

A G E N D A

. . . for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m., Tuesday, January 12, 2016 in the Council Chamber, City Hall, 800 Municipal Drive, Farmington, New Mexico. . .

1. Roll Call and Convening the Meeting:
2. Invocation: Associate Pastor Larry Moore of World Harvest Center.
3. Pledge of Allegiance:
4. Acceptance of Consent Agenda: Those items on the agenda that are marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on without discussion with one motion. If any item proposed does not meet with approval of all Councilors or if a citizen so requests, that item will be heard under Business from the Floor.
5. *Approval of Minutes for:
 - (a) the Regular Meeting of the City Council held December 8, 2015; and-----8
 - (b) the Regular Work Session of the City Council held December 15, 2015. -----9
6. *Approval of Bid for purchase of a “direct feed screener” portable box screen (Public Works) being awarded to Golden Equipment Company as the lowest and best bidder meeting specifications (\$99,706), and to reject the bid received from Power Equipment Company for being non-responsive and not meeting specifications. Bids opened January 5, 2016 with four bidders participating. -----1
7. *Approval of Bid for purchase of construction materials for the Aztec Substation (Electric Utility) being awarded to the lowest and best bidder per category after application of five percent in-state preference (Category A – Stuart C. Irby Co. \$38,476.59; Categories B, I and J – Summit Electrical Supply \$45,582.03; Category C – Graybar Electric \$7,332.46; Category F – Border States Electric \$315.14; and Categories G and H – Western United \$15,869.77); to reject all bids received for Categories D and E due to an error in the bid schedule; and to reject the bid received from Border States Electric for Category J for being non-responsive and not meeting specifications. Bids opened December 22, 2015 with six bidders participating. -----2
8. *Approval of a Minor Amendment to the 2012 Community Development Block Grant Annual Action Plan to extend the financial literacy/credit repair classes for an additional year. -----3

9. *Approval of Recommendation from the Liquor Hearing Officer for approval of Application #972838 for a new Restaurant License (beer and wine on premise consumption only) from The 505 Burgers Farmington, LLC, 820 N. Sullivan Avenue, Farmington, New Mexico doing business as The 505 Burgers Farmington, LLC, 820 N. Sullivan Avenue, Farmington, New Mexico. (Hearing held December 16, 2015) -----4

10. *Approval of Warrants up to and including January 9, 2016.

11. Recommendation from the Planning and Zoning Commission:

Acceptance of Consent Agenda: The item marked with an asterisk (*) has been placed on the Planning and Zoning Commission Consent Agenda and will be voted on without discussion with one motion. If the item does not meet with approval of all Councilors or if a citizen so requests, it will be removed from the Consent Agenda and heard in regular order.

*(1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. SUP 15-07 from William Cillessen requesting a Special Use Permit to allow outside storage for reels of stainless steel tubing and other small business-related materials at 935 Malta Avenue in the GC, General Commercial, District.

The recommendation from the Planning and Zoning Commission passed by a vote of 6-0 on December 10, 2015. -----5

12. Approval of Intergovernmental Agreement for Behavioral Health Services (Joint Intervention and Sobering Programs) between the City, San Juan County, San Juan Regional Medical Center and Presbyterian Medical Services (initial term of 24 months) (Bob Campbell) ----- 6

13. New Business:

(a) Mayor

(b) Councilors

(c) City Manager

(1) Update on San Juan Water Commission (Jay Burnham and Cy Cooper)

(2) Ordinance No. 2016-1282 – Final Action
-pledging City of Farmington, New Mexico Hold Harmless Gross Receipts Tax revenues as security for City of Farmington, New Mexico Sales Tax Revenue Bonds, Series 2005 and Series 2012 (published December 13, 2015) -----7

(d) City Attorney

(e) City Clerk

14. Business from the Floor:

(1) Items removed from Consent Agenda for discussion.

(2) Any other Business from the Floor.

15. Closed Meeting to discuss the acquisition of real property (abutting historical property), pursuant to Section 10-15-1H(8) NMSA 1978, and to receive advice from the City's legal counsel concerning matters of pending litigation (Chavez vs. City of Farmington and Inskeep vs. City of Farmington), pursuant to Section 10-15-1H(7) NMSA 1978.

16. Adjournment.

AGENDA ITEM SUPPORT MATERIALS ARE AVAILABLE FOR INSPECTION AND/OR PURCHASE AT THE OFFICE OF THE CITY CLERK, 800 MUNICIPAL DRIVE, FARMINGTON, NEW MEXICO.

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 599-1106 or 599-1101 prior to the meeting so that arrangements can be made.

CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Roberts and City Council

FROM: Edward Smylie, CPPO *ES*
Chief Procurement Officer

DATE: January 6, 2016

SUBJECT: "Direct Feed Screener" Portable Box Screen, Bid #16-112732

USING DEPARTMENT: Public Works
=====

A bid opening was held on January 5, 2016 for a "Direct Feed Screener" Portable Box Screen. Four (4) bidders responded with one (1) submitting no bid and one (1) submitting an alternate.

The Central Purchasing Department concurs with the recommendation from the Public Works Department to reject the bid from Power Equipment Company as non-responsive for not meeting specifications.

The Central Purchasing Department concurs with the recommendation from the Public Works Department to award the bid to Golden Equipment Company from Farmington, NM, a responsible bidder submitting the lowest responsive bid meeting specifications for a total awarded amount of \$99,706.00 plus estimated applicable taxes of \$7,602.58.

Edward Smylie (Presenter)
Consent Agenda/Council Meeting 1/12/16

xc: Andy Mason, Administrative Services Director
David Sypher, Public Works Director
Jim Couch, Streets Superintendant
File – 16-112732/KR

CITY OF FARMINGTON - ABSTRACT SCHEDULE
 BID: "Direct Feed Screener" Portable Box Screen, Bid #16-112732
 OPENING DATE: January 5, 2016 @ 2:00 PM

| Public Works | | Golden Equipment Company | Power Equipment Company | Power Equipment Company |
|--------------|------|--------------------------|--|---|
| ITEM | QTY. | UOM | DESCRIPTION | |
| A. | 1 | EA | Direct Feed Screener Portable Box Screen. CEC "Box It 710" Roadrunner Portable Grid with one 1/2" Screen and one 2" Screen (or Approved Equal) | Kevin Schuebel 100 Barr Ave. SE Albuquerque, NM 87105 (303) 895-6778 |
| | | | CEC "Box It 710" | Kevin Schuebel 100 Barr Ave. SE Albuquerque, NM 87105 (303) 895-6778 |
| | | | TOTAL BID: ✓ | \$99,706.00 |
| | | | ESTIMATED TAXES: | \$7,394.12 |
| | | | BID SIGNED: | Yes |
| | | | IN-STATE OR VETERANS PREFERENCE: | No |
| | | | PAYMENT TERMS: | Net 30 |
| | | | DELIVERY: | 28 Calendar Days |
| | | | ADDENDUM ACKNOWLEDGED: | No |
| | | | TAX FORM INITIALED: | Yes |
| | | | Screen Machine Industries Model: Scalper 107D | Screen Machine Industries Model: Scalper 107D \$103,583.00 \$7,898.20 |

Bid rejected for not meeting minimum specifications

Alternate Bid Submitted

NO BIDS:
 4Rivers Equipment

CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Roberts and City Council
FROM: Eddie Smylie, CPPO 
Chief Procurement Officer
DATE: January 7, 2016
SUBJECT: Aztec Substation Construction Materials, Bid #16-113219
USING DEPARTMENT: Electric Utility
=====

A bid opening was held on December 22, 2015 for the Aztec Substation Construction Materials. Six (6) bidders responded with and two (2) submitting an alternate.

The Central Purchasing Department concurs with the recommendation from the Electric Utility to reject all bids for Categories D: Junction Box and E: Conduit, for incorrect information on the bid schedule. The Central Purchasing Department concurs with the recommendation from the Electric Utility to reject category, J: Miscellaneous Line Items, from Border States as non-responsive for not meeting specifications.

The Central Purchasing Department concurs with the recommendation from the Electric Utility to award the bid to the following bidders, as responsible bidders submitting the lowest responsive bids meeting specifications for the categories listed below. The in-state preference was given to qualified bidders.

| <u>CATEGORY</u> | <u>AWARDED BIDDERS</u> | <u>TOTAL AWARDED AMOUNT</u> |
|-----------------------------|--------------------------|-----------------------------|
| A: Bolted Connectors | Stuart C. Irby Co. | \$38,476.59 |
| B: Terminal Blocks & Fuses | Summit Electrical Supply | \$853.18 |
| C: Grounding Connectors | Graybar Electric | \$7,332.46 |
| F: Meter Pedestal | Border States Electric | \$315.14 |
| G: Underground Connectors | Western United | \$11,640.72 |
| H: Exothermic Weld Material | Western United | \$4,229.05 |
| I: Communication Cable | Summit Electrical Supply | \$824.75 |
| J: Miscellaneous Line Items | Summit Electrical Supply | \$43,904.10 |

Edward Smylie (Presenter)
Consent Agenda/Council Meeting 1/12/16

xc: H. Andrew Mason, Administrative Services Director
Rodney Romero, Acting Electric Utility Director
John Armenta, Electric Engineering Manager

File-16-113219/EM

| | WESTERN UNITED 7535 2nd Street Albuquerque, NM Adam Tomczak PRIMARY BID | WESTERN UNITED 7535 2nd Street Albuquerque, NM Adam Tomczak ALTERNATE BID | SUMMIT ELECTRIC SUPPLY 515 Electric Avenue Farmington, NM Mike Campbell | WESCO 3333 Los Arboles Albuquerque, NM Bob Martini PRIMARY BID | WESCO 3333 Los Arboles Albuquerque, NM Bob Martini ALTERNATE 1 | WESCO 3333 Los Arboles Albuquerque, NM Bob Martini ALTERNATE 2 | Stuart C. Iby Company 4720 Lima Street Denver, CO Holly Nyman | GRAYBAR ELECTRIC 281 Mainul Blvd Albuquerque, NM Kevin Mielcarek | BORDERS STATES ELECTRIC SUPPLY 8655 Browning Pkwy Farmington, NM Cnns Warren |
|--|---|---|---|--|--|--|--|---|--|
| CATEGORY A - BOLTED CONNECTORS | \$40,166.06 | \$37,407.96 | \$53,674.19 | \$44,265.40 | \$39,590.75 | \$41,777.85 | \$38,476.59 | \$40,803.53 | \$44,105.35 |
| TOTAL BID - CATEGORY ONE WITH IN-STATE PREFERENCE APPLIED: | \$40,166.06 | \$37,407.96 | \$50,990.48 | \$42,071.13 | \$37,811.21 | \$39,688.96 | \$36,552.76 | \$40,803.53 | \$41,900.08 |
| CATEGORY B - TERMINAL BLOCKS AND FUSES | No bid | No bid | \$853.16 | No bid | No bid | No bid | \$1,426.26 | \$989.20 | Incomplete bid |
| TOTAL BID - CATEGORY TWO WITH IN-STATE PREFERENCE APPLIED: | \$0.00 | \$0.00 | \$810.52 | \$0.00 | \$0.00 | \$0.00 | \$1,354.95 | \$989.20 | \$0.00 |
| CATEGORY C - GROUNDING CONNECTORS | \$8,162.44 | \$8,162.44 | Incomplete bid | \$11,837.70 | \$11,837.70 | \$11,837.70 | \$8,568.23 | \$7,332.46 | Incomplete bid |
| TOTAL BID - CATEGORY ONE WITH IN-STATE PREFERENCE APPLIED: | \$8,162.44 | \$8,162.44 | \$0.00 | \$11,245.82 | \$11,245.82 | \$11,245.82 | \$8,139.82 | \$7,332.46 | \$0.00 |
| CATEGORY D - JUNCTION BOX | \$4,937.64 | \$4,937.64 | Incomplete bid | \$4,840.00 | \$4,840.00 | \$4,840.00 | \$7,200.00 | \$5,046.16 | \$5,785.76 |
| TOTAL BID - CATEGORY TWO WITH IN-STATE PREFERENCE APPLIED: | \$4,937.64 | \$4,937.64 | \$0.00 | \$4,598.00 | \$4,598.00 | \$4,598.00 | \$6,840.00 | \$5,046.16 | \$5,496.47 |
| CATEGORY E - CONDUIT | \$1,998.33 | \$1,998.33 | \$1,801.53 | No bid | No bid | No bid | \$3,167.61 | \$3,417.55 | \$2,682.48 |
| TOTAL BID - CATEGORY ONE WITH IN-STATE PREFERENCE APPLIED: | \$1,998.33 | \$1,998.33 | \$1,711.45 | \$0.00 | \$0.00 | \$0.00 | \$3,009.23 | \$3,417.55 | \$2,548.36 |
| CATEGORY F - METER PEDESTAL | No bid | No bid | \$407.90 | No bid | No bid | No bid | \$688.75 | \$519.68 | \$315.14 |
| TOTAL BID - CATEGORY TWO WITH IN-STATE PREFERENCE APPLIED: | \$0.00 | \$0.00 | \$387.51 | \$0.00 | \$0.00 | \$0.00 | \$654.31 | \$519.68 | \$298.38 |
| CATEGORY G - UNDERGROUND CONNECTORS | \$11,640.72 | \$11,640.72 | No bid | \$12,476.25 | \$12,476.25 | \$12,476.25 | \$13,394.49 | \$15,957.12 | No bid |
| TOTAL BID - CATEGORY ONE WITH IN-STATE PREFERENCE APPLIED: | \$11,640.72 | \$11,640.72 | \$0.00 | \$11,852.44 | \$11,852.44 | \$11,852.44 | \$12,724.77 | \$15,957.12 | \$0.00 |
| CATEGORY H - EXOTHERMIC WELD MATERIAL | \$4,229.05 | \$4,229.05 | \$4,837.25 | \$4,534.75 | \$4,534.75 | \$4,534.75 | \$4,571.75 | \$4,394.60 | \$4,821.85 |
| TOTAL BID - CATEGORY TWO WITH IN-STATE PREFERENCE APPLIED: | \$4,229.05 | \$4,229.05 | \$4,595.39 | \$4,308.01 | \$4,308.01 | \$4,308.01 | \$4,343.16 | \$4,394.60 | \$4,560.76 |
| CATEGORY I - COMMUNICATION CABLE | No bid | No bid | \$824.75 | No bid | No bid | No bid | \$974.50 | \$883.65 | Incomplete bid |
| TOTAL BID - CATEGORY ONE WITH IN-STATE PREFERENCE APPLIED: | \$0.00 | \$0.00 | \$783.51 | \$0.00 | \$0.00 | \$0.00 | \$925.78 | \$883.65 | \$0.00 |
| CATEGORY J - MISCELLANEOUS LINE ITEMS | \$43,480.80 | \$43,480.80 | \$43,904.10 | \$65,283.25 | \$65,283.25 | \$65,283.25 | \$45,942.79 | \$45,882.69 | \$39,598.11 |
| TOTAL BID - CATEGORY TWO WITH IN-STATE PREFERENCE APPLIED: | \$43,480.80 | \$43,480.80 | \$41,708.90 | \$62,019.09 | \$62,019.09 | \$62,019.09 | \$43,645.65 | \$45,882.69 | \$37,518.20 |
| IN-STATE PREFERENCE | NO | NO | YES | L0771473360 | YES | L0771473360 | YES | L0771473360 | YES |
| ESTIMATED APPLICABLE TAXES | \$813.33 | \$0.00 | \$176.32 | \$347.85 | \$0.00 | \$0.00 | \$2,623.36 | \$526.98 | \$1,747,695.96 |
| PAYMENT TERMS | NET 30 | NET 30 | NET 30 | NET 30 | NET 30 | NET 30 | NET 30 | NET 30 | NET 25 |
| DELIVERY | STOCK TO 6 WEEKS | STOCK TO 6 WEEKS | 70 CALENDAR DAYS | 45-70 CAL DAYS | 45-70 CAL DAYS | 45-70 CAL DAYS | 66 CALENDAR DAYS | 60 CALENDAR DAYS | 70 CALENDAR DAYS |
| | | | | | | | | | Category J: item A20/10 does not meet specification |

Price Extension error on Category A for all bidders. Total cost was corrected.

Cancelling Category D - Junction Box due to incorrect Manufacturer and Part Number on the bid schedule
 Cancelling Category E - Conduit due to two incorrect items on the bid schedule

Memo

To: Mayor Roberts and Members of the City Council
From: Mary L. Holton, AICP, Director
Date: January 12, 2016
Subject: Proposed Minor Amendment to the 2012 CDBG Annual Action Plan to Extend the Financial Literacy/Credit Repair Classes for Another Year

Background

This project was initially awarded to Echo Inc. during the 2012 Annual Action Plan. Echo contacted the City nearly a year later to advise that the non-profit no longer had the capacity to manage the project. The City Council directed staff to identify and work with another non-profit to manage the project. San Juan College was selected in early 2014 to manage the project.

Unfortunately, the classes at the College have not been well attended, and for the most part, the classes have been canceled. Only one full session or course (10 classes) was held in Fall 2014, with a total of three students. Only two of the students qualified for the CDBG tuition reimbursement.

Over the past few months, CD staff has discussed possible changes to this CDBG project with San Juan College and their sub-contractor (Credit Bureau of Farmington) in an effort to attract more students. Both parties recently agreed to the following changes:

- Renaming the classes to “Money Transformations,” or similar.
- Relocating the classes to a City facility located in a targeted neighborhood. Initially, the classes will be held at Sycamore Park Community Center where the children of the students will be invited to attend existing community center activities (Natalie Spruell, Community Center Manager, also met with the College and CD staff).
- Shortening the format of the course and classes from ten 2-hour classes to four 1.5 hour classes.
- Reducing the registration costs of the course from \$85 to \$49. (CDBG would pay the registration and workbook costs for eligible students).
- Conducting multiple courses throughout the year, beginning February 2016.
- Providing assistance to limited English proficiency (LEP) persons on an as needed basis.
- Developing marketing flyers in English, Spanish, and Navajo.
- Marketing the classes to residents of targeted neighborhoods, lending institutions, realtors, social service agencies, large employers, etc.

- Extending the project for another year.

As was offered previously, the classes would be held in the evenings, and students would also be able to request a one-on-one credit counseling session with the class teacher. The \$25 fee for this individual session would also be paid by the CDBG Program for eligible students.

This project is integral to the City's recommended actions in the 2014 Analysis of Impediments to Fair Housing Choice.

On December 1, 2015, CD staff met with HUD staff on a conference call to discuss the project and its proposed changes. Because of the lack of activity over the past year, HUD staff directed CD staff to cancel the project in the IDIS System (HUD's database system), set it up as a new project in the IDIS System, execute a new contract with the College (rather than amend the existing contract), and, as a technicality to extend its time period, treat this as an amendment to the applicable annual action plan.

It is noted that the new contract has already been sent to the College for review and execution to ensure the project is able to begin next month.

Because the value of the project, at \$10,000, is less than the \$25,000 threshold for substantial annual action plan amendments in the City's Citizen Participation Plan (CPP) for the CDBG Program, the proposal is considered a minor amendment. The CPP only requires that minor amendments be approved by a majority vote made by the City Council during a regular public meeting. A public hearing is not required.

Staff Recommendation

Staff recommends approval of the proposed minor amendment to the 2012 CDBG Annual Action Plan.

F. CHESTER MILLER III, P.C.

*Attorney At Law
907 West Apache Street
Farmington, New Mexico 87401
chestermilleriii@yahoo.com*

Telephone (505) 327-0428

Facsimile(505) 327-0420

December 16, 2015

**** SENT VIA FACSIMILE TO 505-599-1113****

City of Farmington
800 Municipal Drive
Farmington, New Mexico 87401

RECEIVED
DEC 16 2015
City of Farmington
City Clerk

**RE: Application No.: 972838
Liquor License No.:
Applicant Name: The 505 Burgers Farmington, LLC
Business Name: The 505 Burgers Farmington, LLC
Proposed Location: 820 N. Sullivan, Farmington, NM 87401
Application Type: New Restaurant Liquor License**

Dear Mayor and Council Members:

A public hearing was held, pursuant to proper notice, on December 16, 2015 at 8:30 a.m. in the Executive Conference Room at the Municipal Building concerning the above referenced new restaurant liquor license.

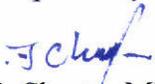
Present at the hearing was Morgan Newsom representing the applicant. No one else from the public participated.

This application is for a New Beer and Wine Restaurant Liquor License for a restaurant with on premises consumption only.

After reviewing the application; the reports from the City departments, police, zoning, fire and traffic; and hearing the comments from Mr. Newsom on the employee procedures for serving the public and the effect on health, safety, and welfare of the citizens of Farmington, it would be my recommendation to the City Council that the application be approved.

If I can provide anything further, please let me know.

Respectfully Submitted,


F. Chester Miller III

FCM:sm



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
P.O. Box 25101 • Santa Fe, New Mexico 87505-5101
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

November 2, 2015

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas, Esq.
ACTING CHIEF GENERAL
COUNSEL

Mary Kay Root
DIRECTOR

Certified Mail No.: 9171 9690 0935 0079 1760 54

RECEIVED

NOV 06 2015

City of Farmington
City Clerk

City of Farmington
Attn: Dianne Fuhrman, Clerk
800 Municipal Drive
Farmington, NM 87401

Smylie

Re: Lic. No. /Appl. No.: Application No. 972838
Name of Applicant: The 505 Burgers Farmington, LLC
Doing Business As: The 505 Burgers Farmington, LLC
Proposed Location: 820 N. Sullivan
Farmington, New Mexico 87401

ATTENTION: Department or person responsible for conducting or preparing
the public hearing for liquor license transfers or issuance of new liquor
licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced
Application and granted Preliminary Approval; it is being forwarded to you in
accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

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 inherent conflict between the new 30 day notice and the
existing 45 day hearing requirement. Extensions to the 45-day hearing requirement
will be granted when necessary to allow for compliance with the 30 day notice.
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 and Gaming Division; and (C) The location of the
licensed premises. 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 & WINE LICENSE WITH
ON PREMISE CONSUMPTION ONLY.

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

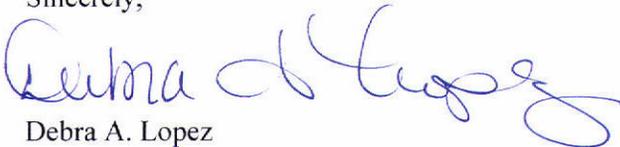
The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved 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 notice of publication(s). **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 give Final Approval to the issuance or transfer of 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 page noting disapproval).

Sincerely,



Debra A. Lopez
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4551
Fax: 505-476-4595
Email: debra.lopez@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application

RECEIVED

NOV 04 2015

City of Farmington
City Clerk

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Page 2 of 2

NOV 04 2015

City of Farming
City Clerk

New Mexico Regulation and Licensing Department - Alcohol and Gaming Division
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4375 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming



RECEIVED

Page 1
Rev. 01/14

RESTAURANT LIQUOR LICENSE APPLICATION

ALCOHOL & GAMING DIVISION

Application fee - \$200.00 Fees are non-refundable.

AGD USE ONLY - APPLICATION # 972888 LOD

Application is for: New License / Change of Stock among existing members only / Change of Officers (no ownership interest)
Applicant is: Individual / Corporation / Partnership (General or Limited) / Limited Liability Company

NAME OF APPLICANT (company or individual) The 505 Burgers Farmington LLC - Morgan Newsom MN 10-15

ADDRESS (including city, state, zip) 1985 State Rd 602 Dallas, NM 87301

TELEPHONE NUMBER OWNER 505-979-0041

EMAIL morgan@rnfurniture.net

D/R/A name to be used: The 505 Burgers Farmington, LLC

Phone number for licensed premises: 505-258-4701

Physical location where license is to be used: 820 N. Sullivan Farmington, NM 87401

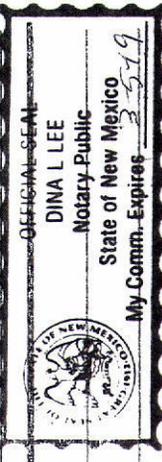
Mailing address: 820 N. Sullivan Farmington, NM 87401

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type

I, (print name) Morgan Newsom, as (title) Sole Managing Member, 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 in the presence of a notary public.

Signature of Applicant [Signature] Date 8-28-2015



SUBSCRIBED AND SWORN TO before me this 28th day of August, 2015 by [Signature]

Notary Public [Signature] My Commission Expires 3-5-19

Local Governing Body of: _____ (City or County). Hearing held on _____ 20 _____ (Signature & Title)

Check one: Approved _____ Disapproved _____ City/County Official _____

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____



NOV 04 2015

RECEIVED

Page 2
Rev. 08/13

City of Farmington
Alcohol and Gaming Division

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
P.O. Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.nm.gov

SEP 10 2015

ALCOHOL & GAMING DIVISION

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
SS-60-6B-19

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

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) Other (provide details) The Managing Member of The 605 Burgers Farmington, LLC.

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

A. Owner(s) NEWSOM Rentals Farmington, LLC.

B. Date and term of lease 1-1-14 for 10 years

3. Premises location is zoned (example C-1) C-3

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

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

Miles/feet 352.2 Name of church Desert Heights church Address/location of church _____

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

Miles/feet 0.9 mi 47529 Name of school Animas Elem. Address/location of school 1112 N. Hutton Ave Farmington, NM

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

Miles 200 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*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.

8. Type of Operation:

Lounge _____ Restaurant Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____



PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

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NOV 04 2015
Rev. 08/13

City of Farmington
City Clerk

LIMITED LIABILITY COMPANY

1. Name of Limited Liability Company The 505 Burgers Farmington, LLC.

2. Date company formed (attach copy of Operating Agreement) 02 / 17 / 2014

3. Date company registered (attach copy of certificate and Article of Organization) 02 / 17 / 2014

4. Mailing Address: Street 820 N. Sullivan City Farmington State NM Zip 87401 phone

5. Names and addresses of all Members – full disclosure is required. If a Member is a corporation, Trust, Limited Liability Company, General or Limited Partnership, complete the appropriate entity information page.

LIST ALL MEMBERS AND MANAGERS

| Name | Title | Address | % of interest/contribution |
|-------------------------|-------|--|----------------------------|
| <u>Morgan L. Newsum</u> | | <u>1905 State Rd. 602 Gallup, NM 87301</u> | <u>100%</u> |

Has this Limited Liability Company ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Limited Liability Company been denied the issuance of a liquor license? No Yes If Yes, provide details:

7. List every liquor license in which this Limited Liability Company owns any interest, direct or indirect:

NONE

NOTE: For each individual Member, submit a complete Personal Data Information Form (page 6), and two (2) complete fingerprints cards (cards must be obtained from the Alcohol and Gaming Division) along with fee and supporting documentation. Fingerprints must be taken by City Police, State Police, Sheriff's Office (any state), or AGD approved agency.

Return this form to the Alcohol and Gaming Division, PO Box 25101, Santa Fe, New Mexico 87505-5101.

AFFIDAVIT OF PUBLICATION

Ad No. 72120

STATE OF NEW MEXICO

County of San Juan:

SAMMY LOPEZ, being duly sworn says: That he IS the PUBLISHER of THE DAILY TIMES, a daily newspaper of general circulation published in English at Farmington, said county and state, and that the hereto attached Legal Notice was published in a regular and entire issue of the said DAILY TIMES, a daily newspaper duly qualified for the purpose within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico for publication and appeared in the Internet at The Daily Times web site on the following day(s):

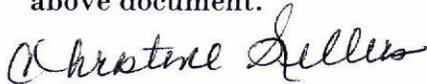
Sunday, November 15, 2015

Sunday, November 29, 2015

And the cost of the publication is \$109.54



ON 12/02/15 SAMMY LOPEZ appeared before me, whom I know personally to be the person who signed the above document.



COPY OF PUBLICATION

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY LIQUOR HEARING OFFICER
REGARDING LIQUOR LICENSE
CITY OF FARMINGTON, NEW MEXICO**

Notice is hereby given that the City Liquor Hearing Officer will hold a public hearing in the Executive Conference Room at the Municipal Building, 800 Municipal Drive, Farmington, New Mexico at 8:30 a.m. on Wednesday, December 16, 2015 to consider the following request:

Application for new Restaurant License #972838 (beer and wine for on-premise consumption only) from The 505 Burgers Farmington, LLC, 1985 State Road 602, Gallup, New Mexico to do business as The 505 Burgers Farmington, LLC, 820 North Sullivan, Farmington, New Mexico.

The Director of the Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department has given this application preliminary approval. Further details regarding this application may be examined at the aforementioned hearing or by contacting F. Chester Miller, III, Esq. (505-327-0428), 907 West Apache Street, Farmington, New Mexico.

Dianne Smylie, City Clerk

Legal No. 72120 published in The Daily Times on November 15 & 29, 2015.



FARMINGTON POLICE

Steve Hebbe, *Chief of Police*



Internationally Accredited Since 1995

December 3, 2015

RE: Application #972838

Dianne Smylie
City Clerk
City of Farmington
800 Municipal Drive
Farmington, NM 87401

City Clerk Smylie,

Upon review of application # 972838, regarding the new Restaurant Liquor License for The 505 Burgers Farmington, Inc., doing business as The 505 Burgers Farmington LLC at 820 North Sullivan Avenue, Farmington, NM, a cursory background investigation, subject to the limitations allowed by law, was conducted as to the merits of the application and the associated applicants.

The principal corporate officer(s) listed on the application was found to have no known negative contacts with local police agencies and none were entered into NCIC as being wanted fugitives from other jurisdictions.

A review of traffic crash data reveals a negligible concern for an increase in alcohol related traffic crashes by the granting of this application.

It is the recommendation of the Farmington Police Department that the application be granted.

Lieutenant Taft Tracy

| Intersection | Non-injury Crash | Injury Crash | Alcohol Related Crash | DWI |
|----------------------------|-----------------------------|---------------------|----------------------------------|------------|
| Main/Fairgrounds | 1 | 1 | | |
| Main/Sullivan | 5 | 1 | | 1 |
| Main/Schofield | 1 | 1 | 1 | |
| 20 th /Sullivan | 2 | 1 | | |

Here is a listing of the crashes and DWI's at or near the above intersections from December 1, 2014 thru November 30, 2015.



Farmington Fire Dept (NM)
850 Municipal Dr.
Farmington, NM 87401

Fire Dept Violation Notice

November 18, 2015

505 BURGERS FARINGTON, LLC
820 N SULLIVAN AVE
Farmington, NM 87401

Congratulations, an inspection of your facility on Nov 18, 2015 revealed no violations.

Inspection Note Removing storage to 24 inches.
Remove extension cord from office.

Brandy Vega *Robbi belin*

240 Brandy Vega
Inspector

Robbi belin

MEMORANDUM

DATE: November 20, 2015

TO: Dianne Smylie, City Clerk

FROM: Isaac Blue Eyes, Associate Traffic Engineer I

SUBJECT: Application #972838 for new Restaurant License for Restaurant License for The 505 Burgers Farmington LLC to do business as The 505 Burgers Farmington LLC at 820 East North Sullivan Avenue, Farmington, New Mexico.

The following information is being provide to the Liquor Hearing Officer at your request:

1) The most recent traffic count at the nearest major intersection(s).

- a. The nearest intersections to the following address, 820 East Main Street are:
- Main Street and Scott Avenue
 - San Juan Boulevard and Scott Avenue
 - Main Street and Farmington Avenue
 - Main Street and Sullivan Avenue
- b. Please see Table 1, to view the traffic volume at these intersections.

Table 1: Traffic Volumes Nearest to 820 East Main Street (Weekday Peak Hour Counts)

| Intersections | Traffic Volumes | Date of Count |
|-------------------------------------|-----------------|---------------|
| Main Street and Scott Avenue | 10,350 | 07/30/2009 |
| San Juan Boulevard and Scott Avenue | 13,070 | 10/01/2014 |
| Main Street and Farmington Avenue | 11,045 | 08/04/2009 |
| Main Street and Sullivan Avenue | 11,704 | 08/06/2009 |

2) Any information regarding proposed changes at those intersections, such as signalization or other changes which may affect traffic flow.

- a. Currently, there are no proposed changes to these intersections.

- * **Adoption** of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of SUP 15-07, a request from William Cillessen for a Special Use Permit for outside storage for reels of stainless steel tubing and other small business related materials at 935 Malta Avenue in the GC General Commercial District. (Cindy Lopez)

Recommendation of approval by the Planning and Zoning Commission on December 10, 2015 which passed by a vote of 6-0.

COMMUNITY DEVELOPMENT PETITION REPORT

Action Summary

Petition SUP 15-07 – Outside Storage

935 Malta Avenue

A. Staff Report, December 10, 2015

PROJECT INFORMATION

| | |
|--|--|
| Applicant | William Cillessen |
| Representative | William Cillessen |
| Date of Application | November 17, 2015 |
| Requested Action | Special Use Permit for Outside Storage |
| Location | 935 Malta Avenue |
| Existing Land Use | SP Services-Offices and storage of reels of stainless steel tubing and other small business related materials |
| Existing Zoning | GC General Commercial |
| Surrounding Zoning & Land Use | North, South, & West: GC General Commercial/Commercial East: IND Industrial/Industrial |
| Notice | Publication of Notice for a public hearing of the City Council appeared in the Daily Times on Sunday, November 22, 2015. Property owners within 100 feet were sent notice by certified mail on Wednesday, November 18, 2015 and a sign was posted on Wednesday, November 25, 2015. |
| Staff Planner | Cynthia Lopez, Senior Planner |

STAFF ANALYSIS

Project Description

The petitioner is requesting a special use permit for outside storage for reels of stainless steel tubing and other small business related materials at 935 Malta Avenue in the GC General Commercial District. The lot is one of many properties in the area owned by the petitioner. The property is leased to SP Services who will maintain an office in the building and is proposing to store the reels and other small materials on site. The property is fenced with opaque fencing and blocks the view of the stored materials from the street. A secured gate will provide access to the property.

Several other properties in the area have been approved for special use permits for outside storage. SUP 828, SUP 2109, SUP 784 and SUP 13-13 were all approved for outside storage for 2010 Cortland Drive, 2035 Cortland Drive, 2080 Afton Place and 2135 Cortland Drive respectively. The property of this petition is across the street (Malta Ave.) from an IND Industrial District that allows outside storage as a permitted

use. This area of the City has business types that have the need for outside storage as part of the way they conduct business.

STAFF CONCLUSION

Staff concludes that the special use permit for outside storage is appropriate in this location and because the property is already fenced with opaque fencing, the storage materials will not be visible from the street or other properties in the area.

STAFF RECOMMENDATION

The Community Development Department recommends **approval** of Petition SUP 15-07, a request from William Cillessen for a special use permit for outside storage in the GC General Commercial District located at 935 Malta Avenue.

B. FINDINGS AND ACTION OF THE PLANNING AND ZONING COMMISSION:

On December 10, 2015, the Planning and Zoning Commission held a public meeting for SUP 15-07 and made the following findings:

1. The owner of the subject property is William Cillessen.
2. The petitioner is requesting a special use permit for outside storage for reels of stainless steel tubing and other small business related materials.
3. The subject property is located at 935 Malta Avenue in the GC General Commercial District.
4. The petitioner's representatives was not present at the meeting but no one spoke in opposition to the request.

Planning & Zoning Commission Action of Petition SUP 15-07 on December 10, 2015

A motion was made by Commissioner Freeman and seconded by Commissioner Davis to **approve** Petition SUP 15-07, a request from William Cillessen for a Special Use Permit for outside storage for reels of stainless steel tubing and other small business related materials at 935 Malta Avenue in the GC General Commercial District.

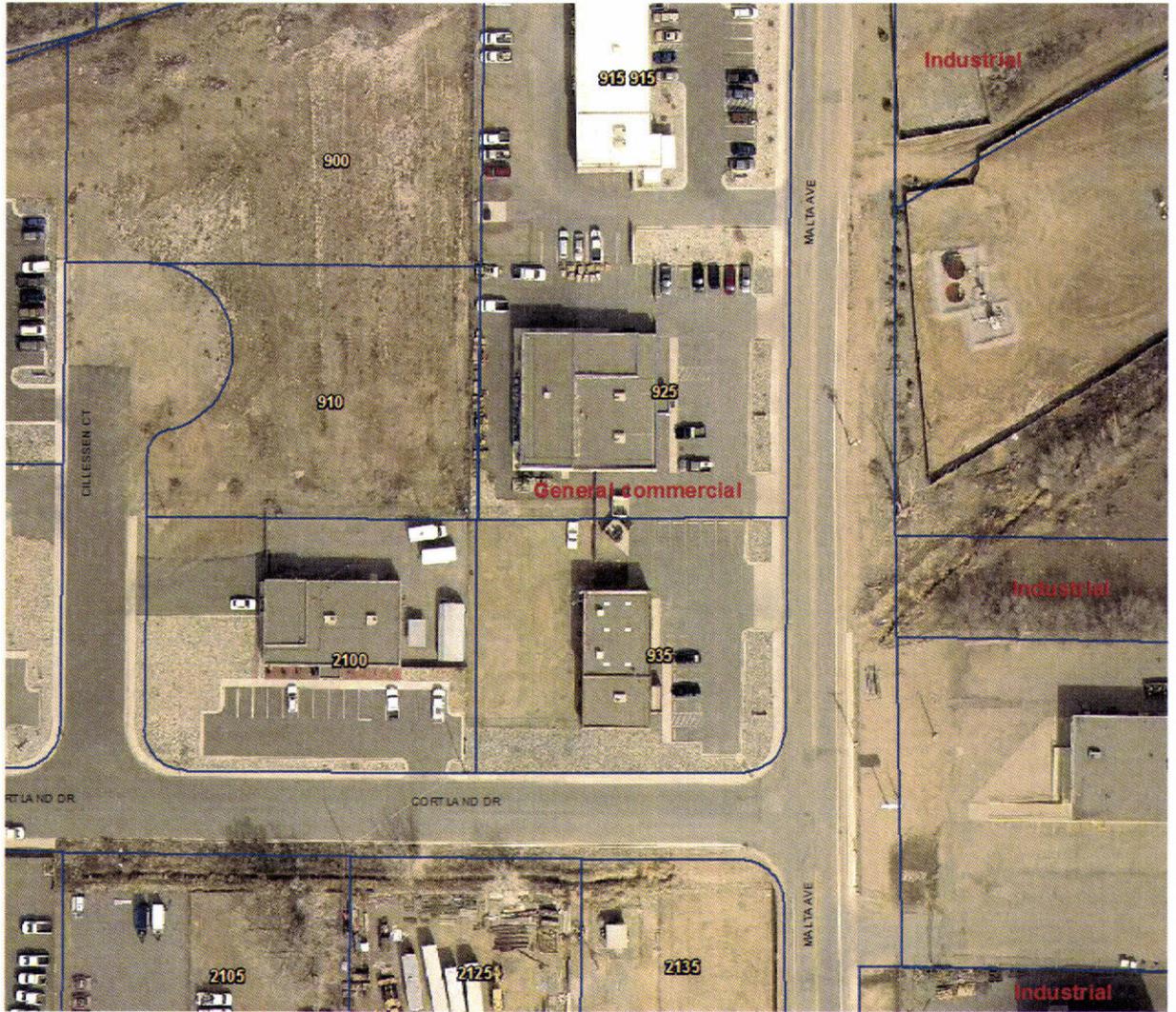
AYE: Chair Cardon, Commissioners Davis, Freeman, Langenfeld, Ragsdale, and Thompson.

NAY: None

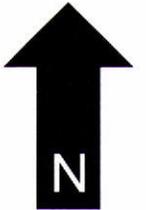
ABSTAINED: None

ABSENT: Commissioners Jaques, Waldroup, and Washburn.

Motion passed 6-0



935 Malta





PLANNING MEMO COMMENTS SUMMARY

SUP 15-07 935 MALTA

Deadline: 11/24/15

City of Farmington Departments

| | | |
|--------|--|---|
| CD | Director – Mary Holton | Comments will be incorporated into the staff memo. |
| CD | Addressing – Planning Division | |
| CD | Chief Building Official – Derrick Childers | Building inspection has no comments on SUP15-07 935 Malta. |
| CD | Long Range Planner | |
| CD | MPO – Duane Wakan | |
| CD | Oil & Gas Inspector – Leona Sims | |
| CITY | City Manager's Office – Bob Campbell | |
| ELEC | Customer Care Manager – Nicki Parks | No comment |
| ELEC | Electrical Engineering - Luwil Aligarbes | No conflict. |
| ELEC | T & D | |
| FIRE | Fire Marshall –Brandy Vega | Maintain required width between storage use, and the fence line |
| LEGAL | City Attorney – Jennifer Breakell | |
| LEGAL | Deputy City Attorney-Russel Frost | |
| POLICE | Code Compliance - | |
| POLICE | Sergeant Flores | |
| PRCA | Cory Styron | |
| PW | City Engineer- Nica Westerling | Screening fence needs to be out of sight triangles. |
| PW | Engineering – Toni McKnight-Sitta | I have no comments in regards to SUP 15-07 935 Malta Ave |
| PW | Streets Superintendent – Jim Couch | |
| PW | Traffic Engineer– Charles Trask | |
| PW | Water/Waste Water – Manuel Tso | No comment |

Other Entities

| | |
|----------------------------|------------|
| New Mexico Gas Company | |
| CenturyLink-Willatto | No comment |
| Qwest Communications | |
| Enterprise Field Services | |
| Comcast Cable-Mark Johnson | |
| CH2MHILL OMI | |
| Williams Field Services | |
| Farmington School District | |

PETITION APPLICATION



Incomplete applications may not be accepted.

Return completed application to:

**Planning Division
Community Development Department
City of Farmington
800 Municipal Drive
Farmington, NM 87401 (505) 599-1317**

PROJECT TYPE (Check Those Applicable)

- Annexation / Zoning
- Preliminary Plat
- Final Plan

- Summary Plat
- Special Use Permit
- Variance (ARB)

- Zone Change to
 - Temporary Use Permit
- Proposed Length of Use:
- Well site equipment modification

INFORMATION

| | |
|---|--|
| Applicant's Name: <u>William J Cillessen</u> | Project Location: <u>935 MALTA</u> |
| Address: <u>2070 AFTON PLACE</u> | Existing Use: <u>GENERAL COMMERCIAL</u> |
| E-Mail: <u>WJC@BMCILLESSEN.COM</u> | Proposed Use: <u>SCREEN - LOW PROFILE STORAGE</u> |
| Telephone: <u>505-320 4089 / 325-8891</u> | Current Zoning: <u>GENERAL COMMERCIAL</u> |
| Relationship to Property Owner: <u>OWNER</u> | Assessor's Parcel I.D. and/or Tax I.D. Number: <u>2074171405115</u> |

Legal Description of Subject Property: LOT 6 BLOCK 1 WATSON COMMERCIAL -

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes
If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

| | |
|--------|----------|
| Name: | E-Mail: |
| Phone: | Address: |

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)

| | | | |
|-------|--------|-------|--------|
| Name: | Phone: | Name: | Phone: |
|-------|--------|-------|--------|

Address: _____ Address: _____

OWNER CERTIFICATION: I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Owner's Signature: W. J. Cillessen

****** STAFF USE ONLY ******

| | | |
|--------------------------|--|--|
| Received By | <input type="checkbox"/> Site Plan | |
| Date | <input type="checkbox"/> Ownership List (subject and surrounding properties) | |
| Project File No. | <input type="checkbox"/> Legal Description | |
| Date of Hearing/Meeting: | <input type="checkbox"/> Project Description | |
| Fee Received | | |

William J. Cillessen

REF 935 MALTA AVE
FARMINGTON, N.M.

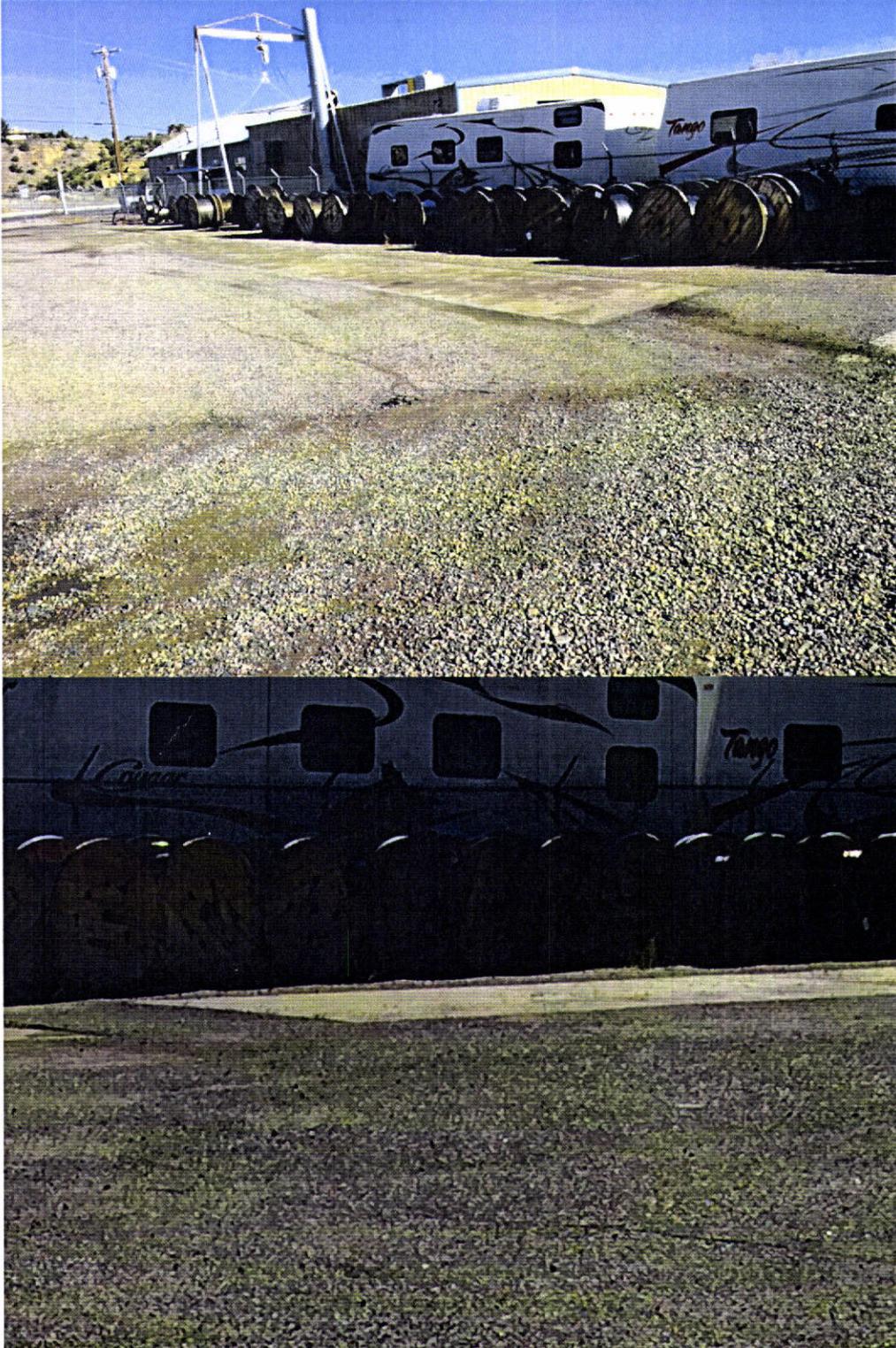
To Whom It May Concern

We Are requesting a Special
use permit for outside Storage.
Low profile not to exceed the
Height of the Screen Fencing.

SP Services will be storing
Reeled Stainless Steel tubing.
(Photo Attached).

Please Note the Existing Property
is Screened Facing MALTA AVE.
We will Screen the Fencing
that Faces Cortland and the North
South Fence that can be seen
From the Street (Cortland).

Wm J. Cillessen



**P&Z PLANNING & ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the following application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico.

Petition No. SUP 15-07 - a request from William Cillessen for a Special Use Permit to allow outside storage and other small equipment in the GC General Commercial Zoning District, for property located at 935 Malta in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot 6, in Block 1 of the Watson Commercial Subdivision, Farmington, San Juan County, New Mexico.

Otherwise located at 935 Malta

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, December 10, 2015 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, December 22, 2015 or Tuesday, January 12, 2016 at 6:00 p.m. if the December 22, 2015 meeting is cancelled, in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Karen Walker
Administrative Assistant

Legal No. 72144 published in The Daily Times
on November 22, 2015.

**NOTICE OF PUBLIC HEARING
SPECIAL USE PERMIT
PETITION NO. SUP 15-07**

November 18, 2015

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from William Cillessen for a Special Use Permit to allow outside storage (reels of stainless steel tubing) and other small equipment in the GC General Commercial Zoning District, for property located at 935 Malta in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot 6, in Block 1 of the Watson Commercial Subdivision, Farmington, San Juan County, New Mexico.

Otherwise located at 935 Malta

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by the Planning and Zoning Commission of the City of Farmington on **Thursday, December 10, 2015 at 3:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on **Tuesday, December 22, 2015 or Tuesday, January 12, 2016 at 6:00 p.m.** if the December 22, 2015 meeting is cancelled, in the City Council Chambers. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons in interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that this petition could be cancelled or withdrawn prior to the meeting date.

If you have any questions regarding this notice, or would like additional information regarding this petition, please contact Cindy Lopez at 505-599-1448 or clopez@fmrn.org.

Sincerely,



Karen Walker
Administrative Assistant

**Names and Tax-Roll Addresses of Owners Within One Hundred (100) Feet
(excluding roadways and easements) of the Following Described Property
Referenced as TRACT 1:**

Lot 6, in Block 1, of the WATSON COMMERCIAL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record February 17, 1958.

TRACT 1

William J. and Patricia M. Cillessen
21 Road 3549
Flora Vista, NM 87415

Lot 6, Block 1 of the WATSON COMMERCIAL
SUBDIVISION, filed for record February 17,
1958.

Book 1391, page 228

TRACT 2, 6, 7 and 8

William J. and Patricia M. Cillessen
2080 Afton Place
Farmington, NM 87401

Lots 4 and 5, Block 1 of the WATSON
COMMERCIAL SUBDIVISION, filed for record
February 17, 1958.

Book 1213, page 574

Lots 1, 2, 3, 7 and 8, Block 3 of the WATSON
COMMERCIAL SUBDIVISION, filed for record
February 17, 1958.

Book 1054, page 87

Lot 3A, in Block 1 of the WATSON
COMMERCIAL SUBDIVISION REPLAT F,
filed for record August 10, 2011.

TRACT 3

Chevron Midcontinent LP
ATTN Chevron Midcontinent LP Tax Dept
P.O. Box 285
Houston, TX 77001

Tract C of the DUSTIN COMMERCIAL
SUBDIVISION NO.2 REPLAT A, filed for
record March 31, 1994.

Book 1181, page 223

TRACT 4

Henry Production Inc.
601 South Carlton
Farmington, NM 87401

Tract A of the DUSTIN COMMERCIAL
SUBDIVISION NO.2 REPLAT A, filed for
record March 31, 1994.

Book 1331, page 990

TRACT 5

CLM Properties
ATTN Greene
3555 E. Main Street Suite A
Farmington, NM 87401

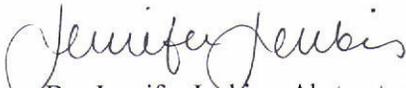
That part of the SE/4SW/4 of Section 14,
Township 29 North, Range 13 West, N.M.P.M., in
the City of Farmington, San Juan County, New
Mexico.

Book 1140, page 1003

TO: November 10, 2015. 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY


By: Jennifer Jenkins, Abstracter

**INTERGOVERNMENTAL AGREEMENT FOR BEHAVIORAL HEALTH SERVICES
JOINT INTERVENTION PROGRAM AND SOBERING PROGRAM**

Agreement is made and entered into on January _____, 2016, by and among San Juan County, New Mexico (the "County"), the City of Farmington, New Mexico (the "City"), San Juan Regional Medical Center, a New Mexico non-profit corporation ("SJPMC"), and Presbyterian Medical Services, a New Mexico non-profit corporation ("PMS"), collectively with SJPMC, the County and the City, the "Parties").

RECITALS

WHEREAS, The County and the City have identified an ongoing issue with public inebriation in the geographic areas they serve. Inebriated and intoxicated individuals need safe shelter away from the streets while they are experiencing an episode of public intoxication. Additionally, the County and the City wish to improve the recovery services available to their residents who wish to recover from substance overuse and addiction;

WHEREAS, the appropriate setting for recovery services is not in the acute care hospital operated by SJPMC, nor in SJPMC's Emergency Department;

WHEREAS, SJPMC, the County and the City desire to make available to individuals experiencing substance overuse crises, certain behavioral health treatment services which are described in more detail below, and generally comprised of two parts, referred to as (i) the "Sobering Program" and (ii) the "Joint Intervention Program," or "JIP," below. Collectively, the Sobering Program and JIP shall be referred to as the "Service";

WHEREAS, PMS is a Federally Qualified Health Center ("FQHC") with experience in providing behavioral health and primary care services in New Mexico in, and is willing to provide these services;

WHEREAS, the Parties desire to negotiate and enter into an agreement for provision of the Service and to set forth their mutual obligations with respect to that Service.

I. SOBERING PROGRAM

A. CITY, COUNTY, AND SJPMC RESPONSIBILITIES

1. To support the sobering program, the City shall identify appropriate premises for operation of the Sobering Program and transfer those premises to the County.
2. County and SJPMC shall enter into a separate facilities use agreement which shall establish the responsibilities of the parties relative to the repair and maintenance of the sobering facility. PMS is not responsible

for maintaining or repairing the facility infrastructure such as roof, exterior of building, stairs, railings, ramps, parking lots, mechanical, heating/ventilation/air conditioning, ceiling, plumbing and electrical systems.

3. SJRMC shall act as fiscal agent for the governmental agencies:
 - i. The County shall pay SJRMC an appropriate portion of its total commitment to the Service of the Three Hundred Thirty- Four Thousand One Hundred Four Dollars and Twenty-Four Cents (\$334,104.24) per annum, in monthly installments of Twenty-Seven Thousand Seven Hundred Eight Hundred Forty Two Dollars and Two Cents (\$27,842.02), apportioned appropriately between the two programs;
 - ii. The City shall pay SJRMC an appropriate portion of its total commitment to the Service in the amount of Seven Hundred Seventy-Five Thousand Five Hundred Sixty Three dollars and Thirty Cents (\$775,563.30). Four Hundred Seventy-Five Thousand Five Hundred Sixty Three Dollars and Thirty Cents (\$475,563.30) shall be paid to SJRMC per annum in monthly installments of Thirty-Nine Thousand Six Hundred Thirty Dollars and Twenty-Eight Cents (\$39,630.28) apportioned appropriately between the two (2) programs for service. Three Hundred Thousand Dollars (\$300,000 State of New Mexico Detox Grant) shall be paid directly to PMS in quarterly payments of Seventy-Five Thousand Dollars (\$75,000) for the JIP Program.
 - iii. SJRMC shall be responsible for the remaining cost of the Sobering Service up to a limit of Five Hundred Thirty-Four Thousand Seven Hundred Sixty-Seven Dollars and Forty-Five Cents (\$534,767.45.00) per annum.
4. The City and County shall ensure that all law enforcement and Emergency Medical Service (“EMS”) personnel comply with and receive training on the Sobering Center eligibility criteria and/or field screening checklist established by PMS.

B. PMS RESPONSIBILITIES

1. Facilities
 - i. PMS shall review the plans for the facility and approve them for use in the Sobering Program.
 - ii. PMS will not make structural changes or alterations to the facility without advance written approval of the appropriate authority.

- iii. PMS will be responsible for routine cleaning of the Sobering Center facility which will include the offices, corridors, lobby area, restrooms, and day room. PMS will provide supplies for cleaning including access to SDS information for chemicals in the janitorial closets.
 - iv. PMS will be responsible for routine maintenance of the building, including replacement of light bulbs, wall paint and floor coverings. PMS will be responsible for any damage to the facility, furniture, or equipment caused by PMS staff.
2. Scope of Work — PMS shall devote its best efforts to:
- i. Develop a non-medical facility Sobering Center where public intoxicants have a "safe place to sober up."
 - ii. Deliver Sobering Center Services, twenty-four hours per day, seven days per week, without interruption during the term of this Agreement to adult residents throughout San Juan County who are suffering from an episode of public intoxication.
 - iii. Design and deliver Sobering Center services to include basic health screening and monitoring to achieve a safe and supportive short-stay service of up to 11 consecutive hours.
 - a. PMS shall determine when and how the services required are to be performed, provided that PMS shall perform services in a good and workmanlike manner and in accordance with generally accepted methods and practices of the profession and applicable accreditation.
 - b. Provide a sufficient number of direct service staff and at least one (1) EMT or LPN will be on duty at all times;
 - c. Provide all necessary materials, supplies and equipment required to provide the services.

II. JOINT INTERVENTION PROGRAM

The Joint Intervention program is a unique collaborative program between the parties intended to identify vulnerable and/or homeless individuals with substance use disorders ("SUD") who have a documented reoccurring pattern of multiple arrests, multiple instances of detention or incarceration, a history of multiple visits to the emergency department, and, with the implementation of the Sobering Center, multiple visits to that facility as well. These individuals will be offered enrollment in an intensive outpatient program along with housing, if homeless,

for the duration of the program. The JIP is not a detoxification program, nor a residential treatment program.

A. CITY RESPONSIBILITIES

1. The City will provide an appropriate housing facility for the JIP Program.
2. The City will be responsible for maintaining or repairing the facility infrastructure such as roof, exterior of building, stairs, railings, ramps, parking lots, mechanical, heating/ventilation/air conditioning, ceiling, plumbing and electrical systems.

B. PMS RESPONSIBILITIES

1. Facilities

- i. PMS will not make structural changes or alterations to the facility without advance written approval of the appropriate authority.
- ii. PMS will be responsible for routine cleaning of the Sobering Center facility which will include the offices, corridors, lobby area, restrooms, and day room. PMS will provide supplies for cleaning including access to SDS information for chemicals in the janitorial closets.
- iii. PMS will be responsible for routine maintenance of the building, including replacement of light bulbs, wall paint and floor coverings. PMS will be responsible for any damage to the facility, furniture, or equipment caused by PMS staff.
- iv. PMS will also, at its sole cost and expense, maintain the exterior grounds of the JIP facility to include the picking up of trash and debris and removal of weeds and trimming of grass.

2. Scope of Work — PMS shall devote its best efforts to:

- i. Establish partnerships with local law enforcement, jail, and hospital representatives to identify eligible individuals and to develop a plan of care.
 - a. Farmington Police Department and the JIP case managers will locate the individuals, screen for eligibility and interest and then offer enrollment into the program for voluntary participation.
 - b. Farmington Municipal Judges may also order JIP program completion as a condition of release and/or deferred

sentencing for non-voluntary participants.

- ii. Provide culturally appropriate behavioral health services which may include but are not limited to: Screening and assessments for behavioral health, SUD, and medical issues; an individualized comprehensive service plan; comprehensive community support services; intensive outpatient services; case management services; counseling (individual, group, traditional Dine' healing/counseling); referrals for detoxification and/or residential treatment programs as appropriate; and comprehensive discharge planning with reintegration into the community with family and community support, self-help strategies, and referrals for continuing services as appropriate.
- iii. Ensure that participants are required to report to Totah Behavioral Health, Monday-Saturday, 8am-5pm. Participants housed in the JIP housing unit will be required to return to the housing unit at the conclusion of every program day.
- iv. The JIP case manager will be the community advocate and liaison to the Navajo Nation Division of Behavioral Health Services if applicable, for an individual participant, bringing together their essential supportive services. These will include integrated medical services available at the PMS Farmington Community Health Center, using a Patient Centered Medical Home model of care. Participants will be given priority access at FCHC, as well as, transportation to and from the clinic if necessary.

III. PURCHASE OF PMS SERVICE

- A. PMS shall receive annual compensation for the Service at the rate of One Million Six Hundred Forty Four, Four Hundred Thirty Five (\$1,644,435.00) per annum, One Hundred Twelve Thousand Thirty Six and Twenty-Five Cents (**\$112,036.25**) per month payable by San Juan Regional Medical Center and Seventy-Five Thousand dollars (**\$75,000.00**) paid by the City in Quarterly installments. Such payment shall constitute full and complete compensation for PMS' Service.
- B. PMS shall use its best efforts to identify grant funding to relieve the parties of their payment obligations within two years of effective date of this Agreement

IV. INDEMNIFICATION AND INSURANCE

- A. *Liability.* As among the parties, each party acknowledges that it will be responsible for claims or damages arising from personal injury or damage to persons or property to the extent they result from negligence of that party's employees or agents.

- B. *Indemnification.* PMS shall indemnify and hold the other Parties, their employees and agents from and against any claim, loss, liability, damage, resulting from any negligent act, error or omission of PMS, and its employees or agents.
- C. *Insurance.* PMS will carry and maintain in full force and effect during the term of this agreement, general liability insurance covering bodily injury and property damage liability with limits of coverage in the amount of \$1 million per occurrence and \$2 million aggregate, and will provide a Certificate of Insurance naming all parties as additional-named insureds.

V. TERM AND TERMINATION

- A. The initial term of this Agreement shall be for twenty-four (24) months. At least 120 days prior to the expiration date, the parties shall meet and review all year-to-date data including the number of people served, the residence of people served, any grant received, and costs to date. Before renewal, cost allocations shall be determined / reconciled and each party's governing body may determine future participation.
- B. The agreement may be terminated by any of the Parties, at any time, by providing at least thirty (30) days of notice in writing. If termination is for the convenience of a Party other than PMS, SJRMC will compensate PMS for services performed through the date of termination in accordance with the compensation provisions herein. The contemplated Agreement may also be terminated for cause, with a notice provision to permit cure. Non-curable cause will include violation of law and government action that requires the Parties to discontinue the Service.

VI. MISCELLANEOUS PROVISIONS

- A. *Subcontractors.* PMS may hire or engage one or more third-party subcontractors (each, a "**Subcontractor**") to perform all or any of its obligations under this Agreement; *provided* that PMS shall pay for all amounts due to each such Subcontractor and shall remain primarily responsible for obligations undertaken by each such Subcontractor.
- B. *Notice.* Any notice, instruction, direction or demand under the terms of this Agreement required to be in writing shall be duly given upon delivery, if delivered by hand, or mail (with postage prepaid), to the following addresses:

If to PMS, to:

Steven C. Hansen
President & CEO
Presbyterian Medical Services
1422 Paseo de Peralta
Santa Fe, NM 87501

If to City, to:

Rob Mayes
City Manager
City of Farmington
800 Municipal Drive
Farmington, NM 87401-2663

If to County, to:

Kim Carpenter
County Executive Officer
San Juan County
100 S. Oliver Dr.
Aztec, NM 87410

If to SJRMC, to:

Rick Wallace
President CEO
San Juan Regional Medical Center
801 West Maple Street
Farmington, NM 87401

C. *Amendment and Modification.* This Agreement may be amended, modified or supplemented only by a written agreement signed by all of the Parties hereto.

D. *Taxes.* PMS shall be responsible for the payment of all federal, state and local taxes pursuant to this Agreement.

E. *Employees.* PMS is fully responsible for its own employees, including, but not limited to: hiring, firing, training, and supervising, as well as providing compensation, benefits, tax withholding and insurance. PMS is responsible for the quality and appropriateness of employee(s)' work, and warrants the employee(s)' adherence to all terms of this Agreement.

F. *Applicable Laws -HIPAA/HITECH/42 CFR PART 2.* The Parties agree to comply with all applicable Federal and State laws, rules and regulations, governing their profession(s) and that of any of their employees, including, without limitation, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH") and 42 CFR Part 2.

G. *Entire Agreement.* This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof and shall supersede all prior agreements, understandings and negotiations, both written and oral, between the Parties with respect to the subject matter hereof. This Agreement is not intended to confer upon any Person other than the Parties hereto any rights or remedies hereunder.

H. *Severability.* The invalidity or unenforceability of any term or provision of this Agreement will in no way affect the validity or enforceability of any other term or provision to the extent permitted by law.

I. *Confidentiality.* During the life of this Agreement and its termination, the Parties will not directly or indirectly disclose to any person, corporation or entity any confidential information and will use confidential information only in furtherance of the other party's best interests and in connection with and for purposes of performing duties under this Agreement. "Confidential information" is defined for the purpose of this Agreement as information (1) that may be furnished, disclosed, or become known to a party during the term of this Agreement and (2) not generally known to the industry in which the parties are engaged including, but not limited to, trade secrets, marketing techniques, programs and strategies, pricing structure or strategies, dates, figures, projections, costs, methods of operation, identity of plans or administrative services and products, estimates, client lists, client records, personnel records including salary, financial statements, and accounting procedures. All documents, files, e-mail, voice mail, client lists, and data, whether gathered by a party or any other person, and whether or not reduced to writing or other tangible medium, relating to the business activities of the other party is and shall remain the sole and exclusive property of that other party.

J. *Cooperation and Dispute Resolution.* The parties agree that, to the extent compatible with the separate and independent management of each, they will maintain effective liaison and close cooperation. If a dispute arises related to the obligations or performance of any party under this Agreement, representatives of the parties will meet in good faith to resolve the dispute.

K. *Third Parties.* Nothing in this Agreement, express or implied, is intended to confer any rights, remedies, claims, or interests upon a person not a party to this Agreement.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed by their duly authorized representatives.

**SAN JUAN COUNTY
NEW MEXICO**

**CITY OF FARMINGTON
NEW MEXICO**

Tommy Roberts, Mayor

**SAN JUAN REGIONAL MEDICAL
CENTER**

**PRESBYTERIAN MEDICAL
SERVICES**

Steven C. Hansen, President & CEO

Legal Department of
Approved as to form
By _____
Date 1/7/16

ORDINANCE NUMBER 2016-1282

PLEDGING CITY OF FARMINGTON, NEW MEXICO HOLD HARMLESS GROSS RECEIPTS TAX REVENUES AS SECURITY FOR CITY OF FARMINGTON, NEW MEXICO SALES TAX REVENUE BONDS, SERIES 2005 AND SERIES 2012 (THE "BONDS")

WHEREAS, the Farmington City Council (the "Council") of Farmington, New Mexico (the "City") has previously authorized, issued, and has outstanding the City's Sales Tax Revenue Bonds, Series 2005 and Series 2012 (collectively, the "Bonds"); and

WHEREAS, the ordinances and resolutions authorizing issuance of the Bonds all contain provisions protecting the pledged gross receipts tax revenues (the "Pledged Revenues"); and

WHEREAS, the State of New Mexico (the "State") has amended Section 7-1-6.46, NMSA 1978 (the "State Distribution") to decrease the amount of revenues distributed to the City; and

WHEREAS, the decrease in the State Distribution adversely affects the Pledged Revenues; and

WHEREAS, pursuant to Section 7-19D-18, NMSA 1978, the City has enacted two-eighths of one percent of the Hold Harmless Gross Receipts Tax effective January 1, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON, NEW MEXICO:

SECTION 1. *Lien on Pledged Revenues.* The City's Hold Harmless Gross Receipts Tax Revenues are hereby authorized to be pledged to, and are hereby pledged, and the City grants a security interest therein for the payment of the principal of, premium, if any, and interest on the Bonds as follows:

A. The first one-eighth increment and second one-eighth increment are pledged as additional security for all of the Bonds.

SECTION 2. *Ordinance Irrepealable.* This Ordinance shall be and remain irrepealable until the Bonds and the interest thereon shall be fully paid, canceled and discharged, or there has been defeasance of the Bonds.

SECTION 3. *Severability Clause.* If any section, paragraph, clause or provision of this Ordinance shall 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 4. *Repealer Clause.* All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON THIS 12th day of January, 2016.

Tommy Roberts, Mayor

SEAL

ATTEST

Dianne Smylie, City Clerk

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 6:00 p.m. on Tuesday, December 8, 2015. The open regular session was held in full conformity with the laws and ordinances and rules of the Municipality.

Upon roll call, the following were found to be present, constituting a quorum:

| | |
|------------|--|
| MAYOR | Tommy Roberts |
| COUNCILORS | Linda Rodgers Mary M. Fischer Gayla A. McCulloch Nate Duckett |

constituting all the members of said Governing Body.

Also present were:

| | |
|------------------------|-------------------|
| CITY MANAGER | Rob Mayes |
| ASSISTANT CITY MANAGER | Bob Campbell |
| CITY ATTORNEY | Jennifer Breakell |
| CITY CLERK | Dianne Smylie |

The meeting was convened by the Mayor. Thereupon the following proceedings were duly had and taken:

INVOCATION: The invocation was offered by Pastor Steve Carrington of United Pentecostal Church.

Councilor McCulloch led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor announced that those items on the agenda marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on without discussion by one motion. He stated that if any item did not meet with approval of all Councilors or if a citizen so requested, that item would be removed from the Consent Agenda and heard under Business from the Floor.

*MINUTES: The minutes of the Regular Meeting of the City Council held November 10, 2015 and the minutes of the Regular Work Session of the City Council held November 17, 2015.

*DECLARATION OF SURPLUS PROPERTY: The Chief Procurement Officer recommended that worn-out, unusable or obsolete transformers and equipment (Administrative Services, Central Warehouse, Electric Transmission and Distribution, Public Works, Water/Wastewater and Fire Administration and Operations) be declared surplus to the needs of the City and not essential for municipal purposes and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

*BID: The Purchasing Supervisor recommended that the bid for a multi-term contract for insulators (Electric) be awarded to Wesco on its low bid per category after application of five percent in-state preference of \$58,508.93, and that the bids received for Categories 1 and 2 from Graybar Electric be rejected for being non-responsive and not meeting specifications. Bids opened November 17, 2015 with five bidders participating.

*SUB-GRANT AGREEMENT NO. 15-JAG-REG2-SFY16 between the City and the New Mexico Department of Public Safety for funding not to exceed \$150,101 from the 2015 Edward Byrne Memorial Justice Assistance Grant Program for the Region II Narcotics Task Force (term to September 30, 2016).

*SEVENTH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR DETENTION CENTER SERVICES between the City and San Juan County for the purpose of establishing the day rate of \$65.14 for City

prisoners (an increase of \$4.48 per day) (term July 1, 2016 thru June 30, 2017).

*RESOLUTION NO. 2015-1578 adopting recount/recheck costs for the March 1, 2016 Regular Municipal Election.

*WARRANTS PAYABLE for the time period of November 8, 2015 through December 5, 2015, for current and prior years, in the amount of \$17,071,111.74.

Councilor Duckett asked that the Seventh Amendment to Intergovernmental Agreement for Detention Center Services be removed from the Consent Agenda.

There being no further requests to remove any items, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch to approve the Consent Agenda, with the exception of the Seventh Amendment to Intergovernmental Agreement for Detention Center Services, and upon voice vote the motion carried unanimously.

END-OF-SEASON REPORT FROM THE FARMINGTON GROWERS MARKET

Reading from a prepared statement, Bonnie Hopkins, San Juan County Agriculture Extension Agent, reported that the Farmington Growers Market was established in 1991 and is currently operated by a vendor and a community-based executive board. She introduced the board members who were present in the audience: David Elder, Patricia Benally, Jason Oberholser and Manager Mark Bozik. Noting that the growers market is operated on Tuesdays from 4:00 to 6:00 p.m. and on Saturdays from 8:00 a.m. to noon during the months of June, July, August, September and October, Ms. Hopkins proudly reported that the 2015 season served a record number of customers (18,623) with the largest market being on Saturday, September 12 with 1,218 in attendance. Furthermore, she pointed out that a website was launched in May, 2015 which averages 550 hits per month during the growing season; stated that the growers market Facebook page has over 1400 "likes" and averages a monthly reach of over 6,000 San Juan County residents; and noted that the Facebook page also gains around 200 additional "likes" per month. Continuing with her presentation, Ms. Hopkins reported that the growers market began accepting New Mexico SNAP (Supplemental Nutrition Assistance Program) benefits, noting that the New Mexico Farmers Market Association's Double-Up Food Bucks program allowed SNAP participants to double their dollars at the market. She proudly reported that the growers market generated a total of \$6,470 from SNAP; \$17,995 from the WIC (Women, Infants and Children) Program; and generated a total farmer income of approximately \$150,000. Furthermore, Ms. Hopkins announced that a multi-purpose space was created at the market this year to offer live music and free yoga classes at several of the Saturday markets and stated that a promotional program was broadcast on 94.9 FM on Friday mornings whereby trivia game winners were awarded \$10 "market-bucks." Furthermore, she noted that promotional brochures were included in all Farmington utility bills. In closing, Ms. Hopkins extended her sincere gratitude and appreciation to City staff for allowing them to utilize space at the Farmington Museum and she personally thanked City Manager Rob Mayes, the Mayor and Council for their support and continued commitment to the Farmington Growers Market.

Expressing his appreciation to the Council for agreeing to relocate the growers market from Animas Park to the Farmington Museum five years ago, Mr. Elder announced that he harvests five acres of vegetables that are only sold at the Growers Market.

Mr. Oberholser stated that the majority of his customers come from the growers market and pointed out that he employs a number of street inebriates on his farm in an effort to provide them with a second chance at life.

Councilor McCulloch announced that Ms. Benally makes the most amazing fry bread which she sells at the growers market.

In response to inquiry from Councilor Duckett, Ms. Hopkins stated that the growers market is satisfied with how things are being operated at this time, but sees that there are things that could be done collaboratively in the future to improve the market.

METROPOLITAN REDEVELOPMENT AGENCY/BROWNFIELDS GRANT PROGRAM

Senior Planner Cindy Lopez reported that the Metropolitan Redevelopment Agency ("MRA") is recommending that \$7,500 be allocated from the MRA Fund to contract with Ayres Associates to complete an application for funding from the United States Environmental Protection Agency's Brownfields grant program. She noted that the grant funds will be used to develop an area-wide plan including implementation strategies for assessing, cleaning-up and reusing catalyst/high priority brownfield sites in the Animas District of the Metropolitan Redevelopment Area.

Addressing the Council as a member of the MRA, Dr. John McNeill expressed his support for the Brownfields grant program since it could improve the Animas District and assist the Parks, Recreation & Cultural Affairs Department with future trail development.

In response to inquiry from Mayor Roberts, Parks, Recreation & Cultural Affairs Director Cory Styron explained that staff is recommending that a consultant write the grant because of the looming deadline and also because the consultant has extensive experience in writing these types of grants and leveraging additional funds. He noted that Ayres Associates has written similar grants for Cheyenne, Wyoming and Montrose, Colorado which have proven to be extremely successful.

Councilor Fischer expressed concern that the improvements to the Animas District will force the industrial businesses to relocate to other areas. In response, Ms. Lopez assured her that staff is not trying to force existing businesses out of the Animas District, but is simply trying to improve the vacant parcels of land and find new uses for unoccupied buildings. She also assured Councilor Fischer that eminent domain will not be used to obtain property in the Animas District.

Mayor Roberts stated that it is his opinion that the Animas District is a jewel in terms of opportunity but stated that it is currently being underutilized. He expressed his support for the proposed grant application.

There being no further discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to authorize an expenditure of \$7,500 from the MRA Fund for the purpose of contracting with Ayres Associates to complete an application requesting funds from the United States Environmental Protection Agency's Brownfields grant program, as recommended by the Metropolitan Redevelopment Agency, and upon voice vote the motion carried unanimously.

METROPOLITAN REDEVELOPMENT AGENCY/INCENTIVE PROGRAM

Communication and Quality Performance Director Shaña Reeves reported that the Metropolitan Redevelopment Agency is requesting permission to proceed with an incentive program to advise private investors of the opportunities that are available within the Metropolitan Redevelopment Area ("MRA") and explained that staff is seeking approval from the Council on the proposed brochure and application.

Addressing the Council on behalf of the Metropolitan Redevelopment Agency, Dr. John McNeill reported that the agency members have reviewed and approved the proposed documents. In response to inquiry from Mayor Roberts, Dr. McNeill confirmed that the agency will make recommendations to the Council on the types of incentives that should be made available to developers on specific projects with the Council having final approval.

Mayor Roberts pointed out that most of the incentives are available to developers only because the City has adopted and implemented an MRA plan.

Councilor Fischer questioned whether staff has completed a structural assessment of the buildings in the MRA, stating that she believes that one incentive could be the City offering to pay for the demolition of buildings. She also stated that it is her opinion that City-owned property located within the MRA should be properly maintained if it is contributing to the blight conditions and she specifically mentioned the Palmer house located by the Daily Times building. In response to further inquiry from Councilor Fischer, Ms. Reeves announced that staff is in the process of conducting an inventory of the use/vacancy of every building within the downtown area.

Following further consideration, a motion was made by Councilor Rodgers, seconded by Councilor Duckett to direct staff to proceed with an application process and a brochure aimed at informing private investors of the incentives available for development within the Metropolitan Redevelopment Area, as recommended by the Metropolitan Redevelopment Agency, and upon voice vote the motion carried unanimously.

PUBLIC HEARING CONCERNING THE 2014 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT AND ADOPTION OF RESOLUTION NO. 2015-1579

Community Development Director Mary Holton introduced newly-hired Community Development Block Grant ("CDBG") Associate Planner Teri Clashin.

The Mayor convened the Public Hearing concerning the Community Development Block Grant 2014 Consolidated Annual Performance Evaluation Report (CAPER).

Ms. Clashin briefly reviewed the amendments to the draft 2014 CAPER. In response to inquiry from Councilor McCulloch, Ms. Holton explained that staff is in the process of negotiating an amendment to the financial literacy and credit repair classes being offered by San Juan College, noting that classes may be better attended if they are held at Sycamore Park Community Center.

There being no response to the Mayor's call for public comment, the public hearing was closed.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to pass and adopt Resolution No. 2015-1579 adopting the Community Development Block Grant 2014 Consolidated Annual Performance Evaluation Report as presented. The roll was called with the following result:

| | |
|-------------------|--|
| Those voting aye: | Linda Rodgers Mary M. Fischer Gayla A. McCulloch Nate Duckett |
| Those voting nay: | None |

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2015-1579 was duly passed and adopted.

PUBLIC HEARING/COMMERCIAL PARK USE PERMIT AND APPLICATION POLICY

Utilizing a Powerpoint presentation, Parks, Recreation & Cultural Affairs Director Cory Styron reported that staff is proposing a Commercial Park Use Permit Policy and Application process to stimulate economic growth in the parks system by allowing food vendors to set-up and sell. He noted that the proposed start date for the program is March 1, 2016 and stated that the purpose for tonight's discussion is to receive feedback from the public on the proposed process.

Noting that Councilor Duckett suggested during the last discussion that a "food court" be established, Mayor Roberts questioned the feasibility of the idea because he is a proponent. In response, Mr. Styron reported that staff is supportive of the idea and stated that it could be easily implemented.

In response to inquiry from Councilor Fischer, Mr. Styron reported that the food vendors will be restricted to the paved parking areas and will not be allowed to park on the turf. City Attorney Jennifer Breakell assured Councilor Fischer that staff will collect ideas and report back to the Council on ways to protect residential neighborhoods from the smoke that is generated by food cooking in the mobile vending trucks.

Mayor Roberts convened the public hearing.

George Hazen reported that he recently learned that the City Clerk's office requires a site plan for each privately-owned piece of property that food vendors propose to set-up on and stated that he believes that this is an onerous process. Mayor Roberts pointed out that the focus of tonight's meeting is to discuss the proposed policy of allowing vending wagons on park property and he encouraged him to discuss

his concerns regarding private property with staff outside of tonight's meeting.

Carlos Perez, 2120 N. Fairview Avenue, asked if he could obtain a permit to hand-out free food to homeless individuals in City parks. Mayor Roberts again pointed out that this issue is not germane to tonight's discussion and he asked that Mr. Perez contact staff during normal business hours to discuss his proposal.

Representing the Farmington Convention & Visitors Bureau, Tonya Stinson expressed her support of the proposed Commercial Park Use Permit policy because it will help promote and support tourism.

There being no further response to the Mayor's call for comments, the public hearing was closed.

Following further discussion and consideration, it was the consensus of a majority of the Council to direct staff to proceed with implementing the Commercial Park Use Permit policy administratively.

Councilor Fischer voiced her opposition to the policy being implemented administratively because she has concerns about traffic congestion around Orchard Park if numerous vending wagons are allowed to park there. She also suggested that the "food court" be established at the Farmington Museum on Main Street.

APPOINTMENT TO THE PUBLIC UTILITY COMMISSION

The Mayor asked the Council's consideration of the appointment of Gordon Glass (terms to October, 2018) as an alternate member of the Public Utility Commission.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor McCulloch to confirm the appointment of Gordon Glass as an alternate member of the Public Utility Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Miracle on Main Street

Mayor Roberts recognized the Parks, Recreation & Cultural Affairs Department for organizing and implementing the first annual Miracle on Main Street event this past weekend.

Apple Ridge Apartments

Councilor Fischer announced that she is meeting tomorrow with a team from Housing and Urban Development (HUD) for the purpose of investigating the living conditions and management style at Apple Ridge Apartments.

Vulnerability of the Electric Utility System

Announcing that she recently read the book, *Lights Out* by Ted Koppel, concerning the vulnerability of the electric utility grid to potential terrorist acts, Councilor Fischer asked that staff provide a report on the security of the City's electric generation system and whether it is possible to detach from the grid and remain self-sufficient if a catastrophic event were to occur.

Commendation of Public Works Department

Councilor Duckett commended the Public Works Department for helping a constituent with a sensitive fencing issue.

Fire Station No. 1 and Fire Administration Building

In response to inquiry from Councilor Duckett, City Manager Rob Mayes happily reported that construction of Fire Station No. 1 and the Fire Administration Building is complete and stated that a grand opening will be scheduled in January after the firemen have had a chance to get moved in and settled.

CITY MANAGER BUSINESS

Cancellation of the December 22, 2015 Regular City Council meeting

Due to Christmas, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to cancel the December 23, 2015 regular City Council meeting, and upon voice vote the motion carried unanimously.

Permission to Publish Notice of Proposed Ordinance/Hold Harmless Gross Receipts Tax Revenues

City Manager Rob Mayes requested permission to publish Notice of Proposed Ordinance pledging the City's Hold Harmless Gross Receipts Tax Revenues as security for the City's Sales Tax Revenue Bonds, Series 2005 and Series 2012. He introduced Paul Cassidy, the City's financial advisor, who was present in the audience.

Administrative Services Director Andy Mason reported that the gross receipts tax on food and medical services was removed by the state legislature in 2004 with the State of New Mexico providing a distribution to all entities to "hold them harmless." He noted that during the 2013 legislative session House Bill 641 was signed by the governor approving the phase-out of the hold harmless gross receipts tax distributions by 6 to 7 percent annually beginning July 1, 2015 until the full phase-out in fiscal year 2030. He explained that bond documents for each of the City's outstanding revenue bonds contain provisions which legally pledge the City's share of the gross receipts tax (1.225 percent) which includes the revenues from food and medical services (or the hold harmless distribution). Mr. Mason noted that state law authorizing the issuance of gross receipts tax revenue bonds provides that the legislature will not reduce or eliminate the gross receipts tax revenues while the bonds are outstanding and stated that the removal of the hold harmless distributions has served to reduce the revenue that is pledged to the bond holders. He noted that the Council adopted two of the one-eighth percent hold harmless gross receipts tax increments in August which will become effective January 1, 2016 and, as a result, Mr. Cassidy has advised that it would be in the City's best interest to pledge both one-eighth percent increments to the Series 2005 and Series 2012 bonds. By doing so, Mr. Mason explained that the City will fulfill the covenants made to the bond holders and serve to protect the City against future legislative action that may further impair the bond holder security.

Mayor Roberts stated that he believes that it is essential that the City proceed with the proposed ordinance because staff cannot be assured that the legislature will not decide to repeal the three-eighths percent taxing authority.

In response to inquiry from Councilor Fischer, Mr. Mason reported that the annual debt service is approximately \$1.6 million and assured her that the two-eighths percent increments will generate approximately \$4.5 million in additional revenue.

Addressing the Council at the request of Mayor Roberts, Mr. Cassidy expressed his belief that bonding the two one-eighth percent tax increments is "a good thing to do" because it will protect the City and the bond holders if the legislature decides to "stir the pot."

There being no further discussion, a motion was made by Councilor Duckett, seconded by Councilor McCulloch to direct staff to proceed with publishing a Notice of Intent to Adopt an ordinance pledging the City's Hold Harmless Gross Receipts Tax Revenues as security for the City's Sales Tax Revenue Bonds, Series 2005 and Series 2012, and upon voice vote the motion carried unanimously.

DISCUSSION OF AND ACTION ON ITEM REMOVED FROM THE CONSENT AGENDA:

- (1) Seventh Amendment to Intergovernmental Agreement for Detention Center Services between the City and San Juan County for the purpose of establishing the day rate of \$65.14 for City prisoners (an increase of \$4.48 per day) (term July 1, 2016 thru June 30, 2017).

In response to inquiry from Councilor Duckett, Assistant City Manager Bob Campbell reported that the proposed increase in the per diem rate is attributable to salary increases and an additional staff member. Furthermore, he noted that a lawsuit filed against the Detention Center

has increased insurance premiums. However, he noted that even with the increase, San Juan County still offers the lowest per diem rate when compared to the five largest counties in New Mexico. He assured the Council that this fee has been thoroughly vetted and stated that he believes that it is a fair and reasonable cost.

Responding to inquiry from Councilor Fischer, City Manager Rob Mayes reported that the City only pays the per diem rate for prisoners and that all medical costs are paid by San Juan County.

There being no further discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to approve the Seventh Amendment to Intergovernmental Agreement for Detention Center Services between the City and San Juan County for the purpose of establishing the day rate of \$65.14 for City prisoners for the period of July 1, 2016 through June 30, 2017, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 7:22 p.m.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 2013-1466, et seq.

Approved this 12th day of January, 2016.

Entered in the permanent record book this day of , 2016.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, December 15, 2015 at 9:00 a.m. in the Executive Conference Room at City Hall, 800 Municipal Drive, Farmington, New Mexico, in full conformity with the rules, regulations and ordinances of the municipality.

At such meeting the following were present, constituting a quorum:

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| MAYOR | Tommy Roberts |
| COUNCILORS | Linda Rodgers Mary M. Fischer Gayla A. McCulloch Nate Duckett |

constituting all the members of the Governing Body.

Also present were:

| | |
|------------------------|-------------------|
| CITY MANAGER | Rob Mayes |
| ASSISTANT CITY MANAGER | Bob Campbell |
| CITY ATTORNEY | Jennifer Breakell |
| CITY CLERK | Dianne Smylie |
| DEPUTY CITY CLERK | Andrea Jones |

BINDING COMMITMENT LETTER DW 3397 FOR THE 2P WATERLINE PROJECT
(PHASE I)

Public Works Director David Sypher briefly reviewed the history surrounding the 2P Waterline project and pointed out that the New Mexico Environment Department ("NMED") encouraged the City to apply for a loan from the New Mexico Finance Authority ("NMFA") through the Drinking Water Revolving Loan Fund to finance Phase I of the project which has an estimated cost of \$3.2 million. Furthermore, he stated that NMED has offered the City the full 25 percent grant (\$800,000) available in NMFA's loan specifications; noted that the interest rate for the loan is fixed at two percent; and reported that the total estimated cost for all phases of the project is \$8.2 million. In response to the Mayor's inquiry, Mr. Sypher explained that the annual debt service of the loan is \$150,000 which will be funded through the Water/Wastewater Utility's renewal and replacement ("R&R") revenues.

Following brief discussion, a motion was made by Councilor Rodgers, seconded by Councilor Duckett to authorize the Mayor to sign the Binding Commitment Letter DW 3397 and any future paperwork required by NMFA to complete the loan process, and upon voice vote the motion carried unanimously.

UPDATE/EAST MAIN STREET COORIDOR ADAPTIVE SIGNAL CONTROL TECHNOLOGY
(ASCT)

Public Works Director David Sypher displayed a video illustrating how the Adaptive Signal Control Technology ("ASCT") provided by the InSync system interprets and responds to traffic loads to provide the most effective traffic flows and reminded the Council that the project cost was approximately \$500,000. Utilizing a Powerpoint presentation, Mr. Sypher reported that the East Main Street corridor includes 11 signalized intersections between English Road and Hutton Avenue and pointed out that this corridor accommodates between 40,000 and 50,000 vehicles per day. He reviewed the peak period data throughout the corridor and happily announced that all traffic data during peak hours revealed significant improvement across various performance measures. Mr. Sypher reported that the InSync system reduces delay by over 50,000 "vehicle hours" per year, improves emissions by an average of 28 percent, saves motorist approximately \$1.09 million in traffic delay and fuel consumption annually and pays for its total cost almost twice per year. He pointed out that the intersection of East Main Street and Piñon Hills Boulevard will be upgraded to the InSync system during the upcoming Piñon Hills Boulevard extension project. Mr. Sypher reported that the next

priority corridor for the InSync system is 20th Street between Main Street and Sunset Avenue which includes nine signalized intersections; stated that the estimated cost is \$585,000; and explained that due to the exceptional rate of return, staff will pursue state and federal grants to complete the project in Fiscal Year 2017.

Responding to Councilor McCulloch's inquiry, Mr. Sypher explained that national standards and formulas based on wait time and typical car production are utilized to measure emission reductions. In response to questions from Mayor Roberts, Mr. Sypher proudly pointed out that there have been few complaints received within the East Main Street corridor, noting that the complaints received have pertained to cross streets accessing East Main Street.

BID/CONSTRUCTION OF THE AZTEC SUBSTATION PROJECT

Chief Procurement Officer Eddie Smylie reported that bids for the construction of the Aztec Substation (Electric) opened on December 8, 2015 with seven bidders participating. He recommended that the bid be awarded to Integrated Power Company on its low bid meeting specifications of \$1,520,362 and that the bids received from Ward Electric Company and Brink Constructors be rejected for being non-responsive.

Following brief discussion, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to award the bid for the construction of the Aztec Substation project to Integrated Power Company as the lowest responsible bidder and that the bids received from Ward Electric Company and Brink Constructors be rejected for being non-responsive, and upon voice vote the motion carried unanimously.

PROPOSED ORDINANCE/HOLD HARMLESS GROSS RECEIPTS TAX REVENUES

City Manager Rob Mayes announced that there is no new information to present to the Council regarding the proposed ordinance pledging the City's Hold Harmless Gross Receipts Tax Revenues as security for the City's Sales Tax Revenue Bonds, Series 2005 and Series 2012.

There was no response to the Mayor's call for comments from the audience.

Mayor Roberts stated that the proposed ordinance is scheduled to be presented for final action at the January 12, 2016 regular City Council meeting.

REAPPOINTMENTS TO THE AIRPORT ADVISORY COMMISSION

The Mayor asked the Council's consideration of the reappointments of Wayne Mangum and Steve White (terms to December, 2018) as members to the Airport Advisory Commission.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to confirm the reappointments of Wayne Mangum and Steve White as members of the Airport Advisory Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

REAPPOINTMENT TO THE ELECTRICAL CODE ADVISORY COMMITTEE

The Mayor asked the Council's consideration of the reappointment of Daniel Martinez (term to December, 2018) as a member of the Electrical Code Advisory Committee.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to confirm the reappointment of Daniel Martinez as a member of the Electrical Code Advisory Committee, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Re-Election Announcement

Despite the current rumors circulating, Councilor Fischer announced that she will, in fact, be running for re-election in the March 1, 2016 Regular Municipal Election for District 2 Councilor.

Officer-involved shooting at San Juan Regional Medical Center

In response to inquiry from Councilor Duckett concerning the release of the lapel camera video of the officer-involved shooting that occurred at San Juan Regional Medical Center ("SJRMC"), Police Chief Steve Hebbe reported that Police Department staff has met with SJRMC representatives to discuss the challenges of providing medical care to individuals that are in police custody. He stated that SJRMC is exploring restraint options that could be utilized with various medical equipment and assured the Council that SJRMC and the Police Department are working together to find acceptable solutions.

Recent bomb threats

In response to inquiry from Councilor Duckett, Police Chief Steve Hebbe confirmed that there has been a series of bomb threats written on the walls in restrooms at various schools and businesses over the past two weeks and stated that they have all turned-out to be unfounded. He also noted that there is a reward for information leading to an arrest, noting that there is likely more than one suspect. In response to further inquiry, City Manager Rob Mayes emphasized that the decision to evacuate or "lock down" a facility is made by the building owner upon consultation with the Police Department. In addition, Chief Hebbe confirmed that in certain circumstances the Police Department can and will override the decision of the property owner if required.

Commendation of the Police and Fire Departments

Councilor Duckett commended Police Chief Steve Hebbe and Fire Chief Terry Page for posting various videos and press releases to social media sites in an effort of keeping the community informed. Chief Page thanked Communication and Quality Performance Director Shaña Reeves for her efforts in making the process.

CLOSED MEETING

A motion was made by Councilor Rodgers, seconded by Councilor McCulloch to close the meeting to discuss request for proposals for police unit equipment installation and upfit, pursuant to Section 10-15-1H(6) NMSA 1978, and to discuss acquisition of water rights (Walling), pursuant to Section 10-15-1H(8) NMSA 1978. The roll was called with the following result:

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| Those voting aye: | Linda Rodgers Mary M. Fischer Gayla A. McCulloch Nate Duckett |
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|-------------------|------|
| Those voting nay: | None |
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 9:42 a.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matters discussed were limited only to those specified in the motion for closure, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 9:46 a.m. with all members of the Council being present.

PROPOSAL/POLICE UNIT EQUIPMENT INSTALLATION AND UPFIT

Chief Procurement Officer Eddie Smylie announced that proposals for police unit equipment installation and upfit (Police) opened on December 2, 2015 with two offerors participating. He recommended that the contract be awarded to New Mexico Emergency Products as the top evaluated firm.

There being no further discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to award the contract for police unit equipment installation and upfit to New Mexico Emergency Products as the top evaluated firm, and upon voice vote the motion carried unanimously.

Mayor Roberts announced that this is the last City Council meeting of 2015, noting that the next regular City Council meeting is scheduled for January 12, 2016. He wished everyone a merry Christmas and a happy New Year.

There being no further business to come before the Council, the meeting was adjourned at 9:48 a.m.

APPROVED this 12th day of January, 2016.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk