



County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

Agenda - Final County Council - Regular Session

*David Izraelevitz, Council Chair; Christine Chandler, Council
Vice-Chair, Antonio Maggiore, Susan O'Leary, Morris Pongratz,
Rick Reiss, and Pete Sheehey, Councilors*

Tuesday, October 2, 2018

6:00 PM

Council Chambers - 1000 Central Avenue
TELEVISED

1. OPENING/ROLL CALL

2. PLEDGE OF ALLEGIANCE

- A. 11243-18** Boys Scout Troop 22 will be Leading the Pledge of Allegiance

Presenters: County Council - Regular Session

3. PUBLIC COMMENT

*This section of the agenda is reserved for comments from the public
on items that are not otherwise included in this agenda.*

4. APPROVAL OF AGENDA

5. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- A. [11107-18](#)** Proclamation honoring Boy Scout Troop 22 on their "Centennial Celebration" (accepted by Troop Leader Jeff Segler and Boy Scouts from Troop 22)

Presenters: County Council - Regular Session

- B. [10681-18](#)** Proclamation declaring the Month of October as "Month of Arts and Culture" in Los Alamos County (accepted by Acting Exec. Dir. Chris Monteith and other members of the Los Alamos Arts Council)

Presenters: County Council - Regular Session

- C. [11140-18](#)** Proclamation declaring the Week of Oct. 7-13, 2018 as "Fire Prevention Week" in Los Alamos County (accepted by Kelly Sterna, LAFD Wildland Division Chief)

Presenters: County Council - Regular Session

- D. [11233-18](#)** Proclamation declaring the Month of October as "Eco Challenge Month" in Los Alamos County (accepted by Angelica Gurule,

Environmental Services Division)

Presenters: County Council - Regular Session

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

7. CONSENT AGENDA

The following items are presented for Council approval under a single motion unless any item is withdrawn by a Councilor for further Council consideration in the agenda section entitled "Business."

October 2, 2018 Consent Motion:

Consent Motion -

I move that Council approve the items on the Consent Agenda as presented and that the motions in the staff reports be included for the record; or,

I move that Council approve the items on the Consent Agenda and that the motions contained in the staff reports, as amended be included for the record.

- A.** [RE0385-18](#) Incorporated County of Los Alamos Resolution No. 18-23, A Resolution of the Incorporated County of Los Alamos Council Authorizing Application to the New Mexico Department of Transportation (NMDOT) for Federal Fiscal Year 2020/2021 Transportation Alternatives Program (TAP) Funds for the Urban Trail Phase I Project.

Presenters: Philo Shelton, Public Works Director

Attachments: [A - 2017 Bicycle Transportation Plan -Bicycle & Pedestrian Route Map \(High Priority Corridor\)](#)
[B - Project Map](#)
[C - Resolution No. 18-23](#)
[D - Notice of Legal Publication](#)
[E - Funding Summary](#)
[F - Grant Analysis and Financial Matrix Form](#)

- B.** [RE0388-18](#) Incorporated County of Los Alamos Resolution No. 18-21; A Resolution Authorizing the County Council Chair or Los Alamos County Utilities Manager to Approve Submission of Completed Applications and Necessary Documents for 2019 Applications to the Water Trust Board for Funding Non-Potable Water Systems Projects

Presenters: James Alarid, Deputy Utilities Manager - Engineering

Attachments: [A - Resolution 18-21](#)
[B - List of Existing Water Production Loans](#)
[C - Summary of Annual Water Production Loan Payments](#)
[D - Range of Possible Loan Amounts and Associated Annual Payments](#)

- C. [10466-18](#) Appointment of Canvassing Committee for the 2018 General Election.

Presenters: County Council - Regular Session

- D. [11219-18](#) Vacation of Easement Within Lot 2, Trinity/Oppenheimer Subdivision, a Subdivision of Tract A

Presenters: James Alarid, Deputy Utilities Manager - Engineering

Attachments: [A - Vacation of Utility Easement](#)

8. INTRODUCTION OF ORDINANCE(S)

- A. [OR0832-18](#) Incorporated County Of Los Alamos Ordinance No.688; an Ordinance authorizing the sale of certain County-owned real property within Tract RM to Thirty301, LLC.

Presenters: Joanie Ahlers, Economic Development Administrator

Attachments: [A - Ordinance No. 688 with attachments](#)

9. PUBLIC HEARING(S)

- A. [11168-18](#) New Liquor License Application No.1101184, (premise consumption only with patio service), filed by Applicant, Pig & Fig Bakery and Cafe, L.L.P., d/b/a Pig & Fig Cafe, 11 Sherwood Blvd, White Rock, New Mexico, 87547.

Presenters: County Council - Regular Session

Attachments: [A - Publication Notice](#)
[B - PD Memo](#)
[C - CDD Memo](#)
[D - Pig and Fig Bakery and Cafe App No 1101184](#)
[E - Publication Waver Email](#)

10. BUSINESS

- A. [11187-18](#) Recommendation from the Art in Public Places Board to Accept the Donation of a Pastel Painting by Artist Fran Stovall to be Installed in

the Los Alamos County Airport.

Presenters: Arts in Public Places Advisory Board

Attachments: [A - Fran Stovall Donation and Location](#)

- B. [11192-18](#) Recommendation from the Art in Public Places Board to Relocate Sculpture "Spirit Dance" from Ashley Pond Park to the Columbarium in Guaje Pines Cemetery, and to Create a New Pedestal with Stone Facing for the Sculpture

Presenters: Arts in Public Places Advisory Board

Attachments: [A - Quote from Cisneros Concrete to create base](#)
[B - Photos of sculpture in its current location](#)
[C - Photo of proposed location](#)

- C. [11171-18](#) Recommendation from the Art in Public Places Board for an Expenditure of Art in Public Places Funds in an Amount not to exceed \$45,000 to Commission Artists Markow & Norris to Create and Install Woven Glass Sculptures

Presenters: Arts in Public Places Advisory Board

Attachments: [A - Examples of Woven Glass Art](#)
[B - Placement of Woven Glass Kites on fireplace wall](#)

- D. [11193-18](#) Recommendation from the Art in Public Places Board for an Expenditure of Art in Public Places Funds in an Amount Not to Exceed \$195,000 for the Design, Fabrication, Transport and Installation of Art by Evelyn Rosenberg in the 502 Underpass Scheduled for Construction in 2020.

Presenters: Arts in Public Places Advisory Board

Attachments: [A - Evelyn Rosenberg sample work and CV](#)
[B - Proposal for Underpass](#)
[C - Overview of Preliminary Design](#)
[D - Summary of Public Input](#)

11. COUNCIL BUSINESS

- A. *Appointments*
- B. *Board, Commission and Committee Liaison Reports*
- C. *County Manager's Report*

D. Council Chair Report**E. General Council Business**

- 1) [11182-18](#) Approval of the FY19 Community Development Advisory Board Work Plan.

Presenters: County Council - Regular Session

Attachments: [A - FY2019 DRAFT CDAB Work Plan](#)

F. Approval of Councilor Expenses**G. Preview of Upcoming Agenda Items****12. COUNCILOR COMMENTS****13. PUBLIC COMMENT****14. ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 662-8040 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Office of the County Manager at 663-1750 if a summary or other type of accessible format is needed.



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 11243-18

Title

Boys Scout Troop 22 will be Leading the Pledge of Allegiance



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 11107-18

Title

Proclamation honoring Boy Scout Troop 22 on their "Centennial Celebration" (accepted by Troop Leader Jeff Segler and Boy Scouts from Troop 22)

Body

WHEREAS: After a life of military service for Great Britain, Robert Baden Powell recognized that a motivating, educational movement for youth was desperately needed - his book "*Aids in Scouting*" originally written for soldiers had become popular with youth leaders and teachers; and

WHEREAS: At the core of that movement, Powell wanted to target the development of one's character, citizenship and personal fitness; and

WHEREAS: The Scouting movement was subsequently born in 1908 on a small island in southern England; and

WHEREAS: Scouting quickly spread and took root in the United States in 1910 as Boy Scouts of America, under a Charter granted by Congress; and

WHEREAS: The great state of New Mexico was admitted into the United States in 1912, and Ashley Pond established the Los Alamos Ranch School on the beautiful Pajarito Plateau soon after admittance, in 1917; and

WHEREAS: Ashley Pond's vision included similar ideals found in Scouting; he desired to provide young men with an active life on a working ranch, increasing their strength, and thus the Ranch School adopted the Scouting movement on January 1, 1918 - and Troop 22 was born; and

WHEREAS: The Ranch School offered a core curriculum that was a combination of college preparation along with leading a rigorous life outdoors; and

WHEREAS: Subsequently, Troop 22 became the first horse-mounted troop in the United States; and

WHEREAS: The boys, families and community organizations of Los Alamos have continuously held a Charter for Boy Scouts of America, making Troop 22 the third oldest Boy Scout troop in the United States of America, and the second oldest troop west of the Mississippi; and

WHEREAS: Today, Troop 22 is still active in preparing young men for life by developing their character, citizenship and personal fitness; and

WHEREAS: The Los Alamos County Council wishes to congratulate Troop 22 on its accomplishments these past 100 years, and applaud their longevity and dedication to Scouting;

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do hereby recognize Boy Scout Troop 22 upon their

“CENTENNIAL CELEBRATION”

in Los Alamos County, and ask our citizens to join in congratulating them on this historic milestone for their organization. We commend the leaders who have served thousands of volunteer hours to maintain Troop 22 as one of the longest-standing organizations in Los Alamos, and we wish Troop 22 another successful 100 years of service within our community!



County of Los Alamos
Staff Report
October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.
Index (Council Goals):
Presenters: County Council - Regular Session
Legislative File: 10681-18

Title

Proclamation declaring the Month of October as "Month of Arts and Culture" in Los Alamos County (accepted by Acting Exec. Dir. Chris Monteith and other members of the Los Alamos Arts Council)

Body

WHEREAS: The month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations and communities across the country for over 30 years;

WHEREAS: The arts and humanities enhance and enrich the lives of every American by playing a unique role in the lives of our families, our community, and our country;

WHEREAS: The local arts and cultural organizations are a vital part of recreation, education, and enjoyment in the Los Alamos community, enhancing our quality of life and strengthening our economy; and

WHEREAS: The artistic and cultural season in Los Alamos is now being recognized during the month of October; and

WHEREAS: Los Alamos continues to have a multitude of thriving arts organizations providing enrichment in the visual and performing arts;

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do hereby proclaim the Month of October as

"ARTS & CULTURE MONTH"

in Los Alamos County, and call upon all citizens to continue to support the outstanding programs and events that the arts organizations bring to our community.



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: C.

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 11140-18

Title

Proclamation declaring the Week of Oct. 7-13, 2018 as "Fire Prevention Week" in Los Alamos County (accepted by Kelly Sterna, LAFD Wildland Division Chief)

Body

WHEREAS: Los Alamos County is committed to ensuring the safety and security of all who live, work or visit our community, and fire is a serious public safety concern; and

WHEREAS: Individuals are at greatest risk from fires inside their home, with the majority of fire deaths in the U.S. - four out of every five - occurring in homes each year; home fires killed 2,735 people in the U.S. in 2016, according to the National Fire Protection Association, and fire departments in the U.S. responded to 352,000 home fires; and

WHEREAS: The fire death rate per 1,000 home fires reported to U.S. fire departments was 10 percent higher in 2016 than in 1980; and

WHEREAS: Los Alamos County residents can stay safe from the threat of a home fire by examining places where fires can start and working to eliminate those hazards; and

WHEREAS: Smoke alarms are valuable for early alerts about fires, and should be installed in every sleeping room, outside each separate sleeping area, and on every level of a home; working smoke alarms cut the risk of dying in home fires in half; and

WHEREAS: First responders are dedicated to reducing the occurrence of home fires and related injuries through prevention and education; it has been shown that occupants who plan and practice a fire escape plan are more likely to survive a home fire; and

WHEREAS: This year's Fire Prevention Week theme, *"Look. Listen. Learn. Be aware - fire can happen anywhere!"* effectively serves to remind our residents to take personal responsibility for increasing their safety from home fires;

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do hereby proclaim the Week of October 7 - 13, 2018 as

“FIRE PREVENTION WEEK”

in Los Alamos County. I encourage our citizens to be aware of their surroundings, look for available ways out in the event of a fire or other emergency, respond to a smoke alarm by exiting the structure immediately, and to participate in events and activities about home fire prevention and escape plans being sponsored by the Los Alamos Fire Department.



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
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Agenda No.: D.

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 11233-18

Title

Proclamation declaring the Month of October as "Eco Challenge Month" in Los Alamos County (accepted by Angelica Gurule, Environmental Services Division)

Body

WHEREAS: The Los Alamos County Green Team, Environmental Sustainability Board and Eco Challenge Committee are sponsoring an Eco Challenge from October 3 - October 24, 2018; and

WHEREAS: The Eco Challenge is free and open to the public, offering residents an opportunity to engage in environmental sustainability initiatives; and

WHEREAS: This 21-day challenge, powered on-line by the nonprofit, Portland-based Northwest Earth Institute, provides an easy way for individuals to turn intentions into action while offering a fun, social option to consider and act upon proven solutions that support sustainable actions; Eco Challenge participants can view their collective impact on the environment in real-time as challenges are completed; and

WHEREAS: Participants can join an existing team, create a new one, or join the Los Alamos community team while earning points for taking action; they can share their story and encourage eco-friendly behavior in others; and

WHEREAS: When our residents engage in activities such as the Eco Challenge, they drive sustainability both locally and globally, making a difference in our community and contributing to a healthier planet; and

WHEREAS: The Council has adopted goals for environmental sustainability, and wants to encourage residents and County employees to participate in the Eco Challenge; and

WHEREAS: Participating in programs such as the Eco Challenge sets a good example for our children, showing them that we care about protecting our environment and conserving precious resources;

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do hereby proclaim the Month of October as

"ECO CHALLENGE MONTH"

in Los Alamos County, and encourage our citizens to participate by signing up to take the challenge at 2018.ecochallenge.org.



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters:

Title

October 2, 2018 Consent Motion:

Recommended Action

I move that Council approve the items on the Consent Agenda as presented and that the motions in the staff reports be included for the record; or,

I move that Council approve the items on the Consent Agenda and that the motions contained in the staff reports, as amended be included for the record.



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals): * 2018 Council Goal – Quality of Life – Mobility – Maintain and Improve Transportation and Mobility

Presenters: Philo Shelton, Public Works Director

Legislative File: RE0385-18

Title

Incorporated County of Los Alamos Resolution No. 18-23, A Resolution of the Incorporated County of Los Alamos Council Authorizing Application to the New Mexico Department of Transportation (NMDOT) for Federal Fiscal Year 2020/2021 Transportation Alternatives Program (TAP) Funds for the Urban Trail Phase I Project.

Recommended Action

I move that Council approve Incorporated County of Los Alamos Resolution No. 18-23, A Resolution of the Incorporated County of Los Alamos Council Authorizing Application to the New Mexico Department of Transportation (NMDOT) for Federal Fiscal Year 2020/2021 Transportation Alternatives Program (TAP) Funds for the Urban Trail Phase I Project.

..County Manager's Recommendation

The County Manager recommends that Council adopt Incorporated County of Los Alamos Resolution No. 18-23.

Body

NMDOT announced a call for projects under the TAP program and established an application deadline of November 30, 2018 and requires a resolution of sponsorship as part of the application process. Acquisition of right of way or easements are not eligible activities under this program. However, design and construction activities are eligible within this two-year funding cycle with design funding available for federal FY20, and construction funding for federal FY21.

In FY 2018, County CIP funds in the amount of \$70,000 were budgeted for the Urban Multiuse Trail Project as a possible grant match to leverage federal grant opportunities. As part of the County's 2019-2020 Biennial Budget, an additional \$500,000 is proposed in both FY 2021 and FY 2022 of the CIP budget that establishes two project phases to further fund development of the project and leverage grant opportunities.

The entire Urban Trail alignment is part of the "High Priority Corridor" shown in the Bicycle Transportation Plan adopted by Council on June 27, 2017 (Attachment A). The Urban Trail Phase I Project proposes a multiuse path that begins north of Trinity Drive at 20th Street and continues north to Spruce Street. This starting point provides a connection to the Canyon Rim Trail system, a portion of which was constructed in 2017 with the 20th Street Extension Project

south of Trinity Dr., with the last remaining segment currently under design. A future traffic signal at the Trinity Dr./20th Street intersection contemplated with the development of 20th Street properties will facilitate trail crossing at Trinity Drive. Phase I will follow 20th Street along the west side, crossing Central Ave. and along existing pathways through the east side Fuller Lodge lawn and 19th Street, then meandering along neighborhood streets to Spruce Street. A future Phase II segment will continue north through a forested undeveloped landscape surrounding the Canyon Road tennis courts and eventually linking the Nature Center and Aquatic Center along the north side of Canyon Road. A separate funding application and resolution for Phase II through another federal program is scheduled for Council consideration in late October. The Urban Trail corridor is being developed entirely within existing public rights of way. See Project Map, Attachment B.

The project is being designed in-house by Engineering staff. Professional services are anticipated to conduct environmental and cultural resources studies and obtain clearances required by the federal grant.

With the upcoming completion of the Canyon Rim Trail including the underpass at Entrada Drive and NM 502 funded through a successful TAP application in 2016, and the pending installation of additional crossing improvements proposed with NMDOT's NM 502 Reconstruction Project, this project will provide non-vehicular thoroughfare to the downtown business district. Additionally, the project will help connect businesses, tourism, retail, schools, parks, recreation, and residences as envisioned in the Bicycle Transportation Plan. Completion of this project will also improve the County's chances to move from a bronze to a silver level bicycle friendly community by the League of American Bicyclists.

The County anticipates a project award of federal FY 20 TAP funding for environmental study in the amount of \$25,000 and federal FY21 TAP funding for project construction in the amount of \$675,000. If funding is awarded, it would be comprised of \$598,080 (85.44%) in federal funds and would require a County match of \$101,920 (14.56%).

Prior to formal grant award, the County must provide a resolution affirming its commitment to fund, build, and maintain the project. Resolution No. 18-23 has been prepared to meet these requirements. The Resolution has been advertised as required. A copy of Resolution No. 18-23 and the Notice of Legal Publication and is attached for reference (Attachments C and D).

Alternatives

Failure to approve the resolution will result in the County being ineligible to apply or receive TAP funds for FFY2020/2021.

Fiscal and Staff Impact/Unplanned Item

Council appropriated \$70,000 in FY 2018 for the Urban Trail with an additional \$500,000 proposed for FY 2021. The proposed funding application in the amount of \$700,000 is comprised of a federal contribution of \$598,080 and would require a County match of \$101,920. See, Funding Summary, Attachment E.

Should the County receive the grant award, staff will return to Council with a Budget Revision to establish the formal project budget.

Attachments

-
- A - 2017 Bicycle Transportation Plan - Bicycle & Pedestrian Route Map (High Priority Corridor)
 - B - Project Map
 - C - Resolution No. 18-23
 - D - Notice of Legal Publication
 - E - Funding Summary
 - F - Grant Analysis and Financial Matrix Form

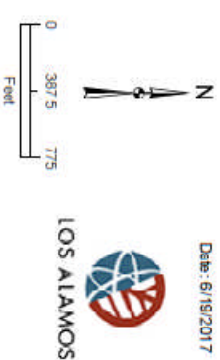


Los Alamos Bicycle & Pedestrian Routes

¹Multi-Use Connection (Path) A bikeway physically separated from motor vehicle traffic by an open space within an independent right-of-way. Multi-use paths may be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users. Most multi-use paths are designed for two-way travel.




²Shared Use A lane of traveled way that is open to both bicycle and motor vehicle travel.

³Multi-Use Side path A path located immediately adjacent and parallel to a roadway. Multi-use side paths may be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users. Most multi-use side paths are designed for two-way travel.



Urban Trail - Trinity Dr. to Canyon Rd.

Legend

-  Canyon Rd
-  Urban Trail Phase I
-  Urban Trail Phase II



Google Earth

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INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 18-23

**A RESOLUTION OF THE INCORPORATED COUNTY OF LOS ALAMOS COUNCIL
AUTHORIZING APPLICATION TO THE NEW MEXICO DEPARTMENT OF
TRANSPORTATION FOR FEDERAL FISCAL YEAR 2020/2021
TRANSPORTATION ALTERNATIVES PROGRAM FUNDS FOR THE URBAN TRAIL,
PHASE I PROJECT**

WHEREAS, the Incorporated County of Los Alamos ("County"), New Mexico, has the legal authority to apply for, receive and administer federal funds; and

WHEREAS, County wishes to submit a grant application for Federal Fiscal Year 2020/2021 (FFY20/21) New Mexico Transportation Alternatives Program (TAP) funds in the amount of Seven Hundred Thousand Dollars (\$700,000.00), as set forth by the Federal legislation, Fixing America's Surface Transportation Act (FAST Act) and as outlined in the FFY20/21 Active Transportation and Recreational Programs Guide; and

WHEREAS, the Urban Trail named in the TAP application is an eligible project under New Mexico TAP and the FAST Act; and

WHEREAS, County acknowledges availability of a required local match of 14.56% and the availability of funds to pay all costs upfront, as TAP is a cost reimbursement program; and

WHEREAS, County shall, to the extent permitted by New Mexico law and subject to a budget approved by the Los Alamos County Council, pay any costs that exceed the project amount if the application is selected for funding; and

WHEREAS, County shall maintain the project constructed with TAP funding for the useable life of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Incorporated County of Los Alamos that:

Section 1. The Los Alamos County Council, by adopting this Resolution, does hereby authorize the County Engineer to submit an application for FFY20/21 New Mexico Transportation Arterial Program (TAP) funds in the amount of Seven Hundred Thousand Dollars (\$700,000.00) from the New Mexico Department of Transportation (NMDOT) on behalf of the citizens of the County.

Section 2. County assures the NMDOT that if TAP funds are awarded, sufficient funding for the local match and for upfront project costs are available, since TAP is a reimbursement program, and that any costs exceeding the award amount shall be paid for by County to the extent permitted by New Mexico law and subject to a budget approved by the Los Alamos County Council.

Section 3. County assures the NMDOT that if awarded TAP funds, sufficient funding for the operation and maintenance of the TAP project shall be available for the life of the project to the extent permitted by New Mexico law and subject to a budget approved by the Los Alamos County Council.

Section 4. The County Manager is authorized to enter into a Cooperative Project Agreement with the NMDOT for construction of the TAP project using these funds as set forth by the FAST Act on behalf of the citizens of the County. The County Engineer is also authorized to submit additional information as may be required and act as the official representative of County in this and subsequent related activities.

Section 5. That County assures the NMDOT that County is willing and able to administer all activities associated with the proposed project.

PASSED AND ADOPTED this 2nd day of October, 2018.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS, NEW MEXICO**

**David Izraelevitz
Council Chair**

ATTEST:

**Naomi D. Maestas
Los Alamos County Clerk**

NOTICE OF RESOLUTION NO. 18-23

STATE OF NEW MEXICO, COUNTY OF LOS ALAMOS

Notice is hereby given that the Council of the Incorporated County of Los Alamos, State of New Mexico, has directed publication of Los Alamos County Resolution No. 18-23. This will be considered by the County Council at an open meeting on Tuesday, October 2, 2018 at 6:00 p.m., at the Los Alamos County Municipal Building: 1000 Central Avenue, Los Alamos, New Mexico 87544. The full copy is available for inspection or purchase, during regular business hours, in the County Clerk's Office: 1000 Central Avenue, Suite 240.

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 18-23

A RESOLUTION OF THE INCORPORATED COUNTY OF LOS ALAMOS COUNCIL AUTHORIZING APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FEDERAL FISCAL YEAR 2020/2021 TRANSPORTATION ALTERNATIVES PROGRAM FUNDS FOR THE URBAN TRAIL, PHASE I PROJECT

Council of the Incorporated County of Los Alamos

By: /s/ David Izraelevitz, Council Chair

Attest: /s/Naomi D. Maestas, County Clerk

LA DAILY POST: Publication Date: Thursday, September 20, 2018

Urban Trail Phase I - Funding Summary			
Item	FY 2020	FY 2021	TOTAL
	Environmental Study	Construction	
TAP Federal (85.44%)	\$ 21,500	\$ 576,580	\$ 598,080
TAP Local Match (14.56%)	\$ 3,500	\$ 98,420	\$ 101,920
Total Project Costs	\$ 25,000	\$ 675,000	\$ 700,000
County Funds (\$70K FY 2018 and \$500K FY2021)	\$ 70,000	\$ 500,000	\$ 570,000
Phase I Local Match	\$ (3,500)	\$ (98,420)	\$ (101,920)
Projected Balance (to apply to Phase I Contingency and/or Phase II grant match)	\$ 66,500	\$ 401,580	\$ 468,080

A. Describe the purpose of the grant and what will be accomplished: _____

The Grant would aid in the funding of the construction of the Urban Trail, Phase I, from Trinity Drive to Spruce Street. The Trail would consist of a southern connection to the Canyon Rim Trail, Phase III, which is currently under development, then travel north through the Downtown business district and adjacent northern neighborhood. The trail is being designed in house as a side path to adjacent streets and interfacing with traffic only at crossings, which are minimal and at intersections.

B. Grant Budget

Expense Type	Grant	Match/In Kind Requirement	Budget Authority (Yes or No)
Operational	\$ 0	\$ 0	NA
Outside Services	\$ 0	\$ 0	NA
Capital Outlay	\$ 598,080	\$ 101,920	No
TOTAL	\$ 598,080	\$101,920	No

C. Source of Match/In Kind: CIP

D. Will a budget revision be required if grant awarded? Yes X No _____

E. Do the resources exist in your department to accomplish the goals of the grant? Yes

F. Will resources (\$ or people) from another department be required? Yes ___ No X

If yes, describe: _____

G. Frequency of reporting requirement Monthly X Quarterly ___ Annually ___

H. Frequency of pay requests for reimbursement Monthly X Quarterly ___ Annually ___

I. What, if anything, is the County's obligation (personnel or \$) beyond the life of the grant? Trail Maintenance

J. Is the County the final recipient of the grant proceeds or will there be a sub-recipient?
County is final recipient

K. Who within the department will have responsibility for this grant?

Programmatic Reporting? Desirae Lujan

Financial Reporting? Desirae Lujan/David Griego



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.

Index (Council Goals): * 2018 Council Goal – Quality Governance – Operational Excellence – Maintain Quality Essential Services and Supporting Infrastructure Including Updated Enterprise Software and Permitting

Presenters: James Alarid, Deputy Utilities Manager - Engineering

Legislative File: RE0388-18

Title

Incorporated County of Los Alamos Resolution No. 18-21; A Resolution Authorizing the County Council Chair or Los Alamos County Utilities Manager to Approve Submission of Completed Applications and Necessary Documents for 2019 Applications to the Water Trust Board for Funding Non-Potable Water Systems Projects

Recommended Action

I move that Council approve Incorporated County of Los Alamos Resolution No. 18-21; A Resolution Authorizing the County Council Chair or Los Alamos County Utilities Manager to Approve Submission of Completed Applications and Necessary Documents for 2019 Applications to the Water Trust Board for Funding Non-Potable Water Systems Projects

Utilities Manager Recommendation

The Utilities Manager recommends approval of Resolution 18-21 as presented.

Board, Commission or Committee Recommendation

The Board of Public Utilities recommends approval of Resolution 18-21 as presented.

Body

Applications for the 2019 Water Trust Board (WTB) funding cycle are due on October 4, 2018. The DPU proposes to apply for funding to construct a new effluent water booster station at Overlook Park in White Rock. A requirement by the WTB is to submit a resolution by the governing body with the application. Resolution 18-21 is provided as Attachment A, which if approved, authorizes the DPU to apply for funding in the 2019 cycle.

The existing booster station at Overlook Park was built in 1982 and has served as the primary irrigation water source to all of Overlook Park since. The existing booster pumps are installed outdoors and are exposed to the elements and the electric gear is the original equipment which is antiquated. The major components of the booster station are at the end of their service life and in need of replacement. DPU is seeking approval to apply for \$800,000 to the WTB for construction of a new replacement booster station. The project qualifies for WTB funding since it is a treated effluent water infrastructure project and supports conservation of potable groundwater. The new booster station will be designed by DPU engineering staff and will be "shovel ready" if Los Alamos County is granted the funds.

Funding from the WTB is in the form of a grant and loan award. The County would also have to match at least 10% of the construction cost. Awards can vary from a 60% grant/40% loan to a 90% grant/10% loan, the WTB determines the split and we will not know until awarded. The cost to the county will be 10% of the construction cost which is \$88,000 plus the loan amount. The loan amount could vary from \$320,000 (40%) to \$80,000 (10%). Loans are typically for a 20 year term at 3% interest. A table of the range of possible loan amounts and the associated annual payments is provided in Attachment D

Loan payments would be made from the Water Production fund. To assist in evaluating the impact to the Water Production fund we have attached a summary of existing loans that represent the existing debt against the fund (Attachment B). In addition, we have provided a summary of the total annual loan payments for the ten loans that exist (Attachment C).

Fiscal and Staff Impact

None

Attachments

A - Resolution 18-21

B - List of Existing Water Production Loans

C - Summary of Annual Water Production Loan Payments

D - Range of Possible Loan Amounts and Associated Annual Payments

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 18-21

A RESOLUTION AUTHORIZING THE COUNTY COUNCIL CHAIR OR LOS ALAMOS COUNTY UTILITIES MANAGER TO APPROVE SUBMISSION OF COMPLETED APPLICATIONS AND NECESSARY DOCUMENTS FOR 2019 APPLICATIONS TO THE WATER TRUST BOARD FOR FUNDING NON-POTABLE WATER SYSTEM PROJECTS

WHEREAS, the 2001 Legislature enacted the Water Project Finance Act which created the Water Project Fund ("Fund") in the State's New Mexico Finance Authority ("NMFA") and charged the NMFA with the administration of the Fund and the Water Trust Board ("WTB"); and

WHEREAS, the Incorporated County of Los Alamos ("County") is a qualified entity under the New Mexico Finance Authority Act, NMSA 1978, §§ 6-21-1 through 6-21-31 (1992) ("Act"), and the County is authorized to borrow funds and/or issue bonds for financing of public projects for the benefit of the County; and

WHEREAS, the NMFA has instituted a program for financing of projects from the Fund created under the WTB Act (Sections 19.25.10.1 through 19.25.10.20, NMAC 2008) and has developed an application procedure whereby the County Council ("Governing Body") may submit an application ("Application") for financial assistance from the NMFA for public projects; and

WHEREAS, the County intends to undertake replacements for its Non-Potable Water System projects ("Projects") for the benefit of the County and its citizens; and

WHEREAS, the County acknowledges a commitment to provide the necessary match funding and funding for future operations and maintenance for these Projects for the benefit of the County and its citizens; and

WHEREAS, the WTB requests, as part of the application process, adoption and submittal of a resolution of commitment to the implementation of an asset management plan; and

WHEREAS, the County's and WTB's investments will be protected and maintained for optimum longevity through the County's asset management plan; and

WHEREAS, the Applications for WTB funding, as prescribed by NMFA, together with this Resolution, will be completed and submitted by the Governing Body to NMFA for its consideration and review; and

WHEREAS, the Applications for WTB funding, as prescribed by NMFA, together with this Resolution was recommended to be forwarded to the County Council by the County's Board of Public Utilities ("Board") on September 19, 2018; and

WHEREAS, a meeting of the County Council was held on this date to consider the authorization and submission of the Applications for 2019 WTB Funding Requests for the County's Non-Potable Water System projects, implementation of and administration of an asset management plan, and authorization for match and operation and maintenance funding.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
Incorporated County of Los Alamos:

Section 1. That the Chair of the Incorporated County of Los Alamos Council, the County's Utility Manager ("Utilities Manager") and necessary employees are hereby directed, authorized and requested to submit the necessary documents and applications to NMFA for its review of the project ("Project") which is Construction of a Replacement Wastewater Effluent Booster Station for Overlook Park, and are further authorized to take such other action as may be requested by the NMFA in its consideration and review of the Application(s) and to further proceed with arrangements for financing the Project.

Section 2. The Council further provides authorization for the Utilities Manager to allocate required matching grant funding for the Project and for any future operation and maintenance costs of the Project if the Projects and applications are accepted.

Section 3. All acts and resolutions in conflict with this Resolution are hereby rescinded, annulled and repealed.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 2nd day of October 2018.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

David Izraelevitz
Council Chair

ATTEST:

Naomi D. Maestas
Los Alamos County Clerk

Water Production Fund Loans

	Source	Project	Loan Amount	Loan Term (years)	First Payment (Year)	Last Payment (Year)
1	2010 Bond	Water Production	\$1,631,766.00	20	2011	2030
2	WTB 89	Diamond II Effluent	\$77,654.00	20	2010	2028
3	WTB 156	Diamond III Effluent	\$147,500.00	20	2011	2030
4	WTB 157	San Juan Chama PER	\$50,000.00	20	2011	2030
5	ARRA CWSRF 09	Effluent Washwater System @ LAWWP	\$234,812.00	20	2012	2031
6	WTB 220	LA Reservoir Reconstruction	\$600,000.00	20	2013	2032
7	WTB 221	Non-Potable Master Plan & Design	\$140,000.00	20	2013	2032
8	WTB 318	North Mesa Booster & Pipeline, Group 12 Tank	\$562,400.00	20	2016	2035
9	WTB 340	NP Kwage Mesa Surface Pipeline	\$182,000.00	20	2017	2036
10	WTB 3557	LA Reservoir NP line replacement	\$53,840.00	20	2019	2038
Total			\$3,679,972.00			

Total Annual Payments for Water Production Loans

YEAR	PRINCIPLE	INTEREST	TOTAL
2010	\$3,996.00	\$194.14	\$4,190.14
2011	\$13,648.00	\$68,400.77	\$82,048.77
2012	\$22,420.68	\$92,125.68	\$114,546.36
2013	\$51,295.34	\$93,175.77	\$144,471.11
2014	\$69,369.36	\$93,141.86	\$162,511.22
2015	\$70,257.99	\$92,563.27	\$162,821.26
2016	\$130,343.96	\$93,202.74	\$223,546.70
2017	\$135,336.52	\$91,796.73	\$227,133.25
2018	\$145,493.44	\$90,241.74	\$235,735.18
2019	\$149,941.97	\$88,490.88	\$238,432.85
2020	\$152,130.89	\$106,242.52	\$258,373.41
2021	\$155,121.49	\$130,820.88	\$285,942.37
2022	\$158,122.05	\$156,881.25	\$315,003.30
2023	\$428,520.82	\$175,654.81	\$604,175.63
2024	\$437,427.26	\$191,171.88	\$628,599.14
2025	\$329,704.54	\$196,353.49	\$526,058.03
2026	\$177,767.03	\$199,933.06	\$377,700.09
2027	\$180,634.57	\$226,449.01	\$407,083.58
2028	\$184,076.51	\$230,080.27	\$414,156.78
2029	\$182,218.70	\$224,757.68	\$406,976.38
2030	\$185,677.51	\$219,330.11	\$405,007.62
2031	\$94,934.32	\$213,718.61	\$308,652.93
2032	\$79,807.00	\$213,059.88	\$292,866.88
2033	\$41,143.00	\$212,860.38	\$254,003.38
2034	\$41,246.00	\$212,757.52	\$254,003.52
2035	\$41,349.00	\$212,654.40	\$254,003.40
2036	\$12,463.00	\$212,551.02	\$225,014.02
2037	\$2,759.00	\$212,519.86	\$215,278.86
2038	\$2,766.00	\$212,512.97	\$215,278.97
	\$3,679,971.95	\$4,563,643.17	\$8,243,615.12

RANGE OF POSSIBLE LOAN AMOUNTS AND ASSOCIATED ANNUAL PAYMENTS

Percent Loan	Amount of Loan	Annual Payment / 20-yr @ 3%
10	\$80,000.00	\$5,377.00
20	\$160,000.00	\$10,754.00
30	\$240,000.00	\$16,132.00
40	\$320,000.00	\$21,509.00



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: C.

Index (Council Goals): * 2018 Council Goal - N/A

Presenters: County Council - Regular Session

Legislative File: 10466-18

Title

Appointment of Canvassing Committee for the 2018 General Election.

Recommended Action

I move that Council appoint Scott Brown, Cathy Walters, and Robyn Schultz as members of the Canvass Committee for the 2016 General Election and that David Schiferl be appointed to act as an alternate if necessary. I further move that the County Clerk's office coordinate the canvassing in accordance with state law.

County Manager's Recommendation

The County Manager recommends that Council approve the appointment of the Canvassing Committee as requested.

Body

Per Section 600.3 of the Charter:

"Canvassing Committee. The returns of every election shall be canvassed and certified to the Council by a Canvassing Committee consisting of three persons to be appointed by the Council. No person shall be appointed to the Committee unless he is a resident and a registered voter of the County. No more than two of the members of the Committee shall be members of the same political party. No person who is a candidate at an election to be canvassed by the Committee shall serve on the Committee. The Committee shall serve at the pleasure of the Council. "

The following individuals have agreed to serve as the Canvassing Committee:

- 1. Scott Brown (L)**
- 2. Cathy Walters (R)**
- 3. Robyn Schultz (D)**

David Schiferl (D) shall act as an alternate if necessary.

The Canvass Committee will meet on Friday, November 9, 2018 at 2 pm in Room 330 of the Los Alamos County Municipal Building. The election results will be presented to Council for certification at its regular meeting on Tuesday, November 13, 2018.



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: D.

Index (Council Goals): * 2018 Council Goal – Quality Governance – Operational Excellence – Maintain Quality Essential Services and Supporting Infrastructure Including Updated Enterprise Software and Permitting

Presenters: James Alarid, Deputy Utilities Manager - Engineering

Legislative File: 11219-18

Title

Vacation of Easement Within Lot 2, Trinity/Oppenheimer Subdivision, a Subdivision of Tract A

Recommended Action

I move that Council approve the vacation of easement within Lot 2, Trinity/Oppenheimer Subdivision, a Subdivision of Tract A.

Utilities Manager Recommendation

The Utilities Manager recommends that Council approve the motion as presented.

Body

The easement being vacated is no longer needed. The County Code grants Council the authority to sell, lease, exchange or otherwise transfer county-owned real property and interests in real property (Sec. 14-31 (4)).

Alternatives

If the vacation of easement is not approved the encumbrance will remain on the property.

Attachments

A - Vacation of Utility Easement

VACATION OF UTILITY EASEMENT

NAME: Los Alamos Professional Investment Partnership

PROPERTY ADDRESS:, 557 Oppenheimer Dr. Los Alamos, N.M. 87544

LOT: Two , “Trinity / Oppenheimer Subdivision”

The Incorporated County of Los Alamos has determined that the County no longer requires and hereby vacates the utility easements described as follows:

DESCRIPTION


That 42’ wide “steam easement” granted by “Timber Ridge Subdivision Unit Two” April 1978, recorded as document #44410 in book 3 page 64; subsequently lying and being within Lot Two, “Trinity / Oppenheimer Subdivision” being a subdivision of Tract “A”, replat of Timber Ridge Subdivision, Unit 2, Los Alamos County, New Mexico, the Plat thereof filed for record in the Office of the Clerk as Document No.83309 on the 20th of October, 1988 in Plat Book 5, Page 86, as shown on that Plot Plan, dated the 12th of September, 2018 marked Exhibit “A”, attached hereto and made apart hereof.

This Vacation of Utility Easement in no way effects, reduces or diminishes any other Easement or Usage, either Drainage or Utility, held by the Incorporated County of Los Alamos except as herein specifically provided. All other Grants of Easement, whether Drainage or Utility, shall be and remain in full force and effect.

THIS VACATION OF UTILITY EASEMENT HAS BEEN REVIEWED BY ME AND IS ACCEPTABLE TO THE DEPARTMENT THAT I REPRESENT:

 9/19/18

COUNTY ENGINEER DATE

 9/17/18

COUNTY SURVEYOR DATE

 9/27/18

DEPARTMENT OF PUBLIC UTILITIES DATE

ATTEST:
Naomi Maestes

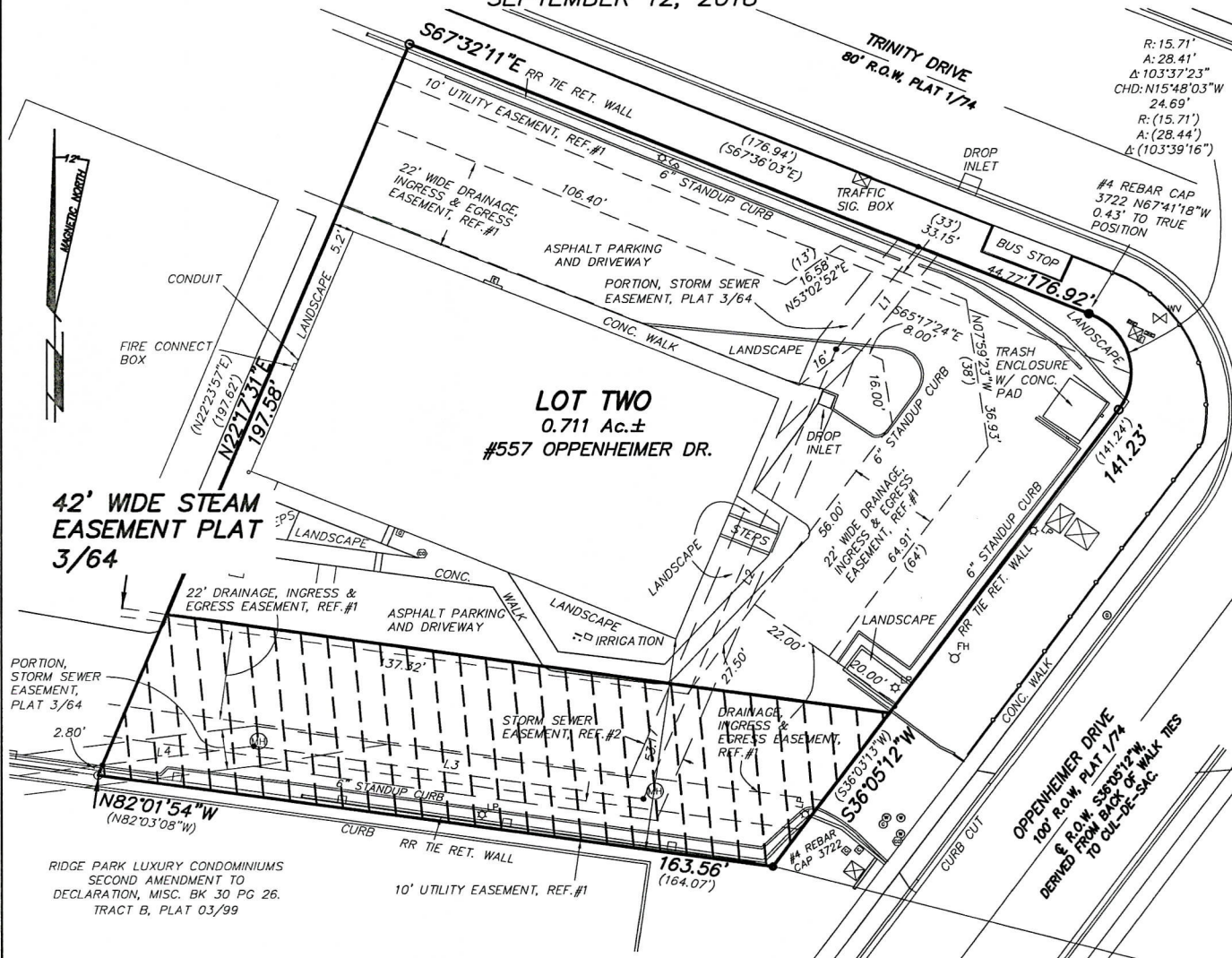
INCORPORATED COUNTY OF LOS ALAMOS

By: _____
County Clerk

COUNCIL CHAIRPERSON DATE

**PLOT PLAN
SHOWING
VACATION OF PUBLIC UTILITY EASEMENTS
WITHIN A PORTION OF LOT TWO "TRINITY / OPPENHEIMER SUBDIVISION"
"TRINITY / OPPENHEIMER SUBDIVISION" BEING A SUBDIVISION OF TRACT "A",
REPLAT OF TIMBER RIDGE SUBDIVISION, UNIT 2,
LOS ALAMOS COUNTY, NEW MEXICO,**

SEPTEMBER 12, 2018



SURVEYORS CERTIFICATE:

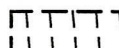
THE FOREGOING EXHIBIT WAS PREPARED FROM A COMPLETED BOUNDARY SURVEY BY ME ON JULY 27, 2018 TO BE FILED SUBSEQUENT TO THIS DOCUMENT. THIS EXHIBIT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE MINIMUM STANDARDS FOR SURVEYS IN NEW MEXICO.

Diego J. Sisneros
DIEGO J. SISNEROS, N.M.P.L.S. #13986 9/12/2018

PLAT REFERENCE:

"TRINITY / OPPENHEIMER SUBDIVISION" BEING A SUBDIVISION OF TRACT "A", REPLAT OF TIMBER RIDGE SUBDIVISION, UNIT 2, LOS ALAMOS COUNTY, NEW MEXICO, THE PLAT THEREOF FILED FOR RECORD IN THE OFFICE OF THE CLERK AS DOCUMENT NO.83309 ON THE 20TH OF OCTOBER, 1988 IN PLAT BOOK 5, PAGE 86

LEGEND:

-  PORTION OF 42' WIDE STEAM EASEMENT PLAT BK. 3 PG. 64, HEREBY VACATED.
OVERLAPPING EASEMENTS SHOWN WITHIN THIS AREA ARE NOT INCLUDED IN THIS VACATION AND ARE SHOWN FOR BACKGROUND INFORMATION ONLY.



SCALE 1"=40 FEET



EXHIBIT B

DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
2502B CAMINO ENTRADA
SANTA FE, N.M. 87507
FILE#10107VAC DATE: 9/12/2018



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: Joanie Ahlers, Economic Development Administrator

Legislative File: OR0832-18

Title

Incorporated County Of Los Alamos Ordinance No.688; an Ordinance authorizing the sale of certain County-owned real property within Tract RM to Thirty301, LLC.

Recommended Action

I introduce, without prejudice, Incorporated County Of Los Alamos Ordinance No. 688; an ordinance authorizing the sale of certain county-owned real property within Tract RM to Thirty301, LLC and ask staff to assure it is published as provided in the County Charter.

County Manager's Recommendation

The County Manager recommends introduction of this Ordinance as presented.

Body

This Ordinance authorizes the sale of County-owned property identified as a portion of the

The result of this lot split will result in a standalone parcel that is 12,389 sqft and will carry a deed restriction on its use for parking only. The portion of the parcel is currently owned by Los Alamos County, which is zoned PL- Public Land (Right of Way). The buyer will be petitioning Planning and Zoning for a zoning change to R-3-H, which will match the zoning of the western adjacent parcel of 3301 Canyon Road.

The benefit to Los Alamos County is that the additional sqft of land will enable much needed additional parking for both adjacent properties (Thirty301 Canyon apartments and 3250 Trinity Drive office building).

The Purchase and Sale Agreement outlines the details of the sale and deed restrictions as well as a commitment from Thirty301, LLC to pay for water and maintenance of County installed landscaping of the County owned property in the area on Trinity reserved for political signs.

Council is authorized to sell county-owned real property and interests in real property through Chapter 14 of the Los Alamos County, New Mexico - Code of Ordinances. An appraisal dated July 20, 2018 estimated the market value of parcel consisting of 12,389 Square Feet with a deed restriction of parking only at \$40,000 (\$3.24 per sqft)

The key terms are:

Buyer agrees that the Property will be developed as parking only, to serve the adjacent

properties of 3250 Trinity Drive and 3301 Canyon Road.

Buyer agrees to pay for water and maintenance of County installed landscaping in the Right of Way for the Trinity Drive (NM 502) frontage, provided that such landscaping shall include trees (minimum of 3) and shrubs (minimum of 4).

Buyer agrees that the deed shall carry a restriction that limits the use of the Property to "parking only" in perpetuity.

Fiscal and Staff Impact/Planned Item

There should be minimal staff impact as a result of the sale of this parcel.

Attachments

A - Ordinance No. 688

INCORPORATED COUNTY OF LOS ALAMOS ORDINANCE NO. 688

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN
COUNTY-OWNED REAL PROPERTY OF TRACT RM
TO THIRTY301, LLC**

WHEREAS, the Incorporated County of Los Alamos, New Mexico ("County") is the holder and owner of certain real properties ("Property") within parcels generally known as Right of Way area running between Canyon and Trinity west of the Clendenin Building, 3250 Trinity Road, Los Alamos, New Mexico, and more particularly described in the attached Purchase and Sale Agreement; and

WHEREAS, the Property is intended to be utilized by County for economic development of the community and to enhance County's self-sufficiency by reducing economic dependence on Los Alamos National Laboratory related revenues; and

WHEREAS, County finds that the sale of certain real property of Tract RM to Thirty301, LLC, shall be developed as a parking only, to serve the adjacent properties of the office building located at 3250 Trinity Drive and the apartment complex owned by Thirty301 located at 3301 Canyon Road, and the deed shall carry a restriction that limits the use of the Property to "parking only" in perpetuity; and

WHEREAS, the current appraised fair market value of the Property has been determined by a qualified appraiser to be FORTY THOUSAND DOLLARS (\$40,000.00); and

WHEREAS, County agrees to sell the Property to Thirty301, LLC, for FORTY THOUSAND DOLLARS (\$40,000.00) in cash at the closing which shall occur on or about January 1, 2019, in accordance with the terms and conditions contained in the Purchase and Sale Agreement; and

WHEREAS, under the conditions expressed herein, the Council of the Incorporated County of Los Alamos wishes to enter into a private sale of the land in accordance with NMSA 1978, Section 3-54-1B, and this Ordinance is subject to referendum as provided in such Section; and

WHEREAS, this Ordinance was published prior to its adoption pursuant to the provisions of Subsection J of Section 3-1-2, NMSA 1978 and Section 3-17-3, NMSA 1978.

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS as follows:

Section 1. That the County Manager is authorized to negotiate and enter into a Purchase and Sale Agreement with Thirty301, LLC, whereby County shall receive a total of FORTY THOUSAND DOLLARS (\$40,000.00) for the Property, as outlined in the Purchase, Sale and Development Agreement, attached hereto as Attachment A.

Section 2. The County Manager is hereby authorized to finalize and execute the Purchase Agreement, Deed, and such other closing documents as may be reasonably necessary

to close the transaction authorized herein provided that the closing documents shall be substantially in a form acceptable to the County Attorney.

Section 3. The County Manager is directed to publish this Ordinance at least once within one (1) week after adoption of this Ordinance pursuant to Subsection J of Section 3-1-2, NMSA 1978, Subsection A of Section 3-17-3 NMSA 1978 and in accordance with NMSA 1978, Section 3-54-1D.

Section 4. This Ordinance shall be effective forty-five (45) days after publication of notice of its adoption.

Section 5. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 6. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 13th day of November, 2018.

**COUNCIL OF THE INCORPORATED COUNTY
OF LOS ALAMOS**

**David Izraelevitz,
Council Chair**

ATTEST:

**Naomi D. Maestas,
Los Alamos County Clerk**

**PURCHASE AND SALE AGREEMENT
FOR TRACT RM, LOS ALAMOS, NEW MEXICO 87544,
TO THIRTY301, LLC**

1. PARTIES/PURCHASE. This Purchase and Sale Agreement ("**Agreement**"), effective as of the last date a party hereto executes the Agreement (the "**Effective Date**"), is made by and between the Incorporated County of Los Alamos ("**Seller**") who agrees to sell and convey to Thirty301, LLC, a New Mexico limited liability company ("**Buyer**") who agrees to buy from Seller the Property described in Paragraph 2 below, on the terms and conditions contained herein. Buyer and Seller are sometimes collectively referred to herein as the "**Parties**."

2. PROPERTY. Seller owns that certain real property in Los Alamos County, New Mexico, adjacent to the west of 3250 Trinity Drive, Los Alamos, New Mexico; due south of Thirty301 Canyon, and described as Tract RM Eastern Area No. 3 on that plat of survey recorded in Los Alamos County Clerk's office. Tract RM, is a parcel that consists of approximately 12,341 sq. ft. (0.283 acres) as shown on the proposed plat as Exhibit 1 to this Agreement, along with all rights, privileges, easements, tenements, hereditaments, rights of way and appurtenances that belong or appertain to the Property and are owned by Seller, including, without limitation, all development and air rights, to the extent consistent with paragraph 3.C of this Agreement, but excluding any minerals, oil, gas and other hydrocarbon substances on and under the land. Seller at its sole cost and expense, shall cause the Property to be surveyed by a licensed surveyor in the state of New Mexico and certified to Buyer ("**Subdivision Survey**") and subdivided (Buyer shall have the right to approve the form of subdivision plat and any conditions included on said plat), and, upon completion of such subdivision and surveying, the legal description of the Property herein shall be conformed to the Subdivision Survey. The Subdivision Survey shall conform to all standards as may be required for subdivision purposes and for the deletion of Standard Exception No. 3 to Schedule B of the Owner's Policy of Title Insurance [NM Form 1 (eff. 3-1-16)/ATLA Owner's Policy (6-17-06)].

3. CONDITIONS OF SALE.

A. Buyer shall develop the Property as parking only, to serve the adjacent properties of 3250 Trinity Drive and Thirty 301 Canyon Road.

B. Seller agrees to landscape the Right of Way for the Trinity Drive (NM 502) frontage, provided that such landscaping shall include a minimum of three (3) trees, and a minimum of four (4) shrubs, to be completed at the time of construction of the parking lot. Buyer hereby agrees to maintain and provide water for the irrigation system and to maintain the County installed landscaping.

C. Buyer agrees that the deed shall carry a restriction that limits the use of the Property to "parking only" in perpetuity.

4. PURCHASE PRICE AND EARNEST MONEY. The purchase price ("**Purchase Price**") for the Property (subject to adjustment as described below) shall be calculated by multiplying the Net Square Footage (as defined below) by Three and 24/100 Dollars (\$3.24). "**Net Square Footage**" shall mean the total gross square footage of the land, less any (i) land dedicated or required to be dedicated for public streets, sidewalks or any other public improvements, and (ii) areas that are subject to easements or public street rights of way that prohibit the construction of any improvements (such as parking areas) other than landscaping. Notwithstanding anything

to the contrary in the preceding sentence, areas required to be landscaped pursuant to paragraph 3.B of this Agreement shall be included in the Net Square Footage regardless of topography or slope. The Net Square Footage shall be determined by the surveyor preparing the Survey. The Purchase Price shall be paid as follows:

A. Purchase Price:	\$ 40,000.00
B. Earnest Money Deposit:	\$ 4,000.00
C. Balance of Purchase Price:	\$ 36,000.00

The Earnest Money Deposit shall be paid to and deposited with Title Guaranty, LLC (the "**Title Company**") within three (3) business days of the **Effective Date**. The Earnest Money Deposit shall be credited to the Purchase Price at Closing (as hereafter defined), unless otherwise applied in accordance with the terms of this Agreement. The balance of the Purchase Price shall be paid by wire transfer or other immediately available certified funds acceptable to the Title Company at Closing. The Parties acknowledge and agree that Seller has not conditioned this Agreement on the use of any particular title company. Instead, the Parties have mutually agreed to designate Title Guaranty, LLC as the "Title Company" for purposes of this Agreement.

5. PRE-CLOSING AND DUE DILIGENCE COSTS. Buyer shall bear the cost of any inspections, tests, appraisals, and other activities related to Buyer's due diligence or financing. Each party shall bear the cost of its own attorneys and consultants.

6. CLOSING DATE AND CLOSING COSTS. The closing of the purchase and sale transaction contemplated under this Agreement ("**Closing**") shall take place in escrow at the offices of the Title Company within thirty (30) days of the satisfaction of all contingencies contained in this Agreement, or on such other date as the parties may mutually agree to in writing (the "**Closing Date**"). At Closing, the Parties shall deliver and execute the necessary documents to complete this transaction and submit the funds necessary to complete this transaction by wire transfer or other certified funds acceptable to the Title Company (and Seller agrees to deliver any reasonable and customary certificates and affidavits that may be required in the normal course by the Title Company, including, but not limited to affidavits stating that Seller has sole and exclusive possession of the Property, subject only to the Permitted Exceptions and stating that there have been no improvements, additions, alterations, repairs or any changes of any kind whatsoever made to the Property during the twelve (12) months immediately preceding Closing). The Parties shall share equally in all costs of Closing, except as provided otherwise by this Agreement. Buyer shall pay all Closing costs which are incurred as a result of the recordation of the deed conveying the Property to Buyer, all costs of Buyer obtaining financing and all costs incurred as a result of requirement of Buyer's lender, including but not limited to, appraisals, credit reports, mortgage recording fees, mortgagee's title commitment and policy, and loan transfer fees. Property-specific fees, including real estate taxes and assessments, shall be prorated between the Parties as of the Closing Date.

7. POST CLOSING. Following the satisfaction or waiver of all Contingencies set forth in Paragraph 16 hereof, and the receipt of the Purchase Price and other items specified in Paragraph 6 hereof, the Title Company shall (i) file the Deed of record, (ii) deliver the Deed and title insurance policy to Buyer, (iii) deliver such other documents as applicable to the proper party and (iv) disburse the funds as shown on the closing settlement statements. If the Contingencies are not satisfied or waived and the transaction does not close, the Title Company shall hold the

unrecorded documents and funds thereafter as agent for the parties. The documents and funds shall be delivered as provided in Paragraph 16, below.

8. TITLE INSURANCE AND CONVEYANCE.

A. Buyer is responsible for all costs of title insurance, including the removal of any preprinted exclusions to the title insurance policy and the addition of any endorsements to such policy.

B. Seller shall convey the Property to Buyer by special warranty deed ("**Deed**") at Closing subject to the deed restrictions set forth in Paragraph 3, *ad valorem* real estate taxes for 2018 subsequent years and any restrictions, and Permitted Exceptions (as defined in Paragraph 16.A hereof).

C. Buyer shall receive title under the name set forth above and the address for property tax notices shall be Buyer's address set forth in Paragraph 13 below.

9. LEGAL DESCRIPTION. Seller shall provide an updated legal description of the Property at the time of Closing, consistent with the Subdivision Survey.

10. POSSESSION. Seller agrees that vacant and physical possession of the Property shall be delivered to Buyer at Closing. The Property shall be delivered in its present condition, unless otherwise required by this Agreement.

11. CASUALTY PROVISIONS. Prior to Closing, risk of loss or damage to the Property or any improvements located thereon, whether by fire, windstorm or other peril (including water damage) shall be the responsibility of Seller, and in the event of loss, Buyer shall have the option (to be exercised by written notice to Seller within five (5) days after receipt of notice of loss) of canceling this Agreement and receiving back the earnest money or closing with the Property "as is" and receiving assignment at closing of Seller's portion of the insurance proceeds, if any, necessary to restore the Property to its present condition. If Buyer fails to timely notify Seller of its election, Buyer shall be deemed to have elected to close.

12. DEFAULT. Time is of the essence. If any payment or any other condition hereof is not made, tendered or performed by either Seller or Buyer as herein provided, then this Agreement, at the option of the party who is not in default, may be terminated by such party. In the event of such default by Seller, then the Earnest Money Deposit shall be returned to Buyer and Buyer shall have no further rights under this Agreement, except for the right of specific performance. In the event of such default by Buyer, the Earnest Money Deposit shall be forfeited by Buyer as fixed and liquidated damages and immediately paid to Seller and Seller shall have no further rights under this Agreement.

13. NOTICE. Any notice, demand, request, approval, or other communication (a "**Notice**") which, under the terms of this Agreement or under any statute, must or may be given by the parties, must be in writing and shall either be hand-delivered, transmitted by facsimile, sent by overnight courier or delivery service, or sent by United States Mail, registered or certified, return receipt requested and postage prepaid, addressed to the respective parties at the following addresses:

To Seller: County of Los Alamos
c/o Harry Burgess, County Manager
1000 Central Avenue, Suite 350
Los Alamos, New Mexico 87544
Facsimile: 505-662-8079

To Buyer: Thirty301, LLC
c/o Marcus Hall
129 Monte Rey Drive
Los Alamos, New Mexico 87544
Tel: 505-412-3191
Email: mhall@newmexico.com

Title Company: Title Guaranty Company
1631 Central Avenue
Los Alamos, New Mexico 87544
Attention: Andrew Martinez
Facsimile: 505-662-6891

Notices, demands, requests, and exercises served in the above manner shall be considered sufficiently given or served for all purposes under this Agreement (a) upon actual receipt, if hand-delivered, (b) upon confirmation of transmission, if sent by facsimile, (c) the date of deposit, if sent by U.S. Express Mail or overnight courier service, or (d) three (3) days after postmark, if sent by U.S. Mail. Copies of all notices shall also be given to the Title Company. Notices by a party may be given by legal counsel or the authorized agent of such party.

14. SURVIVAL CLAUSE. Terms of this Agreement that provide for rights, duties, and/or obligations that expressly or logically extend beyond the expiration or earlier termination of this Agreement, including indemnity obligations, shall survive such expiration or earlier termination of this Agreement and shall not merge at Closing; rather, they shall survive the Closing and bind the parties hereto.

15. BUYER'S DISCLOSURES. Buyer hereby discloses, represents and warrants to Seller that:

A. The sale of the Property hereunder is and will be made on an "as is, where is" basis and Seller has not made, does not make and specifically negates and disclaims any representations, warranties or guarantees of any kind or character, whatsoever, whether express or implied, oral or written, past, present, future or otherwise, of, as to, concerning or with respect to the Property.

B. Buyer has or will complete all physical and financial examinations relating to the acquisition of the Property hereunder and will acquire the same solely on the basis of such examinations and the title insurance protection afforded by the title policy and not on any information provided or to be provided by Seller.

C. Any information provided or to be provided with respect to the Property was obtained from a variety of sources and that Seller has not made any independent investigation or verification of such information and makes no representations as to the accuracy or completeness of such information.

D. Seller shall not be liable for any negligent misrepresentation or any failure to investigate the Property nor shall Seller be bound in any manner by any verbal or written statements, representations, appraisals, environmental assessment reports or other information pertaining to the Property or the operation thereof, furnished by Seller or by any real estate broker, agent, representative, employee, servant or other person acting on Seller's behalf.

E. It is understood and agreed that the Property is sold by Seller and purchased by Buyer subject to the foregoing.

16. CONTINGENCIES. Buyer's obligations to purchase the Property shall be contingent upon the following:

A. Title Contingency. Buyer, at Buyer's expense, shall order a commitment to insure title (the "**Title Commitment**") from the Title Company within three (3) business days of the Effective Date. Buyer shall have twenty (20) days from the receipt of the Title Commitment (and all items listed as special exceptions therein) (the "**Title Review Period**") in which to object to the Title Commitment by delivering to Seller written notice of objection. If Buyer fails to notify Seller of any objections within the Title Review Period, Buyer shall be deemed to have accepted the Title Commitment, including any exceptions identified therein, and this Title Contingency shall be removed. Seller has the option to remove objections at its cost. If Seller elects to cure, it shall notify Buyer of its intent to cure within twenty (20) days of receipt of Buyer's written objection(s) and this Agreement shall remain in full force and effect. Failure of Seller to respond to Buyer's objection(s) within this period shall be deemed a refusal to cure any of them. Seller shall have five (5) business days from delivering notice of intent to cure to effect a cure of Buyer's title objections. If Seller is unable or unwilling to cure Buyer's title objections, Buyer may either choose to: (i) accept the Property as offered or remedied by Seller and proceed to Closing; or (ii) terminate this Agreement and have returned the Earnest Money Deposit. Any exceptions to title not objected to by Buyer or as to which objections have been waived shall be deemed "**Permitted Exceptions.**"

B. Survey Contingency. Within three (3) business days of the Effective Date, Seller shall order the Subdivision Survey, which shall be sufficient for the creation of the Property by subdivision as contemplated by paragraph 2 hereof. Buyer shall have five (5) days from receipt of the Survey in which to object to the Survey or any condition revealed thereby ("**Survey Review Period**") by delivering to Seller written notice of objection. If Buyer fails to notify Seller of any objections within the Survey Review Period, Buyer shall be deemed to have accepted the Survey and this Survey Contingency shall be removed. Seller has the option to remove objection(s) at its cost. If Seller elects to remove the objection(s), it shall notify Buyer of its intent to cure within thirty (30) days of receipt of notice of Buyer's objection(s) and this Agreement shall remain in full force and effect. Failure of Seller to respond to Buyer's objection(s) within this period shall be deemed a refusal to cure any of them. Seller shall have five (5) business days from providing notice of intent to cure to effect a cure of Buyer's survey objections. If Seller is unable or unwilling to cure Buyer's survey objections, Buyer may either choose to: (i) accept the Property as offered or remedied by Seller and proceed to Closing; or (ii) terminate this Agreement and have returned the Earnest Money Deposit.

C. Updates. If any title exceptions or survey matters are disclosed by updates of the Commitment and/or Survey or other title "date-downs" that affect the marketability or insurability of the title to the Property, Buyer may, within ten (10) days of receiving the update or "date-down" (the "**Update Review Period**"), object to any such matter by delivering to Seller written notice of objection. If Buyer fails to notify Seller of any objections within the Update Review Period, Buyer

shall be deemed to have accepted the updated Title Commitment, including any exceptions identified therein, and this contingency shall be removed. Seller has the option to remove objections at its cost. If Seller elects to cure, it shall notify Buyer of its intent to cure within twenty (20) days of receipt of Buyer's written objection(s) and this Agreement shall remain in full force and effect. Failure of Seller to respond to Buyer's objection(s) within this period shall be deemed a refusal to cure any of them. Seller shall have five (5) business days from delivering notice of intent to cure to effect a cure of Buyer's objections. If Seller is unable or unwilling to cure Buyer's objections, Buyer may either choose to: (i) accept the Property as offered or remedied by Seller and proceed to Closing; or (ii) terminate this Agreement and have returned the Earnest Money Deposit. Any exceptions to title not objected to by Buyer or as to which objections have been waived shall be deemed "**Permitted Exceptions.**" Notwithstanding anything herein contained to the contrary, any existing mortgages, deeds of trust, deeds to secure debt, mechanics' or materialmen's liens, judgment liens or similar monetary liens and encumbrances, as well as any tenants or other parties in possession of all or any portion of the Property, shall be automatically deemed matters to which objection is made by Buyer, regardless of whether Buyer gives written notice of objection thereto to Seller, and Buyer under no circumstances shall be deemed to have waived any such matters, nor shall same be considered Permitted Exceptions hereunder, unless such waiver shall be an express waiver in writing executed by Buyer.

D. Inspection Contingency. Buyer has thirty (30) days from the Effective Date ("**Inspection Period**") in which to secure whatever inspections Buyer feels it prudent to perform. Should Buyer desire to terminate this Agreement for any reason on or before the expiration of the Inspection Period, then Buyer may, at its option, terminate this Agreement by giving written notice of termination to Seller on or before the expiration of the Inspection Period whereupon Title Company shall immediately refund to Buyer the Earnest Money Deposit and this Agreement shall be deemed null and void and of no further force or effect with Buyer and Seller having no further rights, obligations or liabilities hereunder, except for matters that by the terms hereof expressly survive termination. Seller shall provide Buyer or its agent reasonable access to the premises to perform inspections. Should inspections reveal any conditions that Buyer wishes Seller to remedy, Buyer shall provide a written report of such condition to Seller within the Inspection Period. If Buyer fails to terminate this Agreement within the Inspection Period, Buyer shall be deemed to have waived this Inspection Contingency. Seller has the option of remedying any reported condition(s) at its cost. If Seller elects to remedy the condition(s), it shall notify Buyer of its intent to cure within thirty (30) days of receipt of the report and this Agreement shall remain in full force and effect. Failure of Seller to respond within this period shall be deemed a refusal to cure any reported condition. Should Seller elect to perform the remediation, it shall provide the results of its work to Buyer within ten (10) days of completion. Buyer shall then have ten (10) days to notify Seller in writing of its election to either (i) waive its Inspection Contingency and proceed to Closing, or (ii) terminate this Agreement and have returned the Earnest Money Deposit.

All inspections shall be paid for by Buyer. Buyer shall indemnify, defend, and hold Seller harmless from and against any and all costs, claims, liabilities or damages (including attorneys' fees) incurred by or asserted against Seller (including damage to the Property) arising out of or resulting from any inspection or survey of the Property made by or on behalf of Buyer.

17. EXECUTION IN COUNTERPARTS. This Agreement may be executed in counterparts by each of the signatories to this Agreement. The parties agree that signatures transmitted by facsimile machine or signatures transmitted via e-mail in a "PDF" format may be used in place of original signatures on this Agreement.

18. ENTIRE AGREEMENT. This Agreement, together with the addenda or exhibits attached hereto, comprises the entire understanding and agreement of the parties hereto on the subject matter herein contained and supersedes all prior agreements or representations with respect to the Property not expressly set forth herein, is governed by the laws of the State of New Mexico and shall be binding upon and inure to the benefit of the parties, their heirs, executors, administrators, successors, and assigns. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent or representative of either party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby. Time is of the essence of this Agreement.

19. ATTORNEYS' FEES. In the event of any action, suit or other proceeding arising out of or related to this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party its reasonable attorneys' fees, any gross receipts tax thereon, and legal costs and expenses, including those incurred on appeal and in any collection action.

20. SEVERABILITY. All of the provisions of this Agreement are hereby declared to be severable and a finding by any court of competent jurisdiction that any provision of this Agreement is void, unlawful, or unenforceable shall not affect the validity or enforceability of any other provision of this Agreement provided it is possible to accomplish the purpose of this Agreement, namely the conveyance of the subject Property following the finding by the court.

21. PRE-CLOSING INSPECTION. Buyer shall have the right to re-inspect that the Property (personally, or by a designated individual) within two (2) days prior to the Closing date for the limited purpose of permitting Buyer to be assured that the Property is in the same condition as of the date of this Agreement.

22. DEFINITIONS. DAY(S) shall be determined on a "calendar day" basis unless stated otherwise. If the final day for performance falls on a Saturday, Sunday or legal Holiday, the time therefore shall be extended to the next business day. Legal Holidays are described as: New Year's Day, Martin Luther King Jr.'s Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day. EFFECTIVE DATE is the date this Agreement is fully executed and delivered. DELIVERED means personally delivered, delivered by facsimile, mailed postage pre-paid, or by any method where there is evidence of receipt. The facsimile or e-mail transmission of a copy of this or any related document shall constitute delivery of that document. The facsimile, e-mail or electronically transmitted signature shall have the same force and effect as an original signature. The MASCULINE includes the feminine. The SINGULAR includes the plural.

IN WITNESS WHEREOF, the parties have entered into this Purchase and Sale Agreement effective as of the date first written above.

THIRTY301, LLC

BY: _____
MARCUS HALL, PRINCIPAL **DATE**

ATTEST

INCORPORATED COUNTY OF LOS ALAMOS

NAOMI D. MAESTAS
COUNTY CLERK

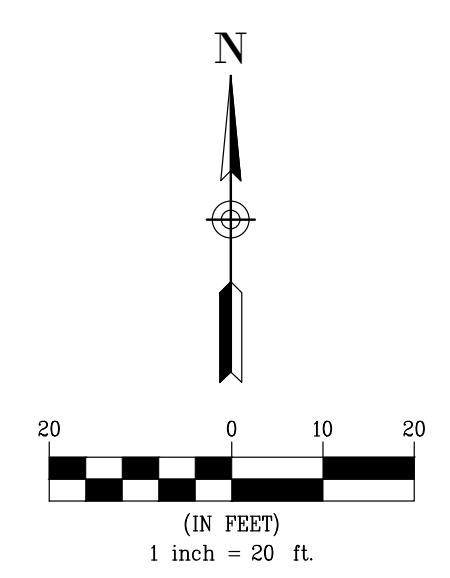
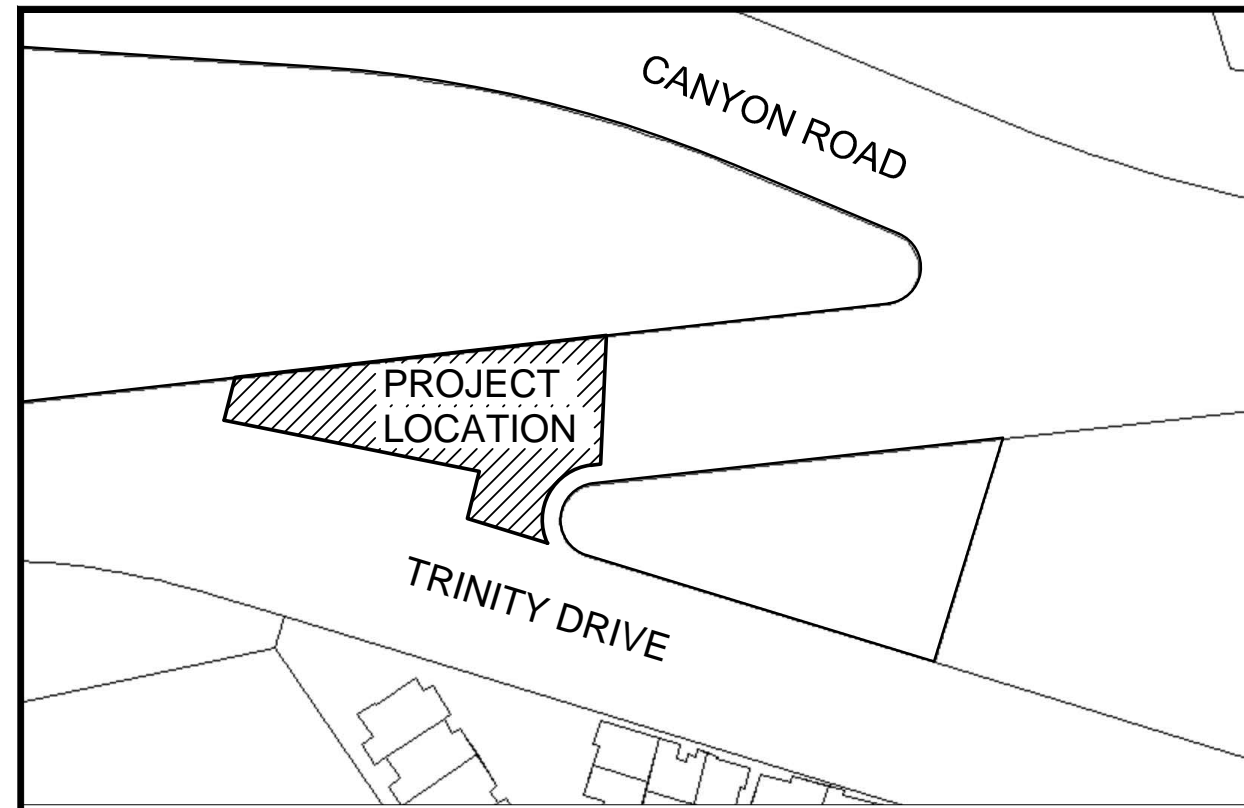
BY: _____
HARRY BURGESS **DATE**
COUNTY MANAGER

Approved as to form:

J. ALVIN LEAPHART
COUNTY ATTORNEY

EXHIBIT 1

BOUNDARY SURVEY PLAT FOR CHALECO, LLC.,
OF TRACT RM EASTERN AREA NO. 3,
LOS ALAMOS COUNTY NEW MEXICO
APRIL, 2017



GENERAL NOTES

1. FIELD SURVEY WAS COMPLETED ON JANUARY 4, 2017.

REFERENCE DOCUMENTS

1. PLAT OF EASTERN AREA NO. 3 FILED IN PLAT BOOK 1 PAGE 74.
2. PLAT OF SUBDIVISION OF LOT 1-TRACT I EASTERN AREA No. 3 PREPARED BY JOHN R. MENDIUS L.S. 3722 AND FILED IN THE OFFICE OF THE LOS ALAMOS COUNTY CLERK, IN PLAT BOOK 4 PAGE 36 ON MAY 1, 1981.
3. BOUNDARY SURVEY PLAT FOR THIRTY 301, LLC. OF TRACT H-2, UNIT B EASTERN AREA No. 3 LOS ALAMOS, BY PRECISION SURVEYS, INC. FILED IN PLAT BOOK 169 PAGE 546, JUNE 6, 2015.

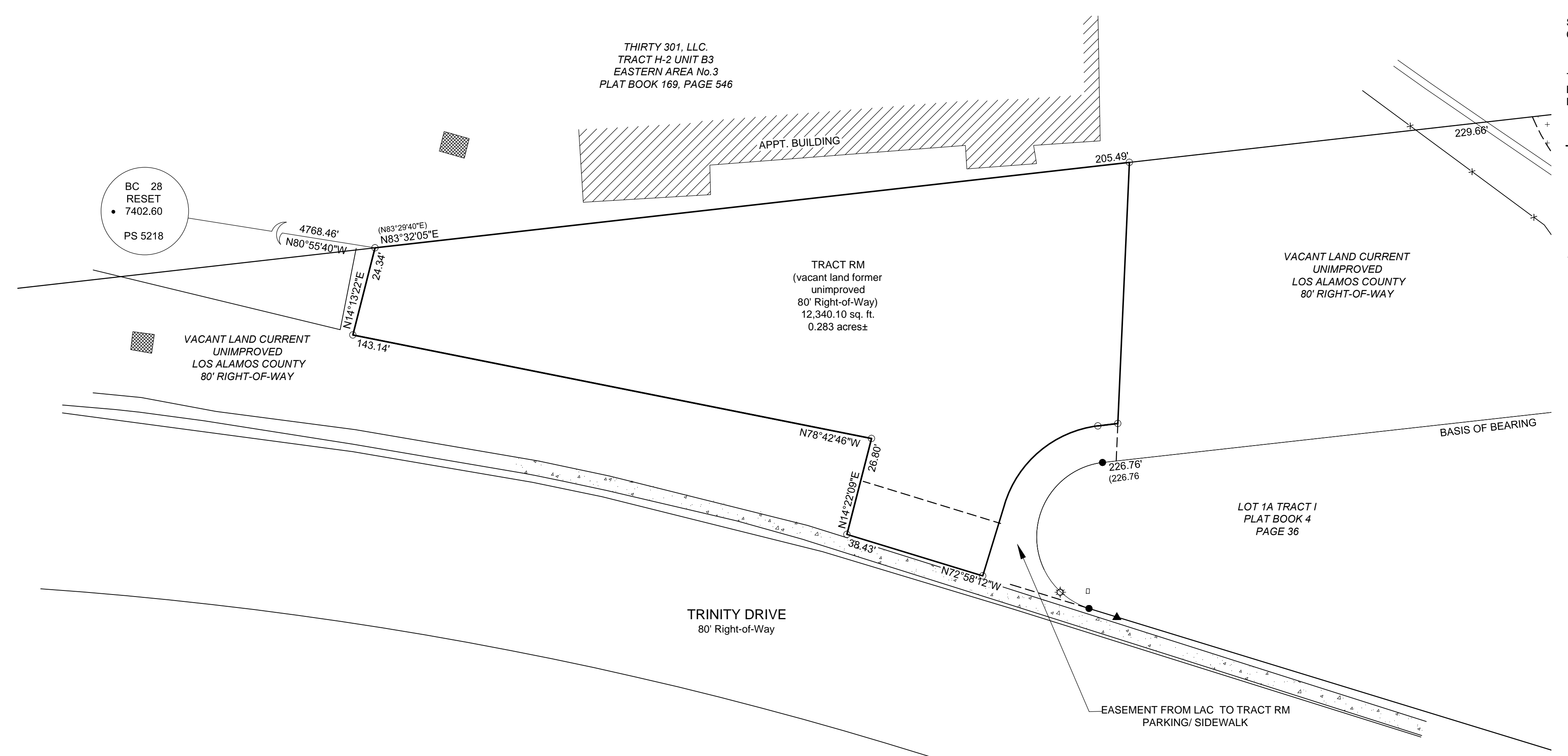
LEGEND

- ▲ FOUND T-BAR W/CAP
- FOUND 1/2" REBAR W/CAP OR PK NAIL WITH FLASHER STAMPED "LS 11993"
- REBAR WITH CAP OR PK NAIL WITH FLASHER STAMPED "LS 18375" SET
- Ⓣ TELCOM. MANHOLE
- ⓔ ELECTRIC MANHOLE
- Ⓢ SANITARY SEWER MANHOLE
- ⋈ WATER VALVE
- ⊙ STREET LIGHT POLE
- ⦿ FIRE HYDRANT
- Ⓜ ELECTRICAL EQUIPMENT
- ▤ BOXES
- ▤ CONCRETE AREA



INCORPORATED
COUNTY OF LOS ALAMOS,
PUBLIC WORKS DEPT.

ENGINEERING DIVISION
1000 CENTRAL AVE., SUITE 160
LOS ALAMOS, NEW MEXICO 87544
(505) 662-8150 FAX: (505) 662-8109



DEDICATION

THE AREA DESIGNATED HEREON AS PUBLIC UTILITY EASEMENT AND DELINEATED HEREON, IS HEREBY GRANTED TO THE INCORPORATED COUNTY OF LOS ALAMOS AND IT'S SUCCESSORS AND ASSIGNS FOR THE PURPOSE OF UTILITY EASEMENTS OVER, ACROSS, IN AND UPON THE LAND SHOWN.

COUNTY ENGINEER	DATE
COUNTY SURVEYOR	DATE
DEPARTMENT OF PUBLIC UTILITIES	DATE

INCORPORATED COUNTY OF LOS ALAMOS

DAVID IZRAELEVITZ, LOS ALAMOS COUNTY COUNCIL CHAIR
OWNER OF TRACT RM, EASTERN AREA NO. 3

STATE OF NEW MEXICO }
COUNTY OF LOS ALAMOS } SS

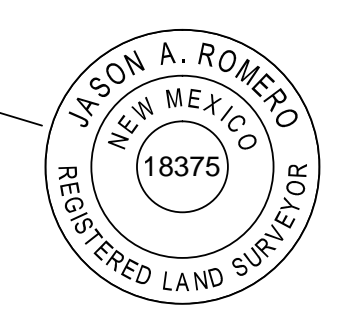
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____
BY THE OWNER OF TRACT RM, EASTERN AREA NO. 3, INCORPORATED COUNTY OF LOS ALAMOS,
DAVID IZRAELEVITZ, LOS ALAMOS COUNTY COUNCIL CHAIR.

NOTARY PUBLIC MY COMMISSION EXPIRES

LEGAL DESCRIPTION

SURVEYORS CERTIFICATE

I, JASON A. ROMERO, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO AND THAT THIS PLAT AND THE NOTES HEREON WERE PREPARED FROM DOCUMENTS LISTED UNDER THE HEADING "REFERENCE DOCUMENTS" AND FROM FIELD NOTES OF AN ACTUAL SURVEY MADE UNDER MY SUPERVISION IN MAY, 2015 AND MEETS THE MINIMUM REQUIREMENTS OF THE STANDARDS OF LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



JASON A. ROMERO, N.M.P.L.S. NO. 18375
County of Los Alamos-Public Works Dept., Engineering Div.
1000 Central Ave., Suite 160
Los Alamos, New Mexico 87544
Ph. (505)662-8150

Drawing File:



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 11168-18

Title

New Liquor License Application No.1101184, (premise consumption only with patio service), filed by Applicant, Pig & Fig Bakery and Cafe, L.L.P., d/b/a Pig & Fig Cafe, 11 Sherwood Blvd, White Rock, New Mexico, 87547.

Recommended Action

I move that Council approve New Liquor License and Application No. 1101184 for Pig & Fig Bakery and Cafe, L.L.P., d/b/a Pig & Fig Cafe.

Body

The Applicant Pig & Fig Bakery and Cafe, L.L.P., d/b/a Pig & Fig Bakery and Cafe has applied for a New (Premise Consumption Only with Patio Service) Liquor License No. Application No. 1101184.

The County is required to notify the State Alcohol and Gaming Division, within 30 days after the Public Hearing, of the Council's approval or disapproval of this Application.

Attachments

- A - Publication Form
- B - PD Memo
- C - CDD Memo
- D - Liquor License Application
- E - Publication Waiver Email

Notice is hereby given that the Los Alamos County Council has scheduled a Public Hearing on Tuesday, October 2, 2018 in the Los Alamos County Municipal Building, 1000 Central Ave, Los Alamos, New Mexico, at 6:00 PM, to consider the following:

The applicant is seeking a restaurant beer and wine liquor license with on premise consumption only with patio service. Application No. 1101184. Applicant Name: Pig & Fig Bakery and Café, LLP dba Pig and Fig Cafe Address: 11 Sherwood Blvd, White Rock, NM 87547

COUNTY CLERK

/s/ Naomi D. Maestas

CHIEF DEPUTY CLERK

/s/ Adrianna Ortiz

Publication Dates: September 6 & September 13, 2018



Los Alamos Police Department

MEMORANDUM

To: Chief Sgambellone
From: Commander Ballew
Date: September 17, 2018
Re: RE: Liquor License App. No. 1101184

Chief Sgambellone:

I have reviewed the application and conducted research on the premises in question (Pig and Fig Bakery/Café, 11 Sherwood Blvd). I did not discover any incidents reported at this location in reference to any alcohol related offenses.

The distance to the nearest school (Bi-lingual Montessori School, 115 Longview Dr) is approximately 1,161.6 feet. The distance to the nearest church (Redeemer Lutheran Church, 134 State Rd 4) is approximately 1,584 feet. The distance to the nearest military installation (Kirtland Air Force Base, Albuquerque) is approximately 100 miles.

Due to the information listed above, the Los Alamos Police Department does not have any issues with this application.

Sincerely,

Commander Preston Ballew

MEMORANDUM



Planning

1000 Central Avenue, Suite 150

Los Alamos, NM 87544

P 505.662.8120

losalamosnm.us

DATE: September 10, 2018
TO: Harry Burgess, County Manager
FROM: Tamara Baer, Planning Manager
RE: Public Hearing on Application for a New Liquor License for **Pig and Fig Bakery and Café, LLP, dba Pig and Fig Café**, 11 Sherwood Boulevard, White Rock, New Mexico, 87547. Application No. 1101184.

Application No. 1101184, submitted by Fernando Crucet, General Partner of the Pig and Fig Café, is for on-premise consumption only, of beer and wine, with patio service, at 11 Sherwood Boulevard, in White Rock, New Mexico.

The referenced property is located in a C-1 (Light Commercial and Professional Business district) zoning district. The Los Alamos County Code of Ordinances, Chapter 16 -Development Code, Section 16-287, Use Index Table, requires restaurants serving alcoholic beverages in a C-1 district to secure a Special Use Permit. The Los Alamos County Planning and Zoning Commission, at a public hearing on June 28, 2018, approved the Special Use Permit for this location, subject to the applicant obtaining a liquor license.

The Special Use Permit pertains to the property and remains in force so long as the use is continuous and does not cease for 180 days or more.



Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

Pat McMurray
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Debra A. Lopez
Acting Director

New Mexico Regulation and Licensing Department ALCOHOL AND GAMING DIVISION

P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

August 29, 2018

Certified Mail No.: 9171 9690 0935 0155 1794 50

Los Alamos County
Naomi D. Maestas, Clerk
1000 Central Avenue, Suite 240
Los Alamos, NM 87544

Re: Lic. No. /Appl. No.: **Application No. 1101184**
Name of Applicant: Pig and Fig Bakery and Café, LLP
Doing Business As: Pig and Fig Cafe
Proposed Location: 11 Sherwood Blvd., White Rock, NM 87547

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act **shall be given by the governing body by publishing a notice** of the date, time, and place of the hearing **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

THE APPLICANT IS SEEKING A RESTAURANT BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY WITH PATIO SERVICE.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770


Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Charmaine Martinez, Hearing Officer

New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division

Phone: (505) 476-4804 Fax: (505) 476-4595

Email: charmaine.martinez2@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement



New Mexico Regulation and Licensing Department | Alcohol and Gaming Division
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4595



AGD USE ONLY: Payment Application Fee \$ 200 Received on: 7-9-18 Receipt No. 2102462
License Fee \$ 0 Received on: _____ Receipt No. _____
Application # 1101184 Local Option District: _____

RESTAURANT LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Check appropriate boxes:

Application is for: ☐ New Restaurant Liquor License

Applicant is: ☐ Individual ☐ Limited Liability Company ☐ Corporation ☒ Partnership (General/Limited)

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER

Pig and Fig Bakery and Cafe, LLP

D/B/A Name to be used: Pig and Fig Cafe Business Phone #: 505-672-2742

Email Address (required): pigandfigcafe@comcast.net

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)
11 SHERWOOD BLVD, WHITE ROCK, NM 87547

Mailing Address: PO BOX 5226, WHITE ROCK, NM 87547

Agent/Contact Person: FERNANDO CRUCET Phone#: 832-545-8675 Email: fcrucet@comcast.net

Are alcoholic beverages currently being dispensed at the proposed location? ☐ Yes ☒ No If Yes, License # / Type: _____

I, (print name) FERNANDO L. CRUCET, as (title) GENERAL PARTNER

being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

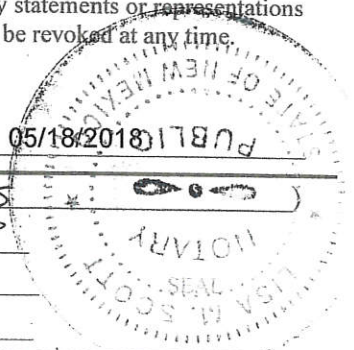
You must sign and date this form before a Notary Public.

Signature of Applicant: _____ Date: 05/18/2018

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Los Alamos)

SUBSCRIBED AND SWORN TO before me this 24 day of May, 2018

By: FERNANDO L. CRUCET Notary Public: _____
My Commission Expires: 12/7/2020



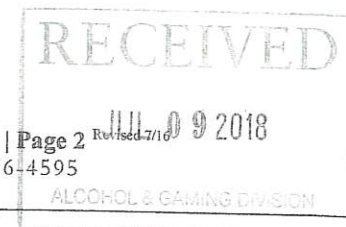
FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing held on _____, 20____. Check one: ☐ Approved ☐ Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: ☐ Approved ☐ Disapproved

Signed by Director: _____ Date: _____



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
NMSA §60-6B-10

1. The land and building which is proposed to be the licensed premises is: (check one)

- ☐ Owned by Applicant, copy of deed/document attached ☒ Leased by Applicant, copy of lease/document attached
☐ Other (provide details): _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): ZRG INVESTMENTS

B. Date and Term of Lease: 02/01/2018 5 YEARS

3. Premises location is Zoned (example C-1, see Zoning Statement): _____

☒ Zoning Statement attached, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: REDEEMER LUTHERAN CHURCH Miles/feet: 0.2 MILES

Address/location of Church: 134 STATE ROAD 4, WHITE ROCK, NM 87547

5. Distance* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: PINON ELEMENTARY SCHOOL Miles/feet: 0.5 MILES

Address/location of School: 90 GRAND CANYON DR, WHITE ROCK, NM 87547

6. Distance from military installation *(Property line of military installation to closest point of licensed premises—shortest distance.)

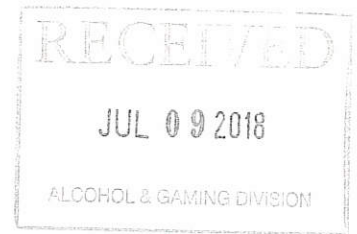
Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque) White Sands Missile Range (Las Cruces),
Miles: 99 Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: ☐ Hotel ☐ Lounge ☐ Package Grocery ☒ Restaurant ☐ Racetrack
☐ Small Brewer ☐ Craft Distiller ☐ Winery ☐ Wholesaler
☐ Other (specify): _____

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.

**LOS ALAMOS COUNTY
PLANNING & ZONING COMMISSION**



IN THE MATTER OF:

Case No. SUP-2018-0012; a request for approval)
of a Special Use Permit, to operate a restaurant)
that will serve alcoholic beverages on the premises;)
on property located at 11 Sherwood Boulevard,)
containing 0.68869± acres, and which is zoned)
C-1 (Commercial District), located in White Rock,)
Los Alamos County, New Mexico.)

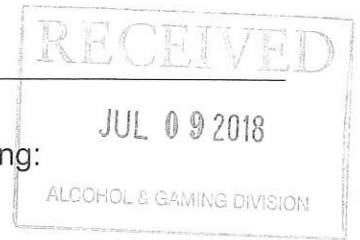
**FINAL ORDER APPROVING APPLICATION,
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

THIS MATTER came before a quorum of the Los Alamos County Planning and Zoning Commission ("Commission") for a public hearing, on Wednesday June 27, 2018, based on an application made by Laura Crucet, requesting a Special Use Permit to serve alcoholic beverages in conjunction with a restaurant use. The parcel is zoned C-1 (Commercial District), and contains 0.68869± acres of land.

Upon presentation of the application and accompanying exhibits, and the Commission having taken sworn testimony, considered relevant evidence of the record and arguments of the parties, considered the information outlined within the Staff Report and testimony received from the public, and the Commission being otherwise well and sufficiently advised in the premises, hereby finds as follows:

NOW THEREFORE, the application for a Special Use Permit, located at 11 Sherwood Boulevard, in the Sherwood Village Subdivision, Lot 11, ("Property") in White Rock, in the County of Los Alamos, New Mexico, **IS HEREBY APPROVED**, subject to the following condition.

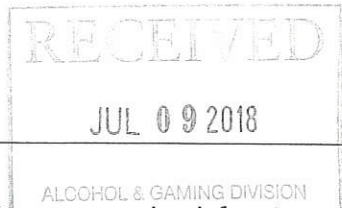
1. The applicant shall obtain the appropriate liquor license from the State of New Mexico and submit a copy to the Community Development Department.



In support of this **FINAL ORDER**, the Commission issues the following:

I. FINDINGS OF FACT:

1. This public hearing was announced by publication in the Los Alamos Daily Post, the Newspaper of Record for Los Alamos County, on Thursday June 7, 2018. Property owner notices were mailed via first class mail to all owners of real property located within 100 yards of the subject property, per the requirements contained in Article V, §16-192 of the Los Alamos County Development Code.
2. The Special Use Permit application was properly and sufficiently noticed in substantial conformance with the requirements of Article V, §16-192 of the Los Alamos County Development Code. No comments or concerns were received by the Community Development Department up to the date and time of the public hearing on the application.
3. This and adjacent properties along Sherwood Boulevard and SR 4 contain commercial land uses, and are Zoned C-1 (Commercial District) or C-2 (Commercial District).
4. The subject property is located in the Sherwood Village Subdivision, Lot: 11, and contains 0.68869± acres, or 29,999.2 square feet of area. The existing commercial structure housing the restaurant contains approximately 4,560 Ft² of area (measured from County GIS), yielding a lot coverage factor of 15.2%. A second structure occupying the lot contains approximately 5,200 Ft² of area (measured from the County GIS). Both structures cover 32.5% of the total area of the parcel. The maximum lot coverage percentage permitted by Section 16-536 of the Los Alamos County Development Code for properties in the C-1 Commercial District, is 70%.
5. The existing commercial land use on the subject property is set back approximately twelve (12) feet from the front property line, and eight (8) feet from



the street-side property line; thereby meeting the minimum required front and side yard setback requirement of zero (0) feet.

6. This petition was discussed at the Interdepartmental Review Committee meeting, on Thursday May 31, 2018. At this meeting, the IDRC voted unanimously (7-0) to recommend approval of this petition to the Planning and Zoning Commission.
7. The petitioner has provided sufficient evidence to satisfy the requirements contained within §16-156 of the Los Alamos County Development Code to warrant issuance of the Special Use Permit requested.

II. CONCLUSIONS OF LAW

After full hearing and consideration, the Planning and Zoning Commission finds that the Applicant has met each applicable Special Use Permit Criterion contained in §16-156 of the Los Alamos County Development Code, and is acting under the authority granted it by §16-452(d) of the Los Alamos County Development Code.

APPROVED this 28th day of June, 2018.

BY: 
TERRY PRIESTLY, CHAIR
PLANNING AND ZONING COMMISSION
INCORPORATED COUNTY OF LOS ALAMOS

Salazar, Jacqueline

From: Lopez, Debra, RLD <Debra.Lopez@state.nm.us>
Sent: Tuesday, September 04, 2018 3:28 PM
To: Salazar, Jacqueline
Subject: Re: Pig and Fig Bakery and Cafe, LLP Application No. 1101184

Your request is hereby granted to conduct the hearing on October 2.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Salazar, Jacqueline" <jacqueline.salazar@lacnm.us>
Date: 9/4/18 2:08 PM (GMT-07:00)
To: "Lopez, Debra, RLD" <Debra.Lopez@state.nm.us>
Subject: Pig and Fig Bakery and Cafe, LLP Application No. 1101184

Good Afternoon Director Lopez,

We just received the application for Pig and Fig Bakery and Café, LLP, Application No. 1101184, we were thinking of scheduling the hearing on October 2, 2018, however again we fall into that 30 publishing notice, if we don't schedule it for October 2, 2018 our next Council regular session where we can have a public hearing won't be until October 30th. Again can we get a waiver for the October 2, 2018 date, and will still publishing twice before.

Please let me know.

Thank you

Jackie

Jacqueline D. Salazar
Executive Assistant
Office of the County Manager
1000 Central Avenue, Suite 350
jacqueline.salazar@lacnm.us
(505) 662-8017 (ph) 505-662-8079 (fax)

All our Dreams can come true if we have the courage to pursue them - WALT DISNEY



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: Arts in Public Places Advisory Board

Legislative File: 11187-18

Title

Recommendation from the Art in Public Places Board to Accept the Donation of a Pastel Painting by Artist Fran Stovall to be Installed in the Los Alamos County Airport.

Recommended Action

I move that Council accept the donation of the painting “Fuller Lodge” by artist Fran Stovall, to be hung in the Los Alamos County Airport.

Board, Commission or Committee Recommendation

The Art in Public Places Board approved this recommendation at their regular meeting on August 23, 2018.

Body

The Art in Public Places Board (APPB) is seeking Council approval to accept the donation of the painting Fuller Lodge by Los Alamos artist Fran Stovall. Ms. Stovall is a well-known local artist whose work has been shown for decades in this region. She works in several different media, with pastel being only one of her specialties.

A photo of the painting and a photo of the wall where the painting is envisioned to hang can be found in Attachment A.

Alternatives

Council can reject the APPB recommendation.

Fiscal and Staff Impact

Facilities staff will be directed to install theft-proof hardware from which to hang the painting

Attachments

A - Fran Stovall Donation and Recommended Location

Fuller Lodge by Fran Stovall



Airport Wall





County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.

Index (Council Goals):

Presenters: Arts in Public Places Advisory Board

Legislative File: 11192-18

Title

Recommendation from the Art in Public Places Board to Relocate Sculpture "Spirit Dance" from Ashley Pond Park to the Columbarium in Guaje Pines Cemetery, and to Create a New Pedestal with Stone Facing for the Sculpture

Recommended Action

I move that Council approve the expenditure of APP Funds to relocate Spirit Dance from Ashley Pond Park to the Columbarium, with a budget not to exceed \$1,750 for concrete work to prepare a base and the purchase and installation of stone to match the stonework on the Columbarium.

Board, Commission or Committee Recommendation

The Art in Public Places Board approved this recommendation at their regular meeting on August 23, 2018.

Body

The Spirit Dance sculpture requires frequent maintenance in its current location in Ashley Pond Park because it is in the path of the sprinklers. In addition, it is an area with many other sculptures, all of which are in more visible locations around the Pond. There is no public art currently near the Columbarium. This sculpture would be suitable for the area because it is abstract and provides a focus for quiet contemplation.

Parks staff is prepared to move the sculpture and remediate the area at Ashley Pond Park, and also to re-create the bracket that holds the sculpture on its new base.

Alternatives

The Council can reject the APPB recommendation.

The Council can ask the APPB to develop different recommendations for the Columbarium site.

Attachments

A - Quote from Cisneros Concrete to Create Base

B - Photos of Sculpture in its Current Location

C - Photo of Proposed Location

CISNEROS CONCRETE
License # 59511, GS-4
P.O. BOX 1394
Los Alamos, NM 87544
(505)690-1705 (505) 455-2627

8/2/2018

PROPOSAL

Proposal to Los Alamos County to do concrete work at Cemetery in Los Alamos.
24'x24' 30" from the ground and 24" into the ground with #4 rebar, and stack stone
veneer around the concrete.

amount \$ 1,100.00

tax \$ 80.43

Total amount \$ 1,180.43

Spirit Dance

Current Location at Ashley Pond



Hard to see

Proposed Location



Guaje Pines Columbarium



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: C.

Index (Council Goals):

Presenters: Arts in Public Places Advisory Board

Legislative File: 11171-18

Title

Recommendation from the Art in Public Places Board for an Expenditure of Art in Public Places Funds in an Amount not to exceed \$45,000 to Commission Artists Markow & Norris to Create and Install Woven Glass Sculptures

Recommended Action

I move that Council approve the expenditure of APP funds for the purchase of 8 kite-shaped woven glass sculptures from artists Markow and Norris for the fireplace wall in the White Rock Branch Library in an amount not to exceed \$45,000 which includes tax, installation, lighting, plaque and a dedication event.

Board, Commission or Committee Recommendation

The Art in Public Places Board approved this recommendation at their regular meeting on August 23, 2018.

Body

The Art in Public Places Board (APPB) is seeking Council approval to expend Art in Public Places (APP) funds to commission artists Eric Markow and Thom Norris to create colorful woven glass kites for the wall over the fireplace in the White Rock Branch Library.

In early 2018, the Art in Public Places Board (APPB) began evaluating submissions from a public call for art. One of the selected projects was an installation of woven glass kites above the fireplace in the White Rock Branch Library. The woven glass kites were proposed to the Board by a White Rock resident who has long been an admirer of Markow & Norris' work. This idea was presented to the Library Board and was endorsed by that board. The idea was also presented at a booth at the Farmers Market in May 2018 to solicit public input and it was universally endorsed by citizens who expressed opinions during that event.

A proposal was solicited from Markow and Norris, Inc., a very well recognized pair of artists who pioneered the process of creating woven glass and have presented their works in numerous shows and galleries across the nation. The attachments contain images of examples of woven glass to introduce the artistic possibilities can be achieved with this media. Also attached is an artist's rendition of how the installation would look (Attachment B).

Description	Amount
8 woven glass kites including shipping and installation	\$36,000
APPB contingency, lighting, dedication ceremony	\$9,000

Total	\$45,000
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Alternatives

The Council can reject the APPB recommendation

The Council can ask the APPB to develop different recommendations for the White Rock Branch Library

Fiscal and Staff Impact

The funds for the recommended expenditure will come from the Art in Public Places Fund. There are sufficient funds in that account to cover the recommended purchases plus the contingency amount. Any unspent APP money from this project will remain in the APP fund. The APPB staff liaison will oversee the purchasing process and will work with staff from the Public Works Department on the installation aspects of this project.

Attachments

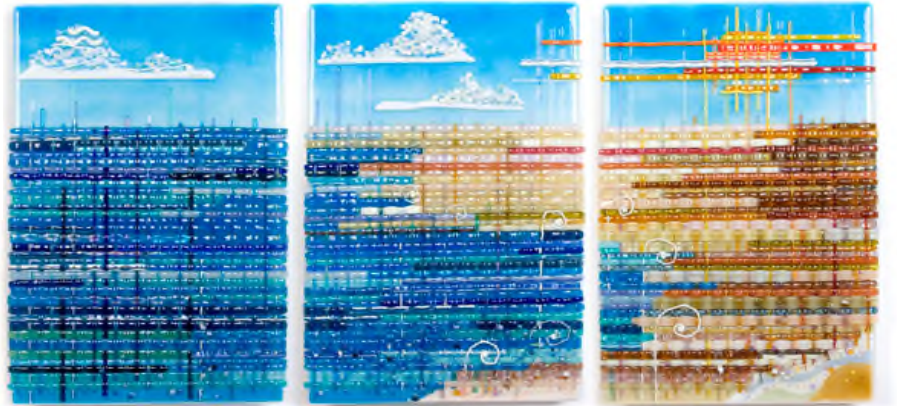
A - Examples of Woven Glass Art

B - Rendering of Possible Placement of Woven Glass Kites on Fireplace Wall

Examples of Woven Glass Art



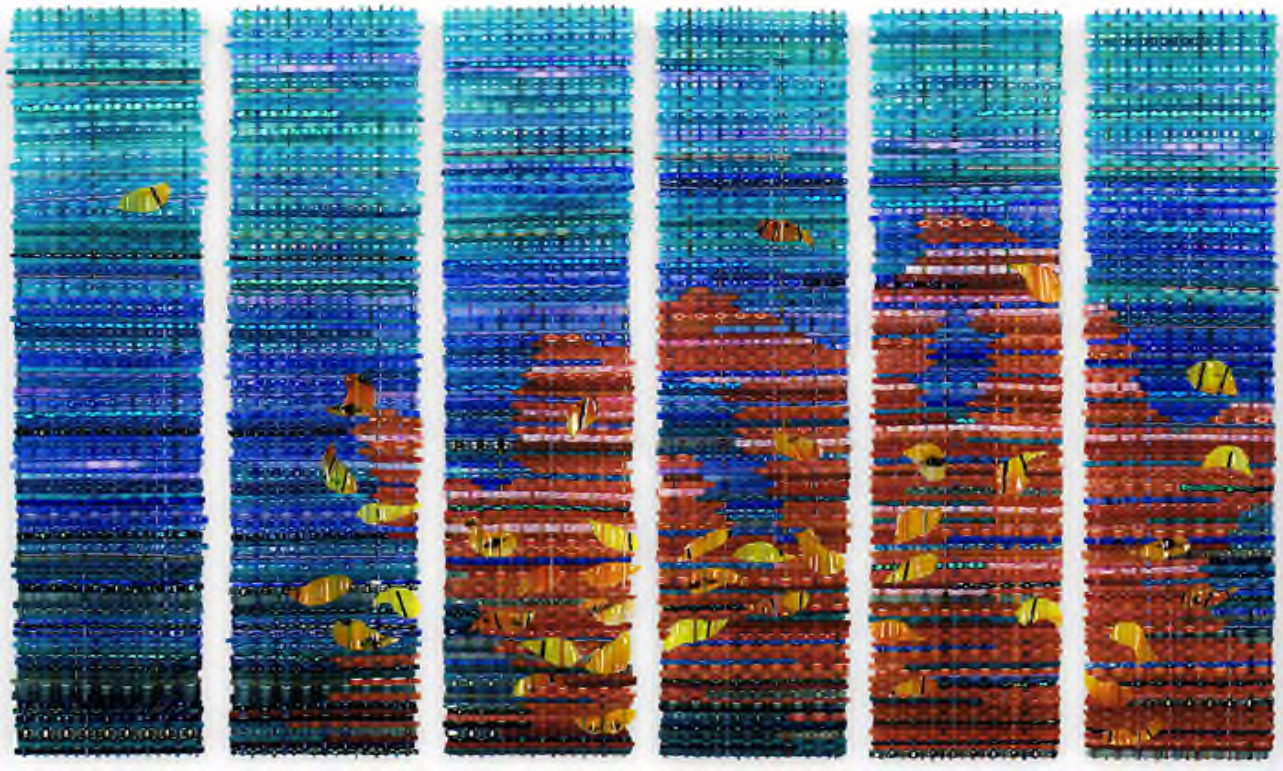
Examples of Woven Glass Art



Examples of Woven Glass Art



Examples of Woven Glass Art





Possible Placement of Woven Glass Kites on Fireplace Wall



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: D.

Index (Council Goals):

Presenters: Arts in Public Places Advisory Board

Legislative File: 11193-18

Title

Recommendation from the Art in Public Places Board for an Expenditure of Art in Public Places Funds in an Amount Not to Exceed \$195,000 for the Design, Fabrication, Transport and Installation of Art by Evelyn Rosenberg in the 502 Underpass Scheduled for Construction in 2020.

Recommended Action

I move that Council approve the expenditure of Art In Public Places Funds for the design, fabrication, transport, and installation of art by Evelyn Rosenberg in the 502 Underpass in an amount not to exceed \$195,000 including tax, lighting, contingency funds, plaques, and a dedication event.

Board, Commission or Committee Recommendation

The Art in Public Places Board approved this recommendation at their regular meeting on August 23, 2018.

Body

Scheduled for construction in 2020, the Canyon Rim Trail Underpass will connect the Canyon Rim Trailhead to Camino Entrada under Highway 502, expanding safe and easy access to trails on both sides of the highway. A visual overview of the location is available in Attachment C.

At a regular meeting of the Art in Public Places Advisory Board (APPB) on December 14, 2017, Desirae Lujan and Eric Martinez from LAC Public Works asked APPB to recommend public art to accompany the Canyon Rim Trail Underpass. The tunnel will be very long - about 85 feet - and the design team sees public art as a way to make using the tunnel a positive experience for pedestrians and cyclists.

Although APPB did not initiate this project, from the Board's perspective, it provides a rare opportunity for public art by being involved from the design stage, rather than being asked to add art after the fact. From an artistic perspective, the project poses a significant and exciting challenge of turning a long, concrete tunnel into a work of art.

One artist emerged from a recent Open Call for Art as ideal for tackling this project: Albuquerque-based artist Evelyn Rosenberg. Rosenberg's distinctive style is a process she innovated herself, called Detonography, which uses controlled

explosions to create intricate metal sculptures that are beautiful from a distance but have incredible detail when viewed up close. Communities throughout the country have installed her art in public places, and many of her pieces take very unusual forms. Experience developing artwork in unusual structures and working with professional design teams will be essential for success in this project. Her work is also highly specific to the location, integrating themes and styles that reflect the community and respond to their interests.

Attachment A includes additional information about the artist, including examples of her work.

At a regular APPB meeting on July 26, 2018, Project Manager Desirae Lujan and Conrad Ley, the Project Manager from Wilson and Company Design, provided an update presentation, and both expressed support for the proposed artwork. APPB has pursued this project with unanimous support at each stage of the decision-making process, and public comment has been strongly in favor of the artwork.

The proposal

Rosenberg's proposal is characteristically specific to the format and the community. It blends technology and the natural world, embodying the twin elements of Los Alamos reflected in the current county logo that combines an atom and an aspen tree.

Specifically, she found inspiration for this 80-foot concrete tunnel from a supercollider, a tunnel where "marvelous things are made." But Los Alamos is more than science and technology, and Rosenberg envisions using organic shapes and themes throughout the tunnel. As just one example, she would transform the cylinders at the entrance to a supercollider into tree branches and roots at the entrance to the tunnel. Attachment B contains the full artist's description and sketches.

Budget

A project of this scope will be more impressive the larger the budget, but we have limited resources. Thus, APPB approached the budget from two directions: 1) what is the lowest amount that can be allocated and still have art appropriately scaled to the large space, and 2) what is the most we can responsibly budget?

The Board wants to maintain enough funds to pursue future projects and new opportunities that may arise while also providing the means to execute such a large project. With those goals in mind, the Board arrived at the budget of \$185,000, not to exceed \$195,000.

In response to the Board's concerns about budget limitations, the artist has adapted the design to stretch our funds, and this proposal reflects the most scaled-down version. Attachment B includes both the current proposal and a description of some ways the design implements cost-saving measures.

The preliminary design is based on a budget of \$185,000, with the following rough breakdown provided by the artist:

~25% materials

~60% labor including the blasting (which is quite expensive)

~15% transport, travel expense, and installation (this is a big installation with a lot of parts)

Maintenance

All art surfaces will be covered with an easy-to-clean, anti-graffiti coating that would need to be reapplied every 5-8 years. There is an ongoing contract for maintenance of outdoor sculptures in the County's collection. If the underpass artwork becomes part of LAC's public art collection, its maintenance would be included in that contract.

All art inside the tunnel would be above 8 feet high and secured with concealed, nonstandard bolts to deter vandalism while allowing county staff to access the concrete if necessary for tunnel maintenance.

Public Comment

APPB sought public comment for this project during August 2018 at two summer concerts, the farmer's market, and through an article in the LA Daily Post.

Public comment was overwhelmingly positive, with 44 out of 51 comments voicing unambiguous support for the project.

The primary concern was about potential vandalism, but most written comments do not mention it because after speaking with APPB members, many residents were satisfied that those concerns would be addressed. More detailed information about resident concerns and the full set of comments are available in Attachment D.

The most common thread among supportive comments was praise for the theme. People seemed to appreciate that the proposal is designed specifically for Los Alamos. For example:

- Love this idea! Art and science together in an outdoor setting.
- Sounds like this art would really beautify the tunnel and represent our town well.
- I love the combination of nature with the super collider concept. I say GO FOR IT!
- I think Evelyn Rosenberg's designs are perfect-they will beautify the space and represent our community well.

Attachment D contains the full comments and discussion of additional themes.

Alternatives

The Council can ask Public Works to pursue commercial decoration options for the 502 underpass using non-APP funds.

The Council can choose not to put art or decoration in the 502 underpass tunnel.

Fiscal and Staff Impact/Planned Item

The funds for the recommended expenditures will come from the Art in Public Places Fund.

There are sufficient funds in that account to cover all the recommended expenditures, plus the

estimated contingency amount. Any unspent APP money will remain in the APP Fund. The artist will work directly with Wilson & Company Project Manager Conrad Ley and LAC Public Works Project Manager Desirae Lujan to coordinate design elements as appropriate, and the artist will design and create the artwork, arrange for transport, and oversee installation carried out by her own employees. APPB staff liaison will oversee the process and will work with staff from Public Works Department as needed.

Attachments

- A - Evelyn Rosenberg Sample Work and CV
- B - Proposal for Underpass
- C - Overview of Preliminary Design
- D - Summary of Public Input

Evelyn Rosenberg information, CV, and example art

A long-time resident of Albuquerque, Evelyn Rosenberg is a nationally recognized artist whose public art is in communities all over the country and many within New Mexico.

Rosenberg's public art ranges from free-standing sculptures to very unusual forms, and her work is highly specific to the location, integrating themes and styles that reflect the community and respond to their interests. For example, "Clock of Dreams" is a 36-foot tall kinetic tower created for the Engineering Department of New Mexico State University in Las Cruces, and, among other things, it includes hammers and wheels that move with wind power, representing both early feats of engineering and more modern innovations. See below for images and more detail.

For a different commissioned work, Rosenberg created a 93-foot wide Detonography mural called "We the People" as part of a memorial for Senator Paul Wellstone in St. Paul, Minnesota. Drawing inspiration from midwestern traditions of quilting, the 11 Detonographed panels contain imagery and quotes that reflect the values of the immigrant community center where the artwork resides. See below for images and more detail.

These are just two among many examples of how Rosenberg's work is location-specific, large, and has taken unconventional forms, which APPB believes makes her especially suited for this challenging project. More examples are available on her website: <http://evelynrosenberg.com/artist.php?p=15>.

Evelyn Rosenberg
Curriculum Vitae

COMMISSIONS

2006 "We the People" Memorial for Senator Paul and Sheila Wellstone, St. Paul, MN
2005 "Kaleidoscope" Library inside and outside wall piece, Sarasota, FL
2004 "Scale of Justice" Courthouse Plaza 36' kinetic fountain, Albuquerque, NM
2003 "Metamorphosis" Computer Center wall piece, University of New Mexico, Roswell, NM
2001 "Global Positioner" Albuquerque International Airport hanging piece Albuquerque, NM
2000 "Carrusel de San Ysidro" wind-driven carousel in park, Albuquerque, NM
2000 "Pangaea" University of Minnesota 15' diam. hanging piece, Minneapolis, MN
1999 "Dialogue" University of Central Florida 18' wall piece, Orlando, FL
1998 "Performance" Amphitheater with giant puppets, Loveland, CO
1998 "Regenesis" Serengeti Game Park Visitors Center wall piece, Tanzania, Africa
1997 "Clock of Dreams" NM State University 34' kinetic tower plaza, Las Cruces, NM
1997 "Rattler" New Mexico Tech (EMRTC) 35' long snake on poles, Socorro, NM

1995 "The Four Quadrants" Santa Fe Community College Planetarium Lobby, Santa Fe, NM
 1995 "Frozen Fountain" Valencia Campus UNM Courtyard, Los Lunas, NM
 1994 "Gaia Genesis" Sonora Desert Museum, Tucson, AZ
 1994 "Rio Grande Ribbon" Public library atrium hanging piece, Albuquerque, NM
 1993 "Road" Dept of Transportation, Tampa, FL
 1993 "FireWork" Fire Training Academy four large inside and out panels, Albuquerque, NM
 1993 "Dominion" National Western Stock Show Building 200' facade, Denver, CO
 1992 "Case for Books" Sherwood High School Library and etchings, Montgomery County, MD
 1991 "Count to Ten, Reach for the Stars" Briggs Chaney HS, Montgomery Country, MD
 1991 "In the Beginning Was the Word" New Mexico Tech, Socorro, NM
 1991 "Roots" Nebraska State House, Lincoln, NE
 1990 "The Wizard's House" Montgomery Knolls School, Silver Spring, MD
 1990 "Who Am I?" Northwood High School, Silver Spring, MD
 1989 "Pillars of Knowledge" Watkins Mill High School, Montgomery County, MD
 1989 "Walk on the Earth" Medical Office, Chicago, IL
 1989 "Rock Creek" Rock Creek Elementary School, Silver Spring, MD
 1988 "Forces and Signs" Gaithersburg Junior High, Gaithersburg, MD
 1988 "Alphabet Tree" Stone Mill Elementary, Gaithersburg, MD
 1987 "By Their Works You Shall Know Them" BDM Corporation, Mclean, VA
 1986 "Evolutionary Geoscape" Museum of Natural History, Albuquerque, NM
 1985 "Geological Time" Performing Arts Center New Mexico Tech, Socorro, NM
 1977 Painted Mural Giraffe House, Rio Grande Zoo, Albuquerque, NM

PRIZES AND GRANTS

2007 New Mexico Governor's Award for contributions in the arts.
 2007 and 2003 – Work bought through the "Acclaimed Artists Awards" for state buildings in NM
 1995 Banff Center for the Arts Residence, Banff, Canada
 1993 Ragdale Colony Residence, Lake Forest, IL
 1992 MacDowell Colony Residence, Peterborough, NH
 1988 Award of Merit from the Albuquerque Conservation Society for the best public art in the city.
 1987 New Horizons Prize for art and science , International Society of Arts, Science and Technology, "Leonardo Magazine"
 1976-77 National Endowment of Arts Grant "Artist in Residence" in the Albuquerque public schools. Created seven large murals over two-year period.

MEDIA DOCUMENTATION

Magazines

Quest, London, 1992.

Hombre de Mondo, vol. 15 #1, 1990
Interiors, June 1989
Scientific American, February 1989
Artist's Magazine, January 1989
New Scientist, November 1988
Leonardo, Article written by the artist, November 1988
Smithsonian Magazine, Main Feature, December 1987
Mechanical Engineering, October 1987
Sculpture Magazine, December 1986
Southwest Art, May 1986
Omni Magazine, April 1986
New Mexico Magazine, May 1986 and October 1987
Science News, July 1985 and November 1987
New Mexico Magazine, January 1981
Art Voices South, November 1980
American Artist, October 1980

Newspapers

Fifty or more newspaper articles and reviews have appeared on my work since 1970. These include feature articles in The New York Times, Wall Street Journal, The San Francisco Chronicle, and The Dallas Morning News.

Television and Radio

Russian Television Today Show, April 2005
"Ripley's Believe It or Not" September 20, 2000
"Equinox" BBC Television, October 1995
"Nightline" ABC, November 25, 1993
"Home Show" ABC, July 1993
"Shobu, Shobi" Japanese Television, January 1992
"Smithsonian World" Discovery Channel
Voice of America
"All Things Considered" National Public Radio,
"Illustrated Daily" PBS
"Beyond 2000" Australian Television
ABC News with Peter Jennings
"Today Show" January 8, 1990
CBS Nightly News, April 1990
"Colores" PBS, KNME Albuquerque, New Mexico, 1990

EXHIBITIONS

I have participated in over 40 one person and group shows since 1969 when I first started showing my work.

EDUCATION

London School of Printing, Art of the Book: Spring 1984
University of New Mexico, Masters of Fine Arts: 1969-70

Rochester Institute of Technology, A.A.S. Commercial Art: 1968-69
Columbia University School of Fine Arts: 1967-68
Hebrew University, Jerusalem, Israel. Comparative Religion: 1965-66
Hebrew University, Jerusalem, Israel. Junior year abroad: 1962-63
University of Maryland, BA English and History with secondary teachers
certificate: 1960-64

PROFESSIONAL BACKGROUND

Design Advisor, City of Santa Fe Public Works Projects: 2006-07
Adjunct Professor of Fine Arts, New Mexico Tech: 1985-88
Guest Artist, Coriander Press, London, England: January-June 1984
Owner and operator of printing studio, Eber Press: 1978-86
Adjunct Professor of Fine Arts, Montclair State College: 1973-76
Assistant Professor of Fine Arts, University of Haifa, Israel: 1971-73
Director of Art Program, Ohel Sarah, Kibbutz College, Upper Galilee, Israel:
1971-73
Artist, Summer in the City Poverty Program, Harlem, NY: Summer 1968
Commercial Artist, Bombay, India: Spring 1967



Detail view of "String Theory" – panel in installation "Kaleidoscope" in a library in Sarasota, FL.



Interior panels of "Kaleidoscope," installation in a library in Sarasota, FL



“The Secret World.” Entrance to Virology Lab, Department of Health and Human Services, Fairbanks, Alaska. Portrays the hidden world of virus and their replication. [text from description on artist’s website, evelynrosenberg.com]



“We the People” –St. Paul, MN.

The mural was commissioned as a memorial for Paul and Sheila Wellstone who were killed in a small plane crash twelve days before the elections in Minnesota in which Paul was running for a third term as Senator. The mural is located in the rotunda of Neighborhood House, an immigration center in St. Paul, Minnesota, is 93 feet long and consists of 11 panels. The mural reflects in quotes and images the commitment of the Wellstones to the idea of community and immigration. One of the quotes, "we all do better when we all do better" is translated into multiple languages.

[Text from description on artist's website, evelynrosenberg.com]



“Clock of Dreams” 36-foot kinetic tower for the Engineering Department, New Mexico State University, Las Cruces, NM.

This sculpture runs on the power of the wind. The four eight-foot faces each perform a different task. The clock (which runs on electricity) tells time. The eyes on the face open and close. A hammer goes up and down and concentric circles spin. It represents the four elements which make up creativity, time, inspiration, work and chance. [Text from description on artist’s website, evelynrosenberg.com]



"Scales of Justice" at Bernalillo County Metropolitan Courthouse, artist for scale

Artist's Proposal for Underpass

Description by Evelyn Rosenberg

The underpass takes its theme from Los Alamos itself, blending the natural world with the technological. A tunnel can be a dark place or simply a way to move from one area to another, but the 502 underpass tunnel for pedestrians and cyclists will be an inviting, exciting space—a space where discoveries are made.

Drawing inspiration from a particle accelerator, a tunnel in which high-energy beams collide to make marvelous things, the underpass will also reflect the natural beauty of northern New Mexico. This organic machine shows how science and nature are part of the same universe. The long cylinders at an accelerator's entrance become tree branches and roots at the entrance to the underpass tunnel; the exterior "machinery" will contain images from both science and nature, with human hands at the controls. The exterior will be a work of art, but it will also invite the curious to see what lies within.

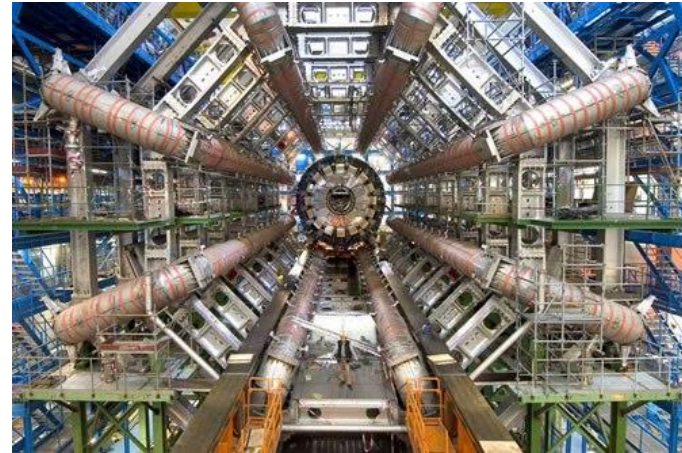
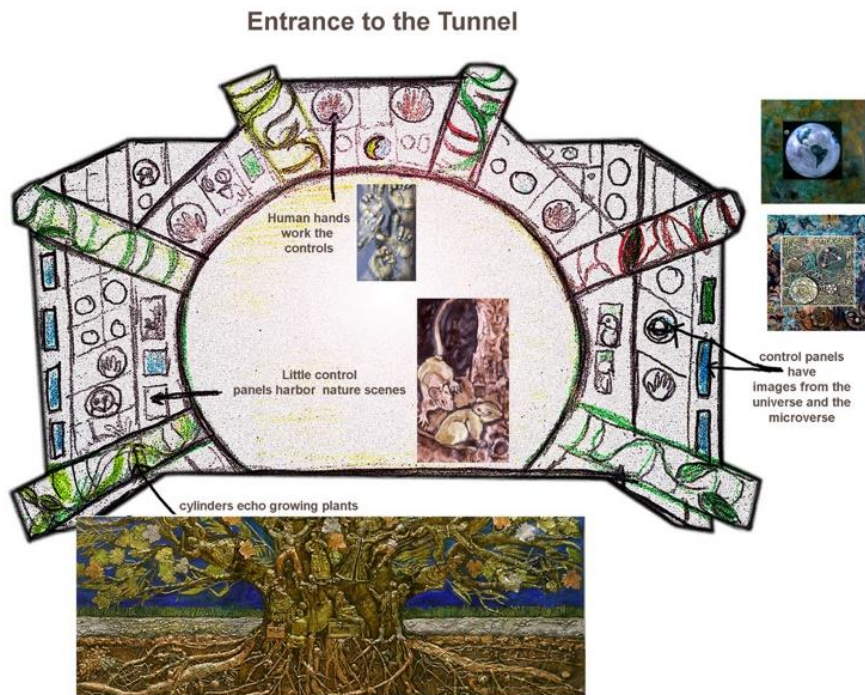
Inside this organic collider, particles race towards each other not just in straight lines, but with swirling, organic forms made from shaped metals including copper, brass, aluminum, and stainless steel. The lighting needed to keep pedestrians and cyclists safe in a long tunnel will be part of the installation, meeting safety requirements while enhancing the art with lights along the ceiling and walls.

At the center of the underpass tunnel, the particles collide into a large sculpture curved along the ceiling, representing an explosion that contains everything in the universe. The wide range of imagery in this centerpiece will be made with Detonography, my forming technique that uses explosives to create metal sculptures.

Detonography is beautiful and visually interesting from a distance, but it also rewards close examination. This centerpiece will be a beautiful element for someone just passing through, but there are more discoveries to be made when looking at it carefully. A simple concrete bench on each side of the tunnel could allow someone to step out of the thoroughfare and contemplate the detail of the artwork.

All art inside the tunnel will be above 8-feet high to deter vandalism, and all surfaces will be coated in an easy-to-clean, anti-graffiti coating.

This underpass installation would combine everything I have learned about Detonography and public art in the past 30 years. As a long-time resident of Albuquerque, it would be an honor to develop this unique project in Los Alamos, and I would view it as one of the crowning pieces of my career.



Above: The entrance to the 502 underpass tunnel (left) takes its shapes from the CERN supercollider (right), transforming them into organic representations of nature and technology. Below: the swirling “particles” along the upper walls and ceiling lead to a “collision” in the center of the tunnel, with a large Detonography sculpture representing “everything in the universe.”



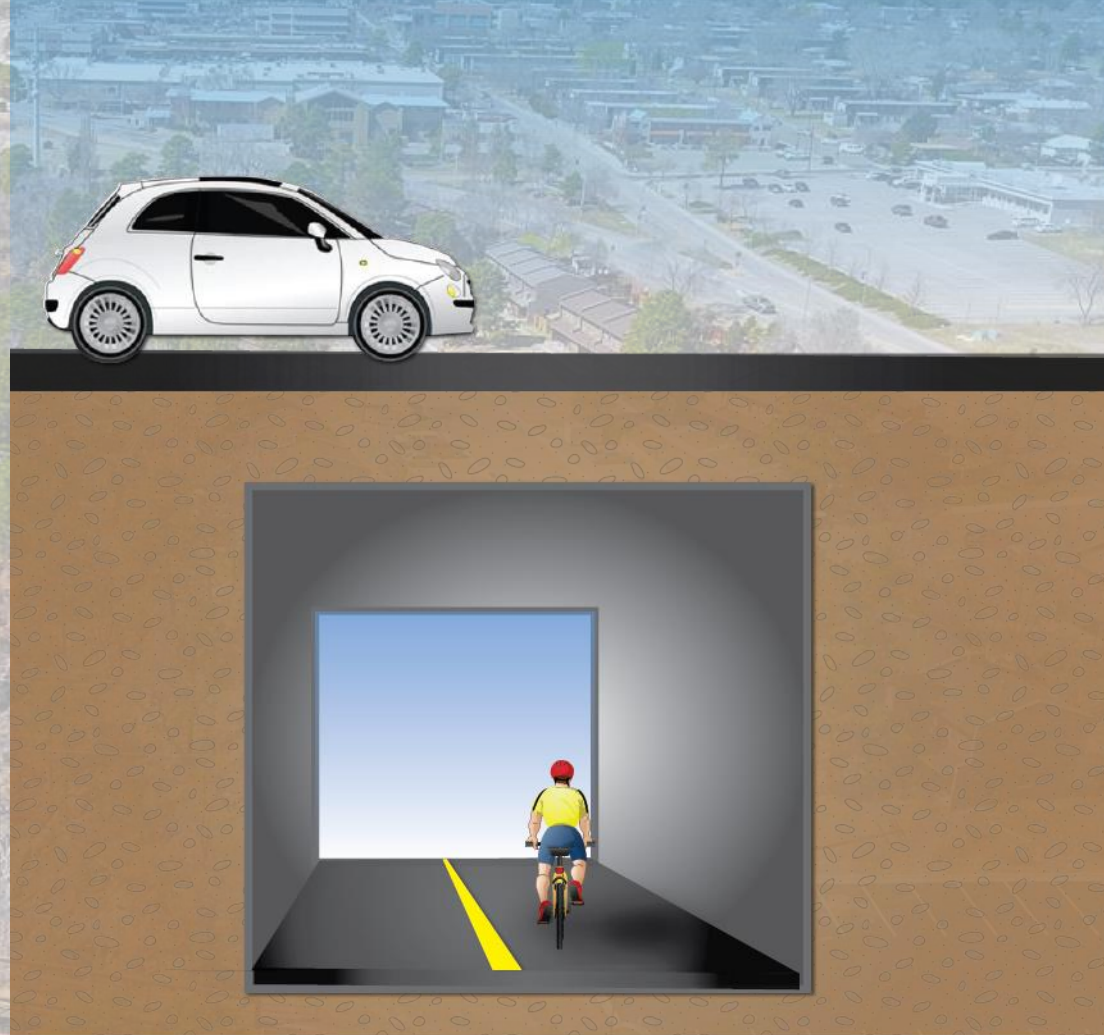
Cost-saving measures integrated into current proposal

The artist has been responsive to the Board's concerns about the cost of this project. In order to bring the proposal to a budget the Board believes will not eliminate future opportunities,

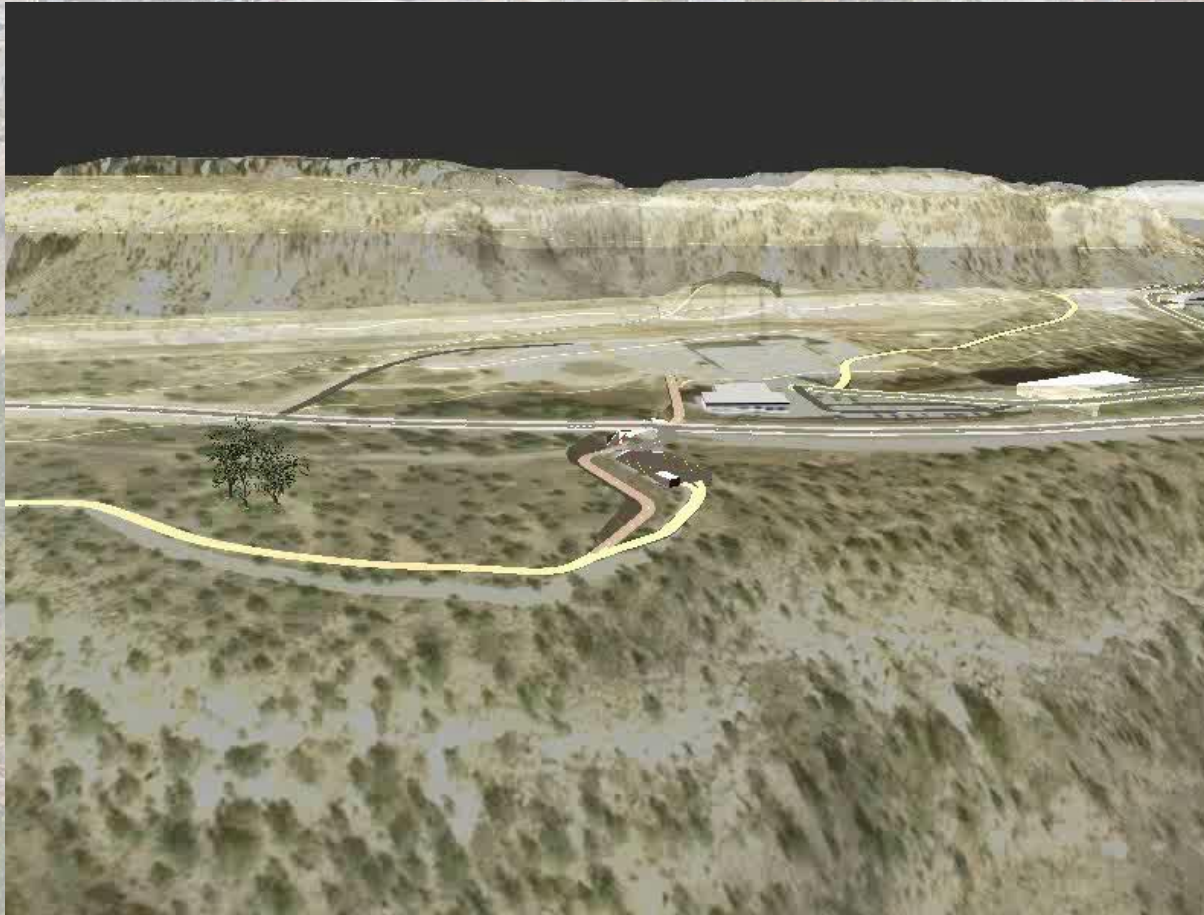
Having an entrance with the intricate design described above is essential to the artwork, but having such art at both entrances to the tunnel would cost an additional \$25,000- \$30,000. Obviously, APPB was looking for ways to limit the budget without gutting the project, so the artist proposed one entrance be scaled down dramatically to support the concept that is fully executed in the entrance installation at the other end. As another example, the artist's proposal includes lengthy swirls of colorful metal along the ceiling and upper sections of the interior walls paired with the safety lighting to provide a clear continuity of the artwork between the entrance and the centerpiece without investing in more expensive detail work throughout the tunnel.

ALTERNATIVE 1

- Precast Concrete Box Culvert (CBC)
- 14-ft or 12-ft span by 10-ft height
- Drainage will be carried within structure (swale)



ALIGNMENT 1



- 85' skewed underpass
- Vertical grades up to 5%
- Less impacts to utilities
- Cast-in-place wing walls and headwalls



LOS ALAMOS
NATIONAL LABORATORY

CN 5101310 Canyon Rim Trail Underpass

ATTACHMENT C

WILSON
& COMPANY

Summary of Public Input - 51 Comments Received

APPB sought public comment for this project during August 2018. Board members staffed a booth at the Los Alamos County Summer Concert Series on 8/17/18 and 8/31/18, as well as a booth at the Farmer's Market on 8/30/18. An article published in the Los Alamos Daily Post on 8/30/18 described the project and invited comment by email.

Public comment was overwhelmingly positive, with 44 out of 51 comments voicing full support for the project and four more offering measured or qualified support. The full-support comments ranged from generic ("Let's do it!") to more detailed explanations. At least 22 included statements about the specific proposal and/or the subject matter, particularly the belief that the design would "represent our town well." Some examples:

- This looks like a potentially stunning project, and Rosenberg's design and technique both seem uniquely appropriate for Los Alamos.
- Love this idea! Art and science together in an outdoor setting.
- We are known for being a community set apart for intellect and creativity and beauty. This is a perfect project for our beautiful town!
- Sounds like this art would really beautify the tunnel and represent our town well.
- This is incredible! Very representative of Los Alamos but not in a heavy-handed way.
- I love the combination of nature with the super collider concept. I say GO FOR IT!
- Very creative—blended aspects of significance to LA. WOW
- I think Evelyn Rosenberg's designs are perfect—they will beautify the space and represent our community well.
- This county is presumably at the cutting edge of innovation, so the work of an artist engaged in the very unusual art form of detonography seems to be just right.

Several people emphasized their desire for the artwork's imagery to stay balanced between the natural and technological aspects mentioned in the proposal, and six comments based their support primarily on appreciation of examples of her previous work.

Cost appears surprisingly infrequently in the comments, despite board members discussing it with members of the public. For example:

- Sounds expensive. Will be another 'top notch' attraction in Los Alamos. Hoping to be able to see it when complete.
- This looks interesting and would make using the tunnel a joy. But keep costs (including maintenance) and time to opening the tunnel in mind.
- Great idea! Looks like a good fit. I would be very supportive if cost reasonable.
- I am concerned about spending a big chunk of the budget at a relatively remote location.
- What an excellent idea! Please do this! Don't let the cost stop you—I think it's reasonable.

Many in-person comments supported the tunnel generally and specifically supported artwork at that location.

- I'd hike that trail!
- This looks interesting and would make using the tunnel a joy.
- I support the development of art to be used in the pedestrian underpass on the Canyon Rim Trail.
- I like the concept of the tunnel! Beautifying it appeals to me.
- The project would definitely make me more likely to visit the co-op and the trail.

Two comments mention accidental damage or durability as concerns:

- Her artwork is wonderful, however it would be damaged in a transportation facility in Los Alamos County.
- Use only durable materials, ceramic, nothing that degrades in time.

Vandalism

The most common concern voiced by the public shows up relatively rarely in the written comments. A number of visitors to the concert and farmer's market booths asked questions about potential vandalism, but after learning about the artist's preventative actions such as design features and anti-graffiti coating, many were satisfied that the issue will be addressed and did not include concerns about vandalism in their written comments. Two emails include concerns about vandalism, while one email specifically praises the artist for having thought ahead to that potential problem.

Other concerns

One email voiced a preference for an artist from Los Alamos rather than Albuquerque, and another email highlighted the benefits of collaborating with a neighboring Native community. One email characterized the "relatively remote" location as a potential issue.

Full Comments, organized by date/source

8/17/18—LAC Summer Concert Booth (8 comments)

1. I really like the science and organic themes in the work by Evelyn Rosenberg. I think it will look beautiful!
2. Cool cool cool project! We are known for being a community set apart for intellect and creativity and beauty. This is a perfect project for our beautiful town!
3. Evelyn Rosenberg is great and should be the artist to work in the tunnel on the way into town.

4. Let's do it.
5. I support the development of art to be used in the pedestrian underpass on the Canyon Rim Trail.
6. Sounds expensive. Will be another 'top notch' attraction in Los Alamos. Hoping to be able to see it when complete.
7. Her artwork is wonderful, however it would be damaged in a transportation facility in Los Alamos County.
8. The project is a great idea to attract visitors and bring the local community together. Los Alamos is already rich in natural attractions; such art in public would be a brilliant addition to the town.

8/30/18 – Farmer's Market (26 comments)

9. Sounds like a great project—definitely a proponent.
10. Looks/sounds like a great idea
11. Evelyn's work is always fabulous. I love the preliminary work I have seen.
12. Like the idea. Want the combination of work at the lab and beauty surrounding Los Alamos.
13. The proposal looks great! I'm all for it!
14. Great idea! It will be [unreadable] and very beautiful
15. Sounds cool! Be sure to include things besides just atomic science in the artwork (though that's cool too). I like the tree.
16. Sounds like this art would really beautify the tunnel and represent our town well.
17. Sounds like an awesome idea! I say go for it! I'd hike through that tunnel!
18. Wow! It sounds like a brilliant idea—I love that the proposed project is designed for Los Alamos—science and nature. I also like that the artist has thought ahead to vandalism etc. PS We will need a camera to catch those vandals.

19. I think the plan suggested by E. Rosenberg would be very appropriate for Los Alamos. It would also contribute to the value of art in LA public places that LA is already known for.
20. What an excellent idea! Please do this! Don't let the cost stop you—I think it's reasonable.
21. This is a terrific project! We are so fortunate to have an artist of this caliber to take on this challenge—and come up with the amazing design—super cool for our town! Don't pass up this opportunity.
22. Great idea—we need more art in our community.
23. This looks interesting and would make using the tunnel a joy. But keep costs (including maintenance) and time to opening the tunnel in mind.
24. This looks like a potentially stunning project, and Rosenberg's design and technique both seem uniquely appropriate for Los Alamos. In addition to the tunnel being an excellent idea for safety, the art itself could be an excellent tourist draw, especially situated right at the top of Main Hill Road on the way into town. The project would definitely make me more likely to visit the co-op and the trail.
25. This is incredible! Very representative of Los Alamos but not in a heavy-handed way. Beautiful artwork—would love to see this happen!
26. Evelyn Rosenberg's proposal looks awesome!
27. Evelyn Rosenberg's work is amazing! I can't wait to see what she does with the tunnel.
28. I like the concept of the tunnel! Beautifying it appeals to me. Please incorporate nature into the design along with 'where discoveries are made.'
29. Yes. Spruce up portions which are not easy to make 'pretty.'
30. I visited the APP tent today and the proposal seems to be EXCELLENT! I love the combination of nature with the super collider concept. I say GO FOR IT!
31. Great idea! Looks like a good fit. I would be very supportive if cost reasonable.
32. I can't wait to see and use the tunnel! I want to see stars in the floor.
33. Love it!
34. Use only durable materials, ceramic, nothing that degrades in time.

8/31/18 – LAC Summer Concert Booth (13 comments)

- 35. Love this idea! Art and science together in an outdoor setting. This is a great combo for Los Alamos that its citizens, visitors, and tourists can enjoy. I highly recommend this project!
- 36. Having a pleasant and unique experience within the tunnel would be a lovely addition.
- 37. I love this idea. I think Evelyn Rosenberg's designs are perfect—they will beautify the space and represent our community well.
- 38. Seems like a good use of the art money.
- 39. At first glance, the artist's art is very intriguing and beautiful. Love the idea for a nice and artful underpass. Go for it!
- 40. Very creative—blended aspects of significance to LA. WOW
- 41. Very interesting—not sure I like everything but definitely like the idea of “decorating” ugly concrete.
- 42. I really like the concept. The details and very creative diverse aspects will be a perfect addition to this tunnel.
- 43. Love the metal work!
- 44. I think the project is great and needed. The proposal art is fantastic
- 45. Do it!
- 46. This is a lovely idea that blends science and art beautifully!
- 47. Do it.

Emails (4 comments)

Comment #48

7/29/18

Please accept his email as public comment or let me know how it needs to be submitted.

Thanks for all of your support to the Board. I know how much work it can be!

It was interesting to hear about the proposed art for the underpass. The underpass itself was news to me. I am concerned about spending a big chunk of the budget at a relatively remote location. It is like putting most of your eggs in one basket at a remote location without any protection. What would be done to prevent or deter vandalism?

Thanks for considering my comments.

Comment #49

8/31/18

Hi,

I just visited Evelyn Rosenberg's web site. Her body of work is quite impressive, with pieces in so many cities, even outside of New Mexico.

The planned theme for the tunnel, as it was explained to me during my visit to the Farmers' Market, seems so very appropriate for Los Alamos, with the TA-53 accelerator essentially visible from the tunnel location and so much associated research happening here.

I think this would be a wonderful addition to the public art in the county, with a well-known artist and a relevant topic. Also, much thought seems to have gone into the piece's construction already, including concerning lighting and steps to defend against vandalism. Very impressive.

This county is presumably at the cutting edge of innovation, so the work of an artist engaged in the very unusual art form of detonography seems to be just right. I can't wait to see this tunnel and the art in it.

Comment #50

8/31/18

APPB Board,

In reference to your request for public comment on the proposed artwork for the tunnel connecting the Canyon Rim Trail, we have some considerations for you. It is our understanding that this is a Los Alamos County project and not a state- wide project. That being said, we viewed a news story on KRQE channel 13 Thursday, August 30th, asking the public to send in their comments and suggestions for the tunnel artwork. We are not sure why the rest of the state should have a say in what is the proposed artwork for our county. We do not recall Albuquerque, Santa Fe or any other city asking for our input on their art projects in their city or county. If Los Alamos County Public Works Department is soliciting recommendations for

artwork from our Los Alamos Arts in Public Places Advisory Board we strongly believe, as county residents, we should be the only ones to be giving suggestions.

As far as the artist's work, it appears to be interesting if not a little dark for a tunnel project. Our concern would be the expense for the artwork from a "nationally recognized artist" when we have so much local art talent right here in town. Remember-"buy local", a phrase often used here but seldom applied by our county government and laboratory officials.

Our other concern is vandalism and the expense to correct it. We understand the measures being taken to deter that but are sure it is a very real possibility, sadly in our day and age.

Thank you for the opportunity to comment on this proposed project and look forward to hearing your response.

[Note: APPB did not attempt to gather public comment outside of Los Alamos County. We published an article in the LA Daily Post inviting public comment, but we are not sure how the KQRE website picked up the story. We agree that people who live here and have close ties to the County should guide the decision-making process. The vast majority of feedback was provided in person at events in LAC, and we have documented the source of each public comment.]

Comment #51

8/31/18

Hello,

Thanks for soliciting public comment on the proposed artwork for the 502 underpass. What an excellent idea to add artwork there!

I would love to see Los Alamos give a nod to the Native American people who were here before any of the rest of us, and who have long honored this beautiful spot on the planet. I think it would be a gracious act to extend an invitation to any one of the surrounding pueblos (or to all of them jointly) to see if they might be interested in this project. As you know, they are extremely gifted artists of several genres.

I think the simple beauty of Native art is very complementary to large projects like this one and would enhance, not only the aesthetics of the area, but would also serve to continue building positive cross-cultural relationships. Our town seems to be sparsely graced by Native art so this might be an opportune way to adjust that margin.

Thank you so much for considering these ideas!



County of Los Alamos

Staff Report

October 02, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: 1)

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 11182-18

Title

Approval of the FY19 Community Development Advisory Board Work Plan.

Recommended Action

I move that Council thank the CDAB members for their dedication to public service and hard work to prepare this Plan and approve the FY19 Work Plan as submitted with the understanding that this approval does not represent formal Council approval of all projects, proposals, or potential recommendation listed in the Work Plan.

Body

Members of the Council Board & Commission FY19 Work Plan Review Committee are Councilors Pete Sheehey and Susan O'Leary. The draft Work Plan was distributed to the remaining two members of the Review Committee and also the Committee Council Liaison, and any comments or edits were incorporated into the Work Plan accordingly.

The FY19 B & C Work Plan Review Committee wishes to thank the CDAB members for their hard work and recommends that the FY19 CDAB Work Plan be approved by the Council as submitted. A copy of the FY19 Work Plan is attached to this agenda.

Alternatives

Council can vote to approve/accept the FY19 CDAB Work Plan;
Council can add additional recommendations/comments to the FY19 Work Plan;
Council can identify items from the FY19 Work Plan that warrant additional Council discussion.

Attachments

A - Draft FY19 Community Development Advisory Board Work Plan



FY19 Work Plan for Los Alamos County Boards and Commissions

(Fiscal Year 2019: July 1, 2018 – June 30, 2019)

Board and Commission Name: Community Development Advisory Board (CDAB)

Date Approved by CDAB: TBD Date approved by Council: TBD, 2018

Prepared by: Paul Andrus, Staff Liaison, Catherine Ozment, CDAB, Chair

This work plan will be accomplished in the following time frame: July 1, 2018 to June 30, 2019

Chairperson: Catherine Ozment

Term: August 15, 2018 -August 14, 2020

Members and terms:

Denise Derkacs	August 15, 2018 – August 14, 2019
Andrea Pistone	August 15, 2018 – August 14, 2019
William Dai	August 15, 2018 – August 14, 2019
Cindy Hollabaugh	August 15, 2018 – August 14, 2020
Jaime Kennedy	August 15, 2018 – August 14, 2020
Catherine Ozment	August 15, 2018 – August 14, 2020
Aaron D. Walker	August 15, 2018 – August 14, 2020

Department Director: Paul Andrus, Director, Community Development Department

Work plan developed in collaboration with Department Director? (Y/N?) Y

Staff Liaison: Paul Andrus, Director, Community Development Department

Administrative Support provided by: Barbara Lai, Senior Management Analyst

Council Liaison: Antonio Maggiore

Reviewed by Council Liaison? TBD

1.0 Provide a brief Summary of your Board or Commission’s activities over the past twelve months. Please describe your Board or Commission’s accomplishments and identify constraints. List any “lessons learned” and identify the greatest challenges faced by the Board or Commission.

The Community Development Advisory Board was approved by County Council on June 12, 2018. This FY19 Work Plan is the first year of a Plan for the CDAB.

2.0 Describe the future work plans for this Board or Commission using the following items and showing the relationship to those items: *(Please remember that Council approval of this work plan does not constitute official Council approval of proposed projects, assignments, or anticipated recommendations included in this work plan that have budget implications.)*

2.1 List any special projects or assignments given to this Board or Commission by Council or the Department Director:

- Review all monthly property maintenance code enforcement reports including courtesy letters, notices of violation, citations, and photographic evidence, and receive additional information on these reports, including quarterly summaries, from staff as requested.
- Review documentation of past notices of violation and courtesy letters, including summary data and additional information at the level of detail requested by Board members.
- Recommend policies for the development, implementation, and enforcement of the County property maintenance codes, including possible changes and definitions to the County Code and compliance efforts.
 - Review Chapter 18 of the County Code.
 - Review policies, procedures, and on-the-ground practices for County staff, and other elements of the Los Alamos County Code Compliance program as requested by Board members.
 - Review historical and current information related to public response, including but not limited to:
 - LAC Community Survey results from 2016 and 2018 related to code enforcement,
 - Citizens in Action presentation to the County Council from November 2017,
 - Other public feedback provided to CDD related to code enforcement.
 - Review Chapters 10 and 16, and any other applicable chapters of the County Code, as relevant to code enforcement efforts. (Other entities, such as Planning and Zoning, have direct input on these chapters, but CDAB may make recommendations to County Council as CDAB deems necessary for Council to make informed decisions about policies and ordinances.)
 - Review codes, policies, and procedures from other cities and counties of comparable size.
- Recommend programs to inform the community about property maintenance code requirements.
 - Review current and past County efforts to inform the community about code requirements.

- Recommend programs and policies for positive outreach activities, including but not limited to assistance programs, citizen volunteer groups, or county-sponsored clean-up activities.
 - Review current County outreach programs.
 - Review outreach programs in other communities.
- Report to County Council annually during the required B & C assigned Work Session.

2.2 List the guiding documents/plans (with approval or revision dates listed) used by this Board or Commission.

Guiding documents include the County Boards and Commissions Ordinance; Chapter 18 (Environment) of the Los Alamos County Code of Ordinances; and Los Alamos Code Ordinance No. 02-285. In addition, portions of Chapter 10 (Buildings and Building Regulations), Chapter 16 (Development Code), and any other applicable Chapters of the County Code as they relate to property maintenance code enforcement and other purposes of this committee.

2.3 Other projects/assignments proposed by the Board or Commission: (*Any projects or activities proposed in this section should be discussed with the Council Liaison prior to listing it in this work plan.*) To assist with Council review of the work plans, please list the B&C's proposed projects or assignments in priority order.

Other projects/assignments may be proposed by the Board.

3.0 Identify any interfaces for the goals/tasks in this work plan with County Departments and other Boards and Commissions. Specify the coordination required.

Goals and tasks in this work plan will be coordinated with other County departments as indicated by the County Code, including, but not limited to: Environmental Sustainability Board Fire, Public Works, Public Utilities, as well as, the Community Development Building Safety and Planning Divisions.

4.0 List any special public information or involvement meetings or efforts to be conducted by this Board or Commission:

Code Ordinance 02-285 specifically states the one of the primary duties and responsibilities of the CDAB will be to receive and provide citizen input to staff and County Council on ways and means for improving the County's property maintenance and code enforcement program. For this purpose, CDAB members shall gather public input in ways appropriate to the circumstances, which may include:

- Hold public meetings dedicated to specific topics.

- Use the County’s online resources for gathering public opinion.
- Recommend questions for future Community Surveys.

CDAB may also recommend additional activities, such as public forums or online/email communications, to inform the community about property maintenance requirements and issues related to the code compliance program.

5.0 List the current subcommittees for this Board or Commission.

Not Applicable.

5.1 For subcommittees with members that are not members of the parent board or commission: List the subcommittee members and their terms. Explain how sub- committee members are selected or appointed. Provide a description of each subcommittee’s charter or purpose. Describe the expected duration for the subcommittee and their work plan(s) demonstrating how they support the Board or Commission:
--

- Working groups or subcommittees may be established to further develop these goals and tasks and bring information or recommendations for the Board’s consideration.

Attachment A: Provide a copy of your Board or Commission’s “Purpose” and “Duties and Responsibilities” from Chapter 8 of the County Code:
--

Attachment A

ARTICLE XV. - COMMUNITY DEVELOPMENT ADVISORY BOARD

Sec. 8-301. - Purpose.

A community development advisory board is established in order to make recommendations to county council regarding the development, implementation, and enforcement of county property maintenance codes within the corporate boundaries of the county.

(Ord. No. 02-285, § 2, 5-15-2018)

Sec. 8-302. - Membership, terms and qualifications.

- (1) The community development advisory board shall be composed of seven citizens with an attempt to provide equal representation from both the Los Alamos townsite and the White Rock community. No board member shall be appointed that is an employee of the county, either as staff or by contractor. Members shall be appointed by the county council for staggered terms of three years. Three initial appointments shall expire after one year. The determination of which initial expiring appointments will be decided by the council chairperson at the time of appointment. Vacant board positions will be appointed by the county council. The remaining four members on the board will expire their term after two years and rotation of appointments shall continue. Board members can be reappointed for no more than two terms.
- (2) Each member of the community development advisory board shall file a complete list of real estate interests in the county held by the member and, to the extent possible, a complete list of real estate interests in the county held by any person related to the member within the third degree of consanguinity or affinity (natural or adopted children, parents, brothers, sisters, aunts, uncles, nieces, nephews, grandchildren, grandparents, great-grandchildren, great-grandparents). The list shall include participation in partnerships, limited partnerships, syndications, joint ventures, etc., for the purpose of investment in real estate interests. The list shall be filed during the month of April of each year with the county manager and retained as required by the state Public Records Act, NMSA 1978, 14-3-1 et seq. A member of the community development advisory board is disqualified from participating or voting on any matter which would result in a substantial change, either increase or decrease, in the value of any real estate interests owned by the member or the real estate interests of any person related to the member within the third degree of consanguinity or affinity. Further, a member of the community development advisory board is disqualified from participating or voting on any matter which would result in a substantial change, either increase or decrease, in the values of real estate interests owned by others with whom the member has a business or professional relationship with respect to the matter under consideration.

(Ord. No. 02-285, § 2, 5-15-2018)

Sec. 8-303. - Duties and responsibilities.

The community development advisory board shall serve in an advisory capacity to the county council and shall have the following functions, responsibilities and duties:

- (1) Making of recommendations to the county council regarding:
 - a. Policies for the development, implementation and enforcement of county property maintenance codes;
 - b. Recommend possible changes and definitions to the county code relating to CDD and Code Enforcement efforts; and
 - c. Recommend programs and policies for community development with regard to positive outreach activities, such as assistance programs, citizen volunteer groups, and county sponsored clean-up activities.

- (2) Receive and provide citizen input to staff and county council on ways and means for improving the county's property maintenance and code enforcement program. For this purpose, the community development advisory board shall gather public input in ways appropriate to the circumstances, which may include public meetings dedicated to specific topics.
- (3) Recommend ways to involve and educate the community on property maintenance issues.
- (4) Receive all monthly property maintenance code enforcement reports including issued notices of violation and citations and photographic evidence, and review as appropriate.
- (5) Report to county council as requested by council on community development advisory board findings, activities, and recommendations.
- (6) Such other activities, duties and responsibilities related to community development department activities as may be assigned by the county council.

(Ord. No. 02-285, § 2, 5-15-2018)

Attachment B: Using the chart below, place an X in the column on the right if the Council Goal is related to the work of the Community Development Advisory Board:

Mark all that apply

Economic Vitality		
<u>Economic Vitality:</u>		
• Priority Area – Build the local tourism economy		
• Priority Area - Revitalize and eliminate blight in Los Alamos and White Rock		X
• Promote a strong and diverse economic base by encouraging new business growth		
• Collaborate with Los Alamos National Laboratory as the area's #1 employer		
<u>Financial Sustainability</u>		
• Encourage the retention of existing businesses and assist in their opportunities for growth		
• Support spinoff business opportunities from LANL		
• Significantly improve the quantity and quality of retail business		
Quality of Life		
<u>Housing:</u>		
• Priority Area -- Promote the creation of a variety of housing options for all segments of the Los Alamos Community, including infill opportunities as appropriate		
• Priority Area -- Support development of affordable workforce housing		
<u>Education:</u>		
• Support Los Alamos Public Schools' goal of ranking among the top public schools in the nation		
• Partner with Los Alamos Public Schools and the University of New Mexico – Los Alamos; and support, as appropriate, the delivery of their educational services to community standards		
<u>Quality Cultural and Recreational Amenities:</u>		
• Implement a comprehensive range of recreational and cultural amenities that enhance the Los Alamos community		
<u>Environmental Stewardship:</u>		
• Enhance environmental quality and sustainability balancing costs and benefits including County services and utilities		
• Maintain and improve transportation and mobility		

Quality Governance		
	<u>Operational Excellence:</u>	
	<ul style="list-style-type: none"> • Priority Area – Implement the Comprehensive Plan with an emphasis on neighborhoods and zoning 	X
	<ul style="list-style-type: none"> • Priority Area – Simplify permit requirements and improve the overall development and building code processes to become easier to work with for all participants 	
	<ul style="list-style-type: none"> • Maintain quality essential services and supporting infrastructure 	
	<ul style="list-style-type: none"> • Invest in staff development to create a high performing organization 	
	<ul style="list-style-type: none"> • Manage commercial growth well following an updated, concise, and consistent comprehensive plan 	
	<ul style="list-style-type: none"> • Establish and implement a mechanism for effective Utility policy setting and review 	
	<u>Communication:</u>	
	<ul style="list-style-type: none"> • Improve transparency in policy setting and implementation 	X
	<ul style="list-style-type: none"> • Create a communication process that provides measurable improvement in citizen trust in government 	X
	<u>Intergovernmental Relations:</u>	
	<ul style="list-style-type: none"> • Strengthen coordination and cooperation between County government, LANL, and the regional and national partners 	
	<ul style="list-style-type: none"> • Actively pursue land transfer opportunities 	