

## A G E N D A

. . . for the Regular Meeting of the Farmington City Council to be held at 7:00 p.m., Tuesday, May 13, 2014 in the Council Chamber, City Hall, 800 Municipal Drive, Farmington, New Mexico. . .

1. Roll Call and Convening the Meeting:
2. Invocation: Reverend George Harris of Fellowship of Spirit.
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 April 22, 2014; and -----10
  - (b) the Regular Work Sessions of the City Council held April 15, 2014 and May 6, 2014. ----- 11
6. \*Approval of Bid for construction of the Piñon Hills Boulevard pedestrian facilities (Public Works) being awarded to TRC Construction, Inc. on its low bid meeting specifications after application of five percent in-state preference of \$520,079.60, and to reject the bids received from H.O. Construction, Inc. and Consolidated Constructors, Inc. for being non-responsive and not meeting specifications. Bids opened April 2, 2014 with four bidders participating. ----- 1
7. \*Approval of Recommendation from the Liquor Hearing Officer for approval of Application No. 902120 for a transfer of ownership and location of Liquor License No. 2536 from Alamowing Santa Fe, LLC, doing business as Buffalo Wild Wings, 3501 Zafarano Drive, Santa Fe, New Mexico to LAB NM Investments, LLC, to do business as Buffalo Wild Wings, 2700 East Main, Farmington, New Mexico. (Hearing held April 25, 2014) ----- 2
8. \*Approval of Recommendation from the Liquor Hearing Officer for approval of Application No. 903832 for a transfer of ownership and location of Liquor License No. 2642 from John C. Moore, doing business as Sidewinders Ranch, 8900 Central Avenue SE, Albuquerque, New Mexico to Texas Roadhouse Holdings, LLC, to do business as Texas Roadhouse, 4601 East Main Street, Farmington, New Mexico. (Hearing held May 5, 2014) ----- 3

9. \*Approval of Lease Agreement between the City, Kysar Insurance Agency, Inc., Raymond L. Kysar, Jr. and Patsy Sue Kysar for lease of Lots 6 through 9 of Block Two of the Arrington Addition for public parking purposes (term to April 30, 2019). ----- 4
10. \*Approval of Warrants up to and including May 10, 2014.
11. Proclamation declaring May 18 through 24, 2014 as "National Public Works Week."
12. Presentation on why Complete Streets are important and beneficial to communities (Robert Ping, Walkable & Livable Communities Institute)
13. Consideration of and direction to staff regarding proposal from Greenlawn Cemetery Board (Bob Campbell)

Greenlawn Cemetery Board is requesting that the City accept its assets and then own and operate the cemetery. An independent auditor's report has been completed by Greenlawn Cemetery as required by State Statute. The following is a list of options for consideration by the Council:

- (1) Direct staff to proceed with preparation of an ordinance creating a Cemetery Board to care for, manage and control a municipal cemetery. If directed, staff recommends Greenlawn Cemetery Board prepares a resolution stating that the City would accept the cemetery and all of its assets in exchange for the City owning and operating the cemetery. Staff and members of the Greenlawn Cemetery Board would then formalize an agreement to be brought back to the Council for approval;
- (2) Direct staff to notify the Greenlawn Cemetery Board in writing that the City has no interest at the present time in acquiring the cemetery; or
- (3) Direct staff to do further research on unfinished items related to the cemetery as identified by the Council. ----- 5

14. New Business:

(a) Mayor

- (1) Request for consensus to direct staff to draft a resolution supporting efforts to obtain necessary approvals for continued operations of the Four Corners Power Plant.
- (2) Confirmation of the appointment of Andrea Jones as Deputy City Clerk (replacing Melody Coyner) in accordance with Section 3-13-1B NMSA 1978. ----- 6
- (3) Reappointments to the Library Board and appointments and reappointments to the Planning and Zoning Commission.

(b) Councilors

(c) City Manager

(d) City Attorney

(1) Resolution  
-setting and establishing a regular meeting day, time and place for  
City Council meetings pursuant to City Council Resolution  
No. 2013-1466. ----- 7

(2) Proposed Ordinance – Discussion  
-annexing 888.09 acres of land contiguous to and southwest of the  
current city limits located near and adjacent to West Piñon Street,  
West Murray Drive and the Bisti Highway. (Published April 27,  
2014). ----- 8

(e) City Clerk

15. Business from the Floor:

(1) Items removed from Consent Agenda for discussion.

(2) Any other Business from the Floor.

16. Closed Meeting to discuss requests for proposals for electrical engineering  
services for the Farmington Electric Utility System, pursuant to  
Section 10-15-1H(6) NMSA 1978.

17. Proposal: Request for authorization to begin negotiations with Transmission and  
Distribution Services as the top evaluated offeror for the proposal for  
electrical engineering services for the Farmington Electric Utility System.  
Proposals opened March 25, 2014 with thirteen offerors participating.  
Presentations were held on May 7, 2014, with the top four evaluated  
offerors. ----- 9


18. 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   
Purchasing Officer

DATE: April 10, 2014

SUBJECT: Pinon Hills Pedestrian Facilities, Bid #14-99610

USING DEPARTMENT: Public Works  
=====

A bid opening was held on April 2, 2014 for Pinon Hills Pedestrian Facilities. Four (4) Bidders responded.

The Central Purchasing Department concurs with the recommendation from the Public Works Department to reject the bid from H.O. Construction, Inc. as non-responsive for not using the revised Bid Proposal form as required by Addendum One of the bid.

The Central Purchasing Department concurs with the recommendation from the Public Works Department to reject the bid from Consolidated Constructors, Inc. as non-responsive for not meeting the requirement of the New Mexico Department of Transportation (NMDOT) 2007 Supplemental Specifications for Division 100, Standard Specifications for Highway and Bridge Construction, Page 60 (Section 108.1, second paragraph), "The Contractor shall perform with its own organization at least 40% of the work based on the Total Bid Amount". The estimate submitted by Consolidated Constructors, Inc. noted that only 32% of the work was to be performed by their organization.

The Central Purchasing Department concurs with the recommendation from the Public Works Department to award the bid to TRC Construction, Inc. from Farmington, NM, as the lowest bidder meeting specifications for a total awarded amount of \$520,079.60 plus estimated applicable taxes of \$37,380.72. All bidders qualified for the 5% in-state preference.

Edward Smylie (Presenter)  
Consent Agenda/Council Meeting 5/13/14

xc: H. Andrew Mason, Administrative Services Director  
David Sypher, Public Works Director  
Chico Quintana, Project Engineer  
File - 14-99610rp

CITY OF FARMINGTON  
 Piñon Hills Blvd Pedestrian Facilities  
 COF PROJECT #12-14  
 NMDOT CONTRACT #F100070  
 BID #14-99610

OPENING DATE: April 2, 2014, 2:00 p.m.

| DESCRIPTION  | TRC Construction<br>789 Hwy 516<br>Flora Vista, NM 87415<br>Rick Adair/Jeff Archuleta<br>505-793-4795/505-330-2753 | Abraham's Construction, Inc.<br>7605 Morrow Ave NE<br>Albuquerque, NM 87110<br>Miguel Valdez<br>505-830-3820 | H.O. Construction, Inc.<br>118 Llano Del Sur<br>Albuquerque, NM 87105<br>Robert Toledo<br>505-873-0554 | Consolidated Constructors, Inc.<br>PO Box 628<br>Farmington, NM 87489<br>Craig Murray<br>505-326-7771 |
|--|--|--|--|---|
| TOTAL  | \$ 520,079.60  | \$ 591,635.00  | \$ 489,746.00  | \$ 511,951.80   |
| ESTIMATED APPLICABLE TAXES:                        | \$ 37,380.72   | \$ 42,153.99   | \$ 35,200.49   | \$ 39,996.23  |
| BIDDER'S ESTIMATE OF TAXES FORM INITIALED:         | Yes  | Yes  | No   | Yes   |
| NM CONTRACTOR'S LICENSE NO.:                       | 87667  | 87492  | 85027  | 1272  |
| NM DEPT OF WORKFORCE SOLUTIONS - PUBLIC WORKS NO.: | 002201920110314  | 002517820120924  | 057622060825   | 002356420111118   |
| BID SIGNED:  | Yes  | Yes  | Yes  | Yes   |
| ADDENDA ACKNOWLEDGED:                              | Yes  | Yes  | Yes  | Yes   |
| LIST OF SUBCONTRACTORS:                            | Yes  | Yes  | Yes  | Yes   |
| BID BOND ENCLOSED:                                 | Yes  | Yes  | Yes  | Yes   |
| BIDDER'S QUALIFICATIONS:                           | Yes  | Yes  | Yes  | Yes   |
| DRUG-FREE WORKPLACE CERTIFICATION:                 | Yes  | Yes  | Yes  | Yes   |
| CONTRACTOR'S SAFETY CERTIFICATION:                 | Yes  | Yes  | Yes  | Yes   |
| NOTICE: BIDDERS LIST OF QUOTERS FOR DBE PROGRAM:   | Yes  | Yes  | Yes  | Yes   |
| NON-DEBARMENT CERTIFICATION:                       | Yes  | Yes  | Yes  | Yes   |
| DECLARATION OF NON-COLLUSION:                      | Yes  | Yes  | Yes  | Yes   |
| DISCLOSURE OF LOBBYIST ACTIVITIES:                 | Yes  | Yes  | Yes  | Yes   |
| NM PAY EQUITY REPORTING ACKNOWLEDGMENT:            | Yes  | Yes  | Yes  | Yes   |

\*Non-Responsive: Did not use the revised bid proposal form. \*Non-Responsive per NMDOT Standard Specifications.

**F. CHESTER MILLER III, P.C.**  
*Attorney At Law*  
*907 West Apache Street*  
*Farmington, New Mexico 87401*

*Telephone (505) 327-0428*

*Facsimile(505) 327-0420*

April 25, 2014

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

Mayor Tommy Roberts  
and City Counselors of the City of Farmington  
800 Municipal Drive  
Farmington, New Mexico 87401

**RE:   Application No.:   902120**  
**Liquor License No.: 2536**  
**Applicant Name:   LAB NM Investments, LLC**  
**Business Name:   Buffalo Wild Wings**  
**Location:         2700 East Main St., Farmington, NM 87401**  
**Application Type:  Transfer of ownership and location of Liquor License**

Dear Mayor and Council Members:

A public hearing was held, pursuant to proper public notice, on April 25, 2014 at 9:00 a.m. in the Executive Conference Room at the Municipal Building concerning the above referenced license.

Present telephonically at the hearing was Linda Aiken representing the applicant. No one else from the public participated. Russel Frost observed.

Ms. Aiken spoke of the franchise and its history; the type of operation; and the training of employees.

This application is for transfer of ownership and of location of Liquor License from Alamowing Santa Fe, LLC, doing business as Buffalo Wild Wings on 3501 Zafarano Drive, Santa Fe, NM to LAB NM Investments, LLC, to do business as Buffalo Wild Wings on 2700 East Main, Farmington, NM.

The premises for the new location have not yet been constructed. The fire department has not inspected the premises, but indicates the plans appear appropriate.

After reviewing the application; the reports from the City departments, police, zoning, fire and traffic; and hearing the comments from the applicant's representative concerning the effect on health, safety,

Page 1 of 2

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:am

cc: Linda Aiken at (505) 992-8378  
Russel Frost at (505) 326-2929



New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ PO Box 25101 ▪ Santa Fe, New Mexico 87505-5101  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming)

March 17, 2014

Susana Martinez  
GOVERNOR

Robert "Mike" Unthank  
SUPERINTENDENT

James C. McKay  
GENERAL COUNSEL

Mary Kay Root  
DIRECTOR

Certified Mail No: 7009 2250 000 9386 7594

RECEIVED

MAR 24 2014

City of Farmington  
City Clerk

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

Re: Lic. No./App. No. 2536/902120  
Applicant Name: LAB NM Investments, LLC  
Doing Business As: Buffalo Wild Wings  
Proposed Location: 2700 East Main. St, Farmington, NM

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses. \*(Please review the revised instructions for approval or disapproval below.)

Greetings:

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

Within forty-five days after receipt of a notice of preliminary approval 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. 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 at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied 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; (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 requesting a Transfer of Ownership & Location Liquor License:

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

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.)

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 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.

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 *in writing* as to whether the local governing body has approved or disapproved the issuance of transfer of the license and by signing the enclosed original Page 1 of the application. *The letter of approval/disapproval and the Page 1 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 *will* 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,

  
Annette R. Brumley  
Hearing Officer

ENCLOSURES: Original Page 1 of Liquor License Application  
Copy of page 2 Premises, Location, Ownership & Description of Premises  
SID Posting Certificate

State Liquor License # 2536 Record Owner of License Alamowing Santa Fe, LLC

Application Number AG 2120 DEPARTMENT ALCOHOL AND GAMING DIVISION

Local Option (AGD use) R#1562265 P.O. BOX 25101 Santa Fe, New Mexico 87504-0101

Current D/B/A Name Buffalo Wild Wings Current Premise Address 3501 Zafarano Drive

Local Option (AGD use) #200.00 act # 019301 505-476-4570 Santa Fe, New Mexico

Application is for: (check one) Change in ownership structure of lessee  Change of Officers/Directors  Transfer of Ownership of Existing License

Transfer of Ownership and Location  Transfer Location  Other  Issue New License

Applicant is: Individual  Corporation  Partnership (General or Limited)  Limited Liability Company

NAME OF APPLICANT (company or individual): LAB NM Investments, LLC ADDRESS (INCLUDING CITY, STATE, ZIP) 120 Chela Vista, San Antonio, Texas 78232 TELEPHONE NUMBER 210-403-3725

Notice also to: Linda L. Aikin, Esq., 530B Harkle Road, Santa Fe, NM 87505 PH: 505-982-6224 FAX: 505-992-8378

DBA Name to be used: Buffalo Wild Wings Phone Number for licensed premises TBD

Physical Address Where License is to be used: 2700 East Main St., Farmington, New Mexico 87402

Mailing Address: 120 Chela Vista, San Antonio, Texas 78232 (Street No./P.O. Box/City/State/Zip)

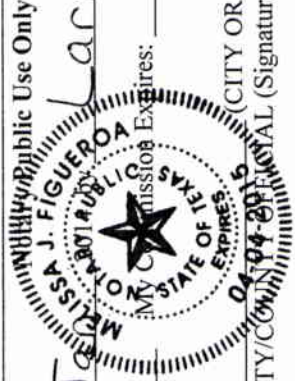
Are alcoholic beverages currently being dispensed at the proposed location? No If yes, give license number \_\_\_\_\_

Larry Harris as (title) Manager 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 thereof and that all statements 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 said license or may cause such license to be revoked at any time.

Signature of Applicant(s) [Signature] Date 1/17/2014

SUBSCRIBED AND SWORN TO before me this 17 day of January Larry Harris (Name of Person(s) Signing)

NOTARY PUBLIC: [Signature] My Commission Expires: 4/4/2015



Local Governing Body of: \_\_\_\_\_ (CITY OR COUNTY) Hearing Held on: \_\_\_\_\_

PLEASE CHECK ONE:  APPROVED  DISAPPROVED  DISAPPROVED/CITY/COUNTY HEARING HELD

APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ DIRECTOR \_\_\_\_\_ APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_

AGD Use Only \_\_\_\_\_