

A G E N D A

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

1. Roll Call and Convening the Meeting:
2. Invocation: Pastor Gary McMillan of Providence Presbyterian Church.
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 June 28, 2016; and -----7
 - (b) the Regular Work Session of the City Council held June 21, 2016.-----8
6. *Approval of Re-Bid for Phase III of the wastewater treatment plant expansion (Public Works) being awarded to RMCI, Inc. as the lowest and best bidder meeting specifications (\$20,303,500). Bids opened June 21, 2016 with five bidders participating. -----1
7. *Approval of Public Celebration Permit Application and Waivers to the 300-Foot Separation Requirement from a Church from Distil (License No. 0102) for two outdoor beer gardens to be located at 302 East Main Street and the 500 block of West Main Street for the 34th Annual Northern New Mexico Street Rodders Car Show to be held at on July 16, 2016. -----2
8. *Approval of Quitclaim Deed for conveyance (gift) to the City from the Muriel W. McCulloch Trust for a piece of property located on the southeast corner of Auburn and Boyd adjacent to Brookside Park. -----3
9. *Approval of Warrants up to and including July 9, 2016.
10. Recommendation from the Planning and Zoning Commission:

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

- * (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. ZC 16-41 from Tamrock Investments, LLC, represented by Rocky Bridges, requesting a zone change from the SF-10, Single-Family Residential, District to the MF-L, Multi-Family Low Density, District for 0.18 acres of property located at 5206 Lyle Avenue.

The recommendation of the Planning and Zoning Commission passed by a vote of 6-0 on June 30, 2016. -----4

11. New Business:

- (a) Mayor
- (b) Councilors
 - (1) Presentation by Greg Vick, owner of Paddle & Shiver Shack, concerning his experiences as a vendor at Lake Farmington (Councilor Duckett)
- (c) City Manager
- (d) City Attorney
 - (1) Proposed Ordinance – Permission to Publish -amending Section 23-2-7 of the City Code establishing residential and commercial charges for sanitation service. -----5
- (e) City Clerk

12. Business from the Floor:

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

13. Closed Meeting to discuss qualification-based proposals for professional engineering services for arc flash analysis, pursuant to Section 10-15-1H(6) NMSA 1978.

14. Proposal: Recommendation from the Chief Procurement Officer to award the qualification-based proposal for professional engineering services for arc flash analysis (Electric) to ESC Engineering, Inc. as the top evaluated firm after application of the five percent in-state preference based on the pricing schedule for services. Proposals opened March 9, 2016 with fourteen offers participating. -----6

15. 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*
Chief Procurement Officer
DATE: July 6, 2016
SUBJECT: Re-Bid for Wastewater Treatment Plant Expansion – Phase III,
Bid #16-112167R

USING DEPARTMENT: Public Works
=====

A bid opening was held on June 21, 2016 for Re-Bid for Wastewater Treatment Plant Expansion – Phase III. Five (5) bidders responded.

The Central Purchasing Department concurs with the recommendation from the Public Works Department to award the bid to RMCI, Inc. from Albuquerque, NM as the lowest bidder meeting specifications. The bid will be awarded as follows:

Base Bid:	\$20,071,500	
Deductive Alternate:	(\$68,000)	(Rotary Drum Sludge Thickening System)
Additive Alternate:	\$300,000	(Final Clarifier No. 3 – Equipment)
Total awarded amount:	\$20,303,500	

plus estimated applicable taxes of \$1,548,141.88.

The in-state/veterans preference was not applicable due to Federal funding.

Kristi Benson (Presenter)
Consent Agenda/Council Meeting (7/12/16)

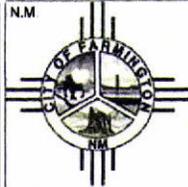
xc: Andy Mason, Administrative Services Director
David Sypher, Public Works Director
Jeff Smaka, Water/Wastewater Administrator
File – 16-112167R

CITY OF FARMINGTON, NM
ABSTRACT

BID: Re-Bid for Wastewater Treatment Plant Expansion - Phase III
Project No. 15-14; Bid No. 16-112167R
Opening Date: June 21, 2016 @ 2:00 P.M.

Public Works ENGINEER'S ESTIMATE \$21,000,000	RMCI, Inc. 6211 Chappell Rd. NE Albuquerque, NM 8713 505-345-0008 Jeffrey Monns	Archer Western Construction 1830 N. 95th Ave., Suite 114 Phoenix, AZ 85037 602-246-1485 Daniel Walsh	Bradbury Stamm Construction PO Box 10850 Albuquerque, NM 87184 505-765-1200 Cynthia Schultz	AUI, Inc. PO Box 9825 Albuquerque, NM 87119 505-242-4848 Darrin Howells	Garney New Mexico, Inc. 10312 Dayflower Drive NW Albuquerque, NM 87114 575-524-0973 Wayne O'Brien
DESCRIPTION					
LUMP SUM BASE BID:	✓ \$20,071,500.00	\$20,376,500.00	\$20,823,500.00	\$21,926,260.00	\$24,242,000.00
ESTIMATED APPLICABLE TAXES:	\$1,479,752.86	\$1,553,708.00	\$1,716,654.00	\$1,671,877.33	\$1,848,452.50
BIDDER'S ESTIMATE OF TAXES FORM INITIALED:	Yes	Yes	Yes	Yes	Yes
BID SIGNED:	Yes	Yes	Yes	Yes	Yes
NM CONTRACTOR'S LICENSE NO.:	31964	372672	2313	20617	89334
NM DEPT OF WORKFORCE SOLUTIONS - PUBLIC WORKS NO.:	0185042011510	29007757142016	002258120110606	0189272011615	002355020111118
ADDENDA ACKNOWLEDGED	Yes	Yes	Yes	Yes	Yes
LIST OF SUBCONTRACTORS:	Yes	Yes	Yes	Yes	Yes
MAJOR EQUIPMENT MANUFACTURERS:	Yes	Yes	Yes	Yes	Yes
BID BOND ENCLOSED	Yes	Yes	Yes	Yes	Yes
BIDDER'S QUALIFICATIONS:	Yes	Yes	Yes	Yes	Yes
DRUG-FREE WORKPLACE CERTIFICATION:	Yes	Yes	Yes	Yes	Yes
CONTRACTOR'S SAFETY CERTIFICATION:	Yes	Yes	Yes	Yes	Yes
CERTIFICATIONS REGARDING CONTRACT UNDER EQUAL OPPORTUNITY CLAUSE & NON-SEGREGATED FACILITIES:	Yes	Yes	Yes	Yes	Yes
MBW/WBE/SBRA UTILIZATION FORM:	Yes	Yes	Yes	Yes	Yes
DAVIS BACON CERTIFICATION:	Yes	Yes	Yes	Yes	Yes
CERTIFICATION REGARDING DEBARMENT, SUSPENSION & OTHER RESPONSIBILITY MATTERS:	Yes	Yes	Yes	Yes	Yes
DBE SUBCONTRACTOR UTILIZATION FORM:	Yes	Yes	Yes	Yes	Yes
AMERICAN IRON & STEEL CERTIFICATION:	Yes	Yes	Yes	Yes	Yes

*Total price extension error. The corrected total cost did not affect the bid outcome as read at the bid opening.



CITY OF FARMINGTON

800 Municipal Drive
Farmington, NM 87401-2663
(505) 599-1106
Fax: (505) 599-1113
<http://www.fmtn.org>

June 29, 2016

Marlene Romero
NM Regulation and Licensing Department
Alcohol and Gaming Division
PO Box 25101
Santa Fe NM 87504-5101

RE: Special Dispenser Permit Application
City of Farmington Rod Run Event

Dear Ms. Romero:

The City of Farmington is sponsoring the 34th Annual Northern New Mexico Street Rodders Car Show on Saturday, July 16, 2016 from 10 a.m. to 7 p.m. on downtown Main Street. There will be two outdoor beer gardens, one at 302 E. Main Street and one within the 500 block of West Main Street. Both will be cordoned-off and monitored with wrist bands and the Farmington Police Department will be providing security. The locations are both located within 300 feet of a church. Pastor Keith Berryman of First Baptist Church has provided written consent for the event to be located on West Main Street but we are still awaiting written approval from The Journey Church located at 207 E. Main Street. The next regular meeting of the Farmington City Council is scheduled for July 12, 2016 which is too late to meet the 10 day application requirement with the State. We are seeking permission to submit the subject application with the caveat that the City Council will consider granting the 300 foot waiver on July 12, 2016. I will contact your office on Wednesday, July 13 to advise of their action.

I apologize for the inconvenience and assure you that we are working to prevent similar situations in the future.

Thank you in advance for your consideration.

Sincerely,

Dianne Smylie, MMC
City Clerk

Waiver to 300' Separation Requirement

Breakell, Jennifer <jbreakell@fmtn.org>

Tue, Jun 28, 2016 at 5:11 PM

To: "Mayes, Rob" <rmayes@fmtn.org>

Cc: Lisa Hutchens <lhutchens@fmtn.org>, Andrea Jones <ajones@fmtn.org>, Dianne Smylie <dsmylie@fmtn.org>

Lisa and Rob

Based upon the resolution the application is suppose to go to council for approval before being sent to the liquor board. I am comfortable in this circumstance of the mayor signing the application on the condition that the 300 foot waiver be placed on the July 12th council meeting.

Jennifer

On Tue, Jun 28, 2016 at 3:40 PM, Mayes, Rob <rmayes@fmtn.org> wrote:

The Mayor would likely sign it if it was at the City Attorneys approval and recommendation. I will copy Jennifer and the two of you may need to consult.

Rob Mayes, MA, MBA, ICMA-CM
City Manager
City of Farmington
800 Municipal Drive
Farmington, NM 87401-2663
Direct 505.599.1114 Fax 505.599.8430
rmayes@fmtn.org

This email should not be considered private communication. Administrative personnel regularly access this email in the performance of official city business. Please call the number above if you intend confidential or personal communication.

On Tue, Jun 28, 2016 at 2:59 PM, Lisa Hutchens <lhutchens@fmtn.org> wrote:

FYI...would it be possible to get the Mayors' signature with the same stipulation as using yours so we can get the permit off to the State? I'm open to any and all suggestions at this point.

Thank you for your help.

Sent from my iPhone

Begin forwarded message:

From: "Jones, Andrea" <ajones@fmtn.org>
Date: June 28, 2016 at 2:43:47 PM MDT
To: Jennifer Breakell <jbreakell@fmtn.org>
Cc: Dianne Smylie <dsmylie@fmtn.org>, Lisa Hutchens <lhutchens@fmtn.org>
Subject: Waiver to 300' Separation Requirement

[Quoted text hidden]

* Edited to add 2nd beer garden location Ref: email of 6/29

John Foust - 220258
Mark Sigsbee - 32841
Wiley Reinold - 302738
John Foust - 299365

ALCOHOL & GAMING DIVISION
SPECIAL DISPENSER PERMIT APPLICATION (60-6A-12 NYMSA)

Fee Per Day: \$50.00 Public Event
 \$25.00 Private Event (Catered) (all fees are non-refundable)

A copy of all approved permits will be sent to the Special Investigations Division of the Department of Public Safety. They will notify you directly if they need additional information.

LICENSE HOLDER INFORMATION

Business Name (DBA) Distil Owner Name John Foust Local Option District 0102
Mailing Address P.O. Box 780 City, State & Zip Flora, Vista, NM 87415

Contact Telephone # 505-321-8813 Fax # NONE Email Address distilpackage1@gmail.com

Circle those that apply - All Age Event - Beer Garden - Indoor - Outdoor - Event Information Event Begin Time 10:00 AM End Time 7:00 PM
Artist Events - Stamps

Description and Name of Event Rod Run Date(s) of Event July 16th 2016 Alcohol Service Begin Time 10:00 AM End Time 7:00 PM

Physical Address of Event and Name of Building or Business 500 Block of West Main Ave / E. Main St Number of Persons expected to Drink 400
Description of Security Foundation Police City of Albuquerque Security Contact Name Lisa Hutchens Contact Telephone # 505-215-0185

Sponsor of Event Northern NM Street Racers Contact Name Lisa Hutchens Telephone # 505-215-0185 Date 6/29/16

Name (print) Lisa Hutchens Signature Lisa Hutchens Telephone # 505-215-0185 Date 6/29/16

BUILDING/PROPERTY OWNER APPROVAL
Signature Rick Kuthens Telephone # _____ Date 6/29/16

LICENSE HOLDER & SERVER CERTIFICATION: I, John Foust (Licensee) hereby certify that this event is within the same local option district as the dispenser's license, and event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.

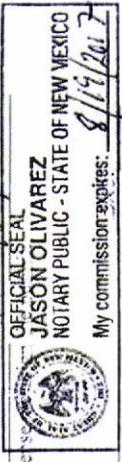
NOTICE: List of servers including name, server permit # and server expiration date must be attached to permit application. Licensee agrees that if any statements or representations herein are found to be false, the director may choose to issue additional permits.

Licensee Name (print) John Foust Signature [Signature] Date 6/29/16
All profits derived from the sale of liquor will go only to the licensee.

Subscribed and Sworn before me this 20 day of June, 2016 Notary Public [Signature]
Date 6-29-16 Signature [Signature] Permit Number _____

Print Name Tommy Roberts Title Mayor Date 6-29-16 Signature [Signature] Phone (505) 599-1100 Fax (505) 599-8430

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: _____ Date _____
Attachments: 1) Floor plan - (Pictures) 2) Fees per day (listed on top of page) 3) Server information list



Server List (Distil)

Server Name	Licence #	Expiration Date
Vanessa Berger	294575	9/11/2016
Michelle Mcconnell	236861	10/26/2017
Jake Foust	220258	6/7/2017
John Foust	229368	8/27/2017
Kiley Terrell	302738	6/4/2017

June 28, 2016

This is confirmation of consent of First Baptist Church in regard to the service of alcoholic beverages at the following event:

34th Annual Northern New Mexico Street Rodders Car Show
Event Sponsored by Northern New Mexico Street Rodders and City of Farmington
July 16, 2016, 10 am to 7 pm
Alcoholic beverages served by Distil
Event to be held on Main Street, Downtown
500 Block of West Main Street, Farmington, NM (within 300 feet of church)

If you need further information or clarification please call or e-mail at your earliest convenience.

A handwritten signature in cursive script, appearing to read "Keith Berryman", with a long horizontal flourish extending to the right.

Keith Berryman
First Baptist Church
505-325-4528

Fwd: 34th Annual Car Show

1 message

Hutchens, Lisa <lhutchens@fmtn.org>

Thu, Jun 30, 2016 at 4:18 PM

To: Andrea Jones <ajones@fmtn.org>, Dianne Smylie <dsmylie@fmtn.org>, Jennifer Breakell <jbreakell@fmtn.org>

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

From: **David Florez** <journeychurch@hotmail.com>

Date: Thu, Jun 30, 2016 at 4:08 PM

Subject: RE: 34th Annual Car Show

To: "Hutchens, Lisa" <lhutchens@fmtn.org>

The Journey church does not have a conflict with the sale of alcoholic beverages at the event listed
David Florez

This is confirmation of consent of the Journey Church in regard to the service of alcoholic beverages at the following event:

34th Annual Northern New Mexico Street Rodders Car Show

Event Sponsored by Northern New Mexico Street Rodders and City of Farmington

July 16, 2016, 10 am to 7 pm

Alcoholic beverages served by Distil

Event to be held on Main Street, Downtown

Intersection of Wall Avenue and East Main Street, Farmington, NM (within 300 feet of church)

If you need further information or clarification please call or e-mail at your earliest convenience.

Sent via the Samsung GALAXY S® 5, an AT&T 4G LTE smartphone



Lisa Hutchens
Civic Center Supervisor
200 W. Arrington
Farmington, NM 87401
505.599.1150 (office)
505.215.0185 (cell)

FARMINGTON POLICE

Steve Hebbe, *Chief of Police*



Internationally Accredited Since 1995

June 28, 2016

TO WHOM IT MAY CONCERN:

This letter is to confirm that the Farmington Police Department officers working at the Rod Run on July 16, 2016 will be working these police protection slots specifically as an overtime assignment and will not be on regular patrol during those times.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hebbe".

Steve Hebbe
Chief of Police

RESOLUTION NO. 2000-982

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE ISSUANCE OF SPECIAL (LIQUOR) DISPENSER'S LICENSES ON BEHALF OF THE CITY

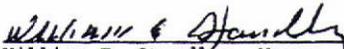
WHEREAS, Section 60-6A-12 NMSA provides that the governing body of a local option district must give its written approval to anyone seeking to dispense alcoholic beverages at a catered event in order for that person to receive a special dispenser's permit from the Alcohol and Gaming Division, and

WHEREAS, it has been the policy of the City of Farmington to routinely grant such approval when the person is properly licensed, the event is being held in a proper manner and location and no waivers or variances are required, and

WHEREAS, it has been determined that the reviews that are necessary prior to the granting of such approvals can be performed at an administrative level and that the authority to grant such approvals can and should be delegated to the City Manager.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Farmington, New Mexico that the City Manager is hereby authorized to execute and deliver written approvals necessary pursuant to Section 60-6A-12 NMSA for a person to dispense alcoholic beverages at a catered function provided that the City Manager first determines that the person has the proper state licenses, that the function will be held at a location and in such a manner that will comply with state law and the City's zoning, fire and other regulations, and that no waivers or variances from state or local regulations are required.

PASSED, APPROVED, SIGNED AND ADOPTED this 6th day of June, 2000.


William E. Standley, Mayor

SEAL

ATTEST:


Gina R. Morris, City Clerk

City of Farmington

Memorandum

To: Mayor and City Council

From: Julie Baird, Assistant City Manager

Date: July 7, 2016

Subject: Quitclaim Deed for McCulloch Property

Background

On June 14, 2016 City Council gave staff their consent to proceed with drafting a Quitclaim Deed to accept a gift of property from the Muriel W. McCulloch Trust. The property is located on the SE corner of Auburn and Boyd adjacent to Brookside Park. This Quitclaim Deed is for the original, larger piece of property of which two portions were already deeded to the City back in 1980. After discussion with a title company, legal and the McCulloch Trust, this was the cleanest way to proceed with the donation of the property.

Recommendation

Staff recommends approval of the Quitclaim Deed for the described property.

QUITCLAIM DEED

Muriel W. McCulloch, a duly authorized representative of Muriel W. McCulloch Trust, hereinafter called Grantor, whose address is 2324 Suntuoso Court, Farmington, NM 87401, does hereby QUITCLAIM, vacate, release and relinquish to the City of Farmington, a municipality located within the State of New Mexico, whose address is 800 Municipal Drive, Farmington, New Mexico 87401, herein being the Grantee, the following described and delineated parcel of land situated and lying within the City of Farmington, County of San Juan, State of New Mexico:

That part of the North One-Half of the Southwest Quarter of the Northeast Quarter (N1/2SW1/4NE1/4) of Section Nine (9), in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., described as follows:

BEGINNING North 89° 58' East 450 feet from the Northwest corner of the SW1/4NE1/4 of said Section 9;

THENCE North 89° 58' East 854.6 feet;

THENCE South 0° 22' West 191.3 feet;

THENCE South 89° 23' West 287.3 feet;

THENCE 189.5 feet on arc with radius of 240 feet to the right;

THENCE South 22° 44' West 261.6 feet;

THENCE South 78° 03' West 234.0 feet;

THENCE South 32° 28' West 114.8 feet;

THENCE North 0° 11' East 509.4 feet to the point of beginning;

EXCEPT, HOWEVER, the following described tract: BEGINNING at the Northeast corner of said SW1/4NE1/4;

THENCE South 0° 22' West 191.3 feet;

THENCE South 89° 23' West 300 feet;

THENCE North 0° 22' East 194 feet;

THENCE North 89° 58' East 300 feet to the point of beginning;

THIS TRACT INCLUDES all partial smaller pieces transferred to the City of Farmington in the Warranty Deed from John C. McCulloch and Muriel W. McCulloch to City of Farmington on June 20, 1980 and recorded with the San Juan County Clerk at Book 885 and Page 234. Despite these smaller pieces being subtracted out and previously transferred, it is the intent of the Grantor to assure the tract described above is transferred to Grantee, and no part of this tract is retained by Muriel W. McCulloch or the Muriel W. McCulloch Trust.

Witness my hand and seal on this _____ day of _____, 2016.

By: _____
Muriel W. McCulloch
Authorized Agent of the:
Muriel W. McCulloch Trust

STATE OF NEW MEXICO)

)

SS:

COUNTY OF SAN JUAN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by Muriel W. McCulloch, a duly authorized representative of Muriel W. McCulloch Trust.

Notary Public

My Commission Expires:

- * **Adoption** of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of ZC 16-41, a request from Tamrock Investments, LLC, represented by Rocky Bridges, for a Zone Change from SF-10 Single-Family Residential to MF-L Multi-Family Low Density, for 0.18 acres of property located at 5206 Lyle Avenue. (Keith Neil)

Recommendation of approval by the Planning and Zoning Commission on June 30, 2016 which passed by a vote of 6-0.

COMMUNITY DEVELOPMENT ACTION SUMMARY
Zone Change from SF-10 Single Family Residential to
MF-L Multi-Family Low Density Residential
Petition ZC 16-41
5206 Lyle Ave.

A. STAFF REPORT June 21, 2016

PROJECT INFORMATION

Applicant	Tamrock Investments, LLC
Representative	Rocky Bridges
Date of Application	May 27, 2016
Requested Action	Zone Change from SF-10 to MF-L
Location	5206 Lyle Ave.
Existing Land Use	Single parcel with a residence and mobile home both of which are vacant
Existing Zoning	SF-10
Surrounding Zoning and Land Use	North: MF-L Multi-Family Low Density / Vacant South: SF-10 Single Family / Residential East: SF-10 Single Family / Residential West: MF-M Multi-Family Medium Density / Residential
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, June 12, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, June 8, 2016 and a sign was posted on Friday, June 17, 2016.
Staff Planner	Keith M. Neil, Associate Planner

STAFF ANALYSIS

Project Description:

The petitioner requests a zone change to MF-L Multi-Family Low Density from the SF-10 Single Family zoning district in order to construct a duplex on the parcel. The property had previously been utilized as a rental property with a single family residence for rent and a single section mobile home being rented as well. The petitioner desires to remove the mobile home and demolish the residence. The intent in pursuing the zone change is to legally establish a duplex on the parcel and continue the use as a rental property. The current zoning of SF-10, Single Family minimum 10,000 Square Feet, prohibits multifamily uses within the zoning district. This proposed zone change to MF-L, Multi-Family Low Density, will permit the proposed duplex by right.

The City of Farmington UDC section 2.4.49 *Single-family and duplex dwellings, and multi-section manufactured homes* (Residential land use categories; household living) states:

“All single-family and duplex dwellings, including multi-section manufactured homes, shall comply with the standards of this section. Such uses shall:

A) Be placed on a slab-on-grade or permanent stem-wall foundation.

(1) *Exception.* There may be an exception to this requirement where geographical conditions require alternate foundations such as piers.

B) Utilize non-reflective siding materials such as wood, stucco, adobe, brick, or stone, or materials that look similar to wood, stucco, adobe, brick, or stone.”

The parcel that abuts the property under consideration to the east is zoned SF-10 and contains a single family residence. South of the parcel is an additional single family residence in the SF-10 zoning district. The parcel in question is located on a corner with Lyle Ave. abutting the west of the property and Dee St. abutting the north property line. To the west of Lyle Ave. is a large Multi-Family Medium Density complex with condominiums. Across Dee St. to the north is a Multi-Family Low Density parcel that is currently vacant.

Section 8.7.4 of the UDC sets forth issues to be considered for a zone change request.

- Consistency with the Comprehensive Plan:
The 2020 Future Land Use Plan of the Farmington Comprehensive Plan recommends that the subject property be Residential Single Family Urban. The Comprehensive Plan does not address Multi-Family Residential locations on the map but does mention affordable housing to meet the diversified housing needs of the City of Farmington. The zone change request is consistent with Farmington’s Comprehensive Plan Future Land Use Plan in regards to establishing affordable housing.
- Compatibility of the proposed zoning and land uses with the present zoning and conforming uses of nearby property and the character of the neighborhood:
The properties to the north and are zoned for multi-family residential. The property currently contains two rental residences. This zone change will be consistent with the character of the neighborhood.
- Creation of adverse impacts and the ability to mitigate these impacts:
The proposed zone change will not have an adverse impact on the surrounding areas. The proposed use as a duplex will provide the same impacts as currently exist with the two residences on site.
- The ability of the proposed use to be accomplished by the proposed zoning district:
Table 2.3, permitted uses, of the UDC indicates that the MF-L, Multi-Family Low Density district permits a duplex to be constructed on the parcel by right.

Residential uses will continue to be permitted with this zone change. The lot is approximately 8,200 square feet in size. This lot size will allow for a maximum of two residences, a duplex or a single-family residence according to the Density and Dimensional Standards in Section 2.8 of the Unified Development Code.

- The suitability of the land for the proposed development:
The Public Works Department has made no comments in regard to issues with drainage, water/wastewater, or traffic concerns. The parcel is suitable for the proposed development. All infrastructure exists to accommodate this use. Water and sewer lines have already been provided for this lot.
- The existence of or the applicant's ability and willingness to provide adequate public facilities:
The property owner needs to provide all necessary public facilities for the development and construct access to the subject property. All utilities are already provided and the street is existing.
- Whether the proposed zoning constitutes a spot zone as defined in Article 11 of the UDC:
In Article 11 of the UDC, spot zoning is "where a particular tract within a larger area is specifically zoned so as to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of the Comprehensive Plan." Due to the proximity of MF-L zoning to the north of the parcel and MF-M zoning to the west, the proposed zone change does not constitute a spot zone. The parcel pre-exists as a multi-family use with two residences. The zone change will allow it to continue providing much needed rental property.

STAFF CONCLUSION

Staff concludes that approval of ZC 16-41 is appropriate. The requested zone change is in accordance with the City's desire for affordable housing and is consistent with the residential nature of the area.

STAFF RECOMMENDATION

The Planning Division of the Community Development Department recommends **approval** of Petition ZC 16-41, a request from Tamrock Investments, for a zone change from the SF-10, Single-Family zoning district, to the MF-L, Multi-Family Low Density zoning district, for property located at 5206 Lyle Ave.

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

On June 30, 2016, the Planning and Zoning Commission held a public meeting for ZC 16-41 and made the following findings:

1. The petitioner is Tamrock Investments.
2. The subject property is located at 5206 Lyle Ave. and is located in the SF-10 zoning district.

3. The petitioner is requesting a zone change from the SF-10, Single-Family Residential District to the MF-L, Multi-Family Low Density District.
4. The property is a legal non-conforming use and currently has two residences on the property. There has been a historical change in the neighborhood from single-family housing to accommodate multi-family housing. The adjoining properties to the north and west are multi-family residential.
5. The Future Land Use Plan map of the City's 2020 Comprehensive Plan suggested that the area be residential in nature in the future.
6. The zone change meets the requirements set forth for zone changes in Section 8.4.7 of the Unified Development Code.
7. Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, June 19, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, June 15, 2016 and a sign was posted on Friday, June 17, 2016.
8. Tamrock Investments was represented by Rocky Bridges, who was present at the meeting and spoke in favor of the zone change. There was no one present to voice opposition to the zone change.

Planning & Zoning Commission Action of Petition ZC 16-41 on June 30, 2016:

A motion was made by Commissioner Davis and seconded by Commissioner Brown to **approve** Petition ZC 16-41, a request from Tamrock Investments, for a zone change from the SF-10, Single-Family zoning district, to the MF-L, Multi-Family Low Density zoning district, for property located at 5206 Lyle Ave.

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

NAY: None

ABSTAINED: None

ABSENT: Commissioners Freeman and Thompson.

Motion passed 6-0



ERICKSON AND
ERICKSON
PTRSHP

LACOSTE PAUL
JOSEPH AND
KATHERINE TRUST

JESSEN
ELEANOR
J TRUST

MEM

CHAMBERS
BARBARA M

ERICKSON AND
ERICKSON
PARTNERSHIP

ERICKSON AND
ERICKSON
PARTNERSHIP

LYLE AVE

MF-L

DEE ST

5206
5/1/2

SF-10

RADER
RALPH H

5206

ORTIZ
MARTIN C
ET UX

5204

BOSTICK ROBERT
AND M LEORA
HERRERA



20
Feet

AREA UNDER CONSIDERATION

**COMMUNITY
DEVELOPMENT
DEPARTMENT**

Date: 5/27/2016



PLANNING MEMO COMMENTS SUMMARY

SP 16-41 ZC 5206 LYLE AVE

Deadline: 06/8/16

City of Farmington Departments

CD	Director	<p>The 2020 Future Land Use Plan recommends single-family residential uses for this area. However, the City's 2002 Comprehensive Plan asserts "an important priority (for Farmington) is the availability and affordability of housing to meet the diverse needs of the population over the next twenty years."</p> <p>Chapter 7, Housing, identifies the following key issues in the City: a need for a mixture of housing types; a lack of a variety of available housing units; a need for more quality housing units; a need for quality housing; housing for senior citizens; new construction of infill housing; and the provision of affordable housing. Objective 7.1 supports this proposed rezoning: "Provide for a variety of housing options, including traditional subdivisions and mixed use developments, to accommodate housing needs of all residents in Farmington including the elderly, disable, students, and low-income residents."</p> <p>While this parcel is zoned SF-7, an MF-L District is located immediately to the North and an MF-M District is located immediately to the West. Zoning this parcel to MF-L would not be a spot zoning and should be seriously considered.</p> <p>It is recommended that Teri Clashin also review this proposal, but in the context of the 2014 CDBG Consolidated Plan and the 2011 Affordable Housing Plan for Northeast San Juan County, NM.</p>
CD	Addressing – Planning Division	
CD	Chief Building Official	No comment
CD	CDBG	<p>The 2014-2018 Consolidated Plan and the 2011 Affordable Housing Plan for Northeast San Juan County supports the need for additional housing development. Both documents have suggested strategies to remove or ameliorate the barriers to affordable housing, which includes zoning changes.</p> <p>Therefore, CDBG documents support housing development projects with regards to allowable zoning changes to meet the housing needs of the community.</p>
CD	MPO	

CD	Oil & Gas Inspector	
CITY	City Manager's Office	
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No comment
ELEC	T & D	
FIRE	Fire Captain	No comment
FIRE	Fire Marshall	
LEGAL	City Attorney	Legal has no comment.
LEGAL	Deputy City Attorney	
POLICE	Code Compliance	
POLICE	Sergeant	
PRCA	Director	
PW	City Engineer	
PW	Engineering	No comment
PW	Streets Superintendent	
PW	Traffic Engineer	
PW	Water/Waste Water	No comment

Other Entities

New Mexico Gas Company	
CenturyLink	
Enterprise Field Services	
Comcast Cable	
CH2MHILL OMI	
Field Services	
Farmington School District	

PETITION APPLICATION



Incomplete applications will not be accepted.

Return completed application to:

Planning Division
Community Development Department
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1317
(505) 599-1299 (fax)

PROJECT TYPE (Check Those Applicable)

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

INFORMATION

Applicant's Name: <u>TAMROCK Investments LLC</u>	Project Location: <u>5206 Lyle Ave</u>
Address: <u>601 DeKalb Farmington NM 87401</u>	Existing Use: <u>VACANT</u>
E-Mail: <u>rocky@fourstarsp-pe-and-supply.com</u>	Proposed Use: <u>New Duplex</u>
Telephone: <u>505 402 8952</u>	Current Zoning: <u>SF10</u>
Relationship to Property Owner: <u>We Own Property</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>Property Code # 0021715</u> <u>TAMROCK 7A1 ID # 45-4714420</u>

Legal Description of Subject Property: Please see Attached "Exhibit A"

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes No

If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: <u>Rocky Bridges</u>	E-Mail: <u>rocky@fourstarsp-pe-and-supply.com</u>
Phone: <u>402-8952</u>	Address: <u>601 DeKalb Street Farmington NM</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) <u>N/A</u>
Name: <u>TAMROCK Invest</u> Phone: <u>402 8598</u>	Name: _____ Phone: _____
Address: <u>601 DeKalb Farmington NM 87401</u>	Address: _____

OWNER CERTIFICATION

* (Physical and Mailing)

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.

Name: <u>Rocky Bridges</u>	Address: <u>601 DeKalb Street Farmington</u>
Owner's Signature: _____	Phone / Email: <u>402 8952</u>

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

Received By _____ Date _____ Fee Received _____ Project File No. _____ Date of Hearing/Meeting: _____	<input type="checkbox"/> Blueline Copies of Plans _____ <input type="checkbox"/> Ownership Report (subject and surrounding properties) <input type="checkbox"/> Legal Description _____ <input type="checkbox"/> Detailed Statement of Proposed Use
--	--

City of Farmington

Neil, Keith <kneil@fmtn.org>

5206 Lyle Ave.

Rocky Bridges <rocky@fourstarspipeandsupply.com>
To: "Neil, Keith" <kneil@fmtn.org>

Thu, Jun 2, 2016 at 4:05 PM

Mr. Neil,

Please accept this email as explanation as to our desire with 5206 Lyle Ave. There are currently two dwellings located on said property. A mobile home built in 1968, which is individually metered and has an address on 5206 ½ Lyle. There is also a cinder block house located on said property. Our plan is to remove the mobile home and demolish the cinder block house. The lot would then we leveled and cleaned up. Our plan is to construct a duplex on that property. The duplex would consist of two, two bedroom one bath units, each totaling 1216 sf of livable space. I have attached preliminary drawings on what we would like to do. The rest of the lot will be xeriscaped, and cleaned up to match the new construction of the building. If you require any additional information, please feel free to call or contact me.

Thanks Keith.

Rock

From: Neil, Keith [mailto:kneil@fmtn.org]
Sent: Wednesday, June 1, 2016 4:16 PM
To: rocky@fourstarspipeandsupply.com
Subject: 5206 Lyle Ave.

Mr. Bridges,

[Quoted text hidden]

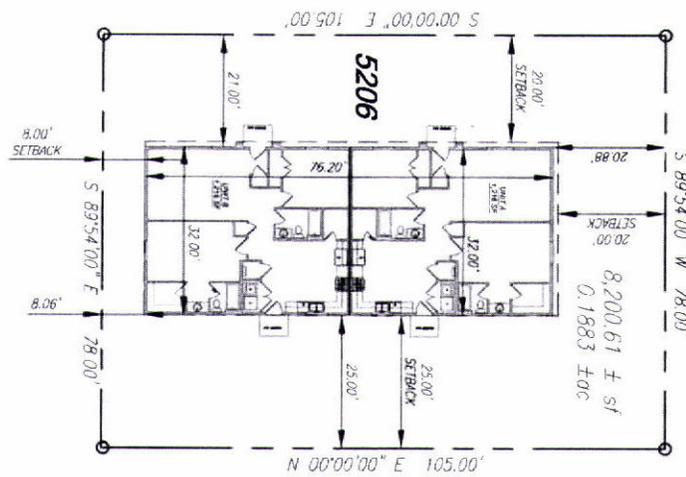
Notice: New Mexico law requires government agencies to disclose to the public, upon request, most written communications, including those in electronic form. Persons communicating with City officials or employees should expect that any communications could be released to the public and that this disclosure could include the email addresses of those communicating with City officials or employees.

 **Rocky Bridges_Duplex 5206 Lyle Ave-001 (3).pdf**
236K

LOCATION MAP
NOT TO SCALE



LYLE AVENUE



DEE STREET

SITE PLAN
SCALE: 1" = 10'

DRAINAGE NOTE:
1) PROVIDE ADEQUATE DRAINAGE AWAY FROM AND AROUND ALL SECTIONS OF THE BUILDING, ESPECIALLY OUT OF CORNERS AND LANDSCAPE AREAS TO PREVENT UNWANTED SOILS INTRUSIVE FROST HEAVE OR SIMILAR PROBLEMS.

LEGAL DESCRIPTION:

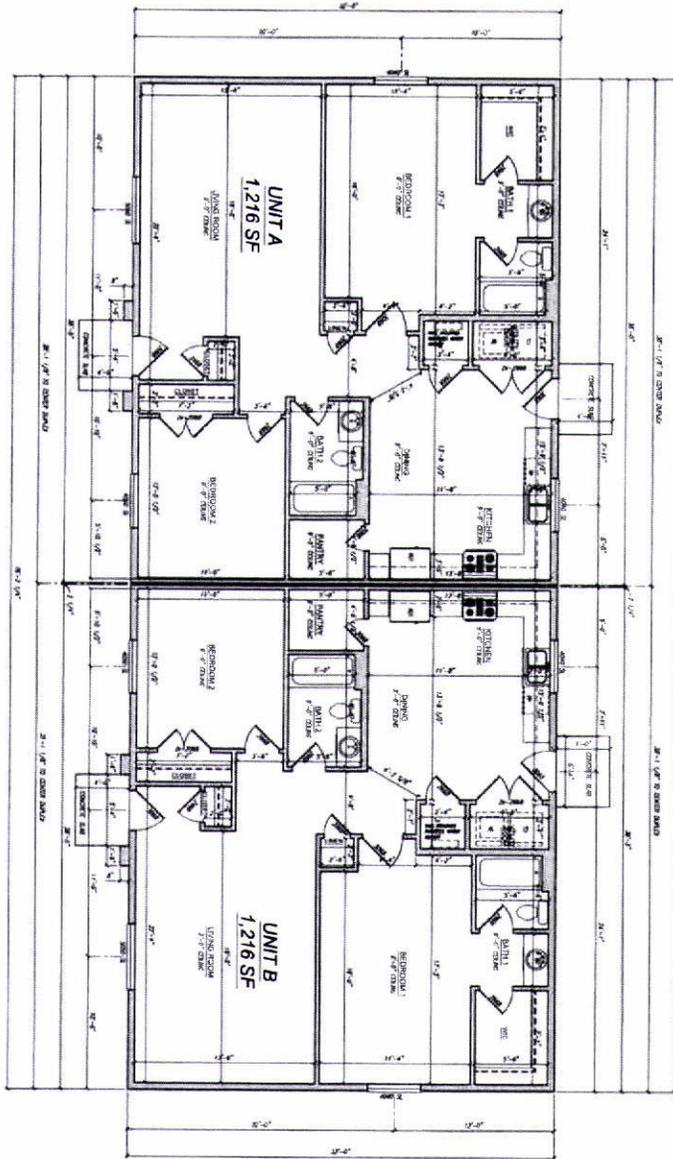
5206 LYLE AVENUE
BOOK 1597 PAGE B01
8,200.61 ± SQ. FT. 0.1883 ± ACRES
ZONE:
SECTION 31 T20N R12W R4P4M
FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

DATE	1/1/20
SCALE	1" = 10'
PROJECT	NEW DUPLEX APARTMENT FOR ROCKY BRIDGES
ADDRESS	5206 LYLE AVENUE
CITY	FARMINGTON, NEW MEXICO
OWNER	ROCKY BRIDGES
DESIGNER	FRUITLAND
NO. OF SHEETS	1

SITE PLAN & INDEX SHEET
NEW DUPLEX APARTMENT FOR ROCKY BRIDGES
ADDRESS: 5206 LYLE AVENUE
FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

REVISION	DATE	BY

iDRAW
CAD SERVICES
NEW MEXICO 86474 505.402.2542
PO BOX 181
FRUITLAND, NEW MEXICO 87416



MAIN FLOOR PLAN
SCALE 1/4" = 1'-0"

GENERAL NOTES:
 1) UNIT A
 UNIT B
 TOTAL AREA = 1,216 SF
 = 1,216 SF
 = 2,432 SF

NO. 1	2
-------	---

FLOOR PLAN
 NEW DUPLEX APARTMENT FOR ROCKY BRIDGES
 ADDRESS: 5206 LYLE AVENUE
 FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

REVISIONS	DATE	BY

iDRAW
 CAD SERVICES
 NORMA ROBYLE 800-422-3542
 PO BOX 88
 FRUITLAND, NEW MEXICO 87414

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

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

Petition No. ZC 16-41 - a request from Tamrock Investments, LLC, represented by Rocky Bridges. The petitioner is requesting a zone change from Single Family Residential to Multi-Family Low Density. The petitioner is planning to remove the mobile home and demolish the residence. The structures will be replaced with a duplex. The subject property is 0.18 acres and located at 5206 Lyle Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

T30N, R12W, Sec 31, Pt. NE1/4NE1/4, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 5206 Lyle Avenue

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, June 30, 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, July 12, 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 Petition.

Karen Walker
Administrative Assistant

Legal No. 72811 published in The Daily Times on June 12, 2016.

UTAH

COLO.

ARIZ.

N.M.



June 8, 2016

**NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 16-41**

CITY OF FARMINGTON

800 MUNICIPAL DRIVE

FARMINGTON, NEW MEXICO 87401-2663

FAX: (505) 599-1299

www.fmtn.org

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 Tamrock Investments, LLC, represented by Rocky Bridges. The petitioner is requesting a zone change from Single Family Residential to Multi-Family Low Density. The petitioner is planning to remove the mobile home and demolish the residence. The structures will be replaced with a duplex. The subject property is 0.18 acres and located at 5206 Lyle Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

T30N, R12W, Sec.31, Pt. NE1/4NE1/4, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 5206 Lyle Avenue

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, June 30, 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, July 12, 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 Keith Neil at 505-599-1333 or kneil@fmtn.org.

Sincerely,

Karen Walker
Administrative Assistant

COMMUNITY DEVELOPMENT

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: T30N, R12W, Sec.31
Pt. NE1/4NE1/4

OWNER: Rader, Ralph H.
 1350 Tanqueray DR. Unit 101
 Lake Havasu City, AZ 86404-1952
 1426/791

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Lobato, Ralph R. and Juanita 1534/813	5004 Hallmarc DR Farmington, NM 87402	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4NE1/4
Newton, Lucille L. Thompson Thompson, Lucille L. Newton 1479/221	2552 Cabezon DR NE Rio Rancho, NM 87144-6734	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4
Giles, Mildred Louise Living Trust 1477/236	5110 Lyle Ave Farmington, NM 87401-8288	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4
Saxton, Nancy J. Ewing Ewing, Nancy J. Saxton 1566/983	5204 Lyle Ave. Farmington, NM 87402	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4
Kester, Nancy D. 1285/479	P.O Box 1992 Farmington, NM 87499	Country Club Villas Unit 18A
Tedrow, Gwendolyn C. 1422/728	5200 Villa View DR 18B Farmington, NM 87402	Country Club Villas Unit 18B

Moeller, Frederick A. Jr. and Rae B. Trustees The Dragonetti Revocable Trust 1518/79	3720 N Bennett ST Durango, CO 81301	Country Club Villas Unit 18C
Pinkard, James 1533/773	5200 Villa View DR 18D Farmington, NM 87402	Country Club Villas Unit 18D
Ansley, Linda Jean Living Trust 1580/585	5200 Villa View Drive No. 17A Farmington, NM 87402	Country Club Villas Unit 17A
Erickson and Erickson Partnership 1409/419, 1311/306, 1311/307	3110 Pontiac DR Farmington, NM 87401	Country Club Villas Units 17B, 17C, 17D 16B
Reinhardt, Gaye L. and Leczal, Judy Sinclair 1516/668	Attn: Eleanor Jessen 7 Road 5222 Bloomfield, NM 87413	Country Club Villas Unit 16D
Lacoste, Paul Joseph and Katherine Trustees 1438/378	2530 San Marin LN Sacramento, CA 95835	Country Club Villas Unit 16C
Graham, Gary L. and Marcia A. 1001/57	5200 Villa View DR No. 16A Farmington, NM 87401-8256	Country Club Villas Unit 16A
Dream Makers Limited Partnership 1358/750	P.O Box 1633 Kirtland, NM 87417	Rayco West Subdivision Tracts 1 and 2
Coley, Michael P. and Brenda L. 1305/698	6210 Dee ST Farmington, NM 87401-8234	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4
Shon, Robinson and Juli Anne 1550/100	6140 Azalea DR Anchorage, AK 99516	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4

2 of 2

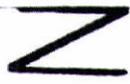
30 - 12 - 30 - 4

Dream Makers, LP
1358/1750

Dream Makers, LP
1358/1750

R0022729
COLEY MICHAEL P AND BRENDA L
1305 / 698
0.24 Ac.

R0024132
SHON ROBINSON AND JULI ANNE
1550 / 100
0.57 Ac.



DEE

100'

R0021715
RADER RALPH H
1426 / 791
0.19 Ac.

Saxon, Nancy
1560/183

R0021713
LOBATO RALPH R AND JUANITA
1534 / 813
0.34 Ac.

R0027626
NEWTON LUCILLE L THOMPSON
1344 / 774
1.12 Ac.

R0021531
AAA LIMITED LIABILITY COMPANY
1342 / 782
1.87 Ac.

NOT TO
SCALE



516

MAIN

R0024130
GILES MILDRED LOUISE TRUST
0.37 Ac.
1477/2340

R4001315
COUNTRY CLUB VILLAS COMMON AREA
4.87 Ac.

1001/151
1311/306
LOT 307

1438/378
1516/008

1409/419
1409/419

1409/419
1505/505

30 - 12 - 31 - 1

1533/773
1518/79
1422/728
1285/479

R0036969
MELLOY BROS MOTOR CO
1576 / 287
3.11 Ac.

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING SECTION 23-2-7 OF THE FARMINGTON CITY CODE ESTABLISHING RESIDENTIAL AND COMMERCIAL CHARGES FOR SANITATION SERVICE

WHEREAS, the City of Farmington has contracted with Waste Management of New Mexico, Inc., to provide solid waste sanitation disposal services for the City; and

WHEREAS, said contract will become effective September 1, 2016, and certain rates and fees for sanitation service need to be amended to comply with the provisions of the contract; and

WHEREAS, amendments to Section 23-2-7 of the Farmington City Code will allow the City to fulfill its obligations under the contract.

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

SECTION 1: Sec. 23-2-7(a)(1) of the Farmington City Code (Individual residential solid waste and curbside recycling service - four units or less) is amended to read as follows:

Individual residential solid waste and curbside recycling service (four units or less). Individual solid waste service rates under this subsection shall be \$11.47 per month per single-family unit and residential curbside recycling service rates under this subsection shall be \$4.46 per month per single-family unit. These rates shall apply to individual homes, individual mobile homes, duplexes, triplexes, fourplex units, condominiums, small mobile home parks whether or not spaces are occupied, and multifamily or apartment buildings which contain four or fewer single-family units. Each single-family unit which is subject to the individual residential service rate shall be provided with one polycart container in which to place solid waste in accordance with the other regulations provided within this chapter. Each residential family unit that requests recycling service shall be provided with one polycart container for the collection of recyclable materials. Residents who choose not to participate in the recycling program will not be provided a recycling container but will still be assessed the full monthly service fee. This fee shall be based on the actual unit cost attributed to the recycling program. Any single-family residential unit requesting more than one solid waste polycart container shall be provided with the applicable additional container at a rate of \$3.05 per month per single-family unit per additional container. Any single-family residential unit requesting more than one curbside recycling container shall be provided with the applicable additional container at a rate of \$3.97 per month per single-family unit per additional container.

SECTION 2: Sec. 23-2-7(a)(3) of the Farmington City Code (Low income individual residential service) is amended by deleting "\$10.55 per

month" at the end of the paragraph and substituting "the standard residential rate."

SECTION 3: Sec. 23-2-7(d) (1) of the Farmington City Code (Extra Collections) is amended to read as follows:

Extra collections. Extra collection charges requiring more than seven collections per week.

Per Collection	Container (bin) size cubic yards
\$ 44.44	1-1/2 or less
59.71	2
70.67	3
85.32	4
113.35	6
151.07	8

SECTION 4: Sec. 23-2-7(d) (2) of the Farmington City Code (Lid Lock service charges) a. "Non-automatic lock" is amended by deleting the figure \$3.13 and substituting the figure \$3.40; b. "Automatic Locks" is amended by deleting the figure \$4.76 and substituting the figure \$5.17, and deleting the figure \$9.52 and substituting the figure \$10.35.

SECTION 5: Sec. 23-2-7(d) (3) of the Farmington City Code (Special access service charge) is amended by deleting the "Collections Per Week" and "Rate" schedule and substituting the following "Collections Per Week" and "Rate" schedule:

Collections Per Week	Rate
1	\$11.12
2	22.22
3	33.33
4	44.47
5	55.54
6	66.67
7	77.76

SECTION 6: Sec. 23-2-7(d) (4) of the Farmington City Code (Commercial corrugated cardboard collection service) is amended to read as follows:

Commercial corrugated cardboard collection service. Charges for commercial corrugated cardboard collection service shall be as follows for all businesses that elect to use and pay for this service:

Container Size in Cubic Yards	Frequency of Collections Per Week Monthly Charges	
	1	2
2	\$ 34.61	\$ 69.21
4	55.36	110.73
6	76.12	124.59
8	103.81	138.44

SECTION 7: Sec. 23-7-(d)(5) of the Farmington City Code (Cleaning and sanitizing commercial containers) is amended by adding "This charge is for services of repair, washing and maintenance beyond the required standards provided in the contractor agreement with the city" at the end of the paragraph.

SECTION 8: The above rates will become effective the first cycle billing in September, 2016.

SECTION 9: That the remaining provisions of Chapter 23 of the Farmington City Code shall remain unchanged.

PASSED, SIGNED, APPROVED and ADOPTED this 9th day of August, 2016.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk

Sec. 23-2-7. - Fees for sanitation and curbside recycling service.

(a) *Residential service rates.* Rates for collection of solid waste and curbside recycling for residential service shall be as follows:

(1) *Individual residential solid waste and curbside recycling service (four units or less).* Individual solid waste service rates under this subsection shall be \$11.47 per month per single-family unit and residential curbside recycling service rates under this subsection shall be \$4.46 per month per single-family unit. These rates shall apply to individual homes, individual mobile homes, duplexes, triplexes, fourplex units, condominiums, small mobile home parks whether or not spaces are occupied, and multifamily or apartment buildings which contain four or fewer single-family units. Each single-family unit which is subject to the individual residential service rate shall be provided with one polycart container in which to place solid waste in accordance with the other regulations provided within this chapter. Each residential family unit that requests recycling service shall be provided with one polycart container for the collection of recyclable materials. Residents who choose not to participate in the recycling program will not be provided a recycling container but will still be assessed the full monthly service fee. This fee shall be based on the actual unit cost attributed to the recycling program. Any single-family residential unit requesting more than one solid waste polycart container shall be provided with the applicable additional container at a rate of \$3.05 per month per single-family unit per additional container. Any single-family residential unit requesting more than one curbside recycling container shall be provided with the applicable additional container at a rate of \$3.97 per month per single-family unit per additional container.

~~Individual residential and curbside recycling service rates under this subsection shall be \$15.20 per month per single-family unit and shall apply to individual homes, individual mobile homes, duplexes, triplexes, fourplex units, condominiums, small mobile home parks whether or not spaces are occupied, and multifamily or apartment buildings which contain four or fewer single-family units. Each single-family unit which is subject to the individual residential service rate shall be provided with one polycart container in which to place solid waste in accordance with the other regulations provided within this chapter. Each residential family unit that requests recycling service shall be provided with one polycart container for the collection of recyclable materials. Residents who choose not to participate in the recycling program will not be provided a recycling container but will still be assessed the full monthly service fee of \$15.20. Any single-family residential unit requesting more than one solid waste polycart container or more than one curbside recycling container shall be provided with the applicable additional container at a rate of \$2.83 per month per single-family unit per additional container.~~

(2) *Multiunit residential service (five units or more).* Multiunit residential service rates under this subsection shall be charged pursuant to the container (bin) rate schedule set forth in subsection (c) of this section and shall apply to all multifamily, apartment or condominium buildings and mobile home parks, whether or not spaces are occupied, which contain five or more units. If the city determines it would be in the best interest of the city and the customer for the contractor to provide service to a mobile home park with five or more units using individual polycart containers, the mobile park or its residents shall be charged for such service in accordance with subsection (a)(1) of this section.

(3) *Low income individual residential service.* Customers who would otherwise pay the individual residential service rate as provided in paragraph (1) of this subsection shall qualify for the low income residential rate if they show proof that they have been accepted to receive benefits under the Low Income Home Energy Assistance Program (LIHEAP). Once qualified, the customer shall be entitled to the low income individual residential service rate for a period of 12 months. The low income individual residential service rate shall be the standard residential rate \$10.55 per month.

(b) *Business and home occupation service rates.* A business service rate of \$17.41 per month for businesses and home occupations which are not required to be serviced under the container (bin) rate schedule set forth in subsection (c) of this section, shall be paid by (i) all such businesses, whether they receive service by polycart container or by a city-provided bin or container, as provided by subsection 23-2-8(c), and (ii) all such home occupations if such home occupation generates one or more cubic yards of refuse or trash per week. Each business or home occupation which is subject to the business service rate shall be provided with one polycart container in which to place solid waste in accordance with the other regulations provided within this chapter. Any business or home occupation which requests more than one container shall be provided with additional polycart containers at a rate of \$15.66 per month per business or home occupation per additional container.

(c) *Commercial container service rates.* The schedule set forth under this subsection establishes the monthly charge for specific levels of service and applies to multiunit residential service and to all businesses, except those that qualify for the business service rate under subsection (b) of this section due to the small amount of refuse generated, and shall also apply to all customers who elect to use and pay for containers.

CONTAINER (BIN) RATE SCHEDULE							
Container (Bin) Size (Yards) Cu. Yd.	Frequency of Collections Per Week						
	1	2	3	4	5	6	7
1½ or less	\$43.52	\$72.79	\$102.03	\$131.18	\$160.44	\$189.64	\$219.11
2	57.88	91.67	125.48	159.25	193.08	226.87	260.66
3	68.18	117.75	159.87	205.65	251.50	297.36	343.13
4	81.95	136.92	191.94	246.94	301.92	356.61	411.84
6	108.30	177.02	250.18	314.55	383.22	451.96	520.70
8	143.76	219.46	295.04	370.65	446.22	521.86	597.44

(d) *Miscellaneous fees.* Other fees and rates shall be as follows:

- (1) *Extra collections.* Extra collection charges requiring more than seven collections per week ~~and special collections shall be established by the contractor, subject to review by the customer care manager~~

<u>Per Collection</u>	<u>Container (bin) size cubic yards</u>
<u>\$44.44</u>	<u>1-1/2 or less</u>
<u>59.71</u>	<u>2</u>
<u>70.67</u>	<u>3</u>
<u>85.32</u>	<u>4</u>
<u>113.35</u>	<u>6</u>
<u>151.07</u>	<u>8</u>

- (2) *Lid lock service charges.* For providing a lid lock for control of unauthorized use of or scavenging from containers, customers shall be charged a lid lock service charge as follows:

- a. Nonautomatic lock—~~\$3.4013~~ per month per lid lock; and
- b. Automatic locks—~~\$5.174.76~~ per month per lid lock for each polycart, and ~~\$10.359.52~~ per month per lid lock for each commercial container or bin.

- (3) *Special access service charge.* For unlocking and locking containers, opening or closing gates, or rolling out containers which require extra time or equipment of the contractor, an additional special access service charge shall be charged per month as follows:

Collections Per Week	Rate
1	\$ <u>11,120.23</u>
2	<u>22,220.44</u>
3	<u>33,330.66</u>
4	<u>44,470.91</u>
5	<u>55,541.10</u>
6	<u>66,671.34</u>
7	<u>77,761.54</u>

(4) *Commercial corrugated cardboard collection service.* Charges for commercial corrugated cardboard collection service shall be as follows for all businesses that elect to use and pay for this service: established by the contractor subject to review by the customer care manager and subject to review on appeal by the administrative review board.

<u>Container Size in Cubic Yards</u>	<u>Frequency of Collections Per Week Monthly Charges</u>	
	<u>1</u>	<u>2</u>
<u>2</u>	<u>\$34.61</u>	<u>\$69.21</u>
<u>4</u>	<u>55.36</u>	<u>110.73</u>
<u>6</u>	<u>76.12</u>	<u>124.59</u>
<u>8</u>	<u>103.81</u>	<u>138.44</u>

(5) *Cleaning and sanitizing commercial containers.* Upon receipt of a written directive from the city or a written request from a customer, the contractor shall clean and sanitize any commercial container requiring such maintenance at the rate of \$80.54 per container, which charge shall be billed to the customer by the contractor and paid by the customer. This charge is for services of repair, washing and maintenance beyond the required standards provided in the contractor agreement with the city.

- (e) *Commercial compactor units.* Charges for commercial compactor units, roll-off containers and similar collection containers shall be established by the contractor subject to review by the customer care manager and subject to review on appeal by the administrative review board.
- (f) *Service and payment required.* The owners or occupants of all premises in the city are required to receive refuse collection, removal and disposal service and to pay the fee for such service whether utilized by such owner or occupant or not, unless otherwise specifically exempted.
- (g) *Extra service charges.* The customer care manager, subject to review by the administrative review board, shall have authority to direct the imposition of a reasonable extra service charge for special inspection work, the removal of excess amounts of refuse, landfill usage, or special handling, upon an hourly or other cost-related basis.
- (h) *Lien for nonpayment.* The fees provided by this section are assessed against the properties within the city receiving or benefiting from such refuse collection service. If such fees are not paid within 30 days after normal city billing for such service, the amount assessed shall be a lien upon the property receiving or benefiting from such service. Collection of such assessment shall be made in the manner provided by law.
- (i) *Interruption of service.* An interruption of commercial sanitation service due to the request of a customer lasting less than 30 days will be deemed a continuation of service for the entire month and will not be the subject to credit on the customer's billing. Interruptions of service requested by the customer of greater than 30 days will be adjusted on the customer's billing on a pro rata basis.

- (j) *Other utility charges.* The charges for residential sanitation service as provided in this section shall be non-separable from the water and sewer charges imposed by [Chapter 26](#) and shall be subject to [section 26-4-1](#).
- (k) *State and other taxes.* The state governmental gross receipts tax and other taxes, if applicable, shall be added to the rates and charges established by this section.
- (l) *[Additional provisions.]* There shall be no surcharge for loose yardage taken to the landfill by City of Farmington sanitation service customers who pay for "individual residential service," provided such loose yardage is generated from a residence and does not exceed two cubic yards and weighs less than one ton in any calendar month and the customer presents to the landfill or transfer station operator at the gate a current (within the past 60 days) City of Farmington utility bill with proper identification. If a customer cannot produce sufficient evidence of "individual residential service" or if the loose yardage is in excess of two cubic yards/one ton specified above, the landfill or transfer station operator may charge the customer the current gate rate for such material. All other City of Farmington sanitation service customers who elect to transport to the landfill solid waste generated at their place of business shall pay to the landfill or transfer station operator the current gate rate that is charged for disposal of material at the landfill.

CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Roberts and City Council
FROM: Kristi Benson, CPPO, CPPB *KB*
Chief Procurement Officer
DATE: July 6, 2016
SUBJECT: Request for Qualification-based Proposals for Professional Engineering Services
for Arc Flash Analysis, RFQP #16-113528

USING DEPARTMENT: Electric Utility
=====

Qualification-based proposals opened on March 9, 2016, for the Professional Engineering Services for Arc Flash Analysis. Fourteen (14) offers were submitted.

Negotiations were conducted with the top evaluated firm, ESC Engineering, Inc.

The Central Purchasing Department concurs with the recommendation from the evaluation committee to award the contract to ESC Engineering, Inc., the top evaluated firm. Award is based on the pricing schedule for services as required. The in-state preference was given to qualified bidders. The final rankings are listed below:

- ESC Engineering, Inc. – Fort Collins, CO
- TRC Engineers, Inc. – Albuquerque, NM
- Transmission & Distribution Services, LLC – Albuquerque, NM
- Electrical Reliability Services – Albuquerque, NM
- Leidos Engineering, LLC – Hendersonville, TN
- Kinectrics North America, Inc. – Cincinnati, OH
- Pipeline Controls & Services Inc. – Durango, CO
- Electrical Consultants Inc. – Billings, MT
- Electric Power Systems – Albuquerque, NM
- Schneider Engineering, Ltd. – Boerne, TX
- Lopez Engineering, Inc. – Albuquerque, NM
- Ellett & Gaynor, LLC – Amarillo, TX
- GDS Associates, Inc. – Marietta, GA
- Schweitzer Engineering – Pullman, WA

Kristi Benson (Presenter)
Council Meeting 7/12/16, Close/Reopen

xc: H. Andrew Mason – Administrative Services Director
Rodney Romero – Acting Electric Utility Director
John Armenta – Electric Engineering Manager
File – RFQP#16-113528/EM

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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, June 28, 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	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.

City Manager Rob Mayes 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 June 14, 2016.

*BID: The Chief Procurement Officer recommended that the bid for demolition of the old Aztec Substation (Electric) be awarded to Uselman Construction on its low bid after application of five percent in-state preference of \$78,933.60. Bids opened June 8, 2016 with four bidders participating.

*STOP VIOLENCE AGAINST WOMEN FORMULA GRANT NO. 2015-WF-AX-0014 (Subgrant #2017-WF-307) for funding in the amount of \$39,052 (local match of \$13,017) for advocacy services for victims of domestic violence, sexual assault and stalking (term to June 30, 2017).

*DWI GRANT AGREEMENT NO. 17-X-I-G-24 between the City and the State of New Mexico Department of Finance and Administration, Local Government Division, providing for funding in the amount of \$300,000 for alcohol treatment and detoxification programs (expiration June 30, 2017).

*FIRST AMENDMENT TO THE AMENDED AND RESTATED MINE RECLAMATION AND TRUST FUNDS AGREEMENT between the City and Public Service Company of New Mexico, Tucson Electric Power Company, M-S-R Public Power Agency, The Incorporated County of Los Alamos, New Mexico, Southern California Public Power Authority, City of Anaheim, Utah Associated Municipal Power Systems, Tri-State Generation and Transmission Association, Inc. and PNMR Development and Management Corporation.

*ADOPTION OF RESOLUTION NO. 2016-1594 authorizing a seven and forty-seven hundredth (7.47) percent pick-up of PERA Municipal Police Plan 5 contributions.

*WARRANTS PAYABLE for the time period of June 11, 2016 through June 25, 2016, for current and prior years, in the amount of \$12,474,636.32.

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.

RESCIND BID AWARD/WIRE AND CABLE

Chief Procurement Officer Kristi Benson recommended that the bid for purchase of wire and cable (Category 3), as awarded to Border States Electric on June 14, 2016, be rescinded due to it being non-responsive and not meeting specifications and that the bids received for Category 3 from Western United Electrical Supply, Stuart C. Irby and Graybar be rejected for not meeting specifications or for not quoting an approved manufacturer. As a result, Ms. Benson recommended that the subject bid be awarded to Wesco as the lowest and best bidder meeting specifications after application of five percent in-state preference and she pointed out that the bid awards for Categories 1 and 2 will remain unchanged. Bids opened May 25, 2016 with six bidders participating. Ms. Benson explained that the proposed recommendation is the result of an email from a competing vendor alleging that the bid from Border States did not meet specifications because the manufacturer would be mixing polyethylene into the insulating compound. In response to inquiry from Mayor Roberts, Ms. Benson noted that the cable is being used for the 20th Street improvement project and stated that it is her opinion to rebid the item but is sympathetic to the time constraints which would delay the project by about five weeks. Responding to a question from Councilor Duckett, Ms. Benson confirmed that the other bidders could protest the bid which would likely lead to rebidding and the associated delay.

Following further discussion, City Manager Rob Mayes announced that, after having a side bar discussion with the Acting Electric Utility Director and the City Attorney, staff now concurs with the recommendation of the Chief Procurement Officer to rebid the item.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to rescind the bid award to Border States Electric for the purchase of wire and cable (Category 3) and to direct staff to issue a rebid, and upon voice vote the motion carried unanimously.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

- (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to deny Petition No. ZC 16-35 from Vera Matthews requesting a zone change from the RE-1, Residential Estate, District, to the RA, Rural Agricultural, District, and variance to allow three horses on 2.5 acres of property located at 7000 Hood Mesa Trail.

Mayor Roberts announced that the petitioner has submitted a written request to withdrawn Petition No. ZC 16-35 from consideration.

- (2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. ANX 16-02 from the City of Farmington requesting annexation and recommended zoning assignment of 235.23 acres of land located southeast of the existing municipal boundary along US 64.

Directing the Council's attention to page 9.2 of the agenda materials, Community Development Director Mary Holton briefly reviewed the history of the annexation proposal and stated that staff is recommending that the Mayor and City Clerk be authorized to sign the Petition of Annexation that will be submitted to the New Mexico Municipal Boundary Commission for consideration. She noted that the Boundary Commission will ensure that the property to be annexed is contiguous to the municipality and can be provided with municipal services. In addition, Ms. Holton reported that the proposed area has been a topic of discussion for at least 17 years and noted that it is designated in the City's 2002 Comprehensive Plan as an annexation area. She also referred to page 9.4 of the agenda materials whereby the status of the petition method of annexation is outlined, noting that staff has only been able to secure 78.7128 acres when 117.6173 is needed to reach the minimum of

50.001 percent of the land area. Ms. Holton also reported that staff has received a letter of consent from the Bureau of Land Management, but stated that their consent does not meet the percentage requirement. In closing, Ms. Holton pointed out that staff is proposing to zone the property as Industrial (IND) except for the property located east of Andrea Drive that is being proposed as General Commercial (GC). She directed the Council's attention to page 9.5 of the agenda materials depicting the proposed zoning map, noting that the zoning preferences are consistent with the desires of the existing property owners who have signed the annexation petition.

In response to inquiry from Mayor Roberts, Ms. Holton confirmed that the primary reason that staff is recommending that this area be annexed is because of the amount of gross receipts tax revenue that will be received by the City. City Manager Rob Mayes pointed out that the potential tax revenue estimates are speculative since the individual amount of gross receipts tax paid by a company is confidential. However, he stated that he believes that the long-term benefits would far outweigh the short-term deficits with regard to the proposed annexation since the area is primarily industrial in use.

There being no further discussion, a motion was made by Councilor Duckett, seconded by Councilor McCulloch to adopt the recommendation from the Planning and Zoning Commission to direct staff to submit a petition to the New Mexico Municipal Boundary Commission for the annexation of 235.23 acres of land located southeast of the existing municipal boundary along US Highway 64 utilizing the recommended zone designations, and upon voice vote the motion carried unanimously.

PUBLIC HEARING/2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Mayor Tommy Roberts convened the public hearing concerning the Fiscal Year 2016 Justice Assistance Grant (JAG). He announced that the City will be receiving \$33,277 and stated that staff is seeking comments from the public on how to expend the City's portion of the funds.

Police Lieutenant Dale Bode announced that staff is proposing to use the grant funds to purchase police equipment required to maintain operational efficiency and regional response capabilities (Imaging Laser Scanner and GPS-related equipment).

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

APPOINTMENT TO THE PLANNING AND ZONING COMMISSION

Mayor Roberts asked the Council's consideration of the appointment of Dacia Yazzie (term to May, 2018) as a member of the Planning and Zoning Commission.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to confirm the appointment of Dacia Yazzie as a member of the Planning and Zoning Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENT TO THE COMMUNITY RELATIONS COMMISSION

Mayor Roberts asked the Council's consideration of the appointment of Alicia Middleton (term to April, 2017) as a member of the Community Relations Commission.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to confirm the appointment of Alicia Middleton as a member of the Community Relations Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENTS TO THE ANIMAL SERVICES ADVISORY COMMISSION

Mayor Roberts asked the Council's consideration of the appointments of Shiela Noyes (term to August, 2016), Deborah Cutler, Karen Bayless (1st Alternate) and Andrea Utton (2nd Alternate) (terms to August, 2017) as members of the Animal Services Advisory Commission.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to confirm the appointments of Shiela Noyes, Deborah Cutler, Karen Bayless (1st Alternate) and Andrea Utton (2nd Alternate) as

members of the Animal Services Advisory Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENT AND REAPPOINTMENTS TO THE CITIZEN POLICE ADVISORY COMMITTEE

Mayor Roberts asked the Council's consideration of the appointment of Rose Grey (term to June, 2019) and the reappointments of David Bratcher, Patricia Simpson and Chuck Culpepper (terms to June, 2019) as members of the Citizen Police Advisory Committee.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to confirm the appointment of Rose Grey and the reappointments of David Bratcher, Patricia Simpson and Chuck Culpepper as members of the Citizen Police Advisory Committee, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Request for Status Report on the Joint Intervention Program

Councilor Duckett requested that the Council be provided an update on the Joint Intervention Program (JIP) because he has been hearing some negative comments about the manner in which it is being operated.

CITY MANAGER BUSINESS

Passing of Retired Police Chief Robert Schmerheim

City Manager Rob Mayes reported that the Police Department is mourning the passing of retired Police Chief Robert Schmerheim who served from 1975 to 1983 and stated that all officers are wearing a badge band in recognition of his passing.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented Ordinance No. 2016-1289 pertaining to a loan from the New Mexico Finance Authority for improvements to the City's water system. She stated that notice of intent to consider said ordinance has been published two weeks prior to final action, as required by Section 3-17-3 NMSA 1978 Compilation, and noted that the subject ordinance was tabled at the June 14, 2016 regular City Council meeting in order to comply with the publication requirements. The title of the ordinance being:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT ("LOAN AGREEMENT") BETWEEN THE CITY AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$2,448,240, TOGETHER WITH INTEREST, EXPENSES AND ADMINISTRATIVE FEES, AND TO ACCEPT A LOAN SUBSIDY OF NO MORE THAN \$816,080, FOR THE PURPOSE OF FINANCING THE COSTS OF A WATER SYSTEM IMPROVEMENT PROJECT; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE CITY'S WATER SYSTEM; SETTING AN INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.

After consideration of Ordinance No. 2016-1289, a motion was made by Councilor Duckett, seconded by Councilor Rodgers that said ordinance be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Linda 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 and Ordinance No. 2016-1289 was duly passed and adopted.

CLOSED MEETING

A motion was made by Councilor McCulloch, seconded by Councilor Duckett to close the meeting to discuss request for proposals for solid waste collection services and convention and visitors services, pursuant to Section 10-15-1H(6) NMSA 1978. The roll was called with the following result:

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

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 6:40 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 Rodgers, seconded by Councilor Duckett to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 7:06 p.m. with all members of the Council being present.

PROPOSAL/CONVENTION AND VISITORS SERVICES

Chief Procurement Officer Kristi Benson announced that proposals for convention and visitors services (Parks, Recreation & Cultural Affairs) opened on June 8, 2016 with one offeror participating. She recommended that the contract be awarded to the Farmington Convention and Visitors Bureau as the sole proposal is deemed to be advantageous and in the best interest of the City.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch to award the contract for convention and visitors services to the Farmington Convention and Visitors Bureau, as recommended by the Chief 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 7:07 p.m.

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

Approved this 12th day of July, 2016.

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

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, June 21, 2016 at 9:00 a.m. in the Executive Conference Room at City Hall, 800 Municipal Drive, Farmington, New Mexico, in full conformity with the rules, regulations and ordinances of the municipality.

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

MAYOR	Tommy Roberts
COUNCILORS	Sean E. Sharer Gayla A. McCulloch Nate Duckett
ABSENT	Linda G. Rodgers, Councilor

constituting all the members of the Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
CITY ATTORNEY	Jennifer Breakell
DEPUTY CITY CLERK	Andrea Jones

EMPLOYEE OF THE MONTH PROGRAM AWARD

Employee Council President Kathy Farley recognized Detective Jesse Griggs as the Employee of the Month award recipient for April 2016. Mr. Griggs was presented with a plaque, lunch bag and gift certificate and the Mayor and Council expressed their appreciation for his dedication to the City.

PROPOSED CAPITAL PROJECTS/2016 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN

Associate Planner Teri Clashin distributed a revised memorandum to the Council and reminded them that \$239,624 will be available for capital projects beginning October 1, 2016 from the Community Development Block Grant ("CDBG") program. She reported that the suggested projects that are eligible for CDBG funds are the Complete Streets project, land acquisition for a new transit hub and park facilities and sidewalk improvements to comply with the Americans With Disabilities Act ("ADA") requirements and she explained that Councilor Rodgers' suggested sidewalk project along South Bluffview Avenue, Peach Street and Gullede Road is not an eligible project because it is not located within a CDBG targeted neighborhood.

Ms. Clashin explained that the Complete Streets project would require a U.S. Department of Housing and Urban Development ("HUD") Section 108 Loan ("Loan") which would allow the City to apply for up to five times the approved CDBG amount (\$1,843,265) with a maximum repayment period of 20 years. Community Development Director Mary Holton noted that the City can only guarantee up to five years of the loan's debt service with CDBG funds. Mayor Roberts pointed out that \$1.8 million is a significant portion of the estimated \$5-7 million needed for Phase 1 of the Complete Streets project and he briefly reviewed the recent day-long meeting with the New Mexico Historic Preservation Division regarding the project. City Manager Rob Mayes reported that staff will need to research the Loan further and provide additional details for Council review.

Following further discussion, it was the consensus of the Council to direct staff to proceed with researching the HUD Section 108 Loan for the Complete Streets project for consideration of inclusion in the 2016 CDBG Action Plan.

PRESENTATION/CIVIC CENTER CONCEPTUAL DESIGNS AND COST ESTIMATES

Parks, Recreation & Cultural Affairs Director Cory Styron reviewed the historic background of the Civic Center expansion; reported that community meetings are currently underway; and introduced Sergio Meza and Scott Stafford of Greer Stafford/SJCF Architecture and Dennis Wilkinson of MRWM Landscape Architects.

Utilizing a PowerPoint presentation, Mr. Meza reported that any renovations to the facility will require that the building meet current building code standards which totals an estimated cost of \$4.7 million and he provided an illustration of the Civic Center's existing floor plan. He presented the north expansion option that entails a 5,500 square foot addition to the north side of the facility which would increase the current exhibition hall, extend the hallway and create a new storage space and pointed out that this option would require minimal work to the interior of the building and would increase the exhibition hall seating capacity from 420 to 620. Presenting the south expansion option, Mr. Meza stated that 3,000 square feet would be added to the south side of the facility and would provide two additional meeting rooms with a capacity of 80 people each and a new hallway. Responding to the Mayor's inquiry, Mr. Styron explained that adding the full 5,500 square feet to the south expansion option creates concerns regarding the elevation of the existing grounds and negatively impacts the functionality of the loading dock and kitchen. In response to Mr. Mayes' question, Mr. Meza reported that both options could be added if the funding was available and confirmed that the two options could be planned in phases over a period of time for future implementation.

Continuing with the presentation, Mr. Wilkinson provided an illustration of Concept A of the facility's landscaping which includes blocks of grass, different patterns and colors of concrete, semi-truck and bus parking near the theater and designates the required 16 handicap parking spaces along the west and east sides of the property and he presented an alternate version without the south expansion option that includes a small courtyard and reception area ideal for weddings. He detailed different outdoor use scenarios and an alternate handicap parking lot location and noted that this is considered a "formal" landscaping option. Mr. Wilkinson also presented Concept B, an "informal" landscaping option, which includes free form space, rounded areas of grass, patterned concrete, the same parking locations as detailed in Concept A and an alternate version without the south expansion option similar to Concept A that includes a rounded outdoor reception area and he discussed the plant palette, bollard possibilities and concrete and paver options. In answer to Councilor McCulloch's inquiry, Mr. Styron stated that the existing apple tree is utilized in both of the presented landscaping options.

Responding to Councilor Duckett's questions, Mr. Meza stated that the feedback received so far from the community meetings has been split between the two expansion options with the Farmington Convention and Visitors Bureau favoring the north expansion and he noted that the kitchen will be renovated but not expanded. Mr. Mayes pointed out that it is staff's recommendation to extend the exhibition hall as presented in the north expansion option.

Mayor Roberts expressed his dismay in regards to spending \$4.7 million on the "innards" of the facility and questioned whether any other elements could be added to the exterior of the building to give it a new appearance. In response, Mr. Meza stated that the addition of shade structures, changing the finishes of the building and changing the color palette of the store fronts could alter the overall appearance of the facility without making major alterations. Responding to another question from the Mayor, Mr. Styron reported that staff and the architects would investigate whether the centralized staging area would need to be reconfigured if the exhibition hall is extended in the north expansion option.

Responding to multiple inquiries from Councilor McCulloch, Mr. Styron stated that the total expansion budget is \$10.5 million; noted that \$1 million has been expended on land acquisition and the demolition of existing structures; and confirmed that staff will provide an itemized list of the estimated costs of the various improvements. In addition, Mr. Mayes reiterated that some of the required improvements will be funded through the energy savings performance contract.

Following discussion regarding the feasibility of an expansion on the east side of the facility, it was the consensus of the Council to direct staff to proceed with the north expansion option and the Concept B landscaping. Mr. Styron reported that it will take approximately four to six weeks for the architects to make the recommended changes to bring back to the Council for review.

WATER PURCHASE CONTRACT/ANIMAS VALLEY WATER

Public Works Director David Sypher reported that approximately a year ago, prompted by the Gold King Mine incident, the City installed a water supply extension line to the Animas Valley Water ("AVW") system in anticipation of AVW needing or desiring water from the City on an emergency or permanent basis. He briefly reviewed AVW's recent boil water advisories and their inability to provide clean, potable water to their users and stated that San Juan County ("SJC") has declared the situation an emergency. Furthermore, Mr. Sypher reported that AVW has requested a contract with the City to provide bulk water to their distribution system and noted that water has been supplied as of Saturday from the connection and meter located off of Goldenrod Avenue. In response to multiple inquiries by the Mayor, Mr. Sypher stated that OMI has been authorized to assist AVW with their connection to the City's water line and noted that SJC has declined the City's offer to provide additional drinking water stations to the affected users.

AVW General Manager Fred Whistle reported that the system has approximately 1,900 connections which serves close to 6,000 people; stated that 393 households will be served immediately from the recent connection to the City's water supply; explained that AVW fell behind on water storage due to the recent water turbidity; and pointed out that the treatment plant is the failure not the distribution system. In response to Mayor Roberts' inquiry, Mr. Whistle confirmed that it is AVW's intent to abandon its current water treatment plant and pursue a long-term contract with the City to purchase bulk water and reported that the Public Regulation Commission ("PRC") has dictated that \$70,000 annually be invested in system improvements, noting that a new pump station will be construction with the first year's allotment and then lubing water lines, adding valves and looping water lines will follow in subsequent years.

Responding to Councilor Sharer's questions, Mr. Whistle confirmed that residents can and are currently running their evaporative coolers with the contaminated water and stated that it will be 7-10 days before AVW begins pumping bulk water from the City, closes the water treatment plant and flushes all of the contaminated water out of the distribution system. To answer Councilor Duckett's inquiry, Mr. Whistle reported that the PRC dictated that AVW purchase the leased water rights and finalize the cost estimate (purchasing bulk water versus treating water) to implement the approved rates prior to connecting to the City's water system even though the City installed the water line last year. Councilor McCulloch expressed her sincere empathy for the affected users and thanked staff for all of their efforts in assisting AVW during this crisis.

The Mayor asked for comments from members of the audience.

Michael Jackson, 44 Road 3775, questioned whether AVW has sold any of the recently purchased water rights; pointed out that Aspen Management, LLC is not registered to do business in New Mexico according to the New Mexico Secretary of State's website; and stated that the PRC specified AVW's capital outlay of \$80,000 per year for three years. In response to Mr. Jackson's concerns, Mr. Whistle reported that AVW has not sold any water rights and pointed out that it owns twice as many water rights as its distribution system requires, noting that this contract obligates AVW to provide the City assurance in the event that those water rights are ever needed by the City to continue to supply bulk water to AVW. In addition, City Attorney Jennifer Breakell reported that Aspen Management, LLC could be registered as a foreign corporation or have a service individual that is registered with the Secretary of State's office which would not appear on their website and confirmed that the necessary research was performed to ensure the legitimacy and enforceability of the contract with AVW.

Karen Northup, 44 Road 3782, inquired why the City is not purchasing the aforementioned water rights instead of AVW. In response, Mayor Roberts stated that the City does not need those water rights to provide the services of the contract but pointed out that the City has the right to acquire them in the future if needed. Furthermore, he explained that the City cannot compel AVW to sell their water rights when the City does not need them and City Manager Rob Mayes briefly reviewed the process to acquire water rights.

Following brief discussion regarding water rights, Mayor Roberts surmised that there is an unstated sentiment that AVW users would like for the City to acquire the water distribution system but reiterated that the City cannot compel the sale of those assets, but noted that the City is open to these types of discussions.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to approve the Water Purchase Contract between the City and Animas Valley Water for the supply of water to the Animas Valley Water distribution system, and upon voice vote the motion carried unanimously.

RESOLUTION NO. 2016-1592 REMOVING UNCOLLECTIBLE AND UNSECURED UTILITY ACCOUNTS FROM THE CITY'S LIST OF ACCOUNTS RECEIVABLE

Customer Care Manager Nicki Parks requested adoption of Resolution No. 2016-1592 removing uncollectible and unsecured utility accounts for calendar year 2011 from the City's list of accounts receivable in the amount of \$113,380.13, in accordance with state statutes.

In response to inquiry from Mayor Roberts, Ms. Parks reported that the outside collection agency was able to collect approximately \$2,500 from the 2011 accounts. She pointed out that a fulltime in-house Collections Specialist was added in 2011 and happily reported that this is lowest write-off percentage in 17 years.

Following further consideration, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to adopt Resolution No. 2016-1592 as presented. The roll was called with the following result:

Those voting aye:	Sean E. Sharer Gayla A. McCulloch Nate Duckett
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Those voting nay:	None
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Those absent:	Linda G. Rodgers
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2016-1592 was duly passed and adopted.

RESOLUTION NO. 2016-1593 RATIFYING, CONFIRMING AND ESTABLISHING REGULAR MEETING DAYS, TIMES AND PLACES OF THE VARIOUS COMMISSIONS, BOARDS, PUBLIC BODIES AND THE CITY COUNCIL OF THE CITY OF FARMINGTON IN ACCORDANCE WITH RESOLUTION NO. 2013-1466.

City Attorney Jennifer Breakell requested adoption of Resolution No. 2016-1593 establishing regular meeting days, times and places for the various commissions, boards, public bodies and the City Council.

After brief consideration, a motion was made by Councilor Duckett, seconded by Councilor Sharer to adopt Resolution No. 2016-1593 as presented. The roll was called with the following result:

Those voting aye:	Sean E. Sharer Gayla A. McCulloch Nate Duckett
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Those voting nay:	None
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Those absent:	Linda G. Rodgers
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2016-1593 was duly passed and adopted.

CLOSED MEETING

A motion was made by Councilor McCulloch, seconded by Councilor Duckett to close the meeting to discuss request for proposals for the Community Development Block Grant (CDBG) 2016 Annual Action Plan for public services projects, pursuant to Section 10-15-1H(6) NMSA 1978. The roll was called with the following result:

Those voting aye: Sean E. Sharer
Gayla A. McCulloch
Nate Duckett

Those voting nay: None

Those absent: Linda G. Rodgers

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 11:14 a.m. with Councilors Sharer, McCulloch and Duckett being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor Duckett, seconded by Councilor McCulloch to open the meeting. The roll was called with the following result:

Those voting aye: Sean E. Sharer
Gayla A. McCulloch
Nate Duckett

Those voting nay: None

Those absent: Linda G. Rodgers

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

The open meeting was reconvened by the Mayor at 11:32 a.m. with Councilors Sharer, McCulloch and Duckett being present.

REQUEST FOR PROPOSALS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
2016 ANNUAL ACTION PLAN PUBLIC SERVICE PROJECTS

Chief Procurement Officer Kristi Benson announced that proposals for the Community Development Block Grant ("CDBG") 2016 Annual Action Plan for public service projects opened on May 17, 2016 with eight offerors participating and noted that presentations were held before the Council on June 14, 2016. She reported that there is \$55,297 available to fund public service contracts and pointed out that the service providers have requested a total of \$80,416.33. She requested direction from the Council on how to proceed with awarding the contracts.

Referring to a memorandum he previously submitted to the Council, Mayor Roberts explained that he is recommending that Big Brothers Big Sisters of Central New Mexico, People Assisting the Homeless (PATH) and San Juan County Partnership each receive \$9,000; Navajo United Methodist Center, Northwest New Mexico Seniors, Inc. and San Juan College Daycare each receive \$7,000; Frontline Mission, Inc. receive \$4,000; and Identity, Inc. receive \$3,297 for a total award amount of \$55,297. Mayor Roberts explained that the scores from the evaluation committee were the starting point for his recommended allocations and stated that he believes that this follows the process implemented last year.

There being no further discussion, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to grant \$9,000 to Big Brothers Big Sisters of Central New Mexico, People Assisting the Homeless, Inc. (PATH) and San Juan County Partnership; \$7,000 to Navajo United Methodist Center, Northwest New Mexico Seniors, Inc. and San Juan College Daycare; \$4,000 to Frontline Mission, Inc.; and \$3,297 to Identity, Inc. The roll was called with the following result:

Those voting aye: Sean E. Sharer
Gayla A. McCulloch
Nate Duckett

Those voting nay: none

Those absent: Linda G. Rodgers

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

At the request of Mayor Roberts, it was the consensus of the Council to direct staff to provide constructive feedback to the offerors to assist them with improved proposals and presentations in the future.

There being no further business to come before the Council, the meeting was adjourned at 11:39 a.m.

APPROVED this 12th day of July, 2016.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk