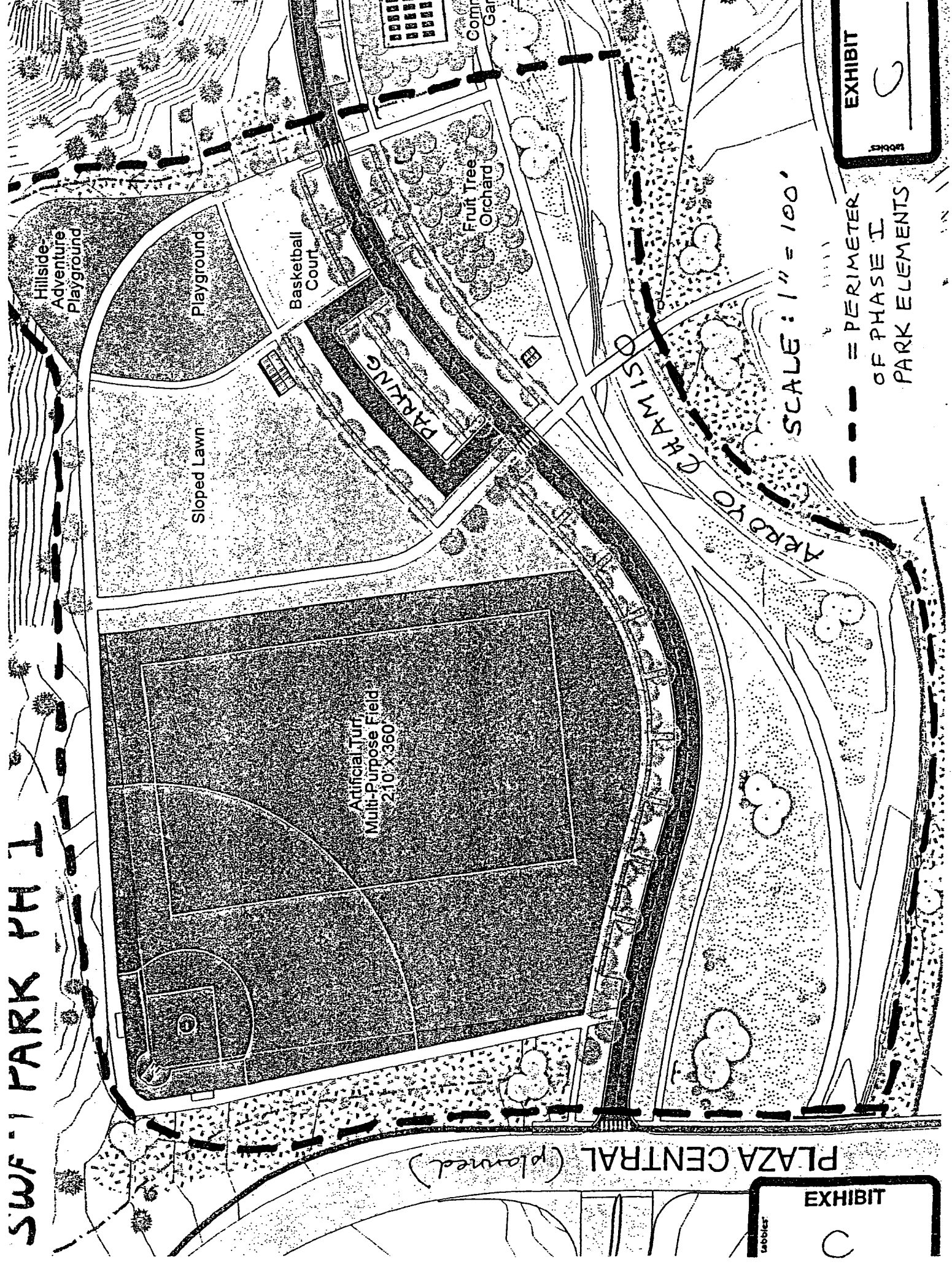
Evaluation Committee	Surroundings Studio	Design Office
Mary MacDonald	870	865
David Pfeifer	780	715
John Romero	840	785
Robert Siqueros	830	855
Ben Gurule	940	855
Total	4260	4075
Local Preference	4686	4482.5

tabbles

EXHIBIT

B

SWF PARK PH I



SCALE: 1" = 100'

--- = PERIMETER
OF PHASE I
PARK ELEMENTS

EXHIBIT
C

EXHIBIT
C



City of Santa Fe
Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

1 FOR: ORIGINAL CONTRACT ☒ CONTRACT AGREEMENT ☐
MAINTENANCE AGREEMENT ☐ LICENSE AGREEMENT ☐
LEGAL SERVICES AGREEMENT ☐ MEMORANDUM OF UNDERSTANDING ☐
MEMORANDUM OF AGREEMENT ☐ JOINT POWERS AGREEMENTS ☐
GRANT AGREEMENTS ☐ CHANGE ORDERS ☐

2 Name of Contractor Surroundings Studio LLC

3 Complete information requested

☐ Plus GRT

☒ Inclusive of GRT

Original Contract Amount: \$496,921.42

Termination Date: January 31, 2014

☒ Approved by Council Date: (pending)

☐ or by City Manager Date: _____

Contract is for: Design of Southwest Activity Node (SWAN) Park Phase I improvements.

Amendment # _____ to the Original Contract# _____

Increase/(Decrease) Amount \$ _____

Extend Termination Date to: _____

☐ Approved by Council Date: _____

☐ or by City Manager Date: _____

Amendment is for: _____

4 History of Contract & Amendments: (option: attach spreadsheet if multiple amendments)

☐ Plus GRT

☐ Inclusive of GRT

Amount \$ _____ of original Contract# _____ Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Total of Original Contract plus all amendments: \$ 496,921.42

EXHIBIT

D



City of Santa Fe
Summary of Contracts, Agreements, & Amendments

5 Procurement Method of Original Contract: (complete one of the lines)

RFP ☒ RFQ ☐ Sole Source ☐ Other ☐

6 Procurement History: First year of two year contract.
example: (First year of 4 year contract)

7 Funding Source: Southwest Act Node Park/WMP Design BU/Line Item: 32814.57296

8 Any out-of-the ordinary or unusual issues or concerns:
none
(Memo may be attached to explain detail.)

9 Staff Contact who completed this form: Mary MacDonald Phone # 955-5934

Division Contract Administrator: David Pfeifer *David Pfeifer*

Division Director: David Pfeifer, Facilities Division Director *DP*

Department Director: Isaac J. Pino, P.E., Public Works Department Director *Isaac J. Pino*

10 Certificate of Insurance attached. (if original Contract) ☒

11 Description of your efforts to reduce the cost of the contract including information on efforts to obtain other quotes for the contracted activity: We advertised the Request For Proposals and had it listed with online plan rooms and sent paper copies of the RFP to two Albuquerque plan rooms
Amount of proposed fee was included in the score points for evaluating the proposals received.

2 Prior year's contract amount?: N/A

13 Describe service impact from an ongoing commitment to the contractor: N/A

14 Why staff cannot perform the work?: The scope and quantity of design work for this large project is beyond the time available from staff.

15 If extending contract, why?: N/A

16 Was a Santa Fe company awarded contract? If not, why?: Yes, the prime consultant and a couple of the sub-consultants are Santa Fe companies.

17 Has the contract has been approved as to form by City Attorney's Office?: yes

18 Is this for City Manager or Council approval?: Council

To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____



SURRS-1

OP ID: MG

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/06/12

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
St SF Ins Serv Inc - SF
X 505-798-5890
20 Jefferson NE
Albuquerque, NM 87109
Margaret Gallegos

Phone: 505-798-5850
Fax: 505-798-5890

CONTACT NAME: Liz Goodner

PHONE (A/C, No, Ext): 505-798-5850

FAX (A/C, No): 505-798-5890

E-MAIL ADDRESS: liz@fsfins.com

INSURED
Surroundings Studio LLC
c/o Kenneth & Sandra
1600 Lena St., #E-3
Santa Fe, NM 87505

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: American Hallmark Ins Services

INSURER B: ITT Hartford

INSURER C: Travelers Insurance Group

19038

INSURER D:

INSURER E:

INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
GENERAL LIABILITY						
<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	<input checked="" type="checkbox"/>		44CL45449803	05/23/12	05/23/13	EACH OCCURRENCE \$ 1,000,000
<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
						MED EXP (Any one person) \$ 5,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 2,000,000
GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG \$ Included
<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						
MOBILE LIABILITY						
<input checked="" type="checkbox"/> AUTO			44CL45449803	05/23/12	05/23/13	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
ALL OWNED AUTOS						BODILY INJURY (Per person) \$
<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/>					BODILY INJURY (Per accident) \$
SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident) \$
NON-OWNED AUTOS						
UMBRELLA LIAB						EACH OCCURRENCE \$
EXCESS LIAB						AGGREGATE \$
DED						
RETENTION \$						
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N		34WECPU7551	03/09/12	03/09/13	E.L. EACH ACCIDENT \$ 100,000
If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. DISEASE - EA EMPLOYEE \$ 100,000
Professional Liab			10270551	04/23/12	04/23/13	E.L. DISEASE - POLICY LIMIT \$ 500,000
						occ limit 1,000,000
						agg limit 3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

DESCRIPTION OF OPERATIONS:

HIGHEST ACTIVITY NODE (SWAN) PARK; CIP PROJECT #474B

CERTIFICATE HOLDER

City of Santa Fe
PO Box 909
Santa Fe, NM 87504

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Margaret Gallegos

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ACTION SHEET
CITY COUNCIL MEETING OF 01/09/13
ITEM FROM FINANCE COMMITTEE MEETING OF 01/08/13

ISSUE:

12. Request for Approval of Agreement Between Owner & Landscape Architect – Southwest Activity Node Park – Phase I (SWAN) (RFP #13/06/P); Surroundings Studio, LLC. (Mary MacDonald)

FINANCE COMMITTEE ACTION: Approved as Discussion Item

Requested approval of agreement between owner and landscape architect for Southwest Activity Node Park Phase I (SWAN) (RFP #13/06/P) with Surroundings Studio, LLC in the amount of \$496,921.42 with an additional \$4,000 in contingency for a total of \$500,921.42. Budget is available in project fund.

SPECIAL CONDITIONS OR AMENDMENTS:**STAFF FOLLOW-UP:**

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	X		
COUNCILOR DIMAS	X		
COUNCILOR IVES	Excused		
CHAIRPERSON DOMINGUEZ			

MLM 3-19-12/FCMissue

Exhibit "7"



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

David Coss, Mayor

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

Memorandum

To: Members of the Governing Body

From: Kelley Brennan *KAB*
Assistant City Attorney

Via: Geno Zamora
City Attorney

Re: Appeal of Diane Taliaferro from the
December 11, 2012 Decision of the Historic Districts Review Board
in Case #H-12-088
Driveway Relocation at 719 Gildersleeve Street
Case No. 2012-152

Date: December 31, 2012 for the January 9, 2013 Meeting of the Governing Body

The Appeal

On December 20, 2012 Diane Taliaferro¹ (Appellant) filed a Verified Appeal Petition (Petition) appealing the November 13, 2012 decision (the Decision) of the Historic Districts Review Board (HDRB) approving the application (Application) of Brian Blount and Caryli Blount (Applicants) to relocate the driveway and make related improvements (Project) to property they own at 719 Gildersleeve Street (Property). Copies of the Petition and the Application are attached as **Exhibit A** and **Exhibit B** respectively.

The Property

The Property is comprised of 0.146± acres of land improved with a single dwelling unit that fronts on Gildersleeve (Residence) and attached studio (Studio) in the rear, as well as with

¹ The Petition lists the following additional appellants: Pamela Cerosimo, 716 Gildersleeve; Marion Kassin, 714 Gildersleeve; Martha Abernathy, 718 Gildersleeve; and Sloan Cunningham, 907 Gildersleeve. As Diane Taliaferro is the sole appellant who executed the Petition, we refer to her throughout as the Appellant.

Exhibit 'B'

certain incidental improvements such as walls and fences. The Residence is contributing to the Don Gaspar Area Historic District (District). The Property is zoned R-21 (Residential – 21 dwelling units/acre).

History of the Case

The Project includes the relocation of the driveway from the south side of the Property to the north side, entailing, among other things, the removal of portions of an existing historic front retaining wall (Front Wall) and of an historic yard wall set back from the street to (Side Wall) to create an opening for the new driveway and infill of the existing driveway opening. A non-historic coyote fence located on the street side of the Side Wall will also be removed. The new driveway location will provide access to four parking spaces at the back of the Property to meet zoning requirements for two dwelling units. Currently, there is one parking space on the Property, with a potential for two. The additional two parking spaces provided by the Project will support the conversion of the Studio to a dwelling unit, which is permitted under applicable zoning². However, the Application does not include modifications to the Residence or Studio.

The HDRB held a hearing on the Application on November 13, 2012 (the Hearing). HDRB staff provided the HDRB with a report (Staff Report) briefly describing the Application and recommending that the HDRB approve the Application and the exception for the removal of Front Wall and Side Wall historic materials. A copy of the Staff Report is attached as **Exhibit C**³. A copy of the minutes of the Hearing is attached as **Exhibit D**.

Findings of Fact and Conclusions of Law embodying the Decision were adopted by the HDRB on December 11, 2012 (Findings). The Findings (Item #12-102) are attached as **Exhibit E**.

Basis of Appeal

The Appellant states generally her belief that the Project will be detrimental to the historic character of the 700 block of Gildersleeve Street where it is located and expresses concern that the Project is intended as a first step to further development on the Property. She cites the following specific bases for appeal:

1. The Applicant was not the owner of the Property at the time the Application was filed (Claim 1).
2. The historic character of the Front Wall and the Side Wall has not been determined (Claim 2).
3. The Project will require the removal of two mature trees (Claim 3).
4. A prior HDRB approval required the then-owner to retain the white stucco as its historic color (Claim 4).

² R-21 zoning would allow for 3 dwelling units on the Property.

³ Exhibit C does not include the material identified as "Applicant Submittals", which duplicate the material attached as Exhibit B.

5. It is difficult to determine whether an historic wire fence along the front and side of the house would be compromised (Claim 5).
6. The Application does not indicate whether the existing driveway, including the apron onto the street will be removed (Claim 6).
7. The notice of the Hearing posted on the Property gave the wrong location for the Hearing (Claim 7).

Discussion

Code §14-3.17(A)(2) provides that an appeal can only be filed if:

- (1) the final action appealed from does not comply with Code Chapter 14 or §§3-21-1 through 3-21-14 NMSA⁴ (the Statute);
- (2) Code Chapter 14 has not been applied properly; or
- (3) the decision appealed from is not supported by substantial evidence.

Pursuant to Code §14-3.17(D)(6)(a) the City Attorney's Office (CAO) has reviewed the Petition and for the reasons set forth below concurs with the determination of the Land Use Department Director that it does not conform to the requirements of Code §14-3.17 in that it does not state a valid basis for appeal under any of the foregoing provisions.

General Claims. With respect to Appellant's general statement that the Project will be detrimental to the historic character of the 700 block of Gildersleeve Street where it is located, she describes that character as including "*single family homes and several compounds all accessed by a single driveway.*" First, the Application, while stating the Applicants' intention to "*undertake improvements to [the Studio] to render it a fully functional dwelling unit*", it also states that "*[n]o modifications to the [R]esidence and [S]tudio are proposed with [the Application].*" But even if the Application did include modifications to the Residence and Studio, the HDRB does not have jurisdiction to determine whether a second dwelling unit is permitted on the Property; its jurisdiction generally is over publicly visible exterior modifications. In fact, a second dwelling unit is permitted by the underlying zoning. In addition, if and when the Studio is improved to make it a second dwelling unit, it and the Residence will be "*single-family homes...accessed by a single driveway*" consistent with how the Appellant has defined the historic character of the 700 block of Gildersleeve Street.

The Appellant's general claim does not fall within any of the three bases for appeal cited above and should be dismissed.

⁴ Section 3-21-8 B. NMSA 1978 provides in pertinent part: "Any aggrieved person...affected by a decision of an administrative...commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. ..."

Claim 1. *The Applicants were not the owners of the Property at the time the Application was filed.*

Code §14-3.1(B)(1) provides in relevant part that applications for review and approval under Chapter 14 may be filed by the owner of the property that is the subject of the application or the owner's authorized agent with written authorization. The Application was submitted on behalf of the Applicants by JenkinsGavin Design & Development, Inc. (JGD&D) on October 17, 2012 and included the Applicants' October 8, 2012 written authorization designating JGD&D as their agent. The Application correctly listed the Estate of Jennifer A. Thompson as the owner and specifically noted at the bottom that the "*Applicant is under contract to purchase the [P]roperty.*" The Property was conveyed to the Applicants by deed dated November 2, 2012.

HDRB staff advised JGD&D at the time the Application was filed that the Applicants had to own the Property at the time the Application was heard by the HDRB, but consistent with City practice, accepted the Application on the understanding that the Applicants intended to purchase the Property.

In any event, JGD&D's failure to provide the prior owner's written authorization of agency at the time the Application was filed on October 17, 2012 was immaterial to the outcome and did not prejudice the Appellant⁵. The Applicants indisputably owned the Property at the time of the Hearing. If they had waited until November 2, 2012 to file the Application, the hearing on the Application would have occurred at a later date. There is no reason to suppose that the outcome would have differed. Nor does the failure result in any discernible prejudice to the Appellant.

Claim 1 does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 2. *The historic character of the Front Wall and the Side Wall has not been determined.*

Code §14-5.2(D)(1)(a) prohibits the removal of historic materials that embody a property's contributing status. Code §14-5.2(C)(5) authorizes the HDRB to grant an exception to Code §14-5.2 requirements. While the Applicants did not unequivocally know that the Front Wall and the Side Wall were historic, they assumed they were. As a result, they sought, and obtained, HDRB approval for an exception to permit the removal of historic materials necessary to carry out the Project. The Appellant's statements, to the extent they demonstrate that the Front Wall and the Side Wall are historic, merely support the Applicants' decision to seek an exception for any removal.

⁵ These kinds of mistakes are identified as "harmless error". New Mexico courts have held that failure to comply with a rule of Civil Procedure does not constitute reversible error unless prejudice is shown. *Jewell v. Seidenberg*, 82 N.M. 120, 124, 477 P.2d 296, 300 (1970), citing *Martinez v. Research Park, Inc.*, 75 N.M. 672, 410 P.2d 200 (1965). Harmless error is defined as "...an error which is trivial or formal or merely academic and...not prejudicial to the substantial rights of the party..., and in no way affected the final outcome of the case." *State v. Zamora*, 91 N.M. 470, 474, 575 P.2d 1355, 1359 (Ct. App. 1978), citing *State v. Johnson*, 1 Wash.App. 553, 463 P.2d 205, 206 (1969)

Claim 2 does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 3. *The Project will require the removal of two mature trees.*

The HDRB does not have jurisdiction over trees. Code §14-5.2 regulates generally new construction, alteration and demolition of structures in the historic districts and of landmark structures outside the historic districts. Code §12-1 defines a “structure” as “[a]nything that is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground...” Trees are not “structures” and the HDRB does not have jurisdiction over their removal. That jurisdiction is vested in the Land Use Department Director by Code §14-8.4(F)(5)(c), which prohibits the removal of existing deciduous trees with a 6” or greater caliper without his approval. Pursuant to Code §14-8.4(B)(2)(b), that requirement applies to the Project. In addition, in an October 30, 2012 email to JGD&D, Robert Montoya, on behalf of the City’s Traffic Engineering Division, indicated that the trees in the front of the Property would not have to be removed to improve sight distance. A copy of that email is attached as **Exhibit F**.

Claim 3 does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 4. *A prior HDRB approval required the then-owner to retain the white stucco as its historic color.*

It is difficult to understand the Appellants’ intent in making this claim. The Applicants have not proposed changing the stucco color. The infill of the Front Wall at the existing driveway opening must be “in kind”, that is, it will match the appearance of the existing structure in style and color. JGD&D acknowledged this requirement at the Hearing, saying with respect to the Front Wall that “...they didn’t know [the composition of the wall], but they would replace aesthetically in kind if they couldn’t replace the composition in kind.” The Side Wall will be removed in its entirety and the question of stucco color does not arrive.

Claim 4 does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 5. *It is difficult to determine whether an historic wire fence along the front and side of the house would be compromised.*

It appears that the Appellant is referring in this claim to what appears to be an historic wire fence (Fence) running along the front and the side of the property to the north of the Property. The Application does not affect the Fence. As a result, the Decision does not address the Fence.

Claim 5 does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 6. *The Application does not indicate whether the existing driveway, including the apron onto the street will be removed.*

This claim is not in reality a claim; instead, it is an expression of the Appellant's ideal: "To enhance the view of the [P]roperty [from the street,] it would be ideal if the [HDRB] recommended removal of the coyote fence to conform to the historic character of the [P]roperty...", as well as "...removal of the [existing] driveway apron and repair of the sidewalk and curb adjacent to the street..."

The site plan submitted with the Application shows the Property's street-side property line running just outside and parallel to the Front Wall. Generally, the Land Use Department and the City's Traffic Engineering Division regulate infrastructure improvements and alterations. JG&DD's statement at the Hearing that "...the City required that they close the existing driveway so they would reclaim that..." indicates that at construction permitting the Applicants will be required to close the existing driveway opening at the street by installing curb and to restore the planting strip between curb and sidewalk and sidewalk and Front Wall.

Claim 6 does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 7. *The notice of the Hearing posted on the Property gave the wrong location for the Hearing.*

A copy of the notice of the hearing posted on the Property is attached as **Exhibit G**. The location given for the Hearing is "City Council Chambers at City Hall, 200 Lincoln Ave." Due to a scheduling conflict, the Hearing was moved to the Lamy Room at the Convention Center. Notices of the change in location were posted on the Lincoln Street and Marcy Street doors to City Hall and on the City Council Chambers doors. In addition, signs were posted at the Convention Center to direct attendees to the Lamy Room. Notice of the meeting location was therefore sufficient.

In any event, the Appellant had actual notice of the Hearing location, as she and others appeared and testified at the Hearing. "'Actual notice' refers to information that was communicated directly to or received by a party." Pollock v. Ramirez, 117 N.M. 187 (Ct. App. 1994). "Actual notice... is sufficient and dispenses with statutory notice." Acceptance Corp. of Sante Fe v. Valencia, 70 N.M. 307, 309 (1962). See also, Bennett v. City Council for City of Las Cruces, 1999-NMCA-015, 126 N.M. 619, 621 ("Our Supreme Court has held that 'substantial compliance' with notice and publication is sufficient to satisfy statutory requirements. ...stating that while 'some courts have held that even a minor defect in notice will invalidate an action taken by the zoning authority, New Mexico does not take such a strict view...'") (citations omitted).

The Appellant also claims that the notice period was "extremely short" and hampered the neighbors in preparing objections to the Project. However, the notice conformed to statutory and

Chapter 14 requirements and provided the same notice given for every other application to the HDRB.

Claim 7 does not fall within any of the three bases for appeal cited above and should be dismissed.

Conclusion

The Appellant has not effectively alleged that the Decision does not comply with applicable Code or the Statute; that the Code has been improperly applied; or is not supported by substantial evidence. As a result, the Appellant has failed to state a valid basis for appeal under Code §14-3.17(A)(2). The CAO recommends that the Appellant's appeal be dismissed.

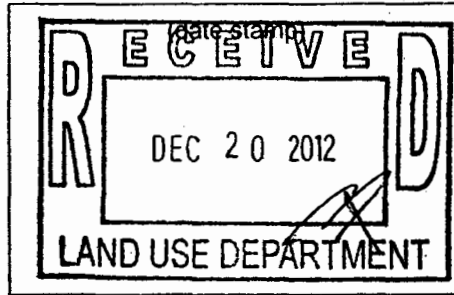


LUD Use Only

Time Filed: 3 pm

Fee paid: \$ 100

Receipt attached: ☒



**VERIFIED APPEAL
PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: TALIAFERRO DIANE M
Last First M.I.

Address: 716 GILDERSLEEVE STREET
Street Address Suite/Unit #

SANTA FE, NM 87505
City State ZIP Code

Phone: (505) 983-8634 E-mail Address: LUKLA1@MSN.COM

Additional Appellant Names: SEE ATTACHED SHEET

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both

Agent Authorization (if applicable)

I/We: _____

authorize _____ to act as my/our agent to execute this application.

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: _____

Applicant or Owner Name: BRIAN BLOUNT, JENKINS GAVIN, AGENT

Location of Subject Site: 719 GILDERSLEEVE STREET SANTA FE

Case Number: H-12-088 Permit Number (if applicable): _____

Final Action Appealed:

☐ Issuance of Building Permit ☐ Other Final Determination of LUD Director

Final Action of Board or Commission (specify): ☐ Planning Commission ☒ Board of Adjustment ☐ BCD-DRC ☒ HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

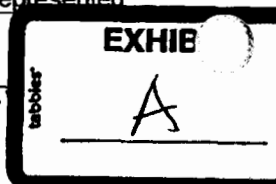
APPELLANTS ARE PROPERTY OWNERS AND RESIDENTS OF GILDERSLEEVE ST.

Basis for Appeal: ☒ The facts were incorrectly determined ☐ Ordinances/laws were violated and/or misrepresented

description of the final action appealed from, and date on which final action was taken:

REMOVAL OF RETAINING WALL AND YARD WALL TO CONSTRUCT
AND PARKING FOR ADDITIONAL UNITS

☐ Check here if you have attached a copy of the final action that is being appealed.



Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

SEE ATTACHED

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

SE ATTACHED

Signature and Verification

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: *Diane M. Taliaferro* Date: 12/18/2012
Agent Signature: N/A Date: N/A

State of New Mexico)
) ss.
County of Santa Fe)

I/We *Diane M. Taliaferro*, being first
duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and
that the same are true to my/our own knowledge.

Petitioner/s:

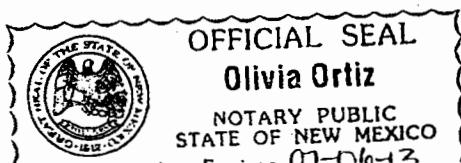
Signature

Signature

Print Name

Print Name

Subscribed and sworn to before me this 18th day of December, 2012.



Olivia Ortiz
NOTARY PUBLIC
My commission expires: 12/16/13

Diane Taliaferro
716 Gildersleeve St
Santa Fe, NM 87505
Appeal Case # H-12-088

Harm to the Neighborhood

Gildersleeve Street, as part of the Don Gaspar Historic District, is comprised of single family homes and several compounds, all accessed by a single driveway. The 700 block retains its original character; the appellants believe the proposed changes at 719 Gildersleeve will be detrimental to that character. We are also concerned that the current proposal is deliberately limited in scope to create access to further unspecified development on the property.

Basis for Appeal:

- Gavin-Stevens acting as agent of owner without knowledge of owner. According to Nov 13 telephone conversation with Geoffrey Thompson, as legal representative of the estate of Jennifer Thompson, the owner was not aware of the actions of buyer in reference to application to the HDRB until the date of closing, Nov 2. He stated that he signed a form at that time granting permission for this process because he was told that, though the property had closed, the deed would not be received for several days and the buyer wanted permission to bring his application to the board without waiting for the deed to be recorded. From the board's website, the schedule for the Nov 13 meeting required submission by Oct 17. Whether or not the contract for sale was contingent upon HRB approval, the owner of record had no knowledge of, nor did he approve Gavin-Stevens acting as 'agent' of the estate. On the agenda, Gavin Stevens was listed as agent for the estate of Jennifer Thompson. When this was pointed out to the members of the board, they seem to be unaware that the seller had not given permission for the firm to act as its agent.
- Determination of historic character of two property walls. The first wall in question is a retaining wall separating the front of the property from sidewalk on Gildersleeve Street, which was constructed in 1924. (Note the brass plaque embedded in the concrete in the middle of the street at the top of the 700 block) The adjacent property to the north has a similar retaining wall, topped by a historically significant wire fence. Mention was made in the Nov 13 meeting that the property line between these properties is the same wire. Because the walls follow the grade of the street, it may be argued that they are of the same time period. No sampling of the wall material was made. The use of aerial photos was reportedly inconclusive. A former resident of the block with many years' knowledge of the neighborhood has offered his testimony and has photographic evidence of a section of the retaining wall in question. The second wall is also historic at about 8 feet with a stone base as the foundation and stucco on top that

matches another wall dividing the properties. The driveway proposal will also compromise at least 2 mature trees that will have to be completely removed

- Prior Historic Board reviews of 719 Gildersleeve. The previous owner was not allowed to change the color of the stucco on the house or walls because it was deemed that the original white was indeed historic.
- No official survey, property corner determination or engineering report for the driveway. It is difficult at this time to determine whether the wire fence along the front and side of the house would be compromised, which in fact is historic as noted by the board in the meeting held on Nov. 13th.
- Original driveway location. There was no indication in the driveway proposal to rehab the original driveway or remove the concrete apron to the street. Due to the grade elevation of the current driveway this will be quite noticeable from the street despite the applicant's verbal assurances that an extension of the existing wall will be constructed across the driveway.
- View from the Street. To enhance the street view of the property it would be ideal if the board recommended removal of the coyote fence to conform to the historic character of the property. Also, removal of the driveway apron and repair of the sidewalk and curb adjacent to the street to conform to the 'one driveway per property' nature of the neighborhood. The representative from Jenkins Gavin informed us at the close of the Nov 13 meeting that there was no plan to remove any concrete from the existing drive. This was not part of the proposal; however it appears this could be an opportunity to work with the new owner to instill the goal of historic preservation.
- The original notification poster placed on the property gave the wrong meeting site and was not amended as were other posters on locations under review on Nov 13's meeting (612 Old Santa Fe Trail). This, and the extremely short notice gave the neighbors little time to prepare objections to the project. The applicant did not offer any information, verbally or in writing, (as was requested, because we were unavailable in person from Oct 29 through Nov 13). Gavin-Stevens' representative offered no information, nor did the architectural firm, which also preformed site visits prior to closing of the property on Nov 2.

Additional Appellants

**Pamela Cersosimo
716 Gildersleeve**

**Marion Kassin
714 Gildersleeve**

**Martha Abernathy
718 Gildersleeve**

**Sloan Cunningham
907 Gildersleeve**

We are totally opposed to the owners of 719 Gildersleeve Street adjacent to our property on 715 Gildersleeve Street putting a road and an additional house on the back of their property. This road would significantly change the historic character of the street. There is a reason that the drives are placed adjacent and there is a quiet space between each adjacent house. Adding a road on the north side of the 719 Gildersleeve house would eliminate this buffer quiet space and interfere significantly with the quiet enjoyment of our two homes at 715 Gildersleeve.

This is unacceptable.

We concur with the neighbors who oppose this variance.

We support every effort to stop the actions of the owners of 719 Gildersleeve Street.

Please let us know as soon as possible what the next steps are to make sure the road and additional house are not constructed.

Thank you.

Sincerely,

S. Barry Paisner and Charleen Touchette

Owners of 715 Gildersleeve Street

11/14/2012

I ATTEST THIS PICTURE WAS TAKEN OF
ME WHEN I RESIDED AT 714 GILDERSLEEVE.
AS I REMEMBER THIS PICTURE WAS TAKEN OF
ME SOMETIME IN THE MID-50'S. MY FAMILY
OWNED THE HOUSE @ 714 FROM 1943 UNTIL
2005. TO MY KNOWLEDGE, THE SAME WALL
IN FRONT OF 719 GILDERSLEEVE WAS IN PLACE
ALL OF THAT PERIOD.

George H. Crnkovic

11/14/12 witness: Martha Chernace



City of Santa Fe
Cashiers Office
Santa Fe, NM 87504
(505)955-4333

12/20/2012 2:51:26 PM
Your cashier was LORRAINE
B002501112354 T89

Development Review
PAMELA CERSOSIMO
11001.431470

\$100.00

Total

\$100.00

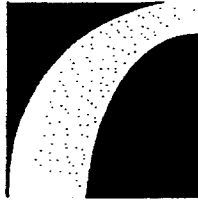
Check
1645

\$100.00

Change

\$0.00

Thank you!



jenkinsgavin
DESIGN & DEVELOPMENT INC

Revised

October 17, 2012

John Murphey
Historic Preservation Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

RE: 719 Gildersleeve Street

Dear John:

This letter is submitted on behalf of Brian and Caryll Blount in application for an Exception for proposed modifications to existing yardwalls to accommodate a new driveway at the above named residence, for consideration by the Historic Districts Review Board on November 13, 2012. The ± 0.146 -acre tract is zoned R-21 and is located within the Don Gaspar Historic District. The proposed improvements are described below.

Existing Conditions

The property comprises an 1,800 square foot Contributing residence and attached studio built in the Pueblo Revival style. No modifications to the residence and studio are proposed with this application. The existing 2'6" high stucco yardwall along the street includes buttress elements on either side of the existing driveway at the south property boundary. Also existing adjacent to the north property line are a newer coyote fence and one additional rear wall barely visible from the street, and thus minimally impacting the building's façade.

Proposed Modifications

The current driveway provides only one off-street parking space. It is the applicant's intention to undertake improvements to the existing studio to render it a fully functional dwelling unit. Therefore, per SFCC §14-8.6-1, four parking spaces are required, two for each dwelling unit. To accomplish this, the applicant proposes to move the driveway to the north property boundary in order to access a proposed parking area with four parking spaces at the rear of the property.

The driveway and parking surfaces will be Santa Fe Brown gravel. Moving the driveway will entail filling in the wall at the current driveway and removing a portion of the wall at the north property boundary to allow for driveway access. This modification will create a mirror image of the current wall orientation, allowing the experience of the façade from the street to remain essentially unchanged. The additional rear wall will also have to be removed; as stated above,



this will not substantially affect the building's façade. Furthermore, there will still be a substantial backyard directly behind the residence. (See attached site plan.)

Exception Request

We are requesting an Exception from the following Santa Fe City Code provisions to allow the removal of a portion of the front yardwall and replacement of the wall section currently serving the driveway.

SFCC §14-5.2(D)(1)(a) The status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited.

SFCC §14-5.2(C)(1)(c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved.

Below are our responses to the approval criteria from SFCC §14-5.2(C)(5)(c).

(i) *Do not damage the character of the streetscape;*

Removing a portion of the front yardwall to allow for a driveway will not damage the character of the streetscape, as the wall will be subsequently replaced on the opposite side of the property where it now breaks for the existing driveway. The result will be a mirror image that will preserve the character of the historic façade. The additional back yard wall to be removed is minimally visible from the street and will not affect the streetscape.

(ii) *Prevent a hardship to the applicant or an injury to the public welfare;*

The property now provides for only one off-street parking space for two potential dwelling units. This creates a hardship for the residents, as on-street parking is at a premium on this densely populated street. In order for the applicant to obtain a permit to convert the existing studio to a fully functional dwelling unit, the property must be brought into compliance with Santa Fe City Code, which calls for two off-street parking spaces for each dwelling unit. Public welfare is served by adding off-street parking to minimize on-street parking in this dense neighborhood.

(iii) *Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic districts;*

Providing the opportunity to move the driveway in order to access off-street parking ensures that residents of the property will be able to comfortably and safely park within

their historic district. Maintaining a desirable residential neighborhood entails ensuring adequate off-street parking.

- (iv) *Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape;*

Several other residences in the related streetscape already have more than one off-street parking space in their side or back yards. The subject property has only one off-street parking space for two potential dwelling units.

- (v) *Are due to special conditions and circumstances which are not a result of the actions of the applicant;*

The property is legal nonconforming in that it has only one off-street parking space when four will be required for the creation of an additional dwelling unit as described above. This is an existing condition that is not a result of the actions of the applicant.

- (vi) *Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2(A)(1).*

Replacing one driveway with another, and replacing the wall to close the existing driveway, preserves the historical façade of the building and does not negatively impact the streetscape. The wall will be replaced in its current historic Pueblo Revival style.

The following documentation is submitted herewith for your review:

1. Preliminary Zoning Review Worksheet
2. HDRB Application
3. Owner Documentation
4. Letter of Authorization
5. Photographs of Existing Wall Elevations
6. Submittal Plans – one full size set and two reduced sets
7. Fees in the amount of \$625.00 (\$350 Exception; \$250 construction; \$25 poster)

Your consideration of this request is greatly appreciated. Please do not hesitate to contact us should you have any questions or need additional information. Thank you.

Sincerely,

JENKINS GAVIN DESIGN & DEVELOPMENT, INC.



Hillary Welles



Preliminary Zoning Review Worksheet

City of Santa Fe Land Use Department

To Be Completed By Applicant:

Date Submitted: <u>10.16.12</u>	Site Address: <u>719 Gildersleeve</u>
Property Owner of Record: <u>Estate of Jennifer A. Thompson</u>	Proposed Construction Description: <u>Relocate driveway- Modify yard walls to accommodate driveway.</u>
Applicant/Agent Name: <u>Jenkins Gavin</u>	TOTAL ROOF AREA: _____
Contact Person Phone Number: (<u>9820</u>) <u>7444</u>	

NOTE: Preliminary zoning reviews are provided as a courtesy and are intended to address general zoning compliance issues. Applicants are advised to do an independent search of applicable zoning ordinances and to research documents related to property history which may affect permitting. Additionally, applicants are advised to contact appropriate City Staff with questions related to Terrain management, building, fire, water budget, Sangre de Cristo, wastewater, and other development codes which may affect permitting.

BASED ON INFORMATION PRESENTED ON APPLICATION DATE, THIS REVIEW DOES NOT GRANT ZONING APPROVAL AT THE TIME OF BUILDING PERMIT. FINAL ZONING APPROVAL WILL BE GRANTED ONCE ALL COMPLIANCE WITH ZONING HAS BEEN MET.

Hillary Welles for Jenkins Gavin / by F 11/01/12
☐ OWNER ☒ APPLICANT ☐ AGENT DATE

Zoning District: <u>R-21</u> Overlay: <input checked="" type="checkbox"/> Historic <u>Don Gaspar</u> <input type="checkbox"/> Arts and Crafts <input type="checkbox"/> Escarpment* <input type="checkbox"/> Flood Zone* <input type="checkbox"/> Cerrillos Road Corridor <input type="checkbox"/> Other: _____ ing Submittal Requirements: <input checked="" type="checkbox"/> Legal Lot of Record <input type="checkbox"/> Development Plan <input type="checkbox"/> Building Plans <input checked="" type="checkbox"/> Existing Site Plan <input checked="" type="checkbox"/> Proposed Site Plan <input checked="" type="checkbox"/> Elevations Supplemental Zoning Submittals: <input type="checkbox"/> Zero Lot Line Affidavit <u>NA</u> Access and Visibility: <input type="checkbox"/> Arterial or Collector* <input checked="" type="checkbox"/> Visibility Triangle Required <u>see below</u> Use of Structure: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial Type of Use: _____ Terrain: <input type="checkbox"/> 30% slopes <u>NA</u>	Lot Coverage: <u>26 % No change</u> <input type="checkbox"/> Open Space Required: _____ Setbacks: <u>NA - No change</u> Proposed Front: _____ Minimum: _____ 2 nd Front? _____ Proposed Rear: _____ Minimum: _____ Proposed Sides: L _____ R _____ Minimum: _____ Height: Proposed _____ <u>NA</u> Maximum Height: _____ or _____ <input type="checkbox"/> Regulated by Historic Districts Ordinance <input type="checkbox"/> Regulated by Escarpment District Parking Spaces: Proposed <u>4</u> Accessible** _____ Minimum: <u>2</u> Bicycle Parking**: Proposed: _____ Minimum: _____
--	--

* Requires an additional review conducted by Technical Review or Traffic Engineering Division to ensure compliance. ** Commercial Requirement

To Be Completed By City Staff:

Additional Agency Review if Applicable:

☐ Escarpment Approval by _____ Date: 1/1/12 > NA
☐ Flood Plain Approval by _____ Date: 1/1/12 > NA
☒ Traffic Engineering Approval by _____ Date: 10/10/12 original approval attached.

Notes: _____

Zoning Approval:

☐ Preliminary Approval ☐ with conditions ☐ Rejected

Comments/Conditions: _____

REVIEWER: Jamison

DATE: 11/01/12

Rev. 4-12



HISTORIC DISTRICTS REVIEW BOARD APPLICATION

PROJECT LOCATION: 719 Gilderleeve

HISTORIC DISTRICT: Downtown & Eastside ☐ Don Gaspar Area ☒ Westside-Guadalupe ☐
(from attached map) Historic Transition ☐ Historic Review ☐ Landmark (outside of historic districts) ☐

PROJECT PROPOSAL: Modify existing yard walls to accommodate a new driveway.

CONSTRUCTION COST: \$ 50,000 FEE: \$ 250 + \$25 Poster Cost = \$ 625.00
+ \$350 Exception

OWNER: Estate of Jennifer A. Thompson PHONE #: 670-5002

* Applicant OWNER ADDRESS: Brian Blount & Cayll Blount, 1372 Santa Rosa Dr.

CITY, STATE, ZIP CODE: Santa Fe, NM 87505

Agent APPLICANT: Jenkins Garin

PHONE #: 820-7444

ADDRESS: 130 Grant Ave #101

CITY, STATE, ZIP CODE: Santa Fe, NM 87501

NEW CONSTRUCTION:

Single-Family Residence ☐ Commercial ☐ Multi-Family Residence ☐ one

OTHER CONSTRUCTION: cut in walls to create drive break; exception
Demolition ☐ Remodel ☒ Addition ☐ Residential ☐ Signs ☐
Wall/Fence ☐ Antenna ☐

PREAPPLICATION MEETING: Date: 09/21/12 Case Planner: [Signature]

PRELIMINARY ZONING REVIEW: Date: 10/16/2012 Planner: Dan Esquivel

(You must schedule a meeting with Zoning Planner prior to the HDRB submittal deadline date. Worksheet will not be reviewed on the HDRB submittal deadline day/Preliminary Zoning Review Form must be submitted with proposal)

HEIGHT CALCULATION

Does the project include multi-story new construction, a building addition, and/or a wall or fence which will increase the height? YES ☐ NO ☒

If yes, please provide a written request for an updated maximum allowable height calculation.

What is the proposed height of your project? _____

AFFIDAVIT TO AUTHORIZE AGENT (IF APPLICABLE)

I am/We are the owner(s) and record title holder(s) of the property located at: _____

I/We authorize Please see attached letters of to act as my/our agent to execute this application.

Signed: authorization.

Date: _____

Signed: _____

Date: _____

I agree to post notice of the proposed project on the site fourteen (15) days prior to the Historic Districts Review Board hearing. I am aware that a decision of the HDRB may be appealed by any aggrieved party within fifteen (15) days of the adoption of Findings and Conclusions.

[Signature]
Signature of Applicant/Owner

16.17.2012
Date

* Applicant is under contract to purchase the property.

WARRANTY DEED

Marcia Weese, an unmarried woman, for consideration paid, grant(s) to Jennifer A. Thompson, ~~a~~ single woman whose address is 719 Gildersleeve, Santa Fe, NM 87501, the following described real estate in Santa Fe County, New Mexico:

Married woman as her sole and separate property

Lots 3 & 4, Block 10 of Buena Vista Addition, as shown on plat entitled "Plat of Survey for Michael L. Wineland...", filed in the office of the County Clerk, Santa Fe County, New Mexico, on June 28, 1994, in Plat Book 278, page 028, as Document No. 868,219.

Subject to patent reservations, restrictions, and easements of record and taxes for the year 2nd half 2004 and subsequent years.

with warranty covenants.

WITNESS my/our hand(s) and seal(s) this 12th day of November, 2004.

Marcia Weese
Marcia Weese

Individual Capacity

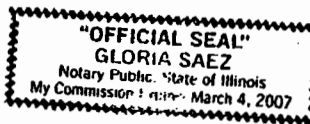
State of Illinois)
County of Cook) §

This instrument was acknowledged before me on the 12 day of November, 2004, by Marcia Weese.

My commission expires:

3-4-2007

Gloria Saez
Notary Public



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

WARRANTY DEED
PAGES: 1

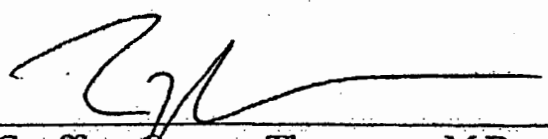
I Hereby Certify That This Instrument Was Filed for record On The 18TH Day Of November, A.D., 2004 at 15:22 and Was Duly Recorded as Instrument # 1255359 in the Records of Santa Fe County

Witness My Hand And Seal Of Office
Rebecca Bustamante
Deputy County Clerk, Santa Fe, NM

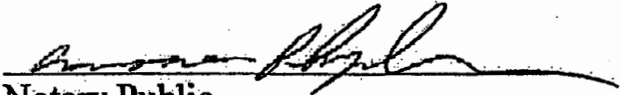
SFC CLERK RECORDED <11/03/2004

STATE OF CA)
COUNTY OF San Diego) ss.

I, Geoffrey Graeme Thompson, M.D., accept the duties of personal representative of the Estate of Jennifer A. Thompson, deceased, and do solemnly swear that I will perform, according to law, the duties of personal representative of the Estate.

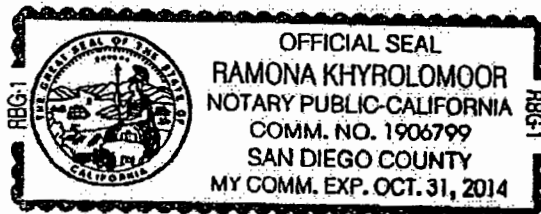
5/31/11

Geoffrey Graeme Thompson, M.D.

Subscribed and sworn to before me this 31st day of May, 2011, by Geoffrey Graeme Thompson, M.D.


Notary Public

My Commission expires:

Oct 31/2014



FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE
STATE OF NEW MEXICO

ENDORSED
First Judicial District Court

JUN 13 2011

Santa Fe, Rio Arriba &
Los Alamos Counties
PO Box 2268
Santa Fe, NM 87204-2268

No. D-0101-PB-2011-00112

IN THE MATTER OF THE ESTATE OF
JENNIFER A. THOMPSON, Deceased

LETTERS OF ADMINISTRATION AND ACCEPTANCE

This estate having been duly filed with this Court, Geoffrey Graeme Thompson, M.D. is
hereby appointed to serve as personal representative of the estate.

DATED: 6.13., 2011

STEPHEN T. PACHECO,
COURT ADMINISTRATOR/CLERK

By: Audi Soria

Deputy



I hereby certify that the foregoing pleading is a true
and correct copy of same which has been filed in
my office on the 13 day of June, 2011
Dated this 13 day of June, 2011

By: Audi Soria

STEPHEN T. PACHECO
Court Administrator/District Court Clerk

STATE OF NEW MEXICO

CERTIFICATE OF DEATH

New Mexico Vital Records and Health Statistics
State of New Mexico
United States of America

DECEDENT'S LEGAL NAME <<<Jennifer Ann Thompson>>>		IF FEMALE, MAIDEN NAME <<<>>>	
DATE OF DEATH April 18, 2011	TIME OF DEATH 07:35 AM <input type="checkbox"/> PM <input checked="" type="checkbox"/>	SEX Female	SOCIAL SECURITY NUMBER 554-02-2038
MARITAL STATUS Divorced	SURVIVING SPOUSE - If wife, maiden name <<<>>>		
DATE OF BIRTH September 21, 1954	BIRTH PLACE California	SERVED IN U.S. ARMED FORCES Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
DECEDENT'S RACE White	TRIBE <<<>>>	HISPANIC Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
DECEDENT'S RESIDENCE COUNTY Santa Fe		DECEDENT'S RESIDENCE STATE New Mexico	
MOTHER'S FULL MAIDEN NAME <<<Charlotte Lucille Ellis>>>		FATHER'S FULL NAME <<<Joseph Meacham Thompson>>>	
METHOD OF DISPOSITION <input type="checkbox"/> Burial <input type="checkbox"/> Donation <input type="checkbox"/> Removal from State <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Entombment <input type="checkbox"/> Other (Specify): <<<>>>		DISPOSITION LOCATION Direct Funeral Services Crematory	
FUNERAL SERVICE FACILITY Direct Funeral Services		COUNTY OF DEATH Santa Fe	
PLACE OF DEATH 719 Gildersleeve Street, Santa Fe, New Mexico 87505	TYPE OF PLACE Decedent's Residence	NAME OF PERSON CERTIFYING CAUSE OF DEATH <<<Karin E. Thron MD>>>	
MANNER OF DEATH <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Undetermined <input type="checkbox"/> Pending Investigation			
CAUSE OF DEATH PART I. Events such as diseases, injuries, or complications that directly caused the death. a. malignant metastatic breast cancer b. <<<>>> c. <<<>>> d. <<<>>>			
PART II. Other significant conditions contributing to death. <<<>>>			

File Number: 2011-004540

File Date: April 22, 2011

Order Number: 20110407290
2917472

Mary Anne Escudero, State Registrar

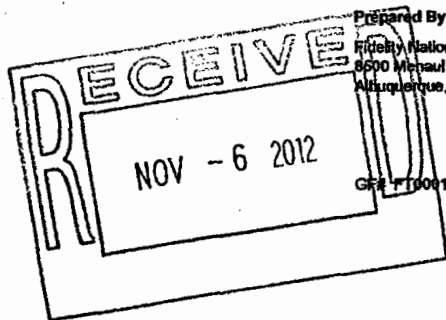
CERTIFIED COPY OF VITAL RECORD

This is a true and exact reproduction of all or part of the document
officially registered and filed with the New Mexico Vital
Records and Health Statistics, Public Health Division,
Department of Health

WARNING: IT IS ILLEGAL TO ALTER, COPY OR COUNTERFEIT THIS CERTIFICATE.
ADVERTENCIA: ES ILEGAL ALTERAR, COPIAR O FALSIFICAR ESTE CERTIFICADO.

DATE ISSUED: 25 2011

Donna Dasey
State Registrar



Prepared By and Return To:
Fidelity National Title of New Mexico
8600 Menaul Blvd NE, Ste. B150
Albuquerque, NM 87112

GRF - T100114716-NM01

COUNTY OF SANTA FE }
STATE OF NEW MEXICO } ss

WARRANTY DEED
PAGES: 1

I Hereby Certify That This Instrument Was Filed for
Record On The 5TH Day Of November, A.D., 2012 at 03:34:23 PM
And Was Duly Recorded as Instrument # 1686776
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza

Deputy - COMONTUYA

County Clerk, Santa Fe, NM

WARRANTY DEED (Joint Tenants)



Geoffrey Graeme Thompson M.D. as Personal Representative of the Estate of Jennifer A. Thompson, deceased

for consideration paid, grant to

Brian Blount and Caryll Pearlman Blount, husband and wife

whose address is 1372 Santa Rosa Drive, Santa Fe, NM 87505

as joint tenants the following described real estate in County, New Mexico:

Lots 3 & 4, Block 10 of the Buena Vista Addition, as shown on "Plat of Survey for Michael L. Wineland...", filed on June 28, 1994 in Plat Book 278, page 028 as Document No. 868219, records of Santa Fe County, New Mexico.

with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2012, and subsequent years.

Witness my hand and seal this 2 day of November, 2012

Geoffrey Graeme Thompson M.D., Personal Representative

STATE OF CA

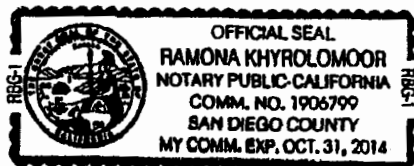
COUNTY OF San Diego

This Instrument was acknowledged before me Ramona Khyrolomoor, Notary Public
by Geoffrey Graeme Thompson

Ramona Khyrolomoor
Notary Public

My Commission Expires: Oct 31/2014

(SEAL)



October 8, 2012

RE: 719 Gildersleeve Street

To Whom It May Concern:

This letter shall serve as authorization for JenkinsGavin Design & Development, Inc. to act on my behalf with respect to the referenced property regarding land use applications to be submitted to the City of Santa Fe.

Please call should you have any questions or need additional information.

Thank you.

Sincerely,

2D0E58C1A0344C1...
Brian Blount
DocuSigned By: Brian Blount

Brian Blount

719 Gildersleeve Street



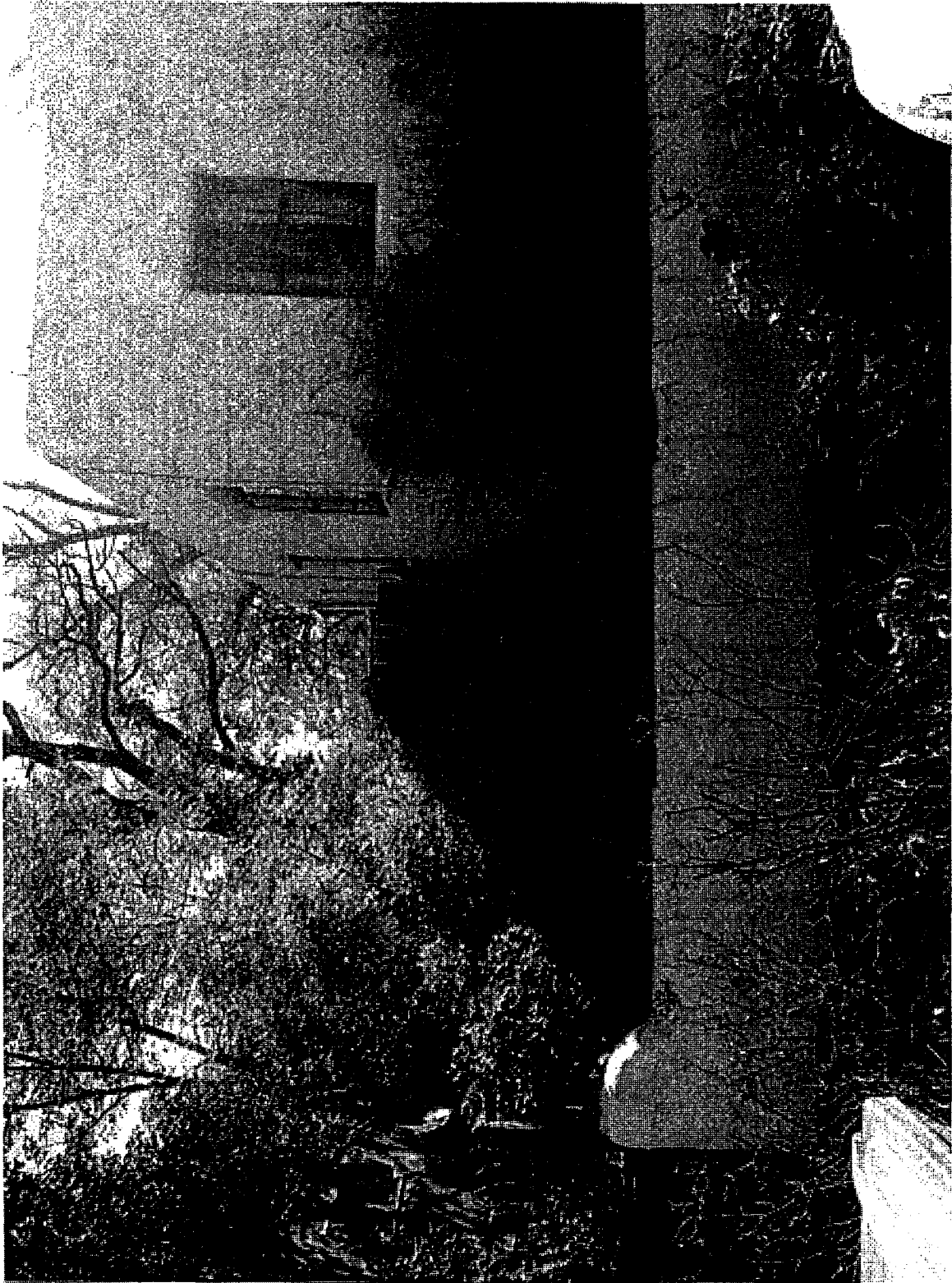
Context View



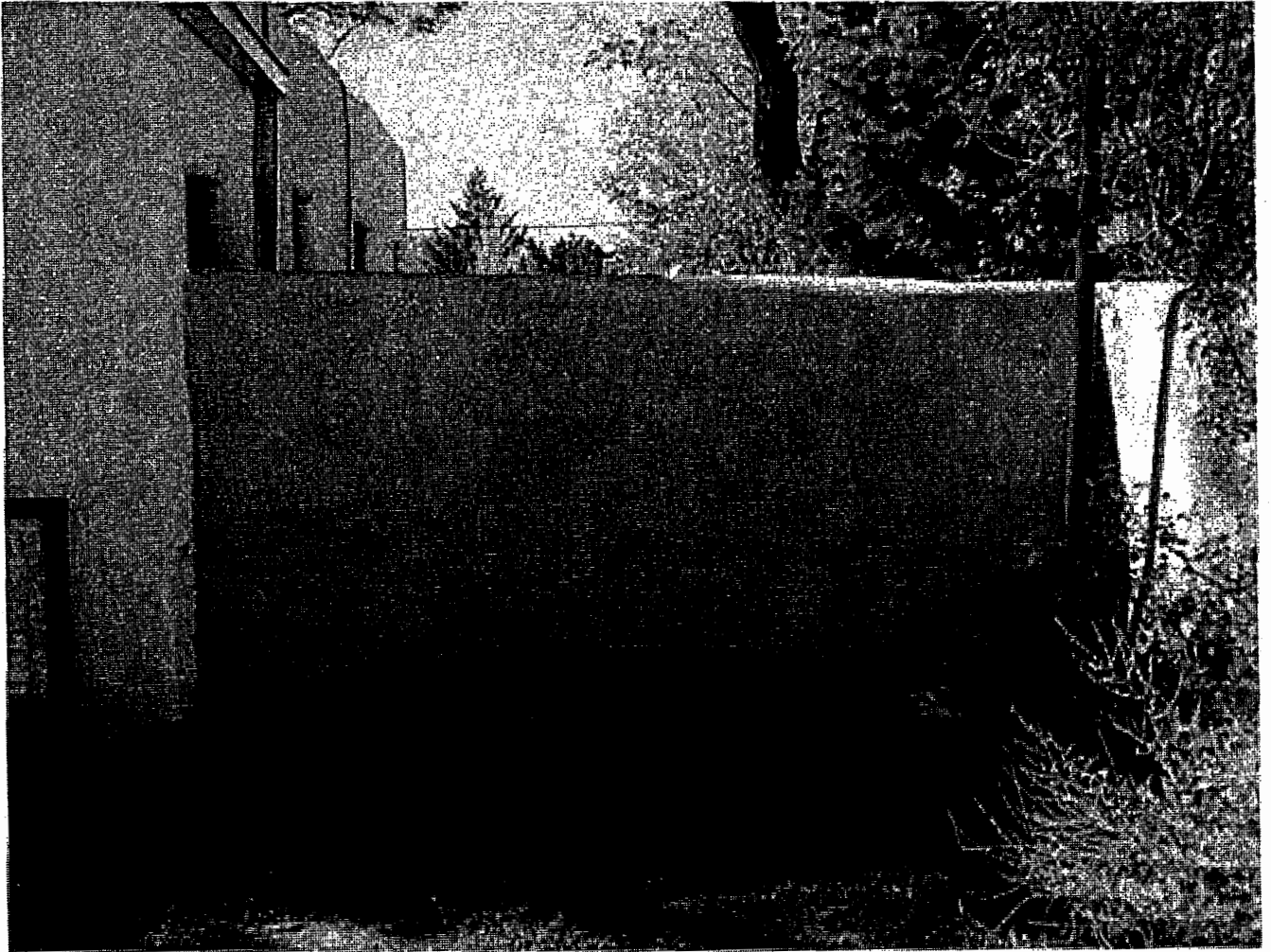
Front Elevation



Southwest Front Elevation – Existing Driveway



Northwest Front Elevation -- Location of Proposed Driveway



**Stone/Stucco Wall
East Elevation (View From Backyard)
63"H x 11'W x 6"D**



Stone/Stucco Wall
West Elevation (View from Front)
88"H x 11'W x 6"D

**719 Gildersleeve Street
Additional Wall Photographs**



**Coyote Fence
69 ½"H x 11'W x 5"D
Photo #1**



Coyote Fence
Photo #2



BUILDING SQUARE FOOTAGE = 1,800 S.F.
TOTAL ROOFED AREA SQUARE FOOTAGE = 1,862 S.F.
LOT AREA = 6,377 S.F.
TOTAL LOT COVERAGE AREA = 28%

719 Gildersleeve Street
Santa Fe, New Mexico

[illegible]

A-1

City of Santa Fe, New Mexico

memo

DATE: November 13, 2012
TO: Historic Districts Review Board Members
FROM: John Murphey, Senior Planner, Historic Preservation Division
David Rasch, Supervisor Planner, Historic Preservation Division

CASE # H-12-088

Address: 719 Gildersleeve Street
Historic Status: Contributing
Historic District: Don Gaspar Area

REFERENCE ATTACHMENTS (sequentially):

CITY SUBMITTALS

☒ Case Synopsis
☐ District Standards and Yard Wall
and Fence Standards
☒ Historic Inventory Form
☒ Zoning Review Sheet
☐ Other:

APPLICANT SUBMITTALS

☒ Proposal Letter
☐ Vicinity Map
☒ Site Plan/Floor Plan
☒ Elevations
☒ Photographs
☒ Other: Exception responses

STAFF RECOMMENDATION:

Staff recommends approval of this application, as it complies with Section 14-5.2 (D)(9), General Design Standards (Height, Pitch, Scale and Massing), and (H), Don Gaspar Area Historic District. Staff recommends the applicant has met the exception to remove historic material to provide additional off-street parking for a future second dwelling unit on under Section 14-5.2 (D)(1)(a).

EXHIBIT

C

BACKGROUND AND SUMMARY:

Facing west and on a slight rise above the street, 719 Gildersleeve is a 1,800 sq. ft. rectangular plan, single-story dwelling with a long, linear post-1948 studio addition made to the original garage at the rear. (The current studio includes a bathroom but not a kitchen). The house's symmetrical pattern of windows is interrupted across the front façade by a cube-like inset porch. The dwelling's massing and rounded edge parapets place it in the Spanish-Pueblo Revival category. This motif additionally informs a low retaining wall trading the edge of the sidewalk. Constructed in c.1914, the house is contributing to the Don Gaspar Area Historic District.

Project

The applicant proposes to construct a new driveway along the north side of the house, thereby, replacing the existing driveway at the south end of the property.

The project will involve removing approximately 12' of the above-mentioned retaining wall at the north end and filling in the current driveway to the south with a wall of similar height and design. Essentially swapping one driveway cut for the other.

Work will include removing two additional structures along the north elevation of the house. These include a 69.5"-high recent coyote fence and an 88"-high stucco-clad stone wall farther to the east. Beyond, the driveway, paved with "Santa Fe Brown" gravel, will terminate at the east property wall with four parking spaces. In the front, low retaining walls will follow the 2% grade of the driveway.

Exception

Because the origins of the two walls are unknown, and their design and construction appear to be historic, the applicant has requested an exception to remove historic material under Section 14-5.2 (D)(1)(a).

Applicant responses:

- (i) *Do not damage the character of the streetscape;*

Removing a portion of the front yardwall to allow for a driveway will not damage the character of the streetscape, as the wall will be subsequently replaced on the opposite side of the property where it now breaks for the existing driveway. The result will be a mirror image that will preserve the character of the historic façade. The additional back yard wall to be removed is minimally visible from the street and will not affect the streetscape.

Staff agrees with response.

- (ii) *Prevent a hardship to the applicant or an injury to the public welfare;*

The property now provides for only one off-street parking space for two potential dwelling units. This creates a hardship for the residents, as on-street parking is at a premium on this densely populated street. In order for the applicant to obtain a permit to convert the existing studio to a fully functional dwelling unit, the property must be

brought into compliance with Santa Fe City Code, which calls for two off-street parking spaces for each dwelling unit. Public welfare is served by adding off-street parking to minimize on-street parking in this dense neighborhood.

Staff agrees with response. The current driveway is truncated by a coyote fence, reducing it to one paved parking space. The fence could be removed to provide an additional 27 linear feet of parking space to meet code for the existing dwelling unit. This configuration, however, would not provide sufficient off-street parking for a potential second unit.

- (iii) *Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic districts;*

Providing the opportunity to move the driveway in order to access off-street parking ensures that residents of the property will be able to comfortably and safely park within their historic district. Maintaining a desirable residential neighborhood entails ensuring adequate off-street parking.

Staff neither agrees nor disagrees with this response.

- (iv) *Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape;*

Several other residences in the related streetscape already have more than one off-street parking space in their side or back yards. The subject property has only one off-street parking space for two potential dwelling units.

Staff neither agrees nor disagrees with this response.

- (v) *Are due to special conditions and circumstances which are not a result of the actions of the applicant;*

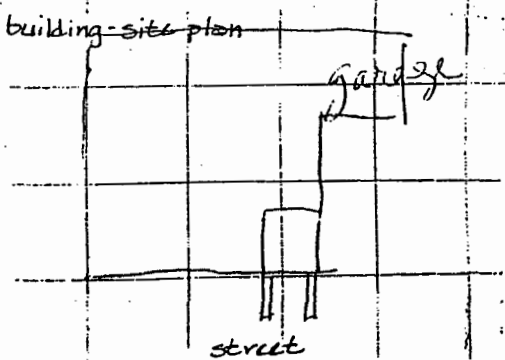

The property is legal nonconforming in that it has only one off-street parking space when four will be required for the creation of an additional dwelling unit as described above. This is an existing condition that is not a result of the actions of the applicant.

Staff neither agrees nor disagrees with this response. The current coyote fence could be removed to re-establish the original driveway to the former garage and provide an additional parking space.

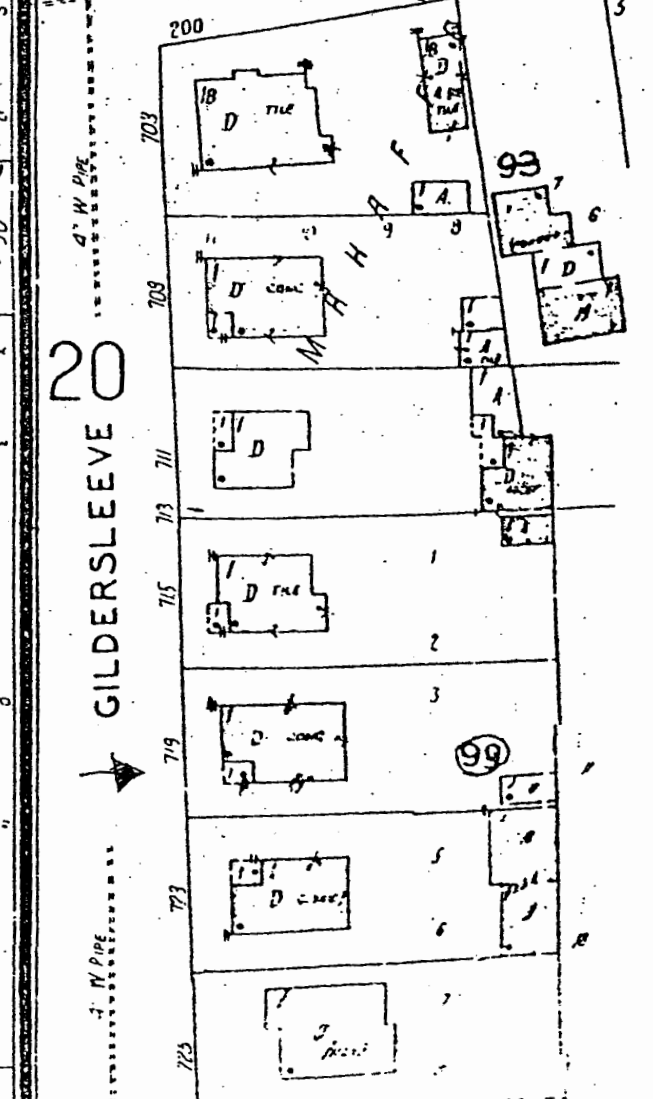
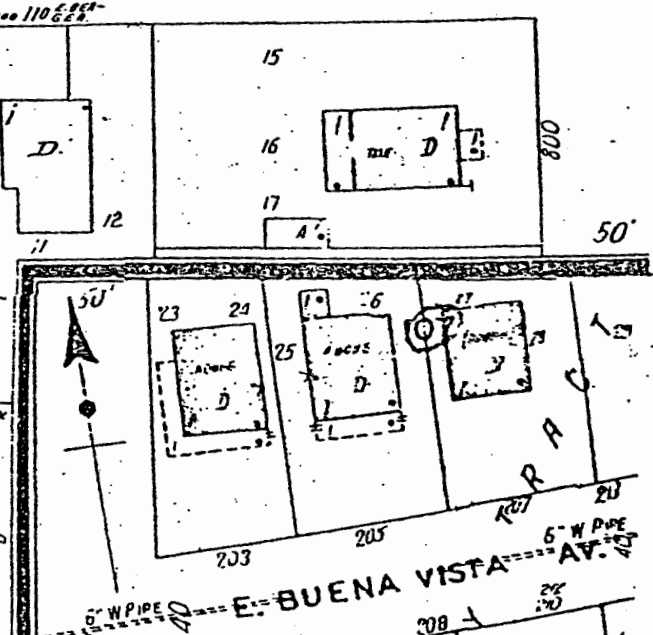
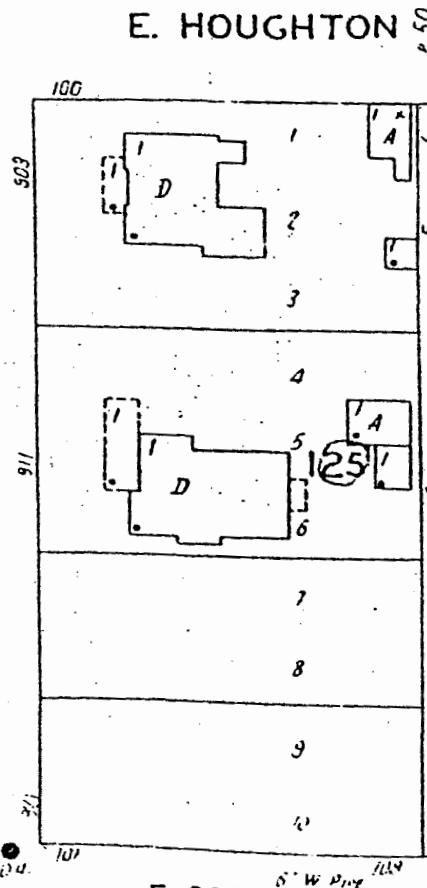
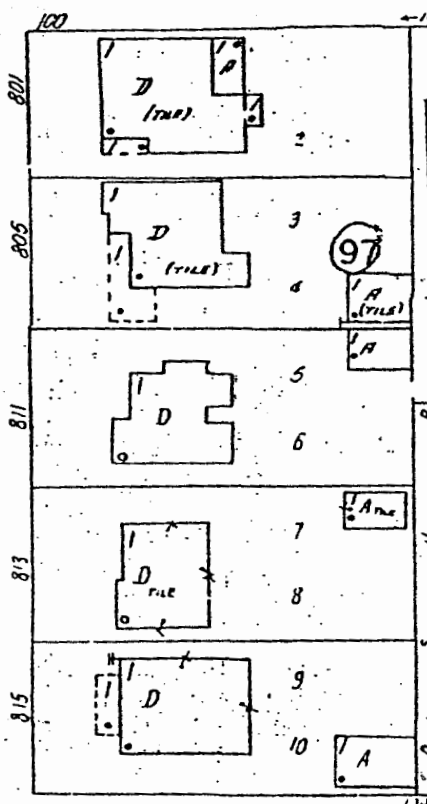
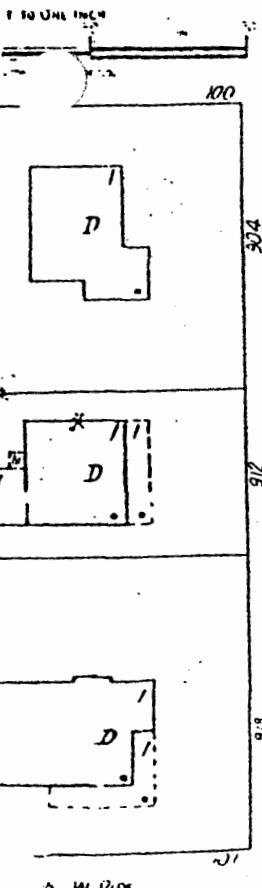
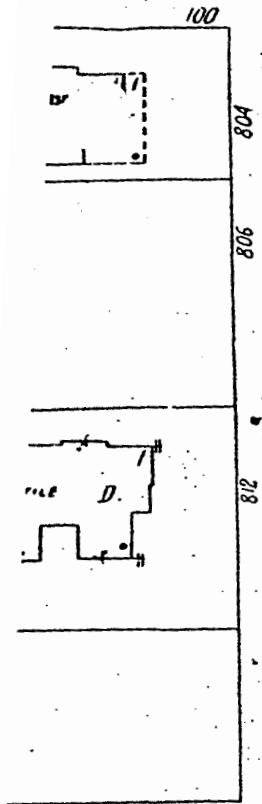
- (vi) *Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2 (A)(1).*

Replacing one driveway with another, and replacing the wall to close the existing driveway, preserves the historical façade of the building and does not negatively impact the streetscape. The wall will be replaced in its current historic Pueblo Revival style.

Staff agrees with this response. If the purpose of the request is to provide additional spaces for a future second dwelling unit, this proposal provides the least negative impact, as per the goals set forth in Section 14-5.2 (A)(1).

building threatened? yes	surveyed date <u>7-82</u> by <u>E.T.</u>	county <u>Santa Fe</u>	ID no. <u>051600</u>
field map <u>Don Gaspar Neighborhood</u>	number <u>252</u>	UTM reference zone 12 <u>13</u>	easting <u>414200</u>
location description <u>719 Aldersleeve</u>		city/town <u>Santa Fe</u>	
		land grant/reservation	
building name		legal description tnsp <u>N</u> S range <u>E</u> W sec <u>1</u> <u>1</u>	
film roll by <u>E.T.</u> no. <u>9</u>	negative nos. <u>10</u>	loc. of neg. <u>City of Santa Fe</u>	building-site plan 
		date of construction <u>1930</u> estimate <u>12-28</u> actual	
		source <u>City Directory Sanborn</u>	
		present <u>residential</u>	
		historic <u>residential</u>	
style <u>Pueblo Revival</u>		condition <u>excellent</u> <u>X</u> good <u>deteriorating</u>	
foundation material <u>n/v</u>		degree of remodeling <u>X</u> minor <u>moderate</u> <u>major</u>	
wall material/surface <u>stucco / concrete block</u>		describe:	
architectural features <u>inset porch</u> <u>parapet</u> <u>wd d/B 1-1</u> <u>walls along steps</u>		surroundings <u>yes</u>	
		relationship to surroundings <u>X</u> similar <u>not similar</u>	
		district potential <u>X</u> yes <u>no</u>	
		significance <u>significant</u> <u>X</u> contributing <u>supporting</u> <u>intrusive</u>	
comments <u>9' stucco wall</u>		associated buildings? <u>yes</u> what type?	
<u>1926 cd - Martin CP; Harkins PM</u>		if inventoried, list ID nos.	
<u>1928 cd - vacant</u>			
<u>in 1930 - 1931 - construction</u>		see back? <u>yes</u>	

E. BERGER



E. HOUGHTON

E. CORONADO RD.

GILDERSLEEVE

1948 Sanborn



Preliminary Zoning Review Worksheet

City of Santa Fe Land Use Department

To Be Completed By Applicant:

Date Submitted: 10.16.12	Site Address: 719 Gildersleeve
Property Owner of Record: Estate of Jennifer A. Thompson	Proposed Construction Description: Relocate driveway - Modify yard walls to accommodate driveway.
Applicant/Agent Name: Jenkins Gavin	TOTAL ROOF AREA:
Contact Person Phone Number: (9820) 7444	

NOTE: Preliminary zoning reviews are provided as a courtesy and are intended to address general zoning compliance issues. Applicants are advised to do an independent search of applicable zoning ordinances and to research documents related to property history which may affect permitting. Additionally, applicants are advised to contact appropriate City Staff with questions related to Terrain management, building, fire, water budget, Sangre de Cristo, wastewater, and other development codes which may affect permitting.

BASED ON INFORMATION PRESENTED ON APPLICATION DATE, THIS REVIEW DOES NOT GRANT ZONING APPROVAL AT THE TIME OF BUILDING PERMIT. FINAL ZONING APPROVAL WILL BE GRANTED ONCE ALL COMPLIANCE WITH ZONING HAS BEEN MET.

Hillary Welles for Jenkins Gavin / by F 11/01/12
☐ OWNER ☒ APPLICANT ☐ AGENT DATE

Zoning District: R-21	Lot Coverage: 26% No change
Overlay: <input checked="" type="checkbox"/> Historic Don Gaspar	<input type="checkbox"/> Open Space Required
<input type="checkbox"/> Arts and Crafts	Setbacks: NA - No change
<input type="checkbox"/> Escarpment*	Proposed Front: Minimum
<input type="checkbox"/> Flood Zone*	2nd Front?
<input type="checkbox"/> Cerrillos Road Corridor	Proposed Rear: Minimum
<input type="checkbox"/> Other	Proposed Sides: L R Minimum
Zoning Submittal Requirements:	Height: Proposed NA
<input checked="" type="checkbox"/> Legal Lot of Record <input type="checkbox"/> Development Plan <input type="checkbox"/> Building Plans	Maximum Height: or
<input checked="" type="checkbox"/> Existing Site Plan <input checked="" type="checkbox"/> Proposed Site Plan <input checked="" type="checkbox"/> Elevations	<input type="checkbox"/> Regulated by Historic Districts Ordinance
Supplemental Zoning Submittals:	<input type="checkbox"/> Regulated by Escarpment District
<input type="checkbox"/> Zero Lot Line Affidavit NA	Parking Spaces:
Access and Visibility: <input type="checkbox"/> Arterial or Collector*	Proposed 4 Accessible**
<input checked="" type="checkbox"/> Visibility Triangle Required see below	Minimum: 2
Use of Structure: <input checked="" type="checkbox"/> Residential	Bicycle Parking**:
<input type="checkbox"/> Commercial Type of Use:	Proposed: Minimum:
Terrain: <input type="checkbox"/> 30% slopes NA	

* Requires an additional review conducted by Technical Review or Traffic Engineering Division to ensure compliance.

** Commercial Requirement

To Be Completed By City Staff:

Additional Agency Review if Applicable:

☐ Escarpment Approval by _____ Date: 1/1/12 > NA
☐ Flood Plain Approval by _____ Date: 1/1/12
☒ Traffic Engineering Approval by _____ Date: 10/10/12 original approval attached.
 Notes: _____

Zoning Approval:

Preliminary Approval ☐ with conditions ☐ Rejected

Comments/Conditions: _____

REVIEWER: J. Macafover

DATE: 11/01/12

Rev. 4-12

Note: If approved, please stamp and initial each page of plan set.



Agenda

DATE 11/7/12 TIME 8:45
SERVED BY *Connelly Vign*
RECEIVED BY *SSS*

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, November 13, 2012 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, November 13, 2012 at 5:30 P.M.

SANTA FE COMMUNITY CONVENTION CENTER

LAMY ROOM

A M E N D E D

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: October 23, 2012
- E. COMMUNICATIONS
- F. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-05-179	257, 259, 263, & 269 Las Colinas Drive formerly 200 Gonzales Road	Case #H-12-082	923 Acequia Madre
Case #H-10-012	Santa Fe River Parkway	Case #H-12-083	616 East Alameda, D
Case #H-09-012	526 Galisteo Street	Case #H-12-078	545 Canyon Road
Case #H-12-079	556 E. Coronado Road	Case #H-12-085	717 Dunlap Street
Case #H-12-080	1677 Cerro Gordo Road #9		

- G. BUSINESS FROM THE FLOOR
- H. ACTION ITEMS

1. Case #H-11-051. 250 E. Alameda. Downtown & Eastside Historic District. Duty & Germanas Architects, agent for El Castillo Retirement Residences, owners, proposes to amend a previous approval to construct a 5,370 sq. ft. addition on a non-contributing property and proposes additional remodeling. (REHEARING). (David Rasch).
2. Case #H-11-055. 1047 A Camino San Acacio. Downtown & Eastside Historic District. Richard Martinez, agent for Christopher Boghm, owner, proposes to demolish a 313 sq. ft. carport and construct 1,372 sq. ft. of roofed additions to match existing height, 105 sq. ft. of portals, and a yardwall with pedestrian gate on a non-contributing property. (David Rasch).
3. Case #H-11-117. 621 Old Santa Fe Trail. Downtown & Eastside Historic District. Wayne Lloyd, agent for David Lamb, owner, proposes to amend a previous approval to remodel a non-contributing commercial building. (David Rasch).
4. Case #H-12-084. 447 Cerrillos Road, #6. Downtown & Eastside Historic District. Wyndham Carlisle, agent for Willow Howard, owner, proposes to alter window and door openings, stucco, and construct a 6'-high coyote fence at this contributing residence. (John Murphy).

EXHIBIT

tabbies

D

5. Case #H-12-086. 523 Calle Corvo. Downtown & Eastside Historic District. Edwin D. & Carolyn C. Jenkins, agent/owners, propose to remodel this non-contributing property, including the alteration of an existing yardwall with pedestrian gates and lowered height at the driveway. (David Rasch).
6. Case #H-12-087. 1299 Upper Canyon Road. Downtown & Eastside Historic District. Kenneth Francis & Sandra Donner, agents for Grant Hayunga, owner, propose to remove an existing addition, construct a 561 sq. ft. addition, replace windows, raise a portion of the roof 9'-6" to 12'-0" where the maximum allowable height is 15'-0", and re-stucco this non-contributing house. (John Murphey).
7. Case #H-12-089. 613 W. San Francisco Street. Westside-Guadalupe Historic District. Martinez Architecture Studio, agent for Paul Petty, owner, requests an historic status review of this significant residential structure. (David Rasch).
8. Case #H-12-088. 719 Gildersleeve Street. Don Gaspar Area Historic District. Jenkins Gavin, agent for Estate of Jennifer A. Thompson, owner, proposes to remove a portion of an existing street retaining wall, a coyote fence and a separate yard wall to create a new driveway at this contributing residence. An exception is requested to remove historic material (Section 14-5.2 (D)(1)(a)). (John Murphey).

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 for more information regarding cases on this agenda.

Persons with disabilities in need of accommodation or an interpreter for the hearing impaired should contact the City Clerk's office at 955-6520 at least five (5) working days prior to the hearing date. Persons who wish to attend the Historic Districts Review Board Field Trip must notify the Historic Preservation Division by 9:00 am on the date of the Field Trip.



Agenda

CITY CLERK'S OFFICE

DATE 10-25-12 TIME 11:00 am

SERVED BY Camille Lusk

RECEIVED BY F. Ortiz

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, November 13, 2012 at 12:00 NOON

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3. Case #H-11-089, 420 Arroyo Tenorio. Downtown & Eastside Historic District. Tim Curry/Design Solutions, agent for Andrew Beagle and Doug Key, owners, proposes to amend a previous approval to construct two gates by constructing a trellis to 11'8" high and partially infilling the yardwall opening. (David Rasch).
4. Case #H-11-117, 621 Old Santa Fe Trail. Downtown & Eastside Historic District. Wayne Lloyd, agent for David Lamb, owner, proposes to amend a previous approval to remodel a non-contributing commercial building. (David Rasch).

5. Case #H-12-077. 1148 Camino San Acacio. Downtown & Eastside Historic District. Greg and Kay Crouch, owners, propose to remove approximately 25' of stone retaining street wall and lower another section of the same wall to create two parking spaces in front of this noncontributing house. An exception is requested to remove historic material (Section 14-5.2 (D)(1)(a)). (John Murphey).
6. Case #H-12-084. 447 Cerrillos Road, #6. Downtown & Eastside Historic District. Wyndham Carlisle, agent for Willow Howard, owner, proposes to alter window and door openings, stucco, and construct a 6'-high coyote fence at this contributing residence. (John Murphey).
7. Case #H-11-086. 523 Calle Corvo. Downtown & Eastside Historic District. Edwin D. & Carolyn C. Jenkins, agent/owners, proposes to remodel this non-contributing property including the alteration of an existing yardwall with pedestrian gates and lowered height at the driveway. (David Rasch).
8. Case #H-12-087. 1299 Canyon Road. Downtown & Eastside Historic District. Kenneth Francis & Sandra Donner, agents for Grant Hayunga, owner, proposes to remove an existing addition, construct a 561 sq. ft. addition, replace windows, raise a portion of the roof 9'-6" to 12'-0 where the maximum allowable height is 15'-0, and re-stucco this non-contributing house. (John Murphey).
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10. Case #H-12-088. 719 Gildersleeve Street. Don Gaspar Area Historic District. Jenkins Gavin, agent for Estate of Jennifer A. Thompson, owner, proposes to remove a portion of an existing street wall, a coyote fence and a separate yard wall to create a new driveway at this contributing residence. An exception is requested to remove historic material (Section 14-5.2 (D)(1)(a)). (John Murphey).

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Mr. Katz was torn on this one. He also believed there was a real house under all that and would like to see it come out. The south as primary would make that much harder.

Vice Chair Rios disagreed. Even as a significant structure, an applicant could ask for exceptions. It might be more difficult but they also could prove certain things.

Mr. Rasch pointed out that the applicant could come forward to show improvements on the original dimensions that wouldn't need exceptions.

The motion passed by unanimous voice vote.

8. **Case #H-12-088. 719 Gildersleeve Street.** Don Gaspar Area Historic District. Jenkins Gavin, agent for Estate of Jennifer A. Thompson, owner, proposes to remove a portion of an existing street retaining wall, a coyote fence and a separate yard wall to create a new driveway at this contributing residence. An exception is requested to remove historic material (Section 14-5.2 (D)(1)(a)). (John Murphey)

Mr. Murphey presented the staff report for this case as follows:

BACKGROUND AND SUMMARY:

Facing west and on a slight rise above the street, 719 Gildersleeve is a 1,800 sq. ft., rectangular plan, single-story dwelling, with a long, linear post-1948 studio addition made to the original garage at the rear. (The current studio includes a bathroom but not a kitchen). Its symmetrical pattern is interrupted across the front façade by a deep inset porch at the southwest corner. The house's massing and rounded edge parapets place it in the Spanish-Pueblo Revival category. This motif additionally informs a low retaining wall tracing the edge of the sidewalk. Constructed in c.1914, it is contributing to the Don Gaspar Area Historic District.

Project

The applicant proposes to construct a new driveway along the north side of the house, thereby, replacing the existing driveway at the south end of the property.

The project will remove approximately 12' of the original retaining wall at the north, and blocking the current driveway with a wall of similar height and design.

Driveway preparation will include removing two structures along the north side of the house: a non-historic 69.5"-high coyote fence and an 88"-high stucco-clad stone wall of unknown origin.

Beyond these removed structures, the driveway will terminate at the east property wall with four parking spaces. In front, low retaining walls will follow the 2% slope of the grade. It will be paved with "Santa Fé Brown" gravel.

Exception

Because the origins of the two walls are unknown, and their design and construction appear to be historic, the applicant has requested an exception to remove historic material under Section 14-5.2 (D)(1)(a). Applicant and staff tried to find out but couldn't.

Applicant responses:

(i) Do not damage the character of the streetscape;

Removing a portion of the front yardwall to allow for a driveway will not damage the character of the streetscape, as the wall will be subsequently replaced on the opposite side of the property where it now breaks for the existing driveway. The result will be a mirror image that will preserve the character of the historic façade. The additional back yard wall to be removed is minimally visible from the street and will not affect the streetscape.

Staff agrees with response.

(ii) Prevent a hardship to the applicant or an injury to the public welfare;

The property now provides for only one off-street parking space for two potential dwelling units. This creates a hardship for the residents, as on-street parking is at a premium on this densely populated street. In order for the applicant to obtain a permit to convert the existing studio to a fully functional dwelling unit, the property must be brought into compliance with Santa Fé City Code, which calls for two off-street parking spaces for each dwelling unit. Public welfare is served by adding off-street parking to minimize on-street parking in this dense neighborhood.

Staff agrees with response. The current driveway is truncated by a coyote fence, reducing it to one paved parking space. The fence could be removed to provide an additional 27 linear feet of parking space to meet code for the existing dwelling unit. This configuration, however, would not provide sufficient off-street parking for a potential second unit.

(iii) Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic districts;

Providing the opportunity to move the driveway in order to access off-street parking ensures that residents of the property will be able to comfortably and safely park within their historic district. Maintaining a desirable residential neighborhood entails ensuring adequate off-street parking.

Staff neither agrees nor disagrees with this response.

(iv) Are due to special conditions and circumstances which are peculiar to the land or structure involved and

which are not applicable to other lands or structures in the related streetscape;

Several other residences in the related streetscape already have more than one off-street parking space in their side or back yards. The subject property has only one off-street parking space for two potential dwelling units.

Staff neither agrees nor disagrees with this response.

- (v) *Are due to special conditions and circumstances which are not a result of the actions of the applicant;*

The property is legal nonconforming in that it has only one off-street parking space when four will be required for the creation of an additional dwelling unit as described above. This is an existing condition that is not a result of the actions of the applicant.

Staff neither agrees nor disagrees with this response. The current coyote fence could be removed to re-establish the original driveway to the former garage and provide an additional parking space.

- (vi) *Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2 (A)(1).*

Replacing one driveway with another, and replacing the wall to close the existing driveway, preserves the historical façade of the building and does not negatively impact the streetscape. The wall will be replaced in its current historic Pueblo Revival style.

Staff agrees with this response. As per the goals set forth in Section 14-5.2 (A)(1), this proposal provides the least negative impact to establish additional off-site parking.

STAFF RECOMMENDATION:

Staff recommends approval of this application, as it complies with Section 14-5.2 (D)(9), General Design Standards (Height, Pitch, Scale and Massing), and (H), Don Gaspar Area Historic District. Staff recommends the applicant has met the exception to remove historic material to provide additional off-street parking for a future second dwelling unit on the property, under Section 14-5.2 (D)(1)(a).

Vice Chair Rios asked if the existing driveway would remain.

Mr. Murphey said no - it would be filled in.

Ms. Walker said this motif additionally informs the retaining wall.

Mr. Acton asked what they proposed to the north of the new driveway.

Mr. Murphey said parallel retaining walls that were following grade.

Mr. Acton asked if it was a fence along the neighbor's property.

Mr. Murphey asked him to ask the applicant.

Ms. Mather concluded that the higher fence would be removed but the older would remain.

Present and sworn was Ms. Jennifer Jenkins, 130 Grant Avenue, who said the addition to the back was a little studio and had been used as a rented dwelling by previous owners but it had no functional kitchen. So the intent was to make it function as dwelling unit and that meant adequate parking was needed at 2 per dwelling unit. So this would provide for a nice dwelling. They would abandon the existing driveway for one on the north and replicate the wall as a mirror image.

Their hope was that once the work was done it would be sensitive to the character of the house. They would bring it up to code and convert the studio to a dwelling unit. There was not adequate off-street parking there on that street.

Vice Chair Rios asked for the height of the existing wall.

Ms. Jenkins said it was 2 feet.

Vice Chair Rios what its composition was.

Ms. Jenkins said they didn't know but they would replace aesthetically in kind if they couldn't replace the composition in kind.

Mr. Katz thought on the west elevation it would be better to have a gate like on the other side. He asked if that was a possibility.

Ms. Jenkins asked if he meant a vehicle gate to mirror the coyote fence.

Vice Chair Rios pointed out that neighborhood didn't use a lot of coyote in the past.

Ms. Jenkins said the coyote was really not visible from the street so it would have minimal impact on the streetscape.

Vice Chair Rios said that wall was very low.

Ms. Jenkins agreed. The other one was set back as far as the porch.

Mr. Acton asked if as a person came up the driveway there would be a stucco retaining wall on the left side.

Ms. Jenkins said it would be on both sides and as they approach the house they would use the house as retaining there.

Mr. Acton asked if it was not coyote on the north.

Ms. Jenkins agreed. If that fence was on this property they could remove it but wanted to make sure first.

Mr. Acton felt that was a stellar example of a well maintained woven wire fence.

Ms. Jenkins said the wall wouldn't function as a yard wall - just retaining.

Vice Chair Rios asked if they were disturbing the grade when opening that driveway.

Ms. Jenkins agreed. They were bringing it up to its natural grade and they had to hold up the sides on either side. The driveway would be brown gravel.

Ms. Mather asked if the tree would be retained.

Ms. Jenkins thought so.

Ms. Walker said if they had a gate it should be fenestrated.

PUBLIC COMMENT

Present and sworn was Ms. Marian Tosan, 714 Gildersleeve, who asked if Jenkins/Gavin was representing the estate of Jennifer A. Thompson as stated on the agenda.

Ms. Jenkins explained that when they submitted the application the property was under contract and has since closed so they represented the owner of record.

Ms. Tosan said she was not sure who they were representing because her statement was not the same as was on the agenda.

Vice Chair Rios thought Ms. Jenkins adequately explained who she was representing.

Ms. Tosan said this was a conflict for her because she loved that wall. The existing driveway was similar to hers. The idea of building it on the north side prompted her to ask why. She thought it was in direct conflict with preserving property. She didn't see how it contributed to historic quality of this property. The back was fairly large so she asked if it would be further subdivided and if that would improve this neighborhood. She didn't see how it could. She was very proud of having the Board give her permission to restore her home but it really disturbed her to think the owners would bastardize this property.

Vice Chair Rios asked if Ms. Jenkins would like to respond.

Ms. Jenkins agreed that the existing driveway could have two cars there but the intent in rehabilitation of the property was primarily interior work and part of it was to make that studio function as a dwelling unit and that couldn't happen unless they complied with the city code on parking. They received their driveway permit and it had met visibility standards and the City required that they close the existing driveway so they would reclaim that. Their plan would provide side by side parking in the back so it was not visible and supported the rehabilitation as it moved forward.

Present and sworn was Ms. Diane Taliaferro, 716 Gildersleeve directly across from this property. She had lived there six years and loved it and her neighbors. She had put a lot of time and energy into her house and worked with the Board on some of it. She was struggling a little to understand why they needed to put in another driveway. This particular part of Gildersleeve was one way and they have one driveway in each to accommodate 2-3 people. She was disappointed that they were talking about turning this into two houses. There were people who lived there full time and also rental units.

This house today was a house that had a garage that was converted at some time as a work space. She didn't know that it was ever rented out so some work was needed. The current driveway had room for two spaces. And the ordinance did require two per dwelling and there were rentals on the street that didn't have two per residence.

She had concerns over placement of the new driveway in that location. It was a steep grade and the wall was historic and had another stone wall in back leading into the back yard. It would require removal of two large trees. A lot of trees there in the neighborhood had already been cut down. Trees helped with watering issues and providing shade for dwellings need less air conditioning.

She and Ms. Tosan were neighbors and had driveways side by side. You have to be careful when pulling out because cars were on the street and lots of pedestrians including kids going to school. The back yard was big and you could probably park ten cars back there. There was not a lot of clearance there on the north side. Gildersleeve had also become the way to get kids to school in the mornings and the route the city uses to work on the Old Santa Fé Trail.

Another problem was that this was where they had to put their garbage and recycle containers for pickup. Two more of them would have to be put on the east side of the street so it would cram a lot of them in together and take away from parking on the street.

She said she was not clear on the ordinance if they all have to have two parking spaces each. She didn't see where it would be. She added that the next door neighbor was unaware of this meeting and not informed of this change. It came up pretty quickly but she had to wait a couple of months before she could meet with the Board.

She said she really cared about the historic neighborhoods and was on Historic Preservation board in Montana and hoped the Board members had looked at this project. She felt she had worked hard to make her

home one she could be proud of.

There were no other speakers from the public regarding this case.

Ms. Mather thought the applicant really answered a lot of questions the neighbors brought up. The ordinance did require two spaces per dwelling. She had a concern as a board member that there seemed to be some tension about this application and hoped they could get together and be neighbors. That was most important in historic neighborhoods. She hoped the tension could be dissipated in the course of the evening.

Mr. Katz understood the concern of the neighbors about having more units here. But that was not really the Board's purview. He got concerned when the regular parties came here not for historic preservation but used for another purpose to prevent someone from developing their lot. The Board needed to focus on the design factors and the parking rule should be dealt with elsewhere.

Ms. Mather moved to approve Case #H-12-088 per staff's recommendation and citing that the applicant met the exceptions. Mr. Acton seconded the motion and it passed by majority (4-1) voice vote with Dr. Kantner opposed.

I. MATTERS FROM THE BOARD

There were no matters from the Board.

J. ADJOURNMENT

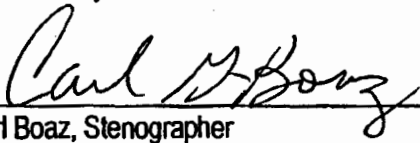
Ms. Walker moved to adjourn the meeting Mr. Acton seconded the motion and it passed by unanimous voice vote.

The meeting was adjourned at 8:05 p.m.

Approved by:

Sharon Woods, Chair

Submitted by:


Carl Boaz, Stenographer

ITEM # 12-102

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case # H-12-088

Address – 719 Gildersleeve Street

Owner/Applicant's Name – Brian Blount

Agent's Name – Jenkins Gavin

THIS MATTER came before the Historic Districts Review Board (Board) for hearing on November 13, 2012, upon the application (Application) of Jenkins Gavin, agent for Brian Blount, owner.

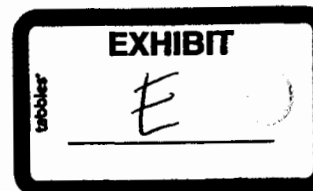
Facing west and on a slight rise above the street, 719 Gildersleeve is a 1,800 sq. ft., rectangular plan, single-story dwelling, with a long, linear post-1948 studio addition made to the original garage at the rear. (The current studio includes a bathroom but not a kitchen). Its symmetrical pattern is interrupted across the front façade by a deep inset porch at the southwest corner. The house's massing and rounded edge parapets place it in the Spanish-Pueblo Revival category. This motif additionally informs a low retaining wall tracing the edge of the sidewalk. Constructed in c.1914, it is contributing to the Don Gaspar Area Historic District.

The applicant requested a remodeling project (Project) to remove a portion of an existing street retaining wall, a coyote fence and a separate yard wall to create a new driveway at this contributing residence. An exception was requested to remove historic material (Section 14-5.2 (D)(1)(a)).

After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

FINDINGS OF FACT

1. Board heard testimony from Board staff, Applicant and members of the public.
2. Zoning staff has determined the Application meets underlying zoning standards.
3. Board staff presented the case.
4. Board staff recommended approval of the application, as it complied with Section 14-5.2 (D)(9), General Design Standards (Height, Pitch, Scale and Massing), and (H), Don Gaspar Area Historic District.
5. Board staff recommended the applicant had met the exception to remove historic material under Section 14-5.2 (D)(1)(a).
6. Members of the public were sworn in and commented on the project.
7. Board responded to public comments.
8. Board concurred with staff recommendation and found the proposed project complied with applicable design standards.
9. Board additionally concurred that the applicant had met the exception to remove historic material.




10. Property is located in the Don Gaspar Area Historic District and is subject to the requirements of the following sections of the Santa Fe Land Development Code: Section 14-5.2 (H) Don Gaspar Area Historic District.
11. Under Sections 14-5.2(A)(1)(b) and (c), 14-2.7(A)(1), and 14-2.7(A)(3), the Board has the authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
12. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.

CONCLUSIONS OF LAW

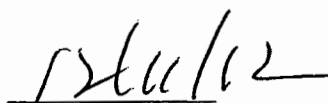
Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

The Board concludes the project complies with Section 14-5.2 (D)(9), General Design Standards (Height, Pitch, Scale and Massing), and (H), the Don Gaspar Area Historic District. The Board additionally concludes the applicant has met the exception to remove historic material under Section 14-5.2 (D)(1)(a).

IT IS SO ORDERED ON THIS 11th DAY OF DECEMEBER 2012 THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

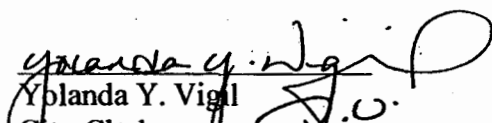


Sharon Woods
Chair



Date:


FILED



Yolanda Y. Vigil
City Clerk

12.20.12
Date:

APPROVED AS TO FORM



Kelley Brennan
Assistant City Attorney

12/11/12
Date:

BAER, TAMARA

From: BAER, TAMARA
Sent: Tuesday, October 30, 2012 12:06 PM
To: MONTOYA, ROBERT B.
Cc: ROMERO, JOHN J
Subject: RE: 719 Gildersleeve

Thank you so much for helping to save a tree!

*Tamara Baer, ASLA
Manager, Current Planning Division
Land Use Department
City of Santa Fe
505-955-6580
tbaer@santafenm.gov*

-----Original Message-----

From: MONTOYA, ROBERT B.
Sent: Tuesday, October 30, 2012 10:58 AM
To: 'Hillary Welles'; BAER, TAMARA
Cc: ROMERO, JOHN J
Subject: 719 Gildersleeve

Good Morning,

After a re-evaluation of the proposed driveway for 719 Gildersleeve the Traffic Engineering Division will not require the removal of the in front of the property to improve sight distance.

Because there is parking allowed on the street, this pushes the driving lane 8 feet back. When re-measured, the tree is outside of the sight triangle specified in City of Santa Fe Code 14.7.1(F):

"Measurements of fifteen (15) feet back from the nearest travel lane along the edge of the driveway and thirty (30) feet along the travel lane"

Please let me know if you have any questions.

Thank you,
Robert Montoya



719 Gildersleeve



NOTICE

OF PUBLIC HEARING

HISTORIC DISTRICT'S REVIEW BOARD

Construction

NOTICE IS HEREBY GIVEN THAT ON 14-12-08 at 7:00 PM the Historic District's Review Board will hold a public hearing at the City Hall, Room 100, 100 City Hall, New York, New York, to receive comments and suggestions from the public regarding the proposed construction of 14-12-08 at 7:00 PM.

NOT TO BE POSTED ON CITY MIGHT OR MAY OR UTILITY POLES

POST 15 DAYS PRIOR TO MEETING

EXHIBIT

10/31/2012

November 2, 2012

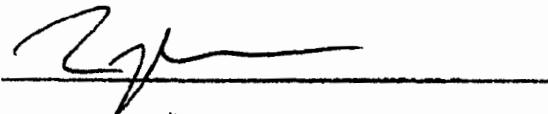
RE: 719 Gildersleeve Street, Santa Fe, NM 87505

To Whom It May Concern:

Brian Blount and Caryll Pearlman Blount have purchase the property at 719 Gildersleeve Street, Santa Fe, NM 87505. They will be closing on the property November 2, 2012 and the deed will be recorded in their name some time during the week of November 5, 2012.

Until the deed is transferred to the Blount's, this letter shall serve as authorization for Jenkins Gavin Design & Development, Inc. , Brian Blount and Caryll Pearlman Blount to act on my behalf with respect to the referenced property regarding land use applications to be submitted to the City of Santa Fe.

Please feel free to contact me at (858) 531-0701 should you have any questions or need additional information.



Geoffrey Thompson

Personal Representative of the Estate of Jennifer Thompson

STATE OF CA

COUNTY OF San Diego

On 11/2/12 before me, Geoffrey Thompson to me on the basis of satisfactory evidence to be the person is whose name is subscribed to the within instruments and acknowledgements to me that he/she/they executed the same in his/he/their authorized capacity, and that by his/her/their signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument. I certify UNDER PENALTY OF PERJURY under the laws of the State of CA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Ramona Khyrolomoor

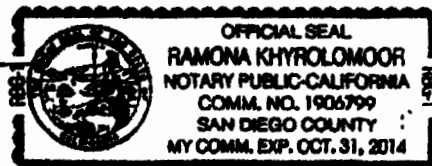


Exhibit "9"

ACTION SHEET
CITY COUNCIL MEETING OF 01/09/13
ITEM FROM FINANCE COMMITTEE MEETING OF 01/08/13

ISSUE:

18. Request for Approval of a Resolution Expressing Condolences to the Victim's Families, Friends and Community in Newtown, Connecticut who Have Forever Been Impacted by the Recent Act of Gun Violence; Inviting the Community of Santa Fe to Join the City of Santa Fe in Lobbying the President of the United States and Congress to Enact Federal Legislation to Ban Assault Weapons and other High-Capacity Magazines and Close the Gun Show Loophole. (Councilors Wurzburger, Mayor David Coss, Councilors Calvert and Bushee) (Melissa Byers)

Committee Review:

City Council (scheduled)

01/09/13

Fiscal Impact – No

FINANCE COMMITTEE ACTION: Approved as Consent Item**SPECIAL CONDITIONS OR AMENDMENTS:**

Add Councilor Bushee as co-sponsor.

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	X		
COUNCILOR DIMAS	X		
COUNCILOR IVES	Excused		
CHAIRPERSON DOMINGUEZ			

MLM 3-19-12/FCMissue

Exhibit "12"

ACTION SHEET
CITY COUNCIL MEETING OF 01/09/13
ITEM FROM FINANCE COMMITTEE MEETING OF 01/08/13

ISSUE:

17. Request for Approval of a Resolution Declaring that City Staff shall take no Further Action to Connect Montano Street and make it a Continuous Street. (Councilor Bushee) (Melissa Byers)

Committee Review:

Public Works (scheduled)

01/07/13

City Council (scheduled)

01/09/13

Fiscal Impact – No

FINANCE COMMITTEE ACTION: Approved as Consent Item**SPECIAL CONDITIONS OR AMENDMENTS:****STAFF FOLLOW-UP:**

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	X		
COUNCILOR DIMAS	X		
COUNCILOR IVES	Excused		
CHAIRPERSON DOMINGUEZ			

MLM 3-19-12/FCMissue

Exhibit "11"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2013-__
(Montano Street)

Mayor and Members of the City Council:

We propose the following amendment to Resolution No. 2013-__:

1. On page 2, line 12, *insert* the following Resolve provision:

“BE IT FURTHER RESOLVED that staff is directed to begin the process to vacate unusable dedicated right-of-way located outside the Velarde Street to Barela Lane emergency access connection of Montano Street.”

Respectfully submitted,

Public Works Committee

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JANUARY 7, 2013

ITEM 17

REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THAT CITY STALL SHALL TAKE NO FURTHER ACTION TO CONNECT MONTANO STREET AND MAKE IT A CONTINUOUS STREET (COUNCILOR BUSHEE) (ERIC MARTINEZ/MELISSA BYERS)

PUBLIC WORKS COMMITTEE ACTION: Approved

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	Excused		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		



**CITY COUNCIL MEETING OF
JANUARY 9, 2013
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor David Coss		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 13 ("SB 13"), RELATING; REDUCING CORPORATE INCOME TAX RATES; AND REQUIRING COMBINED REPORTING FOR CERTAIN UNITARY CORPORATIONS.	Finance – 1/22/13 Council – 1/30/13
	A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 18 ("SB 18"), RELATING TO THE LABELING OF FOOD AND COMMERCIAL FEED THAT CONTAINS GENETICALLY MODIFIED MATERIAL.	Finance – 1/22/13 Council – 1/30/13
	AN ORDINANCE RELATED TO CAMPING ON CITY PROPERTY; AMENDING SECTION 23-4.11 SFCC 1987 AND CREATING A NEW SECTION 23-4.12 SFCC 1987.	Public Works – 1/28/13 Finance – 2/4/13 Council (request to publish) – 2/13/13 Council (public hearing) – 3/13/13
	AN ORDINANCE RELATED TO LARGE CAPACITY AMMUNITION FEEDING DEVICES; CREATING A NEW ARTICLE 20-6 SFCC 1987 TO PROHIBIT THE TRANSFER, POSSESSION OR SALE OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.	Finance – 1/22/13 Council (request to publish) – 1/30/13 Public Safety – 2/19/13 Council (public hearing) – 2/27/13
Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION URGING THE NEW MEXICO STATE LEGISLATURE, DURING THE 2013 SESSION TO PASS A BUDGET FOR THE INTERSTATE STREAM COMMISSION THAT INCLUDES A RECURRING BUDGET ITEM OF AN ADDITIONAL \$400,000 FOR THE UPDATE OF FOUR REGIONAL WATER PLANS EACH YEAR.	Finance – 1/22/13 Council – 1/30/13

Councilor Chris Calvert Cont'd		
	A RESOLUTION DIRECTING THE CITY MANAGER TO EXPLORE THE OPTIONS FOR ESTABLISHING A PARKS, TRAILS AND OPEN SPACE PUBLIC-SAFETY TYPE POSITION TO MONITOR PARKS, TRAILS AND OPEN SPACE AND ENSURE THAT THE USES OF THE PARKS, TRAILS AND OPEN SPACE ARE PROTECTED FROM VANDALISM AND OTHER PUBLIC SAFETY HAZARDS AND TO ENFORCE THE ORDINANCES OF THE CITY OF SANTA FE IN THE PARKS, TRAILS, AND OPEN SPACE AREAS.	Public Works – 1/28/13 Finance – 2/4/13 Council – 2/13/13
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE RELATED TO USER FEES AND RATES AT THE MUNICIPAL RECREATION COMPLEX AND CITY SPORTS FIELDS; AMENDING SECTION 23-7.3 TO REDUCE THE USER FEES AND RATES AT CITY OF SANTA FE SPORTS FIELDS.	Public Works – 1/28/13 Finance – 2/4/13 Council (request to publish) – 2/13/13 Parks and Open Space Advisory Commission – 2/19/13 Council (public hearing) – 3/13/13
Councilor Peter Ives		
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Wurzbarger		
Co-Sponsors	Title	Tentative Committee Schedule

Introduced legislation will be posted on the City Attorney's website, under legislative services (<http://www.santafenm.gov/index.asp?nid=320>). If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, mdbyers@santafenm.gov.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Councilor Chris Calvert

A RESOLUTION

URGING THE NEW MEXICO STATE LEGISLATURE, DURING THE 2013 SESSION TO
PASS A BUDGET FOR THE INTERSTATE STREAM COMMISSION THAT INCLUDES A
RECURRING BUDGET ITEM OF AN ADDITIONAL \$400,000 FOR THE UPDATE OF
FOUR REGIONAL WATER PLANS EACH YEAR.

WHEREAS, adequate water resources are a prerequisite to the health and economic
wellbeing of New Mexico's communities; and

WHEREAS, the New Mexico Legislature in 1987 determined that "the future water needs of
New Mexico can best be met by allowing each region of the state to plan for its water future"; and

WHEREAS, the New Mexico Legislature also determined that "the state can assist the
regions in planning future water use by implementing a state appropriation program to ensure an
adequate supply of water for each region"; and

WHEREAS, the first regional water plan was completed and accepted by the Interstate
Stream Commission in 1999 and the last regional water plan was completed and accepted by the
Interstate Stream Commission in 2008; and

1 **WHEREAS**, regional water plans were drafted by many local organizations and represent
2 collaborative strategies to address water needs; and

3 **WHEREAS**, regional water plans were reviewed and approved by many local governments
4 in the state; and

5 **WHEREAS**, regional water plans outline the alternatives for closing the gap between
6 available water supply and demand; and

7 **WHEREAS**, regional water plans are tools for better decision-making and water project
8 implementation; and

9 **WHEREAS**, water is a fragile and finite resource; and

10 **WHEREAS**, drought and climate change further threaten New Mexico's communities; and

11 **WHEREAS**, water supply and demand are not static but change continuously; and

12 **WHEREAS**, a number of changes have occurred since the regional water plans were
13 accepted, such as new regulatory requirements, new hydrologic studies, changing population growth
14 rates, and changes in water supply due to drought and climate change; and

15 **WHEREAS**, there is a need to develop better and more consistent hydrologic data and
16 increased coordination among regions and associated basins; and

17 **WHEREAS**, communities in New Mexico need to update their plans and strategies to ensure
18 an adequate water supply for their citizens.

19 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
20 **CITY OF SANTA FE that** the Governing Body hereby urges the State Legislature, during the 2013
21 Legislative Session, to pass a budget for the Interstate Stream Commission that includes a recurring
22 budget item of an additional \$400,000 for the update of four regional water plans each year.

23 **BE IT FURTHER RESOLVED that** the City Clerk is directed to forward a copy of this
24 resolution to the City's lobbyist and the City's State Legislative Delegation.
25

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Councilor Chris Calvert

A RESOLUTION

**DIRECTING THE CITY MANAGER TO EXPLORE THE OPTIONS FOR ESTABLISHING
A PARKS, TRAILS AND OPEN SPACE PUBLIC-SAFETY TYPE POSITION TO MONITOR
PARKS, TRAILS AND OPEN SPACE AND ENSURE THAT THE USES OF THE PARKS,
TRAILS AND OPEN SPACE ARE PROTECTED FROM VANDALISM AND OTHER
PUBLIC SAFETY HAZARDS AND TO ENFORCE THE ORDINANCES OF THE CITY OF
SANTA FE IN THE PARKS, TRAILS, AND OPEN SPACE AREAS.**

WHEREAS, in 2008 the voters of the City of Santa Fe approved a general obligation bond
issue of \$30,300,000 to acquire land for, and to improve, public parks, trails and open space for
recreational purposes; and

WHEREAS, in 2012 the voters of the City of Santa Fe approved a general obligation bond
issue of \$14,000,000 to plan, design, build, equip, renovate and improve public parks, bike-pedestrian
trails and related infrastructure; and

WHEREAS, as a result, the City has invested in and continues to invest in City parks, trails
and open space improvements; and

1 **WHEREAS**, there is a need to protect the City's investment by designating a public-safety
2 type position specifically dedicated to monitoring parks, open space and trails for public safety
3 purposes, to protecting the parks, trails and open space from vandalism and public safety hazards and
4 to ensure enforcement of City ordinances related to parks, trails and open space.

5 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
6 **CITY OF SANTA FE** that the City Manager is directed to explore the options for establishing a
7 parks, trails and open space public-safety type position to ensure that the uses of the parks, trails and
8 open space are protected from vandalism and public safety hazards; and to enforce the ordinances of
9 the City of Santa Fe in the parks, trails, and open space areas.

10 **BE IT FURTHER RESOLVED** that such position shall include, at a minimum, the
11 following tasks:

- 12 • Protect natural resources through resource management practices, including prevention of
13 illegal dumping; deterrence of theft of natural resources and artifacts and graffiti
14 prevention
- 15 • Provide information to the general public about parks, trails and open space resources,
16 including maps and directions, parks, trails and open space features and rules and
17 regulations
- 18 • Protect plant and animal life in parks, trails and open space from fire, disease, and visitor
19 usage
- 20 • Ensure compliance with the Ordinances and regulations established by the City of Santa
21 Fe
- 22 • Patrol parks, trails and open space areas to ensure that both natural and man-made
23 hazards are identified and corrected.
- 24 • Provide emergency response and help coordinate response to emergency situations,
25 including first aid, medical emergencies, lost children and motor vehicle breakdowns

PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Councilor Patti Bushee

A RESOLUTION

SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 13 ("SB 13"),
RELATING; REDUCING CORPORATE INCOME TAX RATES; AND REQUIRING
COMBINED REPORTING FOR CERTAIN UNITARY CORPORATIONS.

WHEREAS, the 60 day session of the 2013 Legislative Session begins on January 15, 2013;
and

WHEREAS, SB 13, has been introduced for consideration by the 51st Legislature - State of
New Mexico - First Session, 2013; and

WHEREAS, SB 13 would reduce corporate income tax rates and require combined reporting
for certain unitary corporations.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF SANTA FE that the Governing Body hereby supports SB 13.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this
resolution to the City of Santa Fe lobbyist and the City of Santa Fe State Legislative Delegation.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

1

2

3

DAVID COSS, MAYOR

4 ATTEST:

5

6

7 YOLANDA Y. VIGIL, CITY CLERK

8 APPROVED AS TO FORM:

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11 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2012/2012-93 Legislative Priorities (2013)*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Councilor Patti Bushee

A RESOLUTION

**SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 18 ("SB 18"),
RELATING TO THE LABELING OF FOOD AND COMMERCIAL FEED THAT
CONTAINS GENETICALLY MODIFIED MATERIAL.**

WHEREAS, the 60 day session of the 2013 Legislative Session begins on January 15, 2013;
and

WHEREAS, SB 18, has been introduced for consideration by the 51st Legislature - State of
New Mexico - First Session, 2013; and

WHEREAS, SB 18 would establish regulations that would require the labeling of food and
commercial feed that contains genetically modified material; and

WHEREAS, according to SB 18, "genetically modified material means a substance that has
been produced, enhanced or otherwise modified through the use of recombinant deoxyribonucleic
acid technology, genetic engineering or bioengineering."

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF SANTA FE** that the Governing Body hereby supports SB 18.

1 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
2 resolution to the City of Santa Fe lobbyist and the City of Santa Fe State Legislative Delegation.

3 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.
4

5 _____
6 DAVID COSS, MAYOR

7 ATTEST:
8

9 _____
10 YOLANDA Y. VIGIL, CITY CLERK

11 APPROVED AS TO FORM:
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13 _____
14 GENO ZAMORA, CITY ATTORNEY
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25 *M/Melissa/Resolutions 2012/2012-93 Legislative Priorities (2013)*

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-____

INTRODUCED BY:

Councilor Patti Bushee

AN ORDINANCE

**RELATED TO CAMPING ON CITY PROPERTY; AMENDING SECTION 23-4.11 SFCC
1987 AND CREATING A NEW SECTION 23-4.12 SFCC 1987.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

**Section 1. Section 23-4.11 SFCC 1987 (being Ord. #1981-39, §14) is amended to
read:**

23-4.11 Parks; Other Prohibited Activities.

Within any park, it is unlawful to:

A. ~~[Camp or lodge therein, without first having obtained a permit from the city;~~

~~B.]~~ Drive or hit golf balls, except at places set apart for that purpose;

~~[C.]~~ Wear any footgear except tennis shoes on tennis courts; and

~~[D.]~~ Roller skate, skateboard, bring bicycles, mopeds, motorcycles or animals on tennis

courts.

Section 2. A new Section 23-4.12 SFCC 1987 is ordained to read:

23-4.12 [New Material] Camping Regulations for City Property.

1 A. Within any city park, it is unlawful to camp or lodge therein, without first having
2 obtained a permit from the city.

3 B. Camping or lodging on city property is prohibited, except as permitted in paragraph
4 A., of this Section.

5 C. For the purposes of this Section, camping includes sleeping in a motor vehicle or
6 trailer.

7 APPROVED AS TO FORM:

8
9
10 _____
11 GENO ZAMORA, CITY ATTORNEY
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M/Melissa/Bills 2013/Camping

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-____

INTRODUCED BY:

Councilor Patti Bushee

AN ORDINANCE

RELATED TO LARGE CAPACITY AMMUNITION FEEDING DEVICES; CREATING A
NEW ARTICLE 20-6 SFCC 1987 TO PROHIBIT THE TRANSFER, POSSESSION OR SALE
OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. A new Article 20-6 SFCC 1987 is ordained to read:

20-6 [NEW MATERIAL] LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 2. A new Section 20-6.1 SFCC 1987 is ordained to read:

20-6.1 [New Material] Legislative Findings. The governing body of the city of Santa Fe
finds that:

A. Large capacity ammunition magazines are designed to enable shooting mass numbers
of people quickly and efficiently without reloading. Such devices have been used in numerous mass
shootings, including Tucson, Virginia Tech, Fort Hood and Columbine, but they are not useful for
hunting or self defense.

B. New magazines containing more than ten rounds were banned under the Federal

1 Assault Weapons Act, but Congress did not renew the law in 2004, despite widespread support from
2 over 70% of Americans.

3 C. The Constitution of the State of New Mexico does not ban the regulation of large
4 capacity ammunition feeding devices.

5 **Section 3. A new Section 20-6.2 SFCC 1987 is ordained to read:**

6 **20-6.2 [NEW MATERIAL] Short Title.** Article 20-6 SFCC 1987 may be cited as the
7 “Large Capacity Ammunition Feeding Device Ordinance.”

8 **Section 4. A new Section 20-6.3 SFCC 1987 is ordained to read:**

9 **20-6.3 [NEW MATERIAL] Definitions.** As used in Article 20-6 SFCC 1987:

10 *Large capacity ammunition feeding device* means a magazine, belt, drum, feed strip, or
11 similar device that has a capacity of, or that can be readily restored or converted to accept, more than
12 10 rounds of ammunition; but does not include an attached tubular device designed to accept, and
13 capable of operating only with, .22 caliber rimfire ammunition.

14 **Section 5. A new Section 20-6.4 SFCC 1987 is ordained to read:**

15 **20-6.4 [NEW MATERIAL] Regulations for Large Capacity Ammunition Feeding**
16 **Devices.**

17 A. As of _____, 2013, the effective date of Article 20-6 SFCC 1987, it
18 shall be unlawful for a person to transfer, possess or sell a large capacity ammunition feeding device.

19 B. Paragraph A., above, shall not apply to:

20 (1) The possession of a large capacity ammunition feeding device otherwise
21 lawfully possessed within the municipal jurisdiction of the city of Santa Fe on or before
22 _____, the effective date of Article 20-6 SFCC 1987;

23 (2) A manufacture for, transfer to, or possession by the United States or a
24 department or agency of the United States or a State or a department, agency, or political
25 subdivision of a State, or a transfer to or possession by a law enforcement officer employed

by such an entity for purposes of law enforcement (whether on or off duty);

(3) A transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such a licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

(4) The possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon that retirement; or

(5) A manufacture, transfer, or possession of a large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Attorney General.

Section 6. A new Section 20-6.5 SFCC 1987 is ordained to read:

20-6.5 [NEW MATERIAL] Penalty. Any person who knowingly violates Article 20-6 SFCC 1987 is guilty of a code violation and shall be sentenced pursuant to the provisions of Article 1-3 SFCC 1987. Each violation is a separate and distinct offense.

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

CAO/M/Melissa/Bills 2013/Large Capacity Ammunition Feeding Devices

AN ORDINANCE

RELATED TO REGULATIONS, FEES AND RATES AT THE MUNICIPAL RECREATION
COMPLEX AND CITY SPORTS FIELDS; AMENDING ARTICLE 23-7 SFCC 1987 TO
REMOVE REFERENCES TO CITY SPORTS FIELD REGULATIONS, FEES AND RATES;
AND CREATING A NEW SECTION 23-4.12 TO ESTABLISH REGULATIONS, FEES AND
RATES FOR CITY SPORTS FIELDS.

Article 23-7 ~~MUNICIPAL [GOLF COURSE RATES]~~ MUNICIPAL RECREATION
COMPLEX (MRC).

23-7.1 Short Title.

This section may be cited as the "[~~Municipal Recreation Complex and City Sports Fields User~~] MRC
Regulations, Fees and Rates Ordinance." (Ord. #1996-32, §1)

23-7.2 Purpose.

The purpose of this section is [~~adopted~~] to establish municipal rate classes to which golf course fees
and MRC sports fields [~~user~~] fees will apply. (Ord. #1996-32, §1)

23-7.3 Municipal Recreation Complex [~~and City Sports Fields~~] User Fees and Rates.

[~~A. The following is the Municipal Recreation Complex and City Sports Fields to which
the greens fees and field user fees will apply~~] The MRC Regulations, Fees and Rates Ordinance shall
apply to the following:

[~~(+)~~]A. City of Santa Fe Municipal Golf Course, Santa Fe, New Mexico, 18 hole, 7415 yards,
Par 72, 275 acres.

[~~(2)~~]B. City of Santa Fe Municipal Golf Course, Santa Fe, New Mexico, 9 hole, 3000 yards,
Par 28, 50 acres.

[~~(3)~~]C. City of Santa Fe Municipal Sports Fields at the Municipal Recreation Complex,
Santa Fe, New Mexico.

1 ~~[(a) — Municipal Recreation Complex~~

2 ~~(b) — Ragle Park~~

3 ~~(c) — Franklin Miles Park~~

4 ~~(d) — Wood Gormley School (soccer field)~~

5 ~~(e) — Sweeney School (soccer field)~~

6 ~~(f) — Fort Marey Park~~

7 ~~(g) — Salvador Perez Park~~

8 ~~(h) — Larragoite Park~~

9 ~~(i) — Monica Lucero Park~~

10 ~~(j) — Ashbaugh Park~~

11 ~~(k) — Herb Martinez Park~~

12 ~~(l) — Villa Linda Park~~

13 ~~(m) — Patrick Smith Park~~

14 (Ord. #1996-32, §3; Ord. #1998-22, §1)

15 **23-7.4 Green Fees, [City] MRC Sports Fields User Fees and Other Rates.**

16 **A. *Golf Course Green Fees with Players Club Card.****

17 **(1) Non-senior rates:**

18 **(a) 18 hole rate:**

19 (i) Weekend rate \$25.00

20 (ii) Weekday rate \$23.00

21 (iii) Afternoon** rate (weekday) \$17.00

22 (iv) Afternoon** rate (weekend) \$19.00

23 (v) Junior rate (under 18) \$10.00

24 **(b) 9-hole rate:**

25 (i) Weekend rate \$16.00

1	(ii)	Weekday rate	\$14.00
2	(iii)	Junior rate (under 18)	\$ 8.00
3	(c)	The "great 28" 9 hole course:	
4	(i)	Weekend rate	\$14.00
5	(ii)	Weekday rate	\$12.00
6	(iii)	Junior rate (under 18)	\$ 6.00
7	(2)	Senior rate (60 and older):	
8	(a)	18 hole rate:	
9	(i)	Weekend rate (cart included)	\$27.00
10	(ii)	Weekday rate (cart included)	\$25.00
11	(iii)	Walking rate	\$20.00
12	(b)	9 hole rate:	
13	(i)	Weekend rate (cart included)	\$18.00
14	(ii)	Weekday rate (cart included)	\$16.00
15	(iii)	Walking rate	\$15.00
16	(3)	Volume discount:	
17	(a)	5 rounds	\$110.00
18	(b)	10 rounds	\$210.00
19	(c)	20 rounds	\$400.00
20	(d)	30 rounds	\$570.00
21	B.	<i>Golf Course Green Fees Without Players Club Card*:</i>	
22	(1)	Non-senior rates:	
23	(a)	18 hole rate:	
24	(i)	Weekend rate	\$31.00
25	(ii)	Weekday rate	\$29.00

1	(iii)	Afternoon** rate (weekday)	\$20.00
2	(iv)	Afternoon** rate (weekend)	\$22.00
3	(v)	Junior rate (under 18)	\$12.00
4	(b)	9 hole rate:	
5	(i)	Weekend rate	\$22.00
6	(ii)	Weekday rate	\$20.00
7	(iii)	Junior rate (under 18)	\$ 9.00
8	(c)	The "great 28" 9 hole course:	
9	(i)	Weekend rate	\$16.00
10	(ii)	Weekday rate	\$14.00
11	(iii)	Junior rate (under 18)	\$ 8.00
12	(2)	Senior rate (60 and older):	
13	(a)	18 hole rate:	
14	(i)	Weekend rate (cart included)	\$29.00
15	(ii)	Weekday rate (cart included)	\$27.00
16	(iii)	Walking rate	\$22.00
17	(b)	9 hole rate:	
18	(i)	Weekend rate (cart included)	\$20.00
19	(ii)	Weekday rate (cart included)	\$18.00
20	(iii)	Walking rate	\$16.00
21	(3)	Volume discount:	
22	(a)	5 rounds	\$140.00
23	(b)	10 rounds	\$270.00
24	(c)	20 rounds	\$520.00
25	(d)	30 rounds	\$750.00

1 C. *Golf Course Tournament Fees:*

2	(1) Weekend rate	\$60.00
3	(2) Weekday rate	\$55.00
4	(3) Non-peak (Tuesday, Wednesday or Thursday)	\$45.00

5 *Players Club Card may be purchased for one hundred twenty-five dollars (\$125.00) and
6 ~~are~~ is valid for one (1) year from issuance. The city manager may upon review by the city finance
7 director authorize in writing a temporary reduction in the price for the club card for the purpose of
8 public promotion. Such promotion shall be advertised in a local daily newspaper.

9 **Afternoon rate is charged for play approximately four and one-half (4.5) hours before
10 sunset. Actual hours are posted monthly and are seasonal.

11 D. In order to maximize revenues, be competitive with area golf courses and respond to
12 market conditions, the city manager may upon review by the city finance director authorize in writing
13 an increase or decrease of twenty-five percent (25%) to the rates described in paragraphs A. through
14 C. above. Such rate change shall be published in a local daily newspaper. Such rate change shall
15 apply to the general public and shall not be available to a particular group or individual. The city
16 manager may also occasionally authorize special short term promotional rates.

17 E. Gross receipts tax shall be paid on all greens fees set forth in paragraphs A. through
18 C. above. The sum of the rate and gross receipts tax shall be rounded to the next highest quarter.

19 F. Juniors under the age of eighteen (18) and associated with a high school golf team or
20 a golf program will be allowed to hit two (2) large buckets of range balls each after 3:30 p.m. free of
21 charge while participating in a scheduled season.

22 G. Once each fiscal year, the city may sponsor a benefit tournament to support children
23 and youth recreation programs at the Genoveva Chavez Community Center and the MRC. The
24 applicable tournament rates will not be paid from the tournament revenues, but will be incorporated
25 into the annual MRC rate analysis and proposed rate structure to cover the tournament fees that would

1 have been applicable.

2 H. Other rates for services, rentals, concessions, merchandise sales, and other fees or
3 rates related to the MRC may be established by the MRC director as determined to be fair and
4 reasonable. ~~[The MRC rates shall be comparable with the rates and fees charged for similar services~~
5 ~~and products at other municipal parks, fields and facilities which are set by the parks and recreation~~
6 ~~director.]~~

7 I. *MRC ~~[and Municipal Park]~~ Sports Fields Fees:*

8 (1) Youth league fees assessed by the city shall be: ~~[Annual fifteen dollars~~
9 ~~(\$15.00) fee for youth team/league participants, ten (10) years or older, allowing for~~
10 ~~unlimited participation for one (1) year in all leagues]. Annual ten dollars (\$10.00) fee for~~
11 ~~youth team/league participants, under the age of ten (10), allowing for unlimited participation~~
12 ~~for one (1) year in all leagues.]~~

13 (a) Fifteen dollar (\$15.00) fee for each participant, ten years old and
14 above, for each team the player participates in.

15 (b) Ten dollar (\$10.00) fee for each participant, under ten (10) years old,
16 for each team the player participates in.

17 (2) ~~[Sports field use]~~ Adult league fees assessed by the city shall be:

18 ~~[(a) All adult teams participating in league events are to pay a one~~
19 ~~hundred dollar (\$100) fee for yearly field maintenance/utilities plus twenty-five~~
20 ~~dollars (\$25.00) per player necessary to field a team according to their individual~~
21 ~~league plus twenty-five dollars (\$25.00) for one (1) alternate player.]~~

22 (a) One hundred dollar (\$100) team fee, plus twenty-five dollar (\$25.00)
23 fee per player necessary to field a team according to each individual league and
24 twenty-five dollar (\$25.00) fee for one (1) alternate player per team.

25 (b) Seventy-five dollars (\$75.00) per field per day.

(c) ~~[Lighting will be thirty]~~ Thirty dollars (\$30.00) per hour for lighting,
per field, as needed.

~~[(d)](3)~~ All concessions ~~[will]~~ shall be provided through the city.

~~[(e)](4) [Municipal sports park fields, exclusive of the MRC, will be prioritized for youth leagues with adult league use scheduled as available.]~~ MRC sports fields ~~[will]~~ shall be prioritized for adult leagues with youth league use scheduled pursuant to paragraph ~~[(f)] (5)~~ below.

~~[(f)](5)~~ In the event that other municipal sports ~~[park]~~ fields are unavailable to accommodate youth leagues or youth tournaments, and the MRC fields are not scheduled for use ~~[pursuant to paragraph I. above]~~, then the MRC fields may be made available to provide a field for such event.

~~[(g)]~~ ~~MRC and municipal sports park field user fees and other rates will be reviewed on an annual basis.]~~

~~[(3)](6)~~ ~~[Annual]~~ An annual twenty-five dollar (\$25.00) fee shall be charged for each adult ~~[participants allowing]~~ user that will allow for unlimited non-league participation at the MRC ~~[for one (1) year]~~.

~~[(4)]~~ ~~Fees collected for the use of municipal sports park fields at the MRC shall be deposited into the MRC fund. Fees collected for municipal sports park fields other than the MRC shall be deposited into the city's general fund.]~~

(5) ~~[All leagues]~~ Each league shall submit with their application the following:

(a) A copy of the league's bylaws or other document demonstrating how the league was organized and operates. Such document shall be made available to all league participants.

(b) A current financial statement ~~[regarding the league's financial status including]~~ that includes information regarding participant fees, account balances and

a budget indicating expenses and revenues.

(c) Code of conduct.

(d) Estimated number of hours requested for field use for the season.

J. Fees collected for the use of municipal sports park fields at the MRC shall be deposited into the MRC fund.

K. MRC user fees and other rates shall be reviewed on an annual basis.

(Ord. #1996-32, §4; Ord. #1998-22, §2; Ord. #1998-43, §1; Ord. #1999-11, §1; Ord. #1999-24, §1; Ord. #2001-8, §1; Ord. 2002-15, §1; Ord. #2003-23, §1; Ord. #2006-16, §1; Ord. #2010-11 §1)

23-4.12 [NEW MATERIAL] City Sports Fields; League Fees.

A. Applicability. This Section shall apply to the following City of Santa Fe sports fields:

(a) Ragle Park

(b) Franklin Miles Park

(c) Wood Gormley School (soccer field)

(d) Sweeney School (soccer field)

(e) Fort Marcy Park

(f) Salvador Perez Park

(g) Larragoite Park

(h) Monica Lucero Park

(i) Ashbaugh Park

(j) Herb Martinez Park

(k) Villa Linda Park

(l) Patrick Smith Park

B. League Fees.

(1) Each youth league shall be assessed a five dollar (\$5.00) fee per participant,

1 per season. For purposes of this Section, a youth league is defined as a league that has
2 participants under the age of eighteen (18).

3 (2) Each adult league shall be assessed a _____ fee per participant, per
4 season. For purposes of this Section, an adult league is defined as a league that has
5 participants over the age of eighteen (18).

6 C. League Requirements. Each league shall submit with their application the following:

7 (1) A copy of the league's bylaws or other document demonstrating how the
8 league was organized and operates. Such document shall be made available to all league
9 participants.

10 (2) A current financial statement that includes information regarding participant
11 fees, account balances and a budget indicating expenses and revenues.

12 (3) Code of conduct.

13 (4) Estimated number of hours requested for field use for the season.
14
15

Jan 9, 2012

Dear Honorable David Coss and City
Council Members,

We did not have time to organize
but on January 7, Monday in a
3 hour time span, we were able
to get (72) signatures on this petition and
on Comment sheets for "yes" in favor of
Montano Street, as a Health and
Safety ~~Access~~ ^{Street} Vehicle Access ^{proved}
and extended from Camino Solano
through Palamino Street.

Please consider what these neighbor
hood residents are asking for or at
least take this decision until ~~next time~~
~~a later date~~
~~we can organize~~
~~fruther~~

Sincerely,
Charlene Ortiz
SDS 314-3572
Nadine Kennedy
~~SDS~~ 982-5645

THESE VOICES WERE NOT
HEARD! THIS ISSUE WAS
RUSHED THROUGH DURING
THE HOLIDAYS —

Exhibit "21"

Petition

Montano ①

We the undersigned are in favor of the extension and paved of Montano Street from Camino Solano to Palomino Street, for the following reasons:

1. **Health and Safety Vehicle Access-** Including Ambulance, Fire Trucks and Police, for all the neighborhood streets beginning with Camino Solano through Palomino Street. Other residents who have not been polled in the area may desire access.
2. **Creating a boundary -** between the City of Santa Fe Bicycle Trail and the neighborhood. To deter trespassing and crime in the area.
3. **To lessen crime and vagrancy** attracted to the raw, vacant area of the neighborhood. Making it look like the rest of town will deter criminal and vagrant activity in the area, not increase it.
4. **To Alleviate Traffic Congestion** on Agua Fria St. and feeder streets such as Velarde St. Opening Montano St. will allow other access in and out of the neighborhood. This decision should not be made without a traffic study.
5. **Access for all the longtime families and land owners** in the Montano Rd. neighborhood who would like to be able to have an access street to their land and should have the right to access and build on their land.
6. **It has been planned -** A road was supposed to go through here after Nicole Street was developed, it was on the books, the City of Santa Fe does not know why it hasn't happened. We do not know who blocked off the road in the first place - it used to be opened and used - by what authority was it blocked to begin with? We have a lot of questions that need to be answered before any action is taken. The City Plan calls for infill of undeveloped areas within the City Limits and this road has been planned for years.
7. **The premise that everything should remain the same is now being challenged.** People who move into an area should not have the right to shut the door on others now that they have moved in.

Petition in favor of the extension and paved of Montano Street from Camino Solano to Palomino Street

1. Name: ~~_____~~ Address: ~~_____~~ Phone: ~~_____~~
2. Name: Charlene C. Ortiz Address: 1928 ^{ST. WILSON} DEAGUATE Phone: 505-316-3572
3. Name: Phil D. W. Address: 1121 Summit Rd. Phone: 525-404-0000
4. Name: SK Address: 107 Moore St. Phone: 505-570-9142
5. Name: Mark Bueno Address: 956 ^{Asequio Ave} LA JOYA Phone: 505-660-2573
6. Name: Mark C. Carrack Address: 1295 ^{VEGAS VIDEOS} #90 SPAIN 6709 Phone: 505-204-3539
7. Name: Don Sanderford Address: 520 Barula lane Phone: 505-983-2409
8. Name: Pat L. Address: 520 Barula lane Phone: 505-983-2409
9. Name: Patricia Barula Address: 508 Barula Phone: 505-989-3318
10. Name: Patricia Address: 1833 AGUA FRIA Phone: 505-280-5352
11. Name: Del Rio MIZ Address: 1719 Agua Fria Phone: 505-204-1589
12. Name: Del Montoya Address: 1719 Agua Fria Phone: 505-204-1589
13. Name: Del Rio Address: 1719 Agua Fria Phone: 505-204-1589
14. Name: Amely Cano Address: 1719 Agua Fria Phone: 505-204-1589
15. Name: Del Rio Address: 1713 Agua Fria Phone: 530-113-1326
16. Name: Del Rio Address: 1709 ^{AGUA FRIA} Phone: 505-983-8191
17. Name: Del Rio Address: 1709 Agua Fria Phone: 505-204-3057
18. Name: Del Rio Address: 1711 1/2 Agua Fria Phone: (505) 660-9681
19. Name: Del Rio Address: _____ Phone: _____
20. Name: Megan Leiberg Address: 435 La Joya Rd. Phone: 505-977-3272
21. Name: Niles Veloz Address: 434 La Joya Phone: 505-983-1499
22. Name: Medina Ojeda Address: Montano Phone: 982-5645
23. Name: Barbara Ojeda Address: Montano Phone: 982-2818
24. Name: Union Vigil Address: Gomez RD Phone: 505-316-2071
25. Name: Josely Vigil Address: Montano St. Phone: 281-5985
26. Name: _____ Address: _____ Phone: _____
27. Name: _____ Address: _____ Phone: _____
28. Name: _____ Address: _____ Phone: _____
29. Name: _____ Address: _____ Phone: _____
30. Name: _____ Address: _____ Phone: _____
31. Name: _____ Address: _____ Phone: _____
32. Name: _____ Address: _____ Phone: _____
33. Name: _____ Address: _____ Phone: _____
34. Name: _____ Address: _____ Phone: _____
35. Name: _____ Address: _____ Phone: _____
36. Name: _____ Address: _____ Phone: _____
37. Name: _____ Address: _____ Phone: _____

Petition in favor of the extension and paved of Montano Street from Camino Solano to Palomino Street

1. Name: Quintan Arz Address: #9 Montano St Phone: 505 3163410
2. Name: Abeyta Address: 1406 2nd St Phone: No phone
3. Name: MARY Abeyta Address: 1606 2nd Phone: No phone
4. Name: Joyce Pacheco Address: 1608 Mann St Apt B Phone: 3166630
5. Name: Math Pacheco Address: 1608 Mann St Apt B Phone: 204-1486
6. Name: Donna Trujillo Address: 1446 Santa Cruz Phone: 204-5578
7. Name: Monique Trujillo Address: 1446 Santa Cruz Phone: 204-1212
8. Name: Wanda Sandoral Address: 522 Barleta Phone: 316-4459
9. Name: Eric Sandoral Address: 522 Barleta Phone: 316-4459
10. Name: Mike Montoya Address: 510 Barleta Phone: 2040674
11. Name: Del Montoya Address: 516 Barleta Phone: 204-316-3422
12. Name: Desiree Martinez Address: 522 1/2 Barleta Phone: 505-3164459
13. Name: Rose S Lopez Address: 2408 Ave de las Estrellas Phone: 473-9433
14. Name: Gilbert J. Lopez Address: 2408 Ave de las Estrellas Phone: 473-9433
15. Name: Elaine Romero Address: 2119 Camino Maritimo Phone: 204-2415
16. Name: Angelique Smith Address: 2119 Camino Maritimo Phone: 501-0692
17. Name: Margaret Encinas Address: 2119 Camino Maritimo Phone: 316-0141
18. Name: Phillip Velarde Address: 1707 Anguilla Phone: 204-0880
19. Name: Tomasa A Velarde Address: 1707 Anguilla Phone: 2982-1680
20. Name: Jason Smith Address: 503 Barleta Phone: 913-7163
21. Name: John Smith Address: 503 Barleta Phone: 819-726
22. Name: John Smith Address: 503 Barleta Phone: 831-6497
23. Name: Danny Narvaez Address: 2116 Camino Maritimo Phone: 471-2900
24. Name: Ray Trujillo Address: 2142 Camino Palomino Phone: 310-0117
25. Name: Rosendo Address: 16808 Camino Phone: 204-1616
26. Name: Leroy Montoya Address: 516 Barleta Phone: 204-316-3422
27. Name: Gilbert Kael Address: 1724 Montano St Phone: 819-8808
28. Name: Steve Lopez Address: Carino Fidel Phone: 438-8468
29. Name: Address: Phone:
30. Name: Address: Phone:
31. Name: Address: Phone:
32. Name: Address: Phone:
33. Name: Address: Phone:
34. Name: Address: Phone:
35. Name: Address: Phone:
36. Name: Address: Phone:
37. Name: Address: Phone:

Petition in favor of the extension and paved of Montano Street from Camino Solano to Palomino Street

- | | | | | | |
|-----------|----------------------------|----------|---------------------------|--------|------------------------|
| 1. Name: | <u>Vanessa Sandoval</u> | Address: | <u>614 1/2 Paulin St.</u> | Phone: | <u>(505) 795-2283</u> |
| 2. Name: | <u>Arthur Myhal</u> | Address: | <u>614 1/2 Paulin St</u> | Phone: | <u>(505) 688-7135</u> |
| 3. Name: | <u>Ramon R. Sandoval</u> | Address: | <u>522 Barela Lane</u> | Phone: | <u>505-670-6136 or</u> |
| 4. Name: | <u>Mary Alice Sandoval</u> | Address: | <u>522 Barela Ln</u> | Phone: | <u>992-1014</u> ← |
| 5. Name: | <u>David R. Sandoval</u> | Address: | <u>522 Barela Ln</u> | Phone: | <u>316-6321</u> |
| 6. Name: | <u>Xonick Rivas</u> | Address: | <u>610 Paulin St</u> | Phone: | <u>718-8846</u> |
| 7. Name: | <u>Daniel Montano</u> | Address: | <u>503 Barela Ln</u> | Phone: | <u>204-0889</u> |
| 8. Name: | <u>Edwin Montano</u> | Address: | <u>503 Barela Ln</u> | Phone: | <u>983-2838</u> |
| 9. Name: | <u>Albert Montano</u> | Address: | <u>503 Barela Ln</u> | Phone: | <u>983-2838</u> |
| 10. Name: | <u>Ray Torres</u> | Address: | <u>511 Barela Ln</u> | Phone: | <u>987-0005</u> |
| 11. Name: | <u>Ricardo Gurgu</u> | Address: | <u>301 Palomino St</u> | Phone: | <u>204-1569</u> |
| 12. Name: | _____ | Address: | _____ | Phone: | _____ |
| 13. Name: | _____ | Address: | _____ | Phone: | _____ |
| 14. Name: | _____ | Address: | _____ | Phone: | _____ |
| 15. Name: | _____ | Address: | _____ | Phone: | _____ |
| 16. Name: | _____ | Address: | _____ | Phone: | _____ |
| 17. Name: | _____ | Address: | _____ | Phone: | _____ |
| 18. Name: | _____ | Address: | _____ | Phone: | _____ |
| 19. Name: | _____ | Address: | _____ | Phone: | _____ |
| 20. Name: | _____ | Address: | _____ | Phone: | _____ |
| 21. Name: | _____ | Address: | _____ | Phone: | _____ |
| 22. Name: | _____ | Address: | _____ | Phone: | _____ |
| 23. Name: | _____ | Address: | _____ | Phone: | _____ |
| 24. Name: | _____ | Address: | _____ | Phone: | _____ |
| 25. Name: | _____ | Address: | _____ | Phone: | _____ |
| 26. Name: | _____ | Address: | _____ | Phone: | _____ |
| 27. Name: | _____ | Address: | _____ | Phone: | _____ |
| 28. Name: | _____ | Address: | _____ | Phone: | _____ |
| 29. Name: | _____ | Address: | _____ | Phone: | _____ |
| 30. Name: | _____ | Address: | _____ | Phone: | _____ |
| 31. Name: | _____ | Address: | _____ | Phone: | _____ |
| 32. Name: | _____ | Address: | _____ | Phone: | _____ |
| 3. Name: | _____ | Address: | _____ | Phone: | _____ |
| 34. Name: | _____ | Address: | _____ | Phone: | _____ |
| 35. Name: | _____ | Address: | _____ | Phone: | _____ |
| 36. Name: | _____ | Address: | _____ | Phone: | _____ |
| 37. Name: | _____ | Address: | _____ | Phone: | _____ |

Return to:
City of Santa Fe
Public Works Dept.
Roadway & Trails
Engineering Division
PO Box 909
Santa Fe, NM
87504

or
Return to
LeAnn Valdez
lvaldez@santafenm.gov

Comment Sheet
Public Hearing
Regarding Montano Street
January 3, 2013

Barn at Frenchys Park-Agua Fria Street and Osage Avenue

Name:	MARK P. CARMACK
Address:	1299 VEGAS VERDES # 90 S.F. NM 87507
Phone No:	505.204.3539
	I WOULD LIKE TO SEE TRAFFIC CONGESTION REDUCED.
	ALLOWING
	ALONG WITH LAW ENFORCEMENT, FIRE AND RESCUE VEHICLES
	INCLUDING AMBULANCES AND MAINTENANCE SAFE ACCESS.
	- VEHICLES
	PUBLIC SAFETY AND HEALTH ISSUES ALSO ARE CONCERN.

6

Return to:
 City of Santa Fe
 Public Works Dept.
 Roadway & Trails
 Engineering Division
 PO Box 909
 Santa Fe, NM
 87504

or
 Return to
 LeAnn Valdez
lvaldez@santafenm.gov

Comment Sheet
Public Hearing
Regarding Montano Street
January 3, 2013

Barn at Frenchys Park-Agua Fria Street and Osage Avenue

Name:	Joann Sandora
Address:	520 Barela Lane
Phone No:	983-2409
	This Montano Street access would
	benefit our neighborhood to allow
	a beneficial access way for
	emergency use as well as provide
	additional access during "rush" hour
	hours. Our Street is small and
	during high traffic & emergencies,
	this would provide an alternate
	route for us.

Return to:
 City of Santa Fe
 Public Works Dept.
 Roadway & Trails
 Engineering Division
 PO Box 909
 Santa Fe, NM
 87504

or
 Return to
 LeAnn Valdez
lvaldez@santafenm.gov

Comment Sheet
Public Hearing
Regarding Montano Street
January 3, 2013

Barn at Frenchys Park-Agua Fria Street and Osage Avenue

Name:	Gloria Barela
Address:	508 Barela Lane
Phone No:	989-3318
	Concerned about Barela Lane
	If it starts from Velarde
	Street am okay with it.

10

Return to:
 City of Santa Fe
 Public Works Dept.
 Roadway & Trails
 Engineering Division
 PO Box 909
 Santa Fe, NM
 87504

or
 Return to
 LeAnn Valdez
lvaldez@santafenm.gov

Comment Sheet
Public Hearing
Regarding Montano Street
January 3, 2013

Barn at Frenchys Park-Agua Fria Street and Osage Avenue

Name: NATHAN J. PINEY SR

Address: 5913 CAMINO AZUL, SANTA FE, NM 87507

Phone No: 505-231-6719

REASON - IMPROVEMENT OF TRAFFIC FLOW

DPH 01/07/2012

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JANUARY 7, 2013**

ITEM 11 a**AIRPORT ROAD OVERLAY DISTRICT**

- A. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING AIRPORT ROAD; CREATING A NEW SECTION 14-5.5(C) SFCC 1987 TO ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILORS DOMINGUEZ, RIVERA AND WURZBURGER) (MATTHEW O'REILLY)**

PUBLIC WORKS COMMITTEE ACTION: Approved

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP: Add Councilor Calvert as a sponsor

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	Excused		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "22"

**CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2012-40
(Airport Road Overlay District)**

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2012-40:

1. On page 4, line 20, *delete* "clear" and *substitute* "dual pane" in lieu thereof

Respectfully submitted,

Chris Calvert, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JANUARY 7, 2013**

ITEM 11 b**AIRPORT ROAD OVERLAY DISTRICT**

B REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO EXPLORE THE OPTIONS FOR INCORPORATING HEALTHY FOOD ZONE LEGISLATION INTO THE AIRPORT ROAD OVERLAY DISTRICT ORDINANCE (COUNCILOR DOMINGUEZ) (MATTHEW O'REILLY)

PUBLIC WORKS COMMITTEE ACTION: Approved on consent

SPECIAL CONDITIONS OR AMENDMENTS:**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	Excused		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

ACTION SHEET
CITY COUNCIL MEETING OF 01/09/13
ITEM FROM FINANCE COMMITTEE MEETING OF 01/08/13

ISSUE:

14. Request for Approval of an Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting an Amended Local Economic Development Project Participation Agreement Between the City of Santa Fe and Rodeo Property, Inc. for an Indoor Multipurpose Facility, a Local Economic Development Project. (Mayor Coss and Councilor Bushee) (Nick Schiavo and Fabian Trujillo)

- A. Request for Approval of Economic Development Amended Project Participation Agreement – Indoor Multipurpose Facility; Rodeo Property, Inc.

Committee Review:

City Council (request to publish – approved)	12/12/12
City Business & Quality of Life (scheduled)	12/08/13
City Council (public hearing – scheduled)	01/09/13

Fiscal Impact – No

FINANCE COMMITTEE ACTION: Approved as Consent Item**SPECIAL CONDITIONS OR AMENDMENTS:**

Add Councilor Bushee as co-sponsor.

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	X		
COUNCILOR DIMAS	X		
COUNCILOR IVES	Excused		
CHAIRPERSON DOMINGUEZ			

Exhibit '24'