

A G E N D A

. . . for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m., Tuesday, April 26, 2016 in the Council Chamber, City Hall, 800 Municipal Drive, Farmington, New Mexico. . .

1. Roll Call and Convening the Meeting:
2. Invocation: Pastor Nathan Wheeler of East Side Church of Christ.
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 the Regular Meeting of the City Council held April 12, 2016. -----8
6. *Approval of Bid for purchase of electronically controlled line recloser (Electric) being awarded to Cooper Power Systems, LLC as the lowest and best bidder (\$81,558). Bids opened April 19, 2016 with two bidders participating. -----1
7. *Approval of Warrants up to and including April 23, 2016.
8. Proclamation declaring May 1-7, 2016 as "NAOSH Week" and May 4, 2016 as "Occupational Safety and Health Professional Day."
9. Recommendation from the Planning and Zoning Commission: -----2

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, the item 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 16-02 from Johnny O's Spudnuts, represented by Kyle Stowell, requesting a Special Use Permit to allow a drive-through window for a restaurant at 509 East 20th Street in the LNC, Local Neighborhood Commercial, District, subject to the petitioner revising the parking plan to accommodate the stacking spaces, circulation plan and solid waste collection which will be further assessed with the building permit application.

The recommendation of the Planning and Zoning Commission passed by a vote of 5-0 on April 14, 2016.

10. Unfinished Business:

- (1) Consideration to close Brookside Pool due to age and cost [**Tabled at the March 22, 2016 regular City Council meeting**]

11. New Business:

- (a) Mayor
(b) Councilors
(c) City Manager
(d) City Attorney

(1) Proposed Ordinance – Permission to Publish
-amending Ordinance No. 2015-1274 and the loan agreement and note authorized thereby, all relating to the wastewater construction loan from the New Mexico Environment Department to the City of Farmington for the purpose of financing the cost of bettering and improving the City's sanitary sewer system by extending, enlarging, bettering, repairing and otherwise improving the City's existing wastewater treatment facility; and otherwise relating to such loan, loan agreement, note, project and this ordinance. -----3

(2) Proposed Ordinance – Permission to Publish
-amending Chapter 6 of the City Code dealing with meetings of the Animal Services Advisory Commission. -----4

(3) Proposed Ordinance – Discussion
-amending Chapter 20 of the City Code dealing with Lake Farmington (Final action May 10, 2016)-----5

(4) Proposed Ordinance – Discussion
-enacting a new Chapter 25, Article 3, Division 5 of the City Code regarding off-highway motor vehicles (Final action May 10, 2016)-----6

(5) Ordinance No. 2016-1284 – Final Action
-revising certain sections of the City Code providing for clarification and additions to provisions in Chapters 24 and 25 relating to house numbering and street addressing and individual used-vehicle sales (Published March 27, 2016) -----7

- (e) City Clerk

12. Business from the Floor:

- (1) Items removed from Consent Agenda for discussion.
(2) Any other Business from the Floor.

13. 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: Kristi Benson, CPPO, CPPB *KB*
Acting Chief Procurement Officer

DATE: April 20, 2016

SUBJECT: Electronically Controlled Line Recloser, Bid #16-115126

USING DEPARTMENT: Electric Utility

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A bid opening was held on April 19, 2016 for Electronically Controlled Line Recloser, Bid #16-115126. Two (2) bidders responded.

The Central Purchasing Department concurs with the recommendation from the Electric Utility to award the bid to Cooper Power Systems, LLC from Waukesha, WI, a responsible bidder submitting the lowest responsive bid meeting specifications for a total awarded amount of \$81,558.00. No bidders qualified for the in-state preference.

Kristi Benson (Presenter)
Consent Agenda/Council Meeting 4/26/16

xc: H. Andrew Mason, Administrative Services Director
Rodney Romero, Electric Utility Director
Luwil Aligarbes, Senior Distribution Engineer
Bob Schrag, Warehouse Superintendent

File – 16-115126-SD

CITY OF FARMINGTON - ABSTRACT SCHEDULE

BID: Electronically Controlled Line Recloser, Bid #16-115126 OPENING DATE: April 19, 2016 @ 2:00 PM

ITEM	QTY	UOM	DESCRIPTION	Cooper Power Systems, LLC Anastasia Schiesel 1319 Lincoln Ave. Waukesha, WI 53186 262-524-3282	Graybar Electric Company Kevin Mielcarek 14603 E. Moncrieff PL Aurora, CO 80011 720-374-1774
A.	4	EA	Electronically Controlled Line Recloser (as specified)	UNIT TOTAL X \$20,397.00	UNIT TOTAL \$21,785.34
TOTAL BID WITH IN-STATE PREFERENCE APPLIED:				N/A	N/A
IN-STATE PREFERENCE:				No	No
ESTIMATED APPLICABLE TAXES				0%	7.188%
PAYMENT TERMS:				Net 30	1% 10 Days
DELIVERY:				42 Calendar Days	43 Calendar Days
				*Exceptions Taken Terms	*Exceptions Taken Terms
					\$87,141.36

***Adoption** of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of SUP 16-02, a request from Kyle Stowell for a Special Use Permit for a drive-through on 0.75 acres located at 509 E. 20th Street. (Steven Saavedra)

Recommendation of approval by the Planning and Zoning Commission on April 14, 2016 which passed by a vote of 5-0.

**COMMUNITY DEVELOPMENT
ACTION SUMMARY**
**Petition SUP 16-02-Special Use Permit allowing a drive-through window at
509 E 20th Street.**

A. STAFF REPORT, April 14, 2016

PROJECT INFORMATION

Applicant	Johnny O's Spudnuts
Representative	Kyle Stowell
Date of Application	March 17, 2016
Requested Action	Approval of a special use permit to allow a drive through window in the LNC Zone district.
Location	509 E 20 th Street.
Existing Land Use	Commercial Use
Existing Zoning	LNC Local Neighborhood Commercial District
Surrounding Zoning & Land Use	North, South, East & West: LNC Local Neighborhood Commercial District / Commercial
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday March 27, 2016. Property owners within 100 feet were sent notice by certified mail on Tuesday March 22, 2016 and a sign was posted on Friday April 1, 2016.
Staff Planner	Steven Saavedra, Associate Planner

STAFF ANALYSIS

Petition Description and History

The petitioner requests a special use permit to allow a drive-through for a restaurant on 0.75-acre property at 509 E. 20th Street.

Pursuant to Section 2.3 the Use Table of the UDC, a drive-through restaurant is permitted in the LNC district with an approved special use permit. A restaurant drive-through is required to have a minimum of six (6) stacking spaces. The stacked spaces are to be measured from the order window. The site plan provided by the petitioner indicates eight stacking spaces and the drive-through window to be located at the southwest corner of the proposed building. Stacking spaces must be a minimum 9 feet by 20 feet each. The Planning & Zoning Division calculations indicate six (6) stacking spaces, 9 feet by 20 feet from the order window. The site plan is congruent with an order window; the planned stacking spaces meet the UDC's requirements.

The building's dimensions, scaled from the site plan, indicate that the building is approximately 4,100 square feet of building space: 1,440 square feet for office space and 2,666 for a restaurant. Section 5.2.3 Table A of the UDC requires restaurants

with a drive-through to have one parking space for every three seats. Section 5.2.3 Table A of the UDC requires one parking space per 250 square feet for an office building. The current parking site plan indicates thirty-nine parking spaces. The preliminary building floor plan shows thirty seats for the restaurant. Based on the number of seat, the restaurant needs ten parking spaces and the office building needs five parking spaces. Fifteen total parking spaces are required for the subject property located at 509 E. 20th Street. A minimum of one van-accessible parking space for the physically handicapped is required. The parking requirements will be reviewed during the building permit process.

Special Use Permit Criteria - Section 8.9.4 of the UDC

Section 8.9.4 of the UDC sets forth the criteria for review of a special use permit. The section states that an SUP may be approved where it is reasonably determined that there will be no significant negative impact upon residents of surrounding property or upon the public. Criteria are listed as follows:

- A. Effect on environment: The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, not be substantially or permanently injurious to the neighboring property.

The petitioner has provided a parking and stacking space site plan for the proposed drive-through. The proposed drive-through meets the vehicle-stacking requirements of the UDC. However, staff recommends a parking site plan, which incorporates a drive through lane and stacking spaces. Staff highly recommends the removal of seven parking spaces on the northwest side of the lot for safety and convenience of the occupants. No circulation plan has been submitted for review. However, these issues can be further assessed with the application for a building permit.

- B. Compatible with surrounding area: The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with relationship to scale, height, landscaping and screening and density.

The site is in the local neighborhood commercial area. The proposed restaurant is allowed in the LNC District and is compatible with the surrounding area.

- C. External impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to the impacts.

There are no negative impacts concerning noise, glare fumes, dust smoke, or vibration. Pursuant to UDC 3.12, standards pertain but are not limited to building setbacks, building height, screening, dumpsters, and outdoor lighting.

- D. Infrastructure impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through impacts on public

infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

Staff recommends the developer seek an alternative parking space layout. Access management controls should minimize the number of ingress/egress locations along 20th Street. According to Farmington's Metropolitan Planning Organization, 20th Street is considered a relatively dangerous corridor for bicycle and pedestrian safety. The parking plan should be revised to fit the new configuration. The stacked vehicles will block parking on the northwest corner of the lot. The menu board may block the east-west aisle north of the building. This creates a situation where those that park in the northwest stalls would exit through the drive-through. In addition, the parking space on the south side of the building appears to be angled in the wrong direction. The restaurant's waste receptacles are not shown in the provided site plan. These issues will be further assessed with the application for a building permit.

E. Consistent with the UDC and Comprehensive Plan: The proposed use will be consistent with purposes of this UDC, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

The Comprehensive Plan calls for this area to be commercial. An office and restaurant are consistent with the UDC and the Comprehensive Plan.

F. Parcel size: The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

N/A

G. Site Plan: The proposed use shall be required to comply with the site plan review procedures and standards of Section 8.5, site plan review, as specified.

A conceptual site plan was provided to Community Development's Building Division.

Traffic Engineering: Charles Trask 505-599-8201

- The parking plan must be revised to fit the new configuration. The stacked vehicles will block the parking on the northwest. The menu board will block the east-west aisle north of the building. This creates a situation where those that might park in the northwest stalls would have to exit through the drive through. The parking spaces on the south side of the building appear to be angled the wrong direction. An ADA accessible parking space(s) needs to be shown on the parking plan.

MPO: Duane Wakan: 505-599-1449

- Recommends the developer seek an alternative(s) to the proposed configuration as the stacking parking illustrated may have negative consequences to traffic on 20th Street. Parking minimums may be required due to the tight configuration. In addition, access management controls should be considered to minimize the number of ingress/egress locations along 20th Street, which is proving to be one of the more dangerous corridors for bicycle and pedestrian conflicts within the City of Farmington, please see attached map.

Community Development: Steven Saavedra 505-599-1282

- The UDC requires fifteen total parking spaces for the combined restaurant and office building, located at 509 E. 20th Street. A minimum of one van-accessible parking space for the physically handicapped needs to be incorporated in the parking site plan.
- The parking plan needs to be revised to accommodate the stacking spaces, circulation plan, and solid waste collection.

STAFF CONCLUSION

Staff concludes approval of SUP 16-02 is appropriate. However, the parking plan as shown by the petitioner should be revised.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition SUP 16-02, a request from Johnny O's Spudnuts, represented by Kyle Stowell, for a special use permit to have a drive-through at 509 E. 20th Street, in the LNC Local Neighborhood Commercial District subject to the following condition:

- A. The parking plan should be revised to accommodate the stacking spaces, circulation plan, and solid waste collection. These issues will be further assessed with the application for a building permit

B. FINDINGS OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission held a public hearing on January 10, 2013 and made the following findings:

1. The petitioner for SUP 16-02 is Johnny O's Spudnuts, represented by Kyle Stowell.
2. The subject property is located at 509 E. 20th Street and is approximately 0.75 acres.
3. The petitioner is proposing a restaurant with a drive-through window.
4. The subject property is in the LNC Local Neighborhood Commercial District.

5. Pursuant to UDC section 2.3 Use Table, a drive-through window is allowed with a special use permit.
6. Fifteen parking spaces are required for the combined restaurant and office. The property currently has 39 parking spaces.
7. The drive-through is required to have at minimum 6 stacking spaces and each space is to be 9 feet by 20 feet. The stacking spaces are also required to be from the "order" window. The site plan shows 6 stacking spaces from the proposed "order" window.
8. The petitioner was present at the hearing and spoke in favor of the SUP. Ms. Linda Dunn, owner of a neighboring property was present and concerned with the purposed drive-thru, citing issues of safety and noise.

Planning & Zoning Commission Discussion of Petition SUP 16-02 on April 14, 2016

Associate Planner Steven Saavedra presented the staff report for SUP 16-02, a request from Kyle Stowell for a Special Use Permit for a drive-through on 0.75 acres located at 509 E. 20th Street.

Mr. Saavedra reported that pursuant to Section 2.3 the Use Table of the UDC, a drive-through restaurant is permitted in the LNC district with an approved special use permit. The site plan provided by the petitioner indicates eight stacking spaces. Stacking spaces must be a minimum 9 feet by 20 feet each. The Planning & Zoning Division calculations indicate six (6) stacking spaces, 9 feet by 20 feet from the order window. The planned stacking spaces meet the UDC's requirements.

Mr. Saavedra continued to explain that the building is approximately 4,100 square feet: 1,440 square feet for office space and 2,666 for a restaurant. The current parking site plan indicates thirty-nine parking spaces. The preliminary building floor plan shows thirty seats for the restaurant. Based on the number of seats, the restaurant needs ten parking spaces and the office building needs five parking spaces. Fifteen total parking spaces are required for the subject property. The parking requirements will be reviewed during the building permit process.

Staff concludes approval of SUP 16-02 is appropriate. However, staff feels there may be concern with the current parking space arrangement.

The Community Development Department recommends approval of Petition SUP 16-02, a request from Johnny O's Spudnuts, represented by Kyle Stowell, for a special use permit to have a drive-through at 509 E. 20th Street, in the LNC Local Neighborhood Commercial District subject to the following condition:

The parking plan should be revised to accommodate the stacking spaces, circulation plan, and solid waste collection. These issues will be further assessed with the application for a building permit.

Commissioner Waldroup asked if the Spudnuts building shared a parking lot with the building to the east. Mr. Saavedra confirmed that it would be a shared parking area.

Kyle Stowell of 519 Summer Solstice and owner of the proposed Spudnuts commented that the drive-through is an existing drive-through that has been at this location for over 25 years. The building has been used for financial services and as a drug store pharmacy in the past. Mr. Stowell said he is aware of the parking situation and feels eliminating a few parking spaces that may interfere with the drive-through will not be a problem due to the fact that there are thirty-nine parking spaces and only fifteen are required by the UDC. Mr. Stowell discussed the circulation plan for the parking lot. He stated there were four exits, which includes the alley in the back.

Commissioner Davis asked if Spudnuts expected to have a large volume of drive-through traffic at one time. Mr. Stowell commented that the mornings may see a heavier volume, but the turnaround time for the drive-through is anticipated to be less than one minute for each car.

Linda Dunn, 505 E. 20th Street, works at the physician's office to the west and is a co-owner of that building. Ms. Dunn's husband is a physician in the office and frequently has elderly patients. Her concern has to do with the clientele visiting the drive-through and the possibility of putting the elderly patient's safety in jeopardy in the parking lot. Ms. Dunn is also concerned about the amount of noise from cars at the drive-through as the patient's rooms were on the side of the building closest to the drive-through. Her suggestion is to build a wall to cut down on the noise level.

William Sharer, 509 E. 20th and owner of the Spudnut building, stated the current parking can be changed and spaces can be eliminated. Exiting the parking lot can be through the alley, onto Butler or around the building and back onto 20th Street. Mr. Sharer stated that a fence could be built, but he was not willing to build a soundproof wall. Most of the business for Spudnuts is anticipated in the morning. There may be some traffic during the lunch period. Mr. Sharer mentioned that he went to other locations with drive-through windows and did not hear a lot of loud engines. He stated that if it became a problem, he would be willing to work with the physician's office.

Kyle Stowell suggested adding bump stops to the physician's parking lot if speeding cars became a problem.

Planning & Zoning Commission Action of Petition SUP 16-02 on April 14, 2016

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to approve Petition SUP 16-02, a request from Kyle Stowell for a Special Use Permit for a drive-through on 0.75 acres located at 509 E. 20th Street.

AYE: Chair Cardon, Commissioners Davis, Ragsdale, Waldroup and Washburn.

NAY: None

Abstained: None

Absent: Commissioners Brown, Freeman, Jaquez, Langenfeld, and Thompson.

Motion passed 5-0



M-F-M

E 20TH ST

N BUTLER AVE

LNG

AREA UNDER CONSIDERATION
 Petition No. SUP 16-02

COMMUNITY
 DEVELOPMENT
 DEPARTMENT



75
 Feet

City of Farmington

Walker, Karen <kwalker@fmtn.org>

SUP 16-02 (A drive-through in the LNC District)

Trask, Charles <ctrask@fmtn.org>

Wed, Mar 30, 2016 at 5:05 PM

To: Steven Saavedra <ssaavedra@fmtn.org>

Cc: Keith Neil <kneil@fmtn.org>, Karen Walker <kwalker@fmtn.org>, Isaac BlueEyes <ibblueeyes@fmtn.org>

I agree with your concerns. Their parking plan must be revised to fit the new configuration. The parking on the northwest will be blocked by the stacked vehicles. The east west aisle north of the building will be blocked by the menu board. This will also create a situation where those that might park in the northwest stalls would have to exit through the drive through. The spaces on the south side of the building appear to be angled the wrong direction. I do not see any ADA accessible spaces either

thx charlie

[Quoted text hidden]

2 attachments

 **Comment Due 3-25-16 SUP 16-02 Johnny O's Spudnuts.pdf**
474K

 **SUP 1602 Parking and drive_tru.pdf**
89K

City of Farmington

Walker, Karen <kwalker@fmtn.org>

SUP 16-02 (A drive-through in the LNC District)

Saavedra, Steven <ssaavedra@fmtn.org>
To: Karen Walker <kwalker@fmtn.org>

Thu, Mar 31, 2016 at 9:37 AM

Steven M. Saavedra, MRP
Associate Planner
City of Farmington
505.599.1282



----- Forwarded message -----

From: **Wakan, Duane** <dwakan@fmtn.org>
Date: Thu, Mar 31, 2016 at 9:05 AM
Subject: Re: SUP 16-02 (A drive-through in the LNC District)
To: "Saavedra, Steven" <ssaavedra@fmtn.org>

Steven,

I would recommend that the developer seek an alternative(s) to this proposed configuration as the stalked parking as illustrated may have negative consequences to traffic on 20th Street. Parking minimums may be required due to the tight configuration. In addition, access management controls should be considered to minimize the number of ingress/egress locations along 20th Street which is proving to be one of the more dangerous corridors for bicycle and pedestrian conflicts within the COF.

See attached map

Please let me know if you have questions,

DW

On Wed, Mar 30, 2016 at 3:21 PM, Saavedra, Steven <ssaavedra@fmtn.org> wrote:

Dear Duane,

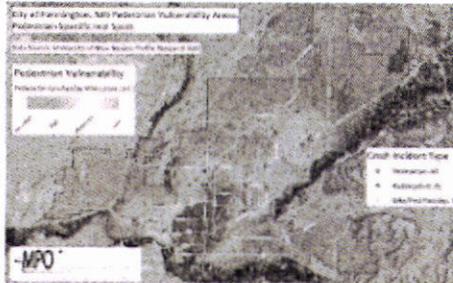
Are there any comments from the MPO perspective for SUP 16-02 (A drive-through in the LNC District). I am concerned with the proposed parking site plan as shown; vehicles on the northwest side of the lot will back into the drive-through stacking spaces and exit through the drive through lane. In addition, the parking on the south seems to interfere with the drive-through. Any insight and comment(s) are welcomed, thank you.

Kind regards,

Steven M. Saavedra, MRP
Associate Planner
City of Farmington
505.599.1282



W. Duane Wakan- MUP
MPO Planner
Farmington Metropolitan Planning Organization
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1449 Work
(505) 599-1299 - fax



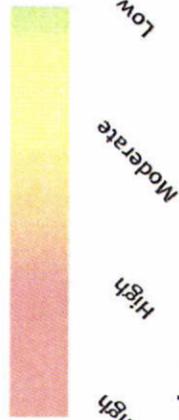
Crash Map.png
23041K

City of Farmington, NM Pedestrian Vulnerability Areas: Pedestrian Specific Hot Spots

Data Source: University of New Mexico Traffic Research Unit

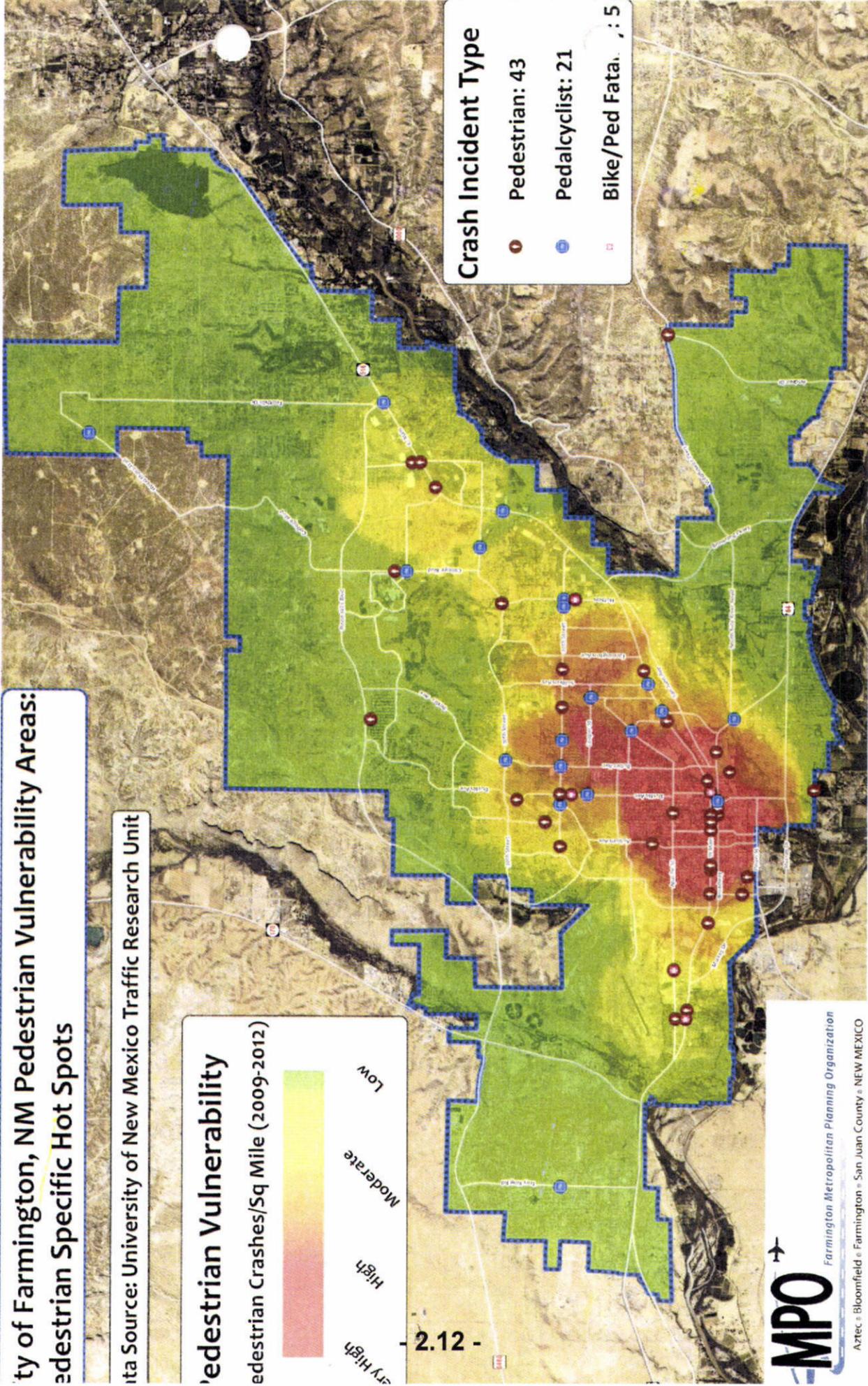
Pedestrian Vulnerability

Pedestrian Crashes/Sq Mile (2009-2012)



Crash Incident Type

- Pedestrian: 43
- Pedalcyclist: 21
- Bike/Ped Fata. : 5



Farmington Metropolitan Planning Organization

Aztec • Bloomfield • Farmington • San Juan County • NEW MEXICO

PLANNING MEMO COMMENTS SUMMARY

SUP 16-02 JOHNNY O'S SPUDNUTS

Deadline: 3/25/16

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 SUP 16-02 Johnny's O's Spudnuts.
CD	Long Range Planner	
CD	MPO – Duane Wakan	3-31-16 I would recommend that the developer seek an alternative(s) to this proposed configuration as the stacked parking as illustrated may have negative consequences to traffic on 20th Street. Parking minimums may be required due to the tight configuration. In addition, access management controls should be considered to minimize the number of ingress/egress locations along 20th Street which is proving to be one of the more dangerous corridors for bicycle and pedestrian conflicts within the COF. See attached map
CD	Oil & Gas Inspector – Leona Simms	
CITY	City Manager's Office – Bob Campbell	
ELEC	Customer Care Manager – Nicki Parks	
ELEC	Electrical Engineering - Luwil Aligarbes	
ELEC	T & D	
FIRE	Fire Marshall –Brandy Vega	No comment from the fire marshal's office regarding special use permit
LEGAL	City Attorney – Jennifer Breakell	No comment
LEGAL	Deputy City Attorney-Russel Frost	
POLICE	Code Compliance – Todd Johnston	
POLICE	Sergeant Flores	
PRCA	Cory Styron	
PW	City Engineer- Nica Westerling	
PW	Engineering – Toni Sitta	
PW	Streets Superintendent – Jim Couch	
PW	Traffic Engineer– Charles Trask	3-31-16 Their parking plan must be revised to fit the new configuration. The parking on the northwest will be blocked by the stacked vehicles. The east west aisle north of the building will be blocked by the menu board. This will also create a situation where those that might park in the northwest stalls would have to exit through the drive through. The spaces on the south side of the building appear to be angled the wrong direction. I do not see any ADA accessible spaces either
PW	Water/Waste Water – Manuel Tso	3/29/16- No Comment on information provided.

Other Entities

New Mexico Gas Company-Ronnie Owens	
CenturyLink-Diane Willatto	
Enterprise Field Services	
Comcast Cable-Mark Johnson	
CH2MHILL OMI-Ron Rosen	
Williams Field Services	
Farmington School District-Cindy Lyons	

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)

- | | | |
|--|--|--|
| <input type="checkbox"/> Annexation / Zoning
<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Final Plan | <input type="checkbox"/> Summary Plat
<input checked="" type="checkbox"/> Special Use Permit
<input type="checkbox"/> Variance (ARB) | <input type="checkbox"/> Zone Change to
<input type="checkbox"/> Temporary Use Permit
Proposed Length of Use:
<input type="checkbox"/> Well site equipment modification |
|--|--|--|

INFORMATION

Applicant's Name: <u>Johnny O's Spudnut</u>	Project Location: <u>CBF</u>
Address: <u>509 E 20th</u>	Existing Use: <u>Office Space</u>
E-Mail: <u>clearrite.nm@gmail.com</u>	Proposed Use: <u>Spudnut Shop</u>
Telephone: <u>(505) 330-2392</u>	Current Zoning:
Relationship to Property Owner: <u>Tenant</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>81-1806728</u>

Legal Description of Subject Property:

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: <u>Kyle Stowell</u>	E-Mail: <u>clearrite.nm@gmail.com</u>
Phone: <u>(505) 330-2392</u>	Address: <u>519 Summer Solstice Farmington, nm 87401</u>

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (If any)
Name: <u>Bill Shacer</u>	Name: <u>Four Corners Community Bank</u>
Phone: <u>(505) 486-5272</u>	Phone:
Address: <u>509 E 20th Farmington, nm</u>	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:

**** STAFF USE ONLY ****

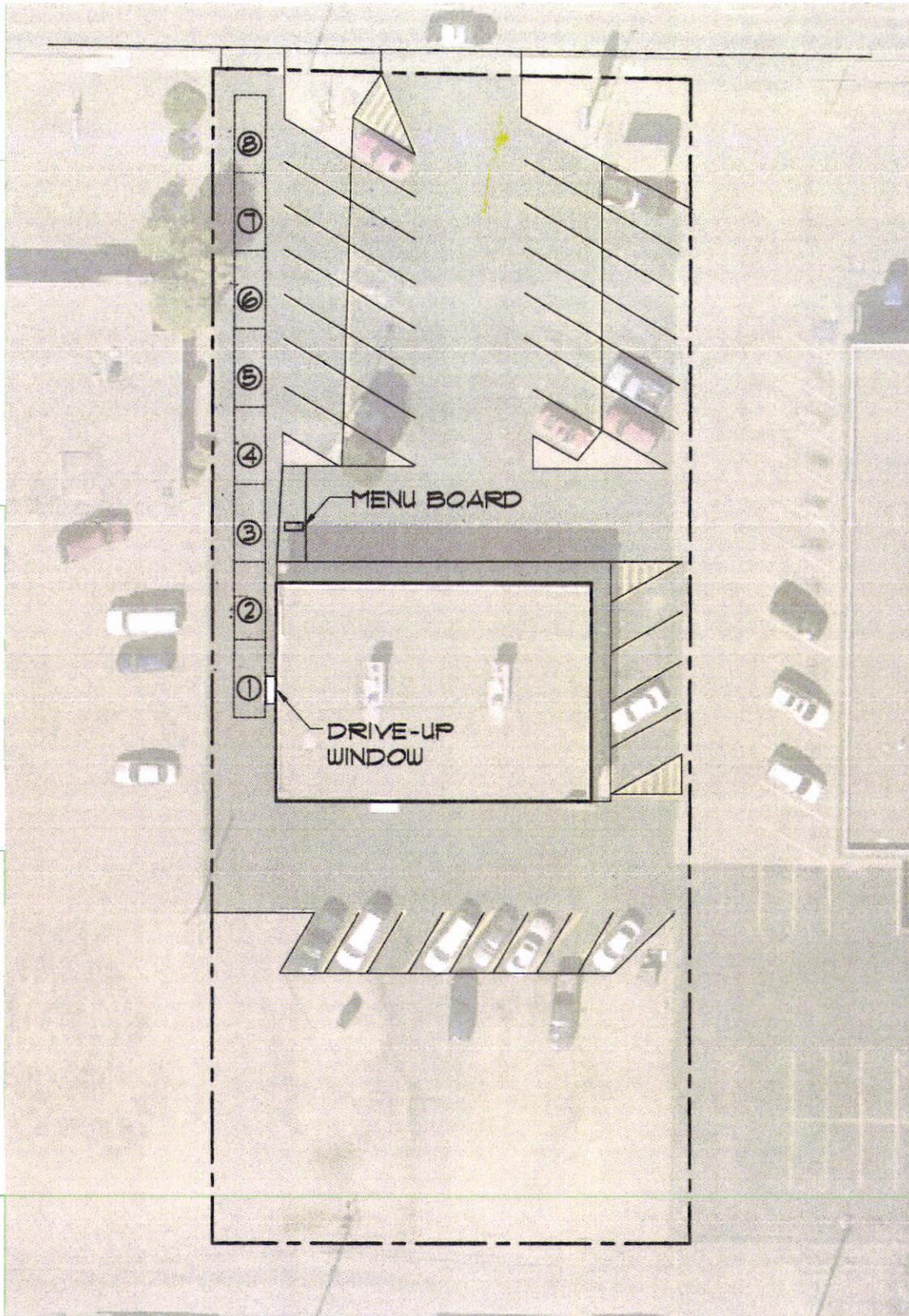
- Site Plan
- Ownership List (subject and surrounding properties)
- Legal Description
- Project Description

Received By: MZ/Holter

Date: 3/17/16 Fee Received: 80.00 #2045

Project File No. SUP16-02

Date of Hearing/Meeting: Apr. 14, 2016 / Apr 26, 2016



PROPOSED STACKING PLAN

1"=40'

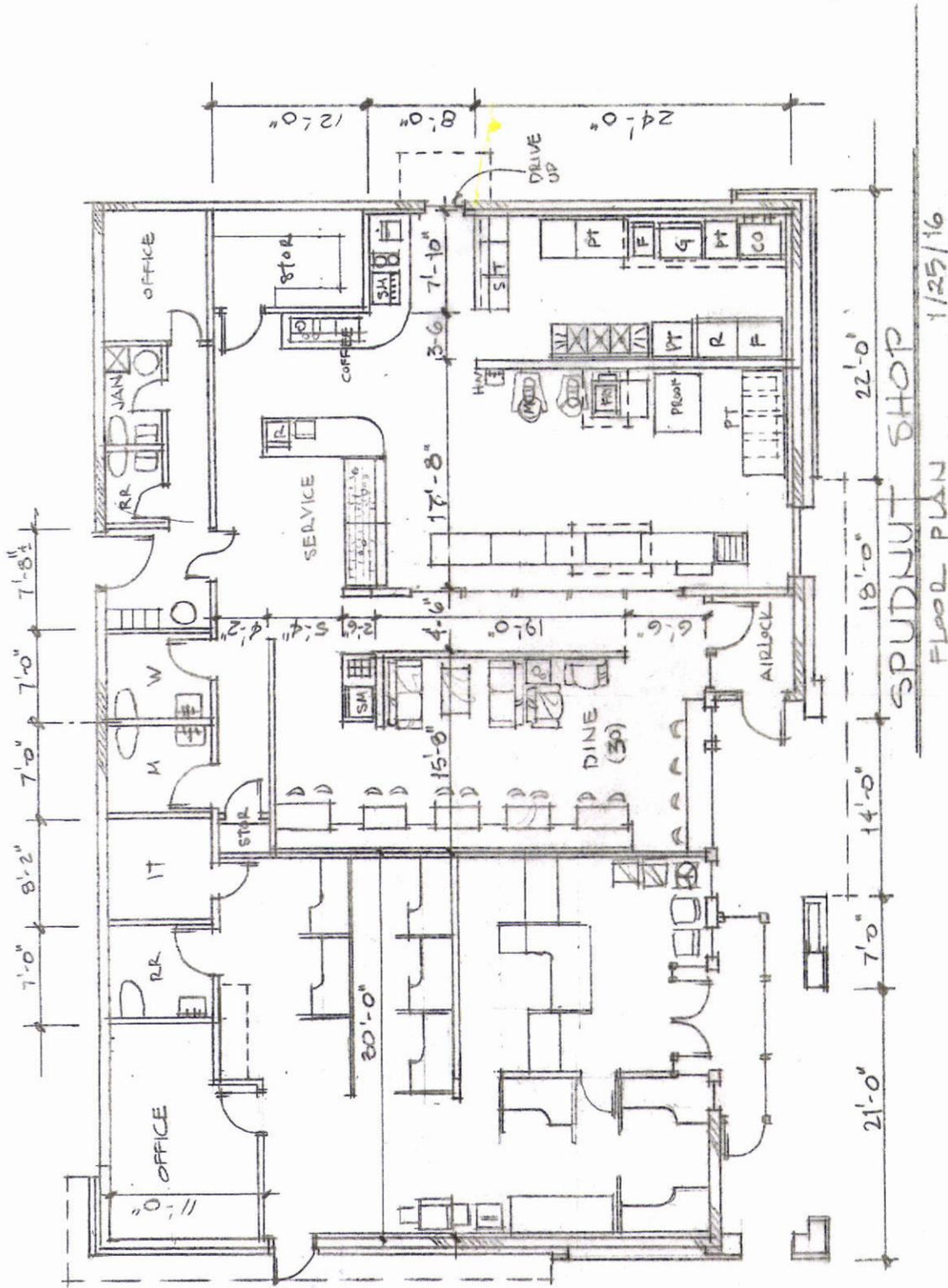


Rodahl & Hummell
Architecture, P.C.

C-2.16-

CBF/SPUDNUTS
FARMINGTON, NM

Date:
03.16.16



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

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

Petition No. SUP 16-02 - a request from Kyle Stowell for a Special Use Permit for a drive-thru for a restaurant at Johnny O's Spudnuts on 0.75 acres located at 509 E. 20th Street in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Plute Subdivision, W 110.81 Ft. of the E 371.62 Ft.

Otherwise known as 509 E. 20th Street

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, April 14, 2016 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, April 26, 2016 at 6:00 p.m. 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 Petitions.

Karen Walker
Administrative Assistant

Legal No. 72518 published in The Daily Times on March 27, 2016.

**NOTICE OF PUBLIC HEARING
SPECIAL USE PERMIT
PETITION NO. SUP 16-02**

March 23, 2016

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 Kyle Stowell for a Special Use Permit for a drive-thru for a restaurant at Johnny O's Spudnuts on 0.75 acres located at 509 E. 20th Street in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Piute Subdivision. W 110.81 Ft. of the E 371.62 Ft.

Otherwise known as 509 E. 20th Street

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, April 14, 2016 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, April 26, 2016 at 6:00 p.m.** 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.

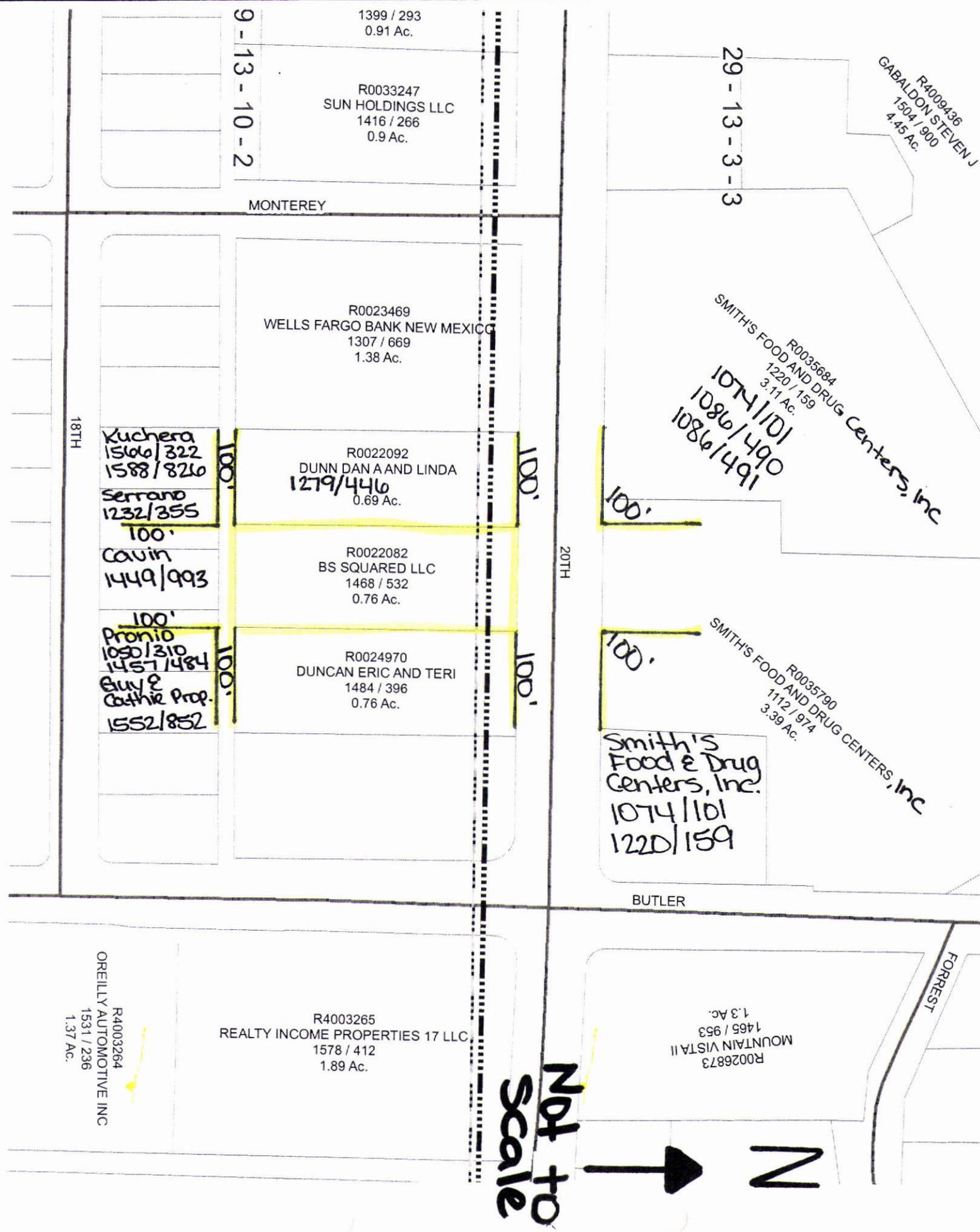
You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 800 Municipal 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 S.

Sincerely,



Karen Walker
Administrative Assistant



GUARDIAN ABSTRACT & TITLE CO., INC.
221 NORTH AUBURN
FARMINGTON, NEW MEXICO 87401

PROPERTY OWNERS WITHIN 100 FEET, EXCLUDING ROADWAYS AND ALLEYS OF
 THE FOLLOWING DESCRIBED PROPERTY: **Piute Subdivision**

W 110.81 Ft. of the E 371.62 Ft.

OWNER: BS Squared, LLC
 3203 Municipal Dr.
 Farmington, NM 87401
 1468/532

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Duncan, Eric and Teri 1484/396	4473 Bella Vista Cir. Farmington, NM 87401	Piute Subdivision W 110.81 Ft. of the E 260.81 Ft.
Guy and Cathie Properties, LLC 1552/852	5607 Greenwood Farmington, NM 87402	Chaco Subdivision Block 3 E 14 Ft. of Lot 8 and W 51 Ft. of Lot 9
Pronio, Michael T. 1050/310, 1457/484	512 E 18 th Farmington, NM 87401-6352	Chaco Subdivision Block 3 E 22 Ft. of Lot 7 and W 43 Ft. of Lot 8
Cavin, Joseph and Micaela 1449/993	5 Road 31150 Aztec, NM 87410	Chaco Subdivision Block 3 E 29 Ft. of Lot 6 and W 35 Ft. of Lot 7
Serrano, Bernardo J. and Doris J. 1232/355	P.O Box 555 Gallup, NM 87520-0555	Chaco Subdivision Block 3 E 36 Ft. of Lot 5 and W 28 Ft. of Lot 6

Kuchera, Jerry L. and
Katheryn M.
1566/322, 1588/826

P.O Box 2542
Farmington, NM
87499

Chaco Subdivision
Block 3
E 43 Ft. of Lot 4 and
W 21 Ft. of Lot 5

Dunn, Dan A. and
Linda
1279/446

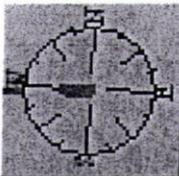
609 Teton Dr.
Farmington, NM
87401-4007

Piute Subdivision
E 100 Ft. of the W 300 Ft.

Smith's Food & Drug
Centers, Inc.
1074/101, 1086/490,
1086/491, 1112/974,
1220/159

1014 Vine St. 7th Floor
Cincinnati, OH
45202

Gladden-Peterson
Commercial Subdivision
Tracts B, C and D



Evidence Submitted by Linda Dunn @ P&Z 4/14/16
505 E. 20th

ORDINANCE NO. 2016-XXXX

AN ORDINANCE AMENDING ORDINANCE NO. 2015-1274 AND THE LOAN AGREEMENT AND NOTE AUTHORIZED THEREBY, ALL RELATING TO THE WASTEWATER CONSTRUCTION LOAN FROM THE NEW MEXICO ENVIRONMENT DEPARTMENT TO THE CITY OF FARMINGTON FOR THE PURPOSE OF FINANCING THE COST OF BETTERING AND IMPROVING THE CITY'S SANITARY SEWER SYSTEM BY EXTENDING, ENLARGING, BETTERING, REPAIRING AND OTHERWISE IMPROVING THE CITY'S EXISTING WASTEWATER TREATMENT FACILITY; AND OTHERWISE RELATING TO SUCH LOAN, LOAN AGREEMENT, NOTE, PROJECT AND THIS ORDINANCE.

All capitalized terms not defined herein shall have the same meanings as such capitalized terms have in Ordinance No. 2015-1274.

(1) WHEREAS, on January 13, 2015 the City Council ("Council") of the City of Farmington ("City"), New Mexico, adopted and approved Ordinance No. 2015-1274 which authorized the City to enter into a loan with NMED and pursuant thereto the City entered into an Interim Loan Agreement with NMED dated February 3, 2015 and executed and delivered to NMED an Interim Promissory Note dated January 22, 2015 in the maximum principal amount of \$14,000,000 (being Loan No. CWSRF 012); and

(2) WHEREAS, after receipt of construction bids on the Project which were substantially higher than estimated, the City has determined and hereby determines that the scope of the Project requires that the Loan be increased from an aggregate principal amount of not exceeding \$14,000,000 plus construction interest to an aggregate principal amount of not exceeding \$22,000,000 plus construction interest and NMED has agreed that the Loan may be in the higher amount and has provided or will provide its written consent to this ordinance; and

(3) WHEREAS, it is necessary and in the best interests of the City and its citizens that Ordinance No. 2015-1274, the Loan Agreement and Note be amended accordingly and be further amended to update certain provisions thereof; and

(4) WHEREAS, for clarification any references in the Ordinance to "2007 Bonds" shall be to the "2007 NMED Loan" and to the "2015 Loan" shall be to the "Series 2015 Loan."

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY (THE CITY COUNCIL) OF THE CITY OF FARMINGTON, NEW MEXICO:

Section 1. Section 5 of Ordinance No. 2015-1274 is amended to read as follows:

"Section 5. AUTHORIZATION OF PROJECT. The acquisition of the Project and payment of eligible items as set forth in the Regulations from proceeds of the Loan Agreement and Note are hereby authorized at a cost not to exceed the principal amount of \$22,000,000 excluding any cost of the Project to be paid from any source other than the proceeds of the Loan Agreement and Note."

Section 2. The third sentence of Section 6A of Ordinance No. 2015-1274 is amended to read as follows:

"Section 6. AUTHORIZATION OF LOAN AGREEMENT AND NOTE SUBORDINATE BONDS AND OBLIGATIONS.

A. Authorization and Basic Terms of Loan and Loan Agreement

"The aggregate principal amount of the final Note shall not exceed \$22,000,000 plus accrued construction interest without the adoption of another Ordinance by the Council, and the annual interest rate on that principal amount shall be specified in the Loan Agreement and shall not exceed three percent (3.00%) per annum, provided that with respect to the final Loan, the annual interest rate and Administrative Fee shall not exceed three per cent (3.00%) per annum of the principal amount of the final Note.'"

Section 3. The Note and the Loan Agreement are amended so that the amount of the Loan shall not exceed \$22,000,000 plus accrued construction interest instead of \$14,000,000 plus accrued construction interest.

Section 4. The Note and the Loan Agreement are amended so that repayment of the final Loan shall be amortized over a twenty year term with twenty substantially equal annual installments of \$1,478,745.57 instead of \$941,019.91.

Section 5. Section III of the Loan Agreement is amended to read as follows:

"III. LOAN AMOUNT:

NMED agrees to loan funds to the City to pay for approved costs to plan, acquire and construct the Project, in an amount not to exceed: Twenty-Two Million Dollars and No Cents [\$22,000,000] ("Loan Amount") plus accrued construction interest at the interest rate of Three Percent (3%) per annum of each loan disbursement to the City during construction upon the terms and conditions set forth in this Agreement and Interim Promissory Note ("Interim Note").

Upon commencement of Loan repayment, the cost of the Loan will be apportioned into annual interest and annual administrative fees for a total annual rate of Three Percent (3%).

Provided the City complies with the Construction Conditions in (Section IV) and the CWSRF Requirements in (Section V) herein, the loan amount will be available until January 1, 2019."

Section 6. Section IV of the Loan Agreement is hereby amended to read as follows:

"IV. CONSTRUCTION CONDITIONS:

The City agrees to the following Construction Conditions:

PROJECT COMPLETION ("Project Completion") means the date that operations of the completed works are initiated or capable of being initiated, whichever is earlier. This also applies to individual phases or segments.

A. Upon execution of this Agreement, the City shall adhere to the schedule below to expeditiously initiate and achieve Project Completion January 31, 2019. The City shall:

Complete Construction by January 31, 2019.

If the City fails to comply with this schedule, then NMED may terminate this Agreement or may withhold Loan funds. If NMED terminates this Agreement, the City shall refund any funds disbursed to the City by NMED within 90 days of termination.

B. The City shall require the Contractor of the Project to post a performance and payment bond approved by NMED in the amount of the bid."

Section 7. Paragraphs B and C of Section VI of the Loan Agreement are amended to read as follows:

"VI. DISCLOSURE STATEMENT

B. FINANCE COSTS IF THE FULL LOAN AMOUNT IN SECTION III IS LOANED:

ANNUAL PERCENTAGE RATE The cost of your credit as a yearly rate	AMOUNT FINANCED The amount of credit provided	INTEREST CHARGES (2.5644%) The total interest amount	ADMINISTRATIVE FEE PAYMENTS (0.4356%) The total administrative fee amount	TOTAL OF PAYMENTS The amount you will have paid after you have made all payments as scheduled
3%	\$22,000,000.00	\$6,475,034.29	\$1,099,877.11	\$29,574,911.40

C. REPAYMENT SCHEDULE

Principal, interest and administrative fee payments shall be paid in annual installments due on the anniversary of the first annual installment. The first annual installment shall become due within one year of the Project Completion date, but no later than one year after the date of the warrant of final disbursement from the NMED.

Your repayment schedule will be:

NUMBER OF PAYMENTS	AMOUNT OF PAYMENT	WHEN PAYMENTS ARE DUE
20 annual installments as shown on Attachment C	\$1,478,745.57	Within one year of the Project Completion date, but no later than one year after the date of the warrant of final disbursement from the NMED; and annually thereafter.

Section 8. An Authorized Officer and the City Clerk are authorized to sign and seal with the City seal either an amendment to, or a completely new Interim Loan Agreement, Loan Agreement, interim Note and final Note to reflect the provisions of this ordinance.

Section 9. All other provisions of Ordinance No. 2015-1274, the Note and the Loan Agreement not expressly amended hereby shall remain in full force and effect.

Section 10. 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 the Ordinance.

Section 11. All bylaws, order, 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.

Section 12. This ordinance, immediately upon its final passage and approval by at least 3/4ths of all members of the Council shall be recorded in the ordinance book of the City kept for that purpose, and shall be authenticated by the signatures of the Mayor and the City Clerk and a notice of adoption of this ordinance with the full ordinance attached, or, alternatively, the title and summary of the subject matter thereof attached, shall be published one time in *The Daily Times*, a newspaper which maintains an office in and is of general circulation in the City. This ordinance shall be in full force and effect five (5) days after such publication.

PASSED, ADOPTED, SIGNED AND APPROVED this 24th day of May, 2016.

Tommy Roberts, Mayor

(SEAL)

ATTEST:

Dianne Smylie, City Clerk

Sec. 6-8-6. - Meetings.

The animal services advisory commission shall meet regularly, as determined by the commission, but at least quarterly~~hold a regular meeting each month~~, shall keep meeting minutes and operate in accordance with the Open Meetings Act.

ORDINANCE NO. 2016-XXXX

AN ORDINANCE AMENDING CHAPTER 6 OF THE FARMINGTON CITY CODE
DEALING WITH MEETINGS OF THE ANIMAL SERVICES ADVISORY COMMISSION

WHEREAS, the Animal Services Advisory Commission believes that animal welfare in Farmington is in a good place with no major issues to work through; and

WHEREAS, the Animal Services Advisory Commission desires to hold regular meetings quarterly instead of monthly; and

WHEREAS, the City Council finds it necessary to amend the Farmington City Code to allow for quarterly meetings of the Animal Services Advisory Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON THAT:

SECTION ONE: Section 6-8-6. Meetings, is amended to read as follows:

"The animal services advisory commission shall meet regularly, as determined by the commission, but at least quarterly, shall keep meeting minutes and operate in accordance with the Open Meetings Act."

PASSED, APPROVED, SIGNED AND ADOPTED this ___ day of May, 2016.

Tommy Roberts, Mayor

(SEAL)

ATTEST:

Dianne Smylie, City Clerk

ORDINANCE NO. 2016-XXXX

AN ORDINANCE AMENDING CHAPTER 20 OF THE FARMINGTON CITY CODE
DEALING WITH LAKE FARMINGTON

WHEREAS, the City of Farmington has received requests from members of the public to use Lake Farmington for swimming; and

WHEREAS, the City Council finds it necessary to amend Chapter 20 to allow for swimming in designated areas of Lake Farmington.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON:

Section One: Section 20-3-7, Swimming, bathing or polluting of waters, is amended to read as follows:

"A. No washing, wading, swimming outside of designated areas, bathing or polluting of the waters of Lake Farmington shall be permitted. The city manager shall have discretion to grant a waiver allowing such activities for beneficial purposes such as, but not limited to, training, special events and maintenance of the dam and lake.

B. Swimming shall be permitted in designated areas."

Section Two: All other provisions of Chapter 20 shall remain the same.

PASSED, SIGNED, APPROVED AND ADOPTED this ____ day of May, 2016.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk

ORDINANCE NO. 2016-XXXX

AN ORDINANCE ENACTING A NEW CHAPTER 25 ARTICLE 3 DIVISION 5 OF THE FARMINGTON MUNICIPAL CODE REGARDING OFF-HIGHWAY MOTOR VEHICLES

WHEREAS, the New Mexico Legislature amended the Off-Highway Motor Vehicle Act ("Act") during the 2016 Legislative Session permitting the operation of off-highway motor vehicles on streets or highways; and

WHEREAS, the Act allows a municipality or the state transportation commission by ordinance or resolution to authorize recreational off-highway vehicles or all-terrain vehicles to be operated on a paved street or highway owned or controlled by the authorizing entity; and

WHEREAS, the City desires to authorize recreational off-highway vehicles or all-terrain vehicles to be operated on a paved street or highway owned or controlled by the City.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON THAT:

SECTION ONE: A new Division 5 shall be added to Article 3 of Chapter 25, Traffic and Vehicles, of the Farmington City Code which shall read as follows:

Division 5. Off-Highway Motor Vehicles.

Sec. 25-3-136. Definitions.

As used in this division, the following definitions shall apply:

"off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

- (1) "all-terrain vehicle", which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;
- (2) "recreational off-highway vehicle", which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:
 - (a) a steering wheel for steering control;
 - (b) non-straddle seating;
 - (c) maximum speed capability greater than thirty-five miles per hour;
 - (d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;
 - (e) less than eighty inches in overall width, exclusive of accessories;
 - (f) engine displacement of less than one thousand cubic centimeters; and
 - (g) identification by means of a seventeen-character vehicle identification number; or
- (5) by rule of the state department of game and fish, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes.

Sec. 25-3-137. Operation on streets or highways -- prohibited areas.

A. A person shall not operate an off-highway motor vehicle on any:

- (1) limited access highway or freeway at any time; or
- (2) paved street or highway except as provided in

Subsection B, C or D of this section.

B. Off-highway motor vehicles may be operated on paved streets or highways to gain direct access to or from a private or public area open for off-highway vehicle use, except for those routes which are specifically posted closed to off-highway vehicle use.

C. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the roadway. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall

begin a crossing only when it can be executed safely and then cross in the most direct manner as close to a perpendicular angle as possible.

D. A recreational off-highway vehicle or an all-terrain vehicle may be operated on a paved street or highway owned and controlled by the city if:

(1) the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act, Sec. 66-3-1001 through 66-3-1021, NMSA 1978;

(2) the vehicle has brakes, side mirrors on the right and left side of the driver, turn signals, horn, speedometer illuminated for nighttime operation and mufflers;

(3) the operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit;

(4) the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act, Sec. 66-5-201 through 66-5-248, NMSA 1978; and

(5) a person under the age of eighteen shall not operate an off-highway motor vehicle or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the state department of game and fish.

Sec. 12-3-138. Speed limit.

A. The speed limit for all-terrain vehicles operated within the city shall be 35 miles per hour or the posted speed limit, whichever is less. If the posted speed limit is higher than 35 miles per hour, the operator shall operate the all-terrain vehicle on the extreme right hand side of the roadway.

B. The speed limit for recreational off-highway vehicles operated within the city shall be 45 miles per hour or the posted speed limit, whichever is less.

Sec. 12-3-139. Passengers.

A. A person operating a recreational off-highway vehicle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a recreational off-highway vehicle unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the recreational off-highway vehicle at the rear of the operator.

B. A person under the age of eighteen shall not operate an all-terrain vehicle while carrying a passenger.

C. A person shall ride upon an all-terrain vehicle only while sitting astride the seat, facing forward, with one leg on either side of the off-highway motor vehicle.

D. No person shall operate an all-terrain vehicle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

E. No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation of the all-terrain vehicle or the view of the operator.

Sec. 12-3-140. Obedience to traffic laws required.

Any person operating an off-highway motor vehicle shall obey all traffic laws, rules and regulations and shall be subject to the provisions of Articles 1 through 8 of Chapter 66 NMSA 1978 [except 66-7-102.1 NMSA 1978].

PASSED, SIGNED, APPROVED AND ADOPTED this 10th day of May, 2016.

Tommy Roberts, Mayor

(SEAL)

ATTEST:

Dianne Smylie, City Clerk

ORDINANCE NO. 2016-1284

AN ORDINANCE REVISING CERTAIN SECTIONS OF THE FARMINGTON CITY CODE PROVIDING FOR CLARIFICATION AND ADDITIONS TO PROVISIONS IN CHAPTERS 24 AND 25, RELATING TO HOUSE NUMBERING AND STREET ADDRESSING AND INDIVIDUAL USED VEHICLE SALES

WHEREAS, several sections of the City Code are in need of clarification to better serve the methods and procedures of enforcement in dealing with house numbering and street addressing and individual used vehicle sales; and

WHEREAS, the City Council finds it necessary to amend certain provisions of the Farmington City Code to allow a clearer interpretation of the Code and to benefit the public and compliance officers by providing clarity to these sections.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON:

Section One: Sec. 24-7-2 *Street address required*, is amended to read as follows:

"Sec. 24-7-2 *House number and street address required*.

- (a) All properties within the city or its address jurisdiction shall have a house number and street address assigned by the director of the community development department consisting of a street name and number designating its position relative to the address grid. Addresses shall be posted on all properties in accord with standards adopted by the city.
- (b) Each property owner/occupant shall place an assigned house number in a readily visible location upon the principal structure(s) facing the street from which the property is addressed, e.g., at the front entrance to the home or structure. Interior units of an apartment, condominium project, mobile home park or the like, shall post the appropriate designation at each individual unit.
- (c) House numbers shall be in numeric form, at least three and one-half (3 ½) inches in height, and be posted in plain sight at least six (6) feet above grade and in contrasting color to the background upon which they are mounted. If the structure is set back from the principal roadway over fifty (50) feet, the address shall be posted at a driveway leading to the structure, at least three (3) feet above grade and in manner of color, size and visibility specified above.

Section Two: Article 7 of Chapter 25, Sale of Motor Vehicles, be repealed and replaced with the following:

Article 7. Individual Used Vehicle Sales

Sec. 25-7-1. Authority of private individual.

- "(a) *Definitions*.
Display for sale means any vehicle parked and signed for the purpose of sale.
Vehicle means a motorized craft of any kind designed to transport persons or things over land, water or air, and includes, but is not limited to, cars, trucks, trailers, boats, airplanes and heavy equipment.
- (b) *Unlawful practices*. It shall be unlawful to display for sale any vehicle on a property not specifically permitted for sales of vehicles, except as otherwise provided herein.
- (c) *Exceptions*. The following vehicles, subject to the conditions provided herein, shall be excepted from the prohibition on display for sale:
 - (1) Any personal vehicle owned by the property owner or lessee, and which is parked in an area designated for parking;
 - (2) Any personal vehicle owned by an employee of the property owner or lessee and used for transportation

to and from work, and which is parked in an area regularly designated by the property owner or lessee as employee parking; or

- (3) Any vehicle temporarily parked on the premises for a reasonable period of time and for the purpose of conducting business, visiting or engaging in other lawful use of the property.
- (d) *Conditions of display for sale.* The owner of any vehicle which qualifies for exception under paragraphs (c) (1) or (2) above shall provide notice visible on the vehicle of the owner's name and telephone number, and whether that person is the owner/lessee of the premises, or an employee of the business.

Sec. 25-7-2. Penalties and towing.

- (a) *Violations.* Any vehicle displayed for sale in violation of the provisions of this section shall be subject to citation and shall subject the owner of the vehicle to the penalty provisions of section 1-1-10. Each day that the vehicle is unlawfully displayed for sale shall be considered a separate violation.
- (b) *Warning of violation; removal of vehicle.* In addition to issuing a citation, a law enforcement, code compliance or animal control officer is authorized to place a warning sticker on any motor vehicle, trailer or recreational boat displayed in violation of subsection (a) or (b) of this section and to provide for its removal if it is at the same location 24 hours after the warning sticker is placed on it.
 - (1) The warning sticker shall contain the following information:
 - a. The date and time the warning sticker was affixed to the vehicle;
 - b. A statement that pursuant to this violation, if the vehicle is not removed within 24 hours after the sticker is affixed, the vehicle shall be towed away and stored at the owner's expense and if the vehicle is moved to another unlawful location at any time after such sticker is affixed, it will be subject to immediate removal without further warning; and
 - c. The location and telephone number where additional information may be obtained.
 - (2) If a vehicle on which a warning sticker has once been issued and affixed is found in another unlawful location at any time after the warning sticker is affixed, the law enforcement, code compliance or animal control officer may immediately without further warning provide that the vehicle be towed away and stored at the owner's expense.
 - (3) After a vehicle is taken into custody and stored pursuant to this article, the affixing department shall initiate notification and hearing procedures as set forth in sections 25-6-5 and 25-6-6.

PASSED, SIGNED, APPROVED AND ADOPTED this 26th day of April, 2016.

Gayla A. McCulloch, Mayor Pro Tem

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, April 12, 2016. 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 G. Rodgers Sean E. Sharer 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
ASSISTANT CITY MANAGER	Julie Baird
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 David Florez of The Journey Church.

Mayor Roberts 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 March 22, 2016.

*DECLARATION OF SURPLUS PROPERTY: The Acting Procurement Officer requested that worn-out, unusable or obsolete vehicles and equipment (Administrative Services, Central Warehouse, General Services, Vehicle Maintenance, Police and Region II) 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.

*DECLARATION OF SURPLUS PROPERTY: The Acting Procurement Officer requested that worn-out, unusable or obsolete dirt bikes (Administrative Services, Central Warehouse, General Services, Vehicle Maintenance and Police) 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 Acting Procurement Officer requested that the bid for purchase of a relay panel for the San Juan Substation (Electric) be awarded to McKinley Sales, Co. on its low bid after application of five percent in-state preference of \$86,686. Bids opened March 15, 2016 with four bidders participating.

*GRANT AWARD NUMBER G16SN0010A between the City and the Office of National Drug Control Policy for funding in the amount of \$259,449 for the Region II High Intensity Drug Trafficking

Area (HIDTA) Narcotics Task Force from January 1, 2016 to December 31, 2017.

*WARRANTS PAYABLE for the time period of March 20, 2016 through April 9, 2016, for current and prior years, in the amount of \$12,177,544.95.

There being no requests to remove any items, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to approve the Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

FAIR HOUSING MONTH PROCLAMATION

The Mayor presented Community Development Director Mary Holton, Senior Planner Cindy Lopez and Associate Planner Terri Clashin with a Proclamation declaring April 2016 as "Fair Housing Month."

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Community Development Director Mary Holton requested that the Planning and Zoning Commission recommendation marked with an asterisk () be placed on the Planning and Zoning Commission Consent Agenda and voted on without discussion by one motion. She asked that if the item proposed did not meet with approval of all Councilors or if a citizen so requested, the item would 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 Petition Report to approve Petition No. PP 16-03 from Pat Messerli, represented by Cheney-Walters-Echols, Inc., requesting preliminary plan approval for a lot-split of 8.70 acres located at the intersection of Cannery Court and Nelson Avenue, subject to:

- (a) Nelson Avenue being constructed and completed to City standards prior to any building permits being issued for any lots located within the replat; and
- (b) the needed improvements to Broadway being completed based on the 2013 Traffic Impact Analysis.

There being no requests to remove the item, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to approve the Planning and Zoning Commission Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

The following recommendation from the Planning and Zoning Commission was also presented:

(2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Petition Report to approve Petition No. ZC 16-02 from San Juan Regional Medical Center requesting a zone change from the OP, Office Professional, and the MU, Mixed-Use, Districts to the PD, Planned Development, District for 12.32 acres of property located at 804F South Drake Avenue and 710 South Lake Street, subject to:

- (a) fencing being installed along West Murray Drive (similar to that of Navajo Preparatory School's fencing along Apache Street); and
- (b) an agreement being finalized regarding the landscape screening with the neighboring businesses surrounding the property.

At the advice of City Attorney Jennifer Breakell, Mayor Roberts announced that tonight's consideration of Petition No. ZC 16-02 will be conducted as a quasi-judicial hearing that will require all parties and their witnesses offering testimony to first be sworn to tell the truth by the City Clerk. He stated that the order of the presentation of evidence will be 1) staff, 2) the proponents, 3) the opponents and 4) the proponent's rebuttal. At the request of Mayor Roberts, City Clerk Dianne Smylie asked for all parties wishing to give testimony in response to the subject petition to stand, raise their right hand and swear to tell the truth. The following individuals were administered an oath: Doug Frary, John Buffington, Keith Neil, Cindy Lopez and Mary Holton.

Councilor McCulloch announced for the record that she owns property adjacent to the subject property.

Thereupon, Mayor Roberts asked for testimony from staff.

Utilizing a Powerpoint presentation [Exhibit A], Associate Planner Keith Neil displayed an aerial photograph of the area under consideration and pointed out that ABC Concrete, Cascade Bottled Water, Century Link, Federal Express, Perry Supply Company, Mobile Home Services, Inc. and Drake Well Service are the adjoining property owners. He also noted that the surrounding zone designations are Industrial ("IND") and Mixed-Use ("MU"). He stated that representatives from San Juan Regional Medical Center ("SJRMC") initially requested a zone change to IND but the members of the Planning and Zoning Commission ("P&Z") recommended that the property be zoned Planned Development ("PD") with the underlying zone designations of MU and OP being retained. He noted that SJRMC is proposing to utilize 10 of the 12 acres for the construction of a 1.5 megawatt capacity major utility solar array. Furthermore, Mr. Neil explained that if the PD zone designation is considered, certain requirements must be met which include 1) the submission of a Master Plan (included on pages 7.82 and 7.83 of the agenda materials); 2) a narrative (included on page 7.81 of the agenda materials); 3) the property being developed with at least 10 percent of open space; 4) the setback requirements for underlying district density standards being met; 5) the proposed use of the property being in compliance with the Comprehensive Plan Land Use Map (which recommends commercial development); and 6) the installation of barbed wire on the north, east and west property lines.

Mayor Roberts asked if the Community Development Director still opposes the subject petition now that the Planning and Zoning Commission has recommended that the existing zone designations be retained. In response, Community Development Director Mary Holton agreed with staff that alternative energy sources should be seriously considered, but maintained her position that this is not an appropriate use of the property because of its close proximity to the Metropolitan Redevelopment Area ("MRA"). However, she stated that she is pleased that P&Z recommended the PD District since the property will retain the MU and OP zone designations and noted that the only reason that the subject property is not located within the MRA district is because it was annexed after the MRA boundaries were defined.

In response to inquiry from Councilor Duckett, Ms. Holton reported that it is her understanding that SJRMC owns another parcel of land that is comparable in size and located outside the city limits of Farmington that would be more appropriate for the construction of a solar array. She also stated that she would prefer for the solar array to be constructed on top of existing buildings or parking structures since that would be considered an accessory use of the property. Furthermore, she explained that she is concerned that if the property is zoned IND and the solar array is constructed there is no way to protect the MRA from future industrial activity on the property if the solar array is removed.

Responding to further questions from Councilor McCulloch, Ms. Holton reported that there are no zoning regulations for solar projects at this time, but assured her that staff is working on the matter and will be bringing forth a proposal in the near future.

Mayor Roberts asked staff to explain the reasons why their opinions differ from that of Ms. Holton. In response, Senior Planner Cindy Lopez reported that there is a differing opinion on how the impact of a solar array is being interpreted. She stated that through their research, they have concluded that solar arrays do not create much noise, increase pollution, generate heat or create glare and, as a result, staff believes that they will be a quiet "neighbor" to the adjoining property owners and will provide an educational platform for students. She also pointed out that the panels are only about six feet tall which will make it easy to screen with fencing. Lastly, Ms. Lopez noted that the panels can be easily removed and upgraded as new technologies develop and stated that it is her belief that SJRMC has the right to utilize their property. She also pointed out that the subject parcel of land has been vacant for many years and stated that she believes that development would be beneficial to the surrounding properties.

Mayor Roberts stated that one of the points that he believes is compelling to this petition is the fact that the solar array is an

ancillary use that will support the operations of SJRMC. He also pointed out that the hospital serves as an anchor player in the future development of the MRA district.

The Mayor asked for testimony from the petitioner.

Doug Frary, Vice President of Professional and Support Services for SJRMC, addressed the Council in support of the subject petition and he thanked staff from the Community Development Department for their assistance with this matter. In response to inquiry from Councilor Duckett, Mr. Frary reported that SJRMC has no other properties that would support a solar array of this size and he explained that this property has been the preferred site for the project since 2004 when the Master Facilities Plan was adopted. Responding to inquiry from Councilor Rodgers, Mr. Frary confirmed that there is a gas well on the property, but assured her that the setbacks will be retained so that the well can be serviced.

Announcing that she would prefer for the subject property to be developed MU, Councilor McCulloch suggested that SJRMC consider the property that is located outside the city limits as the more appropriate location for the solar array. Furthermore, she stated that it was her understanding that SJRMC was still in discussions with the City about the construction of a community solar project. In response, Mr. Frary stated that SJRMC was well into the process of developing the proposed solar array prior to the City expressing an interest in a community project. John Buffington, SJRMC Chief Operating Officer, contended that SJRMC has been a good neighbor in the MRA and assured the Council that they will still consider partnering with the City on future projects.

In response to inquiry from Mayor Roberts, Mr. Frary indicated that SJRMC is amenable to the two conditions that were recommended by P&Z. Mayor Roberts directed the City Clerk to include the Powerpoint presentation submitted by SJRMC into the record of tonight's meeting even though it was not visually presented. [Exhibit B]

Following further discussion concerning the type of landscaping that is being proposed, a motion was made by Mayor Roberts, seconded by Councilor Duckett to adopt the recommendation from the Planning and Zoning Commission to approve Petition No. ZC 16-02 from San Juan Regional Medical Center and grant a zone change from the OP and MU Districts to the PD District for 12.32 acres of property located at 804F South Drake Avenue and 710 South Lake Street, subject to conditions (a) and (b). The roll was called with the following result:

Those voting aye:	Nate Duckett
Those voting nay:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch

The presiding officer thereupon declared that three Councilors having voted in the negative, the said motion failed.

Mayor Roberts asked each Councilor to explain the reasons for their vote.

Councilor Sharer stated that this was a difficult decision for him even though he has "done his homework" by meeting with representatives from SJRMC, reading the Planning and Zoning Commission Meeting Minutes and listening to Ms. Holton state the reasons why the proposed use is not compatible with the MRA. He stated that he believes that this is a great project for the hospital but feels that there is a more appropriate location for the development of such an industrial-looking project.

Councilor Rodgers announced that this was also a difficult decision for her because she supports the hospital and the solar concept. However, she stated that Ms. Holton's comments were more in alignment with her own thoughts and she stated that she would like to see the property developed in a less industrial manner. She acknowledged that SJRMC agreed to install fencing and landscaping to improve aesthetics, but stated that she believes that there is a more appropriate location for this type of project.

Councilor McCulloch stated that she also feels that this is a tough decision because she supports the project if it were constructed at a

different location. Referring to an article that was provided to her by David Fosdeck, she indicated that it made her realize that Farmington is lacking zoning codes that other communities have already imposed which has added to the difficulty in making this decision.

Councilor Duckett agreed that this issue required a lot of thought. He explained that he voted in favor of the motion because he believes that the historical use of that land along with the surrounding areas are industrial in use and will likely continue to be since it is costly for businesses to relocate. He agreed that it would be ideal for the area to be developed as a mixed-use residential and professional area, but stated that he does not foresee that happening within the near future. He announced that it is his opinion that the proposal is a viable use of the property and believes that it would have been developed in an aesthetically-pleasing manner.

Mayor Roberts announced that he would like to indicate his support for the proposed petition even though he would have only voted in the event of a tie. He stated that it is his opinion that the proposed use is reasonable since the solar array would have served as an ancillary use to the hospital by offering a more cost-effective method for providing services. He also stated that he believes that the decision-making body of the city should make every effort to assist a petitioner if the proposed use of the property is reasonable and tied to their existing operation.

FIRST TEE YOUTH GOLF PROGRAM

Tom Yost, Executive Director for First Tee of San Juan County, NM, stated that this project was first initiated in 2005 with 50 kids participating. Noting that there are more than 8,600 students now participating in the program in 13 elementary schools in Aztec, Bloomfield, Kirtland, Farmington and Cortez, Colorado, he proudly reported that the mission of the program is "to impact the lives of young people by providing educational programs that build character, instill life-enhancing values and promote healthy choices through the game of golf." He also announced that Luke Tanner, the Head Golf Professional at Piñon Hills Golf Course recently attended the Level 1 Training in Nashville, Tennessee and is now a First Tee Level 1 Coach. In closing, Mr. Yost reported that the 2nd Annual Clubs for Kids event will be held on Thursday, May 12, 2016 at the Piñon Hills Golf Course driving range and he invited the Mayor and Council to attend the event.

In response to inquiry from Councilor Duckett, Mr. Yost explained that equipment for the program is funded through a grant offered by Merrion Oil & Gas and stated that the curriculum is taught by the Physical Education teachers at each of the participating schools.

APPOINTMENT TO THE PARKS, RECREATION & CULTURAL AFFAIRS COMMISSION

The Mayor asked the Council's consideration of the appointment of Jeffrey (J.B.) Holcomb (term to September, 2018) as a member to the Parks, Recreation & Cultural Affairs Commission.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to confirm the appointment of Jeffrey (J.B.) Holcomb as a member to the Parks, Recreation & Cultural Affairs Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENT TO THE CABLE & COMMUNICATIONS COMMISSION

The Mayor asked the Council's consideration of the appointment of Jarrette Bishop (term to July, 2016) as a member to the Cable & Communications Commission.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Duckett to confirm the appointment of Jarrette Bishop as a member to the Cable & Communications Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Permission to Draft an Ordinance Dealing with Off-Highway Vehicles

Councilor Duckett asked the Council for consensus to direct the City Attorney to draft an ordinance in response to Senate Bill 270 which authorizes municipalities to allow recreation off-highway and all-terrain vehicles to be operated on paved streets and highways. In response to inquiry from Mayor Roberts, Councilor Duckett explained that he convened a steering committee comprised of himself, City Attorney Jennifer Breakell, San Juan County Attorney Doug Echols, Darryl Dunlap (an ATV enthusiast), Butch Matthews (New Mexico State Transportation Commissioner for District 5) and Senator Steve Neville (sponsor of the subject bill) for the purpose of discussing how Farmington could implement this legislation to increase tourism.

In response to further inquiry from Mayor Roberts, Ms. Breakell explained that the City has adopted the Uniform Traffic Ordinance by reference which previously prohibited the use of off-highway vehicles on paved roadways. As a result, the use of such vehicles will be allowed beginning May 18, 2016 provided that the drivers adhere to certain safety measures (i.e. head and tail lights, brakes, mirrors, mufflers, etc.). She stated that if staff is directed to draft the proposed ordinance, regulations imposed by the surrounding States of Colorado, Utah and Arizona will be considered.

Following further discussion concerning the potential use of the vehicles and the reasons for allowing such use, it was the consensus of the Council to direct staff to draft an ordinance dealing with the use of off-highway vehicles on paved roads.

CITY MANAGER BUSINESS

Retirement of Assistant City Manager Bob Campbell

City Manager Rob Mayes announced that this is the last regular City Council meeting that Assistant City Manager Bob Campbell will be attending prior to his retirement on April 22, 2016. Mr. Mayes stated that he believes that Mr. Campbell has served the city of Farmington with distinction over the past eight years and stated that he has been an integral part of the organization. Mr. Mayes sincerely stated that he appreciates Mr. Campbell as a friend and a professional colleague and announced that he will miss him.

Mayor Roberts stated that he has observed Mr. Campbell's interactions with fellow colleagues over the past six years and believes that he brings the "right attitude to the locker room" with his sense of humor. He also acknowledged Mr. Campbell's accomplishments throughout his long-term career in the public sector and he wished him well in his new endeavors.

Councilor Duckett stated that he believes that Mr. Campbell is "one cool cat" and he thanked him for his hard work and dedication over the years. He contended that Mr. Campbell leaves a big role to fill.

Councilor McCulloch agreed that Mr. Campbell is leaving "big shoes to fill" and stated that she always appreciated his cheerful demeanor and willingness to help.

Councilor Rodgers thanked Mr. Campbell for being willing to teach her as a new City Councilor and for his can-do attitude when it comes to addressing complaints or responding to suggestions. She also commended him for being a Denver Broncos fan!

Councilor Sharer acknowledged that he has only been on the Council for about a month, but commended Mr. Campbell for his years of service and stated that he will be missed.

Addressing the Council, Mr. Campbell stated that he appreciates the comments and announced that he and his wife, Nancy, are looking forward to their new adventures in Tucson, Arizona after serving 39 years in the public sector. He stated that he believes that Mr. Mayes is an outstanding leader who has built a great leadership team and contended that the currently-seated governing body is one of the best because they make decision that are based on valid principles that are in the best interest of the community.

Introduction of Newly-Hired Assistant City Manager and General Services Director

City Manager Rob Mayes formally introduced new Assistant City Manager Julie Baird and new General Services Director Eddie Smylie.

Announcing that it is nice to see employees advance within the organization, Mayor Roberts congratulated Ms. Baird and Mr. Smylie and stated that he is assured in their abilities to fulfill their new roles because of Mr. Mayes' confidence in their past work performances.

Update on the Condition of Brookside Pool

City Manager Rob Mayes reminded the Council that at the March 22, 2016 regular City Council meeting the Council asked for additional analysis on the condition of the pipes, inlets, outlets, pool deck and liner at Brookside Pool. Noting that it was determined that the condition of the pool is so poor that additional testing cannot be completed, he announced that it is staff's recommendation that the pool be closed. However, he noted that staff will be scheduling a strategic planning session in conjunction with the upcoming Fiscal Year 2017 budget hearings where options for funding the construction of a new pool and/or water feature at Brookside Park will be presented for Council consideration.

Utilizing a Powerpoint presentation, Parks, Recreation & Cultural Affairs Director Cory Styron reported that American Leak Detection inspected Brookside pool on Tuesday, April 5, 2016 and determined that the drains, inlets and outlets are in such poor condition that they may not withstand the pressure test. He also pointed out that it was their recommendation that the pool liner be replaced prior to any leak detection tests be conducted. Mr. Styron showed the Council pictures of the corroded inlets, outlets and drains and also areas where the concrete pool deck is crumbling and exposing the rebar.

There was no response to the Mayor's question to the Council on whether they believe that there is a reason to open Brookside pool this season.

In closing, Mr. Mayes stated that he intends to bring this item back to the Council at a future date for formal action.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented for discussion a proposed ordinance dealing with house numbering/street addressing and the sale of used vehicles by individuals. The title of such proposed ordinance being:

AN ORDINANCE REVISING CERTAIN SECTIONS OF THE CITY CODE PROVIDING FOR CLARIFICATION AND ADDITIONS TO PROVISIONS IN CHAPTERS 24 AND 25 RELATING TO HOUSE NUMBERING AND STREET ADDRESSING AND INDIVIDUAL USED-VEHICLE SALES.

There being no discussion, Ms. Breakell announced that the proposed ordinance will be presented for final action at the April 26, 2016 regular City Council meeting.

Ms. Breakell also requested permission to publish an ordinance authorizing swimming in designated areas at Lake Farmington. The title of the proposed ordinance being:

AN ORDINANCE AMENDING CHAPTER 20 OF THE CITY CODE DEALING WITH LAKE FARMINGTON

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Duckett to authorize staff to publish a notice of intent to consider an ordinance that would allow swimming in designated areas at Lake Farmington, and upon voice vote the motion carried unanimously.

BUSINESS FROM THE FLOOR

Proposed Improvements to the Downtown District

Addressing the Council as a business and property owner in the downtown area, Morey Havens voiced concern for the safety of pedestrians if the traffic signals located at the corners of Main Street and Locke Avenue, Main Street and Allen Avenue and Main Street and Court Avenue are removed prior to the roadway being narrowed as proposed by the Complete Streets project. He also questioned whether there would be increased liability to the City if the lights are removed and a pedestrian is injured. Furthermore, Mr. Havens suggested that construction of the Complete Streets project be conducted in small phases in order to protect the downtown businesses, noting that he lost 50 percent of his revenue over a period of two years for a business he owned in the City of Aztec during the reconstruction of their Main Street.

CLOSED MEETING

A motion was made by Councilor Rodgers, seconded by Councilor Duckett to close the meeting to discuss request for qualification-based proposals for professional engineering services for arc flash analysis and request for proposals for a cost of service and rate study, pursuant to Section 10-15-1H(6) NMSA 1978, and to receive advice from the City's legal counsel concerning a matter of pending litigation (Chavez vs. City of Farmington), pursuant to Section 10-15-1H(7) NMSA 1978. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer 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 7:44 p.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 Duckett, 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 8:17 p.m. with all members of the Council being present.

QUALIFICATION-BASED PROPOSAL/ENGINEERING SERVICES FOR ARC FLASH ANALYSIS

Acting Procurement Officer Kristi Benson reported that proposals for professional engineering services for arc flash analysis (Electric) opened on March 9, 2016 with fourteen offerors participating. She recommended that negotiations be commenced with ESC Engineering, Inc. as the top evaluated offeror after application of the five percent in-state and Veterans preferences.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to authorize staff to commence negotiations on the proposal for professional engineering services for arc flash analysis with ESC Engineering, Inc., as recommended by the Acting Procurement Officer, and upon voice vote the motion carried unanimously.

PROPOSAL/COST OF SERVICE AND RATE STUDY

Acting Procurement Officer Kristi Benson reported that proposals for a cost of service and rate study (Electric) opened on February 24, 2016 with twelve offerors participating. She recommended that the proposal be awarded to NewGen Strategies as the top evaluated offeror after application of the five percent in-state and Veterans preferences.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to award the proposal for a cost of service and rate study to NewGen Strategies, as recommended by the Acting Procurement Officer, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 8:19 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 26th day of April, 2016.

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

Gayla A. McCulloch, Mayor Pro Tem

SEAL

ATTEST:

Dianne Smylie, City Clerk