

A G E N D A

... for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m., Tuesday, September 13, 2016 in the Council Chamber, City Hall, 800 Municipal Drive, Farmington, New Mexico. . .

1. Roll Call and Convening the Meeting:
2. Invocation: Reverend George Harris of Fellowship of Spirit 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 August 23, 2016; and - 11
  - (b) the Regular Work Session of the City Council held August 16, 2016. 12
6. \*Approval to Declare the worn-out, unusable or obsolete Englehart Camet™ CO Catalyst (Electric) surplus to the needs of the City and not essential for municipal purposes, and to authorize the City Manager or his designee to dispose of such surplus property pursuant to State Statutes. -----1
7. \*Approval of Water Purchase Contract between the City and Animas Valley Land & Water to increase the amount of treated water being sold from 500 to 750 gallons per minute (not to exceed 32,400,000 total gallons per month). -----2
8. \*Approval for Adoption of Resolution No. 2016-1605 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the Zone 2P Waterline Replacement Project, Phase II. -----3
9. \*Approval of Warrants up to and including September 10, 2016.
10. Proclamation declaring September 17 through 23, 2016 as "Constitution Week."
11. Recommendations from the Planning and Zoning Commission: -----4

Acceptance of Consent Agenda: The items marked with an asterisk (\*) have been placed on the Planning and Zoning Commission Consent Agenda and will be voted on without discussion by one motion. If any 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 16-70 from the City of Farmington, represented by Assistant City Manager Julie Baird, requesting a zone change from the RA, Rural Agriculture, District to the MF-M, Multiple-Family Medium Density Residential, District for 5 lots totaling approximately 0.797 acres of vacant property located south of Southside River Road and east of Dekalb Avenue.

The recommendation of the Planning and Zoning Commission passed by a vote of 8-0 on August 25, 2016. -----5

\* (2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. ZC 16-72 from William Fortner, represented by Cheney-Walters-Echols, requesting a zone change from the RE-1, Residential Estates, District to the OP, Office Professional, District for 2.5 acres of vacant property located west of College Boulevard and north of Piñon Hills Boulevard and Piñon Frontage Road.

The recommendation of the Planning and Zoning Commission passed by a vote of 8-0 on August 25, 2016. -----6

\* (3) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. SUP 16-73 from Mary Frances and Wayne Leupold requesting a Special Use Permit to allow a detached family-care unit to be located on 0.41 acres in the SF-7, Single-Family Residential, District at 1803 Sage Drive.

The recommendation of the Planning and Zoning Commission passed by a vote of 8-0 on August 25, 2016. -----7

12. Recommendation from the Parks, Recreation and Cultural Affairs Commission to rename the original exhibit hall at the Farmington Museum as the Cassie Stiles Dallas Gallery. The recommendation passed by a unanimous vote on August 18, 2016. (Cory Styron, presenter) -----8

13. New Business:

(a) Mayor

(1) Reappointments to the Animal Services Advisory Commission.

(b) Councilors

(c) City Manager

(d) City Attorney

- (1) Ordinance No. 2016-1293 – Final Action  
-amending Chapter 8, Article 13 of the City Code dealing with food catering/vending wagons and trucks (Published August 21, 2016) ----9

(e) City Clerk

14. Business from the Floor:

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

15. Closed Meeting to discuss request for qualification-based proposals for Phase I of a feasibility study for an outdoor family aquatic facility, pursuant to Section 10-15-1H(6) NMSA 1978.

16. Proposal: Recommendation from the Chief Procurement Officer to award the qualification-based proposal for Phase I of a feasibility study for an outdoor family aquatic facility (Parks, Recreation & Cultural Affairs) to FBT Architects as the top evaluated firm based on the pricing schedule for services and after application of the five percent in-state preference. Proposals opened June 28, 2016 with eight offers participating. ----- 10

17. 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 *KEB*  
Chief Procurement Officer  
DATE: August 26, 2016  
SUBJECT: Declaration of Worn-Out, Unusable or Obsolete Property  
USING DEPARTMENT: Electric Utility  
=====

The Central Purchasing Division of the Administrative Services Department concurs with the recommendation from Electric Generation to declare the following property as worn-out, unusable or obsolete. The Englehart Camet™ CO Catalyst was tested and no longer retains sufficient activity to meet our CO emission limit. There are some precious metals in the catalyst that potentially have some significant value.

If it is determined the best disposal method for this property is through the City's internet-based eSurplus auction system, authorization is requested to grant the Warehouse Superintendent authority to issue an immediate Email award notification to the highest cash bid received meeting the bidding requirements set forth.

Kristi Benson (Presenter)  
Consent Agenda/Council Meeting 9/13/16

xc: Brooke Quintana, Accounting  
Debi Dalton, Accounting  
Bob Schrag, Warehouse  
Rodney Romero, Electric Utility  
Annette Lobato, Bluffview Power Plant  
Benjamin Banks, Animas Power Plant



**CITY OF FARMINGTON**  
WATER / WASTEWATER UTILITIES DIV.  
**PUBLIC WORKS**

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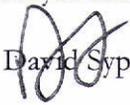
**LETTER OF MEMORANDUM**

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Date: 9/08/2016

To: Mayor and City Council

From:  David Sypher, PE – Public Works Director

Purpose: Request to be placed on Consent Agenda

Subject: Animas Valley Land & Water – Water Purchase Agreement

Animas Valley Land & Water has upsized their water meter from 3” to 4” and is requesting to amend their original agreement with the City. Within the amended agreement, modifications to the original agreement include the following:

1. Page 1: Quantity to furnish AV Water treated water has increased from 500 to 750 gallons per minute / not to exceed 32,400,000 total gallons in any month.
2. Page 2: Water meter size increase from 3” to 4” / Table 1. schedule modified – removed 2015 dates.

It is therefore recommended the attached amended water purchase agreement be approved.

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## WATER PURCHASE CONTRACT

THIS CONTRACT for sale and purchase of water is entered into as of the \_\_\_\_ day of September, 2016, between the City of Farmington, New Mexico, hereinafter referred to as “City” and AV Water Co., LLC, a Delaware limited liability company authorized to do business in New Mexico, hereinafter referred to as “AV Water” Or “Purchaser.”

WITNESSETH:

WHEREAS, AV Water has been organized and established under the laws of the State of New Mexico for the purpose of constructing and operating a water supply distribution system serving water users within the area described in plans now on file in the office of AV Water and to accomplish this purpose, AV Water will require a supply of treated water, and

WHEREAS, the City owns and operates a water supply distribution system with a capacity currently capable of serving the present and future customers of the City’s system and the estimated number of water users to be served by the said AV Water as shown in the plans of the system which are incorporated herein by reference, and

WHEREAS, the City owns water rights in the Animas and San Juan Rivers in an amount currently capable of serving the present customers of AV Water’s system and the estimated number of water users to be served by the said Purchaser as shown in the plans of the system now on file in the office of the Purchaser, and

WHEREAS, by motion duly passed, enacted on the \_\_\_\_ day of \_\_\_\_\_, 2016, by the Council of the City, the sale of water to AV Water in accordance with the provisions of this contract was approved and the execution of this contract by the Mayor and attested by the Clerk was duly authorized, and

NOW, THEREFORE, in consideration of the foregoing and mutual agreements hereinafter set forth,

1. Quality: To furnish AV Water at the point of delivery hereinafter specified, during the term of this contract or any renewal or extension thereof, potable treated water meeting applicable purity standards of the New Mexico Department of Environment, Drinking Water Bureau in such quantity as may be required by AV Water.
2. Quantity: To furnish AV Water treated water in such quantity (there is no minimum) as may be required by AV Water, but shall not exceed 750 gallons per minute or more than 32,400,000 gallons in any month. AV Water shall not take more than this amount and any monthly flow demands by AV Water in excess of the maximum monthly limits will constitute a breach of contract. However, nothing herein shall be construed as to require the City to provide more treated water than that which is specified as the maximum amount as contained in this paragraph.

3. Point of Delivery: Water will be furnished to AV Water at the meter box located at or near the intersection of Wildflower Parkway and Goldenrod Trail. Any changes to the point of delivery will require written agreement by AV Water and the City.
4. Pressure: Water will be furnished at a reasonably constant normal pressure calculated at approximately fifty (50) pounds per square inch (p.s.i.). If a greater pressure than that normally available at the point of delivery is required by AV Water, the cost of providing such greater pressure shall be borne solely by AV Water. Emergency failures of pressure or supply due to main supply line breaks, power failure, flood, fire and use of water to fight fires, earthquake or other unforeseen catastrophe events shall excuse the City from this provision for such reasonable period of time as may be necessary to restore service.
5. Metering Equipment: The City shall install, operate and maintain at the point of delivery the necessary metering equipment, including a (4-in) four-inch meter and a meter house or pit, and required devices of standard type for properly measuring the quantity of water delivered to AV Water. The cost of installation of the piping and metering equipment shall be paid for by AV Water. The City shall calibrate such metering equipment whenever requested by AV Water, but not more frequently than once every twelve (12) months. A meter registering not more than two percent (2%) above or below the test result shall be deemed to be accurate. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the three (3) months previous to such test in accordance with the percentage of inaccuracy found by such tests. If any meter fails to register for any period, the amount of water delivered in the corresponding period immediately prior to failure, unless the City and AV Water shall agree upon a different amount, shall be deemed to have been furnished by the City to AV Water. The metering equipment shall be read monthly in a normal billing cycle.
6. Rates and Payment Schedule: To pay the City not later than the 14 days after the receipt of the bill each month for water delivered in accordance with the following schedule of rates:
  - a. A base charge of \$300 per month and a volume rate as described in Table 1 City of Farmington- AV Water Rate Structure

Table 1. City of Farmington – AV Water Rate Structure

From:	To:	Rate
Present to	November 30, 2016	\$2.03 per 1,000 gallons
December 1, 2016	November 30, 2017	\$2.12 per 1,000 gallons
December 1, 2017	November 30, 2018	\$2.18 per 1,000 gallons
December 1, 2018	Until a rate adjustment occurs as provided below	\$2.29 per 1,000 gallons

- b. The City may propose to adjust AV Water’s treated water rate based on its own internal study or on a cost of services study by an outside consultant. Should the City

elect to conduct a cost of services study, the City will notify AV Water that the cost of services study is occurring. A study shall address the cost of providing water to AV Water and may include system losses, and other considerations. After completion of the study the City will notify AV Water of any proposed rate changes and provide a copy of the study to AV Water.

- c. If AV Water does not file a written objection to the new proposed rate with the City within sixty (60) days, AV Water will be deemed to have accepted the new proposed rate and the new rate will go into effect ninety (90) days after the date AV Water was first notified of the proposed new rate.
  - d. If AV Water files a written objection within sixty (60) days, AV Water may initiate at its expense a cost of services study specifically for this Contract to determine the rate to be charged by the City. This study shall address the costs of providing treated water to AV Water, system losses, and other considerations. Upon completion of AV Water's study, AV Water will provide a copy to the City. If the results of the two studies differ, the parties shall have sixty (60) days from the date a copy is received by the City for the parties to negotiate a resolution to these differences. If a resolution cannot be reached, an Arbitration Board as described in section 15 shall be convened.
  - e. Transfer of Water: AV Water shall not assign or transfer any of its rights to receive treated water pursuant to this Contract to any third party without the City's written approval, nor shall AV Water sell any water to a third party for the purpose of re-selling it.
7. Water Supply and Shortages: In the event of an extended shortage of water or the supply of water available to the City is otherwise diminished over an extended period of time, the supply of water to AV Water and its consumers shall be reduced or diminished in the same ratio or proportion as the supply to City consumers is reduced or diminished.
- a. These water deliveries may be adjusted downward due to normal system-wide losses attributed to evaporation, treatment and unaccounted for leakage and/or drought. The City will not be obligated to provide more water or water pressure than specified in this contract.
  - b. In the event of an emergency that impacts the City's water treatment or conveyance capacity, the supply of water to AV Water will be reduced in the same ratio or proportion that the supply of water to the City's other customers is reduced per the City Ordinance Chapter 26 Article 2 Division 2 – Conservation of Water in Emergencies.
  - c. AV Water and the City recognize that AV Water and the City depend on the Animas and San Juan Rivers for water. The supply of water in these rivers varies in quantity, which is beyond the control of the City. No liability will attach to the City due to the failure of the City to anticipate availability of water or because of

failure of water supply due to inadequate snowfall, runoff, rainfall or occurrences beyond the reasonable control of the City.

- (d) In the event that the water supply available to the City is otherwise reduced over an extended period of time due to system growth, emergency disaster or other situations such as drought, the supply of water treated and conveyed to AV Water will be reduced based on the ability of AV Water to furnish the necessary water rights to adequately cover AV Water's request for treated water. For the purposes of this Contract, droughts are defined as periods when the water storage level of Farmington Lake, the City's raw water storage facility, is less than 60 percent of capacity and the Influent/Effluent Ratio of the lake (i.e., the ratio of the inflow into the lake and the outflow from the lake) is projected to be less than 150 percent for the following 30 or more days, or when the Secretary of the Interior declares a shortage in the Navajo Reservoir or Animas La Plata Project water supplies. During periods of drought the parties may consider a shortage-sharing agreement.
8. Billing Procedure: By the 15<sup>th</sup> of each month, the City shall furnish to AV Water at P.O. Box 5520, Farmington NM, 87499, a monthly itemized billing statement of the account for water furnished to AV Water during the preceding month.
  9. Failure to Deliver: The City will, at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to furnish AV Water with quantities of water required by AV Water. Temporary or partial failures to deliver water shall be remedied with all possible dispatch. Emergency failure of pressure or supply due to main supply line breaks, power failures, flood, fire, force majeure, or other catastrophic event will excuse the City from delivery for such reasonable period of time as may be necessary to restore service.
  10. Contract Term: This Contract shall be for a term of five (5) years from the date of this Contract but shall automatically renew for up to three (3) additional five-year periods unless one of the parties gives the other party written notice of termination. Written notice of termination by either party shall be given no later than one (1) year prior to the expiration of the current five (5) year term.
  11. Modification of Contract: The provisions of this contract pertaining to the schedule of rates to be paid by AV Water for water delivered are subject to modification at the end of every five (5) year period or upon a cost of services study or an internal City cost analysis. Any increase or decrease in rates shall be based on a demonstrable increase or decrease in the costs of performance hereunder but such costs shall not include increased capitalization of the City system. Other provisions of this contract may be modified or altered by mutual agreement.
  12. WATER RIGHTS. The City presently has sufficient water rights to provide the water that is the subject of this Contract. However, in the future as water use on the City's system increases, or as water rights are further defined and possibly limited by the Office of the State Engineer and the courts, the City may not have sufficient rights to meet the terms of this or future

Contracts. The City may require AV Water to provide the necessary water rights to cover the amount of treated water supplied to AV Water by notifying AV Water in writing at least one (1) year in advance of that need. The City may require AV Water incur any costs of conveying these water rights directly or reimburse the City for any such costs incurred by the City. AV Water agrees to supply to the City, transfer of water rights, change in point of diversion, or other method agreeable to the parties, and approved by the State Engineer, water rights in sufficient quantity and priority to assure that the City will receive deliverable water equal to the amount of water which is supplied by the City to AV Water under this Contract. If AV Water provides water rights for delivery under this Contract, and if the Office of the State Engineer and AV Water identify suitable points of diversion for this purpose, the City will not object to those points of diversion to be used by the City to divert, process and treat AV Water water for distribution in accordance with this Contract. To allow for the provisions in section 7d above, AV water LLC shall maintain, and not transfer their water rights to another entity without first providing the City of Farmington first right of refusal. In the event AV Water sells its water rights to another entity and does not retain an amount sufficient to fulfill its obligations under this Contract (32,400,000 gallons per month), the City reserves the right to immediately terminate this agreement to provide water services.

13. Return Flow: As the City has water permits from the State Engineer articulating certain requirements to limit the diversion, consumptive use, and return flows, it is understood between the parties AV Water shall cooperate with the City in documenting return flow by AV Water of that proportion attributable to what the City conveys to AV Water.
14. Regulatory Agencies: That this contract is subject to such rules, regulations or laws as may be applicable to similar agreements in the State of New Mexico and the City and AV Water will collaborate in obtaining such permits, certificates or the like, as may be required to comply therewith.
15. Miscellaneous: If the City and AV Water cannot agree to any modifications in the water rate, the question as to whether or not there should be a decrease or increase and the amount shall be submitted to a board of arbitration composed of three (3) residents of the County of San Juan, State of New Mexico, one of whom shall be appointed by the City, one of whom shall be appointed by AV Water, and the third person shall be selected by the two appointees or, upon their failing to agree, by the presiding District Judge of the Eleventh Judicial Court.
16. Successor to AV Water: In the event of any occurrence rendering AV Water incapable of performing under this contract, any successor of AV Water, whether the result of legal process, assignment or otherwise, shall succeed to the rights of AV Water hereunder.
17. City's Powers: None of the provisions of this contract are to be construed as limiting the powers of the City of Farmington as given it by the statutes of the State of New Mexico, especially (although not limited to) its rights of annexation, zoning, eminent domain and competing utility services.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed in three (3) counterparts, each of which shall constitute an original.

THE CITY OF FARMINGTON,  
NEW MEXICO:  
SEAL

by: \_\_\_\_\_  
Mayor

Legal Department  
Approved as to form  
By [Signature]  
Date 7/8/16

\_\_\_\_\_  
Attest: Dianne Smylie, City Clerk

AV WATER CO., LLC, a Delaware limited liability company

By: Animas Valley Land & Water Mezzanine Co., LLC, a Delaware limited liability company, its Sole Member

By: HD Partners Farmington I, LLC, a Delaware limited liability company, its Sole Member

By: Aspen Management, LLC, a Delaware limited liability company, its Manager

By: [Signature]  
Name: Fred Whistle  
Its: General Manager

## CITY COUNCIL AGENDA REQUEST

DATE: September 1, 2016 DEPARTMENT: Public Works MEETING DATE: September 13, 2016

1. ITEM/TOPIC: 2P Waterline Project
2. ACTION REQUESTED OF COUNCIL:

Authorize the Public Works Department staff to prepare the non-binding Drinking Water State Revolving Loan Fund Application for Financial Assistance through New Mexico Finance Authority (NMFA) and adopt Resolution Number \_\_\_\_\_. Authorize the Mayor to sign and staff to submit the non-binding funding application along with resolution to NMFA to initiate the loan process for the Phase 2- 2P waterline project.

3. BACKGROUND / RATIONALE:

The 2P waterline project is currently phased in the City five year CIP in conjunction with the adopted City ICIP plan; ranking as the city's number two project. The project map is attached.

In March 2016 Public Works submitted a Project Interest Form at the request of the NMED for the Drinking Water State Revolving Loan Fund Program. On July 12, 2016 the Public Works Department was notified that the project for the replacement of water lines was ranked 14<sup>th</sup> and did not qualify for a grant match, without a significant grant, it is not advantageous to the city to except the loan.

Staff is recommending City Council approve the non-binding project application for the funding through a loan/grant for \$3.56 million from NMFA through the Drinking Water State Revolving Loan Fund Program from the NMED Drinking Water Bureau. The loan would be administered by the New Mexico Finance Authority, in the amount of \$3.56 million. The loan is at 2% interest, 20 years with a potential 15% to 25% forgiveness of principal to be determined in September-October 2016. Response to this non-binding phase of the application is required by September 15, 2016. There will be two additional junctures for city acceptance consideration in the loan process prior to requiring a final commitment to the program. Detail terms and conditions will be provided when or if final commitment is required.

### Project Description:

The New Mexico Finance Authority, through the Drinking Water Revolving Loan Fund, has approved the City of Farmington's application to replace approximately 9300 lineal feet of antiquated and undersized pipeline at an estimated **\$3,560,000.00 for Phase 2.**

This improvement to the aging water infrastructure is one of many phased improvements to the City of Farmington potable water system. The City grew rapidly in the decade of the 1950's, with the population expanding from approximately 3,600 to more than

23,000. With that rapid expansion came installation of many miles of sewer and water lines. While many of these older utility lines have since been replaced, many more remain in the system and are either undersized, nearing their 50-year life expectancy, or both. The tuberculated cast iron waterlines are restricting the effective inside diameter and thus the capacity. The project will also upsize the pipeline to meet growing demands on the system to improve water quality and fire suppression capabilities in south Farmington. The City has adopted water and sewer rate changes and implemented a new, essential "renewal and replacement (R&R)" charge for the purpose of funding an aggressive replacement program for this aging infrastructure. Nevertheless, it is apparent that the scale of the replacements needed would be greatly assisted with grant funds over the next ten years augmenting the projected R&R revenues.

The Murray Drive 2P waterline is a three phase project. Phase one extends from Camina Flora on Hwy 64 to Sandstone Avenue and North on Sandstone to Southside River Road. Phase one comprises about 9300 lineal feet of pipeline. Phase 2 runs on Murray Drive from Miller to Bloomfield Blvd. and tees on McCormick from Murray Drive to Bloomfield Blvd. for 1.5 miles.

The total project cost estimate for all three phases is 8.2 million dollars

#### 4. STAFF RECOMMENDATION:

Recommend to the Farmington City Council submitting the 2P waterline replacement project non-binding application for the loan from the NMED Drinking Water Bureau - Drinking Water State Revolving Loan Fund Program.

#### 5. INSTRUCTIONS UPON APPROVAL:

Staff will prepare and submit to NMFA the non-binding funding application package attached resolution as required for the loan process for the water meter replacement project.

#### 6. BUDGETARY IMPACT:

This project can be added as a budget adjustment to the FY17 proposed budget.

Attached:

Project limit Map

Project cost estimate

Project application w/checklist

RESOLUTION NO. 2016-1605

AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR THE ZONE 2P WATERLINE REPLACEMENT PROJECT, PHASE II

WHEREAS, the City of Farmington ("Borrower") is a qualified entity under the Drinking Water State Revolving Loan Act, Sections 6-21A-1 et seq., NMSA 1978 ("Act"), and the Farmington City Council ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Borrower and the public; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing projects from the Drinking Water State Revolving Loan Fund created under the Act, and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for drinking water projects; and

WHEREAS, the Governing Body intends to undertake acquisition, construction and improvement of the Zone 2P Waterline Replacement Project, Phase II ("Project") for the benefit of the Borrower and its citizens; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

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

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, be hereby ratified, approved, and confirmed.

Section 2. That the completed Application submitted to the Governing Body be hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED this 13<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
Tommy Roberts, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Smylie, City Clerk



NMFA Use Only:

App. #:	-DW
FA assigned:	
Fundable Priority	

DRINKING WATER STATE REVOLVING LOAN FUND  
APPLICATION FOR FINANCIAL ASSISTANCE

I. GENERAL INFORMATION

A. Applicant /Entity

		Application Date:	September 15, 2016		
Applicant/Entity:		City of Farmington			
Address, City, State, Zip (basic five-digit code plus four additional digits):		800 Municipal Drive, Farmington, NM 87401			
County:		San Juan	Census Tract:	51N	
Legislative District number:	2	Senate:	1	House:	1
Phone:	505-327-7701	Fax:	505-599-1299	Email Address:	dsypher@fmtn.org
Individual Completing Application:		David Sypher			
Address, City, State, Zip (basic five-digit code plus four additional digits):		800 Municipal Drive, Farmington, NM 87401			
Phone:	505-599-1063	Fax:	505-599-1299	Email Address:	dsypher@fmtn.org
DUNS number:	080376346	Public Water System number:	NM3510224		

B. Consulting Professionals (Bond/Legal Counsel, Architect, Engineer, etc., if available)

Name:					
Address, City, State, Zip:					
Phone:		Fax:		Email Address:	

C. Primary Contact Person

Name:	David Sypher				
Address, City, State, Zip:	800 Municipal Drive, Farmington, NM 87401				
Phone:	505-599-1063	Fax:	505-599-1299	Email Address:	dsypher@fmtn.org

## II. PROJECT SUMMARY

### A. Project Description

Complete the following information, using additional paper if necessary. Include any additional documents that may be useful in reviewing this project (i.e. architectural designs, feasibility studies, a business plan, etc.)

Description of the project:

**PURPOSE:** To design, construct and acquire archaeological and environmental clearances, if required, for the 2P Waterline Replacement Project, Phase I in the City of Farmington, NM.

**SCOPE OF WORK:** Replace 1.5± miles of 1950's 6" and 8" cast iron pipe with 16" ductile iron or PVC waterline in US64 from the intersection of Camina Flora/Bloomfield Blvd. to Miller Avenue; and, .8 miles of 6" and 8" cast iron pipe with 12" ductile iron or PVC waterline in McCormick Road between Bloomfield Blvd. and US64.

This improvement to the water infrastructure is one of many planned, phased improvements to the City's ancient waterline system. Engineering is 30% complete for this project but archaeological and environmental studies need to be completed. The City of Farmington has invested nearly \$247,000 for Phase I and Phase II engineering services on this project and \$3.2 million for Phase I construction via NMFA Loan. A project budget of \$3,560,000 and tentative project construction period is anticipated to begin spring of 2017 through 2020.

This project will improve water quality along this corridor and to surrounding low income neighborhoods supplied by this waterline. These improvements will increase water supply to commercial customers, residential homes and two public schools: McCormick Elementary and Bluffview Elementary.

**EASEMENTS OR RIGHTS OF WAY:** Proposed project will be constructed within existing state highway right of way or within existing City of Farmington right of way. No additional right of way required for the project.

Proposed Project Start Date: April 1, 2017

Proposed Project Completion Date: October 31, 2020

When does the system need NMFA funds available?

April 1, 2017

2. How will the ongoing maintenance, operation, and replacement of this project be funded?

Annual Utility Budget

3. Does the system have a certified operator(s)? Yes  No

If YES, how many? 5

4. Will this project require right-of-way acquisition? Yes  No

If YES, specify any right-of-way needs and whether acquisition may or may not delay the project.

5. Who will hold title to the land where the project is to be located?

n/a

If this is land owned by the Bureau of Land Management or State Land Office or is Tribal Land, please attach lease agreements. If there is no clear title, attach an explanation of ownership arrangements.

6. Does this project require a joint powers agreement (JPA)? Yes  No

If YES, provide a copy of the JPA, which should include a list of the current membership.

7. Does the system expect an increase in service demand that would impact the capacity of the system as a result of this project? Yes  No

If YES, please explain.

B. Total Project Cost and Sources of Funds Detail

	DWSRLF Funds Requested	Other Public Funds*	Private Funds	TOTAL Funds
Construction Activities				
Planning and Design				\$ 0.00
Construction	\$ 3,560,000.00			\$ 3,560,000.00
Equipment				\$ 0.00
Infrastructure Activities				
Facility Acquisition				\$ 0.00
Land Acquisition				\$ 0.00
Utilities (Electric, Gas, Water, etc.)				\$ 0.00
Engineering and Architectural				\$ 0.00
Contingencies				\$ 0.00
Other				\$ 0.00
<b>TOTALS</b>	\$ 3,560,000.00	\$ 0.00	\$ 0.00	\$ 3,560,000.00

\* Specify any other public funds to be used for this project and amounts and terms of those funds, i.e. FmHA, CDBG, EPA, etc.

Source	Amount	Terms / No. of Years
n/a	0	n/a
<b>TOTALS</b>	0	

Attach a letter verifying that each non-DWSRLF funding source for this project has been approved or is in the process of being approved. Explain any exceptions.

III. FINANCING

A. Revenue

1. Specify the revenue to be pledged as security for the DWSRLF loan (a revenue source must be pledged for this type of project).

- Municipal Local Option GRT – please specify \_\_\_\_\_
- County Option GRT – please specify \_\_\_\_\_
- State-Shared GRT \_\_\_\_\_
- Net System Revenues \_\_\_\_\_ Enterprise Fund - Water Utility
- Other Revenue \_\_\_\_\_

2. Is there an alternative revenue source available to pledge to pay debt service in the event that the primary pledged revenue is unavailable or insufficient? Yes  No

If YES, please specify.

3. Preferred financing term: 20 years.

B. Debt

Is any debt being repaid from the revenue source(s) referenced in A(1)? Yes  No

If YES, provide bond or loan documents and payment schedule(s) for any existing debt service being paid from the same revenues that are pledged as security for the DWSRLF loan.

C. Customers and Rates

1. What are the current number of customers and the current rates for the following classifications?

	No. of Customers	Rate per 6,000 gallons	Revenue Generated
Residential	13,971	\$ 41.78	\$7,173,050
Commercial	2,535	\$ 62.88	\$4,053,706
Industrial			
Bulk	5	Varies	\$1,014,390

2. When were the system's water rates last adjusted?

2014 -- 5 year adjustment

3. Please describe the system's rate review process and frequency of review (proposed or existing)

Proposed rate study review in FY19 for water and wastewater utility

4. Is the system metered? Yes  No

If YES, what is the percentage of fully operating meters?

100 percent

5. Are any significant changes in operational revenues or expenditures expected in the next three fiscal years that would impact the system's overall operating budget? Yes  No

If YES, please describe.

#### IV. READINESS-TO-PROCEED CHECKLIST

A. In addition, the following items are required prior to closing or disbursement of DWSRLF funds:

- Categorical Execution Checklist (see Appendix D *Categorical Exclusion Checklist*)
- A signed Authorizing Resolution (see Appendix C *Authorizing Resolution*)
- A detailed drawdown schedule for project payments
- Final technical information for the project, stamped and approved by a registered engineer
- Cost breakdown of the project, certified by either an engineer or architect
- Preliminary Engineering Report (PER) approved by the NMFA (if applicable)
- Environmental Information Document (EID; see Appendix A) approved by the NMFA (if CE is not applicable)
- Disclosure questionnaire (if applicable)
- Area map, site map, and floor map
- Documentation showing status of right-of-way acquisition (if applicable)
- List of and copies of all required permits and licenses necessary to complete the project. Detail the status of each item, a plan of action, and time frame for completing incomplete permits and licenses.
- Is there litigation pending that would have a bearing on the project or applicant?

Yes  No

If YES, attach a summary of all circumstances relating to such litigation.

- Regular meeting dates for the system's governing body(ies) that authorized this project.

V. CERTIFICATION

The undersigned, certify that:

Each has the authority to request and incur the debt described in this application and, upon award, will enter into a contract for the repayment of any NMFA loans and/or bonds.

Each will comply with all applicable state and federal regulations and requirements. To the best knowledge of each of the undersigned, all information contained in this application is valid and accurate and the submission of this application has been authorized by the governing body of the undersigned jurisdiction.

Jurisdiction City of Farmington

Highest Elected Official \_\_\_\_\_  
*Signature*

Tommy Roberts  
*Print Name*

Mayor  
*Print Title*

\_\_\_\_\_  
*Date*

Finance Officer/Director \_\_\_\_\_  
*Signature*

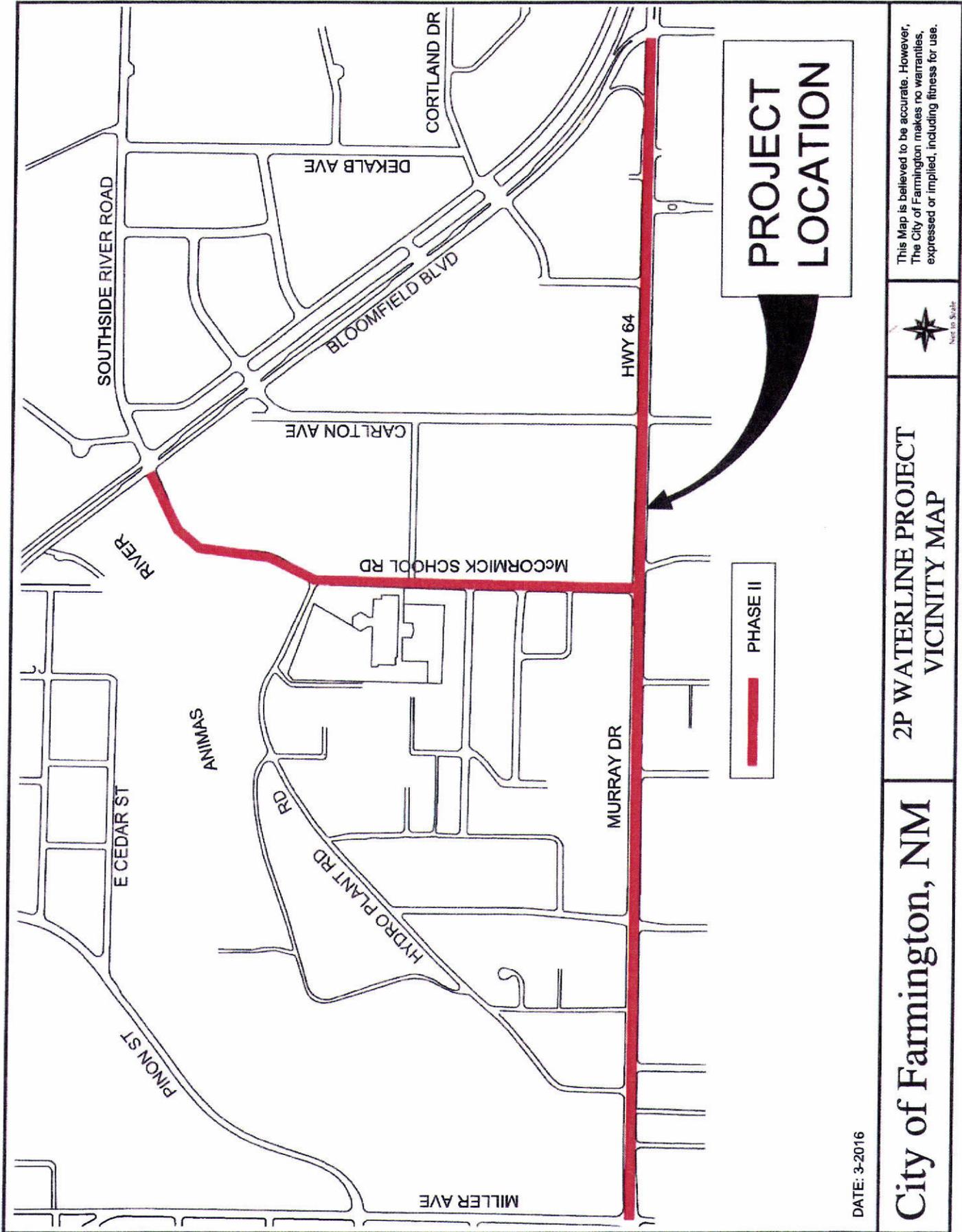
H. Andrew Mason  
*Print Name*

Director  
*Print Title*

\_\_\_\_\_  
*Date*

Legal Department  
Approved as to form  
By [Signature]  
Date [Signature]

**APPENDIX C**  
**Authorizing Resolution**



DATE: 3-2016

# City of Farmington, NM

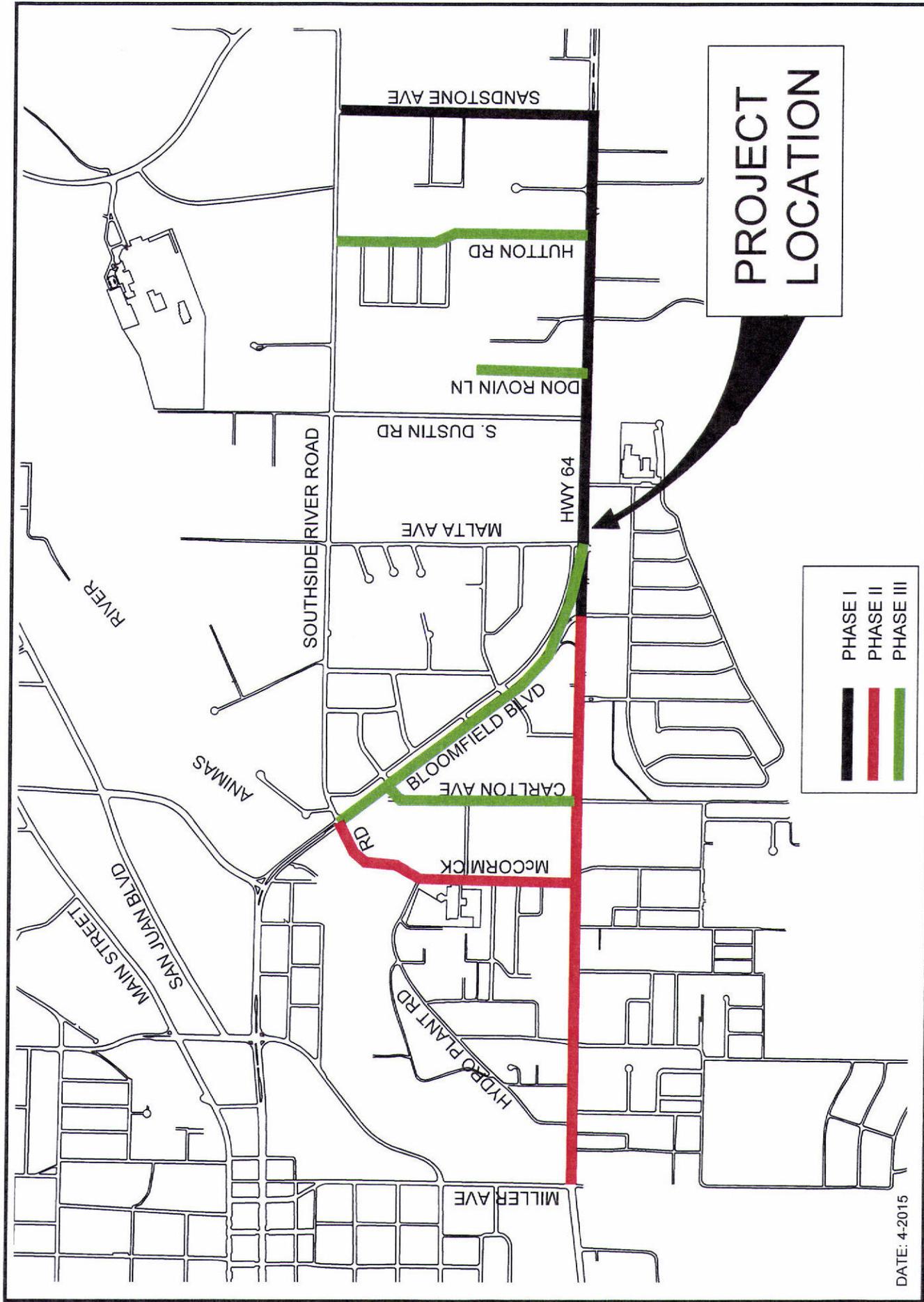
## 2P WATERLINE PROJECT VICINITY MAP



This Map is believed to be accurate. However, The City of Farmington makes no warranties, expressed or implied, including fitness for use.

**PROJECT  
LOCATION**

PHASE II



DATE: 4-2015

# City of Farmington, NM

## 2P WATERLINE PROJECT VICINITY MAP



This Map is believed to be accurate. However, The City of Farmington makes no warranties, expressed or implied, including fitness for use.

**PROJECT  
LOCATION**

- PHASE I
- PHASE II
- PHASE III



April 18, 2016

Todd Johansen, Senior Program Administrator  
New Mexico Finance Authority  
207 Shelby Street  
Santa Fe, New Mexico 87501

Via email with delivery confirmation receipt to: [tjohansen@nmfa.net](mailto:tjohansen@nmfa.net)

**RE: Categorical Exclusion and Environmental Clearance, City of Farmington 2P Waterline**

Dear Mr. Johansen:

The New Mexico Department of Transportation's Environmental Bureau has reviewed the cultural resource documentation for the City of Farmington's 2P Waterline which is receiving funding from the New Mexico Finance Authority. Gary Funkhouser, Utilities and ROW Access Coordinator, has made a determination "that the project does not include any activities or programs that can result in changes in the character or use of historic properties as defined in the New Mexico Prehistoric and Historic Site Preservation Act (18-8-1 to 18-8-8 NMSA 1978) and has no potential to cause effects on historic properties as defined in 36 CFR §800.3(a)(1). The project may therefore proceed apace." Per Mr. Funkhouser's directions, I am including his email as part of the permit packet to be submitted to the NMDOT District-5 Office for construction in NMDOT right-of-way.

AES appreciates the opportunity to offer environmental services to you. If you have any questions regarding this letter, please do not hesitate to contact me at 505-486-4072.

Sincerely,

Victoria Giannola  
Operations Manager

Enclosures: Email from the New Mexico Department of Transportation  
Environmental Bureau

CC: Jeff Smaka, Water and Wastewater Administrator,  
City of Farmington [jsmaka@fmtn.org](mailto:jsmaka@fmtn.org)

604 W. Piñon St.  
Farmington, NM 87401  
505-564-2281

1911 Main, Ste 280  
Durango, CO  
970-403-3084

R:\Animas 2000\Dropbox (Animas Environmental)\0000 AES Server Client  
Projects Dropbox\2016 Client Projects\City of Farmington\2P Water Line\GC\City  
of Farmington 2P Waterline Ditch Determination NMDOT 041816 VG.docx

[www.animasenvironmental.com](http://www.animasenvironmental.com)

EMAIL:

Mon 4/18/2016 10:05 AM

Funkhouser, Gary, DCA [Gary.Funkhouser@state.nm.us](mailto:Gary.Funkhouser@state.nm.us)

City of Farmington 2P Waterline -- environmental clearance for the referenced project  
to proceed within NMDOT right-of-way

Victoria Giannola [vgiannola@animasenvironmental.com](mailto:vgiannola@animasenvironmental.com)

Victoria,

The NMDOT Environmental Bureau has reviewed the cultural resource documentation for the New Mexico Finance Authority funded water project in the City of Farmington and that the project does not include any activities or programs that can result in changes in the character or use of historic properties as defined in the New Mexico Prehistoric and Historic Site Preservation Act (18-8-1 to 18-8-8 NMSA 1978) and has no potential to cause effects on historic properties as defined in 36 CFR § 800.3(a)(1). The project may therefore proceed apace.

Please include this email as part of the permit packet to be submitted to the NMDOT District-5 Office for construction in NMDOT right-of-way.

Let me know if you have any questions.

Gary

***Gary Funkhouser***

**Utilities and ROW Access Coordinator**

**Environmental Bureau, Room 206**

New Mexico Department of Transportation

Voice: 505-827-5692 Fax: 505-827-3243

Email: [gary.funkhouser@state.nm.us](mailto:gary.funkhouser@state.nm.us)

Mailing address: P.O. Box 1149, Santa Fe, NM 87504-1149

Physical address: 1120 Cerrillos Road, Room 206, Santa Fe, NM 87505-1842

Federal Express/UPS Zip Code is 87505

- \* **Adoption** of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of ZC 16-70, a request from the City of Farmington, represented by Julie Baird, Assistant City Manager, for a zone change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential for 5 lots totaling 0.797 acres of vacant land located south of Southside River Road and east of Dekalb Avenue. (Cindy Lopez)

Recommendation of approval by the Planning and Zoning Commission on August 25, 2016 which passed by a vote of 8-0.

- \* **Adoption** of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of ZC 16-72, a request from William Fortner, represented by George Walters of Cheney-Walters-Echols, for a zone change from RE-1 Residential Estates to OP Office Professional, for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard and Piñon Frontage Road. (Cindy Lopez)

Recommendation of approval by the Planning and Zoning Commission on August 25, 2016 which passed by a vote of 8-0.

- \* **Adoption** of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of SUP 16-73, a request from Mary Frances and Wayne Leupold for a special use permit to allow a detached Family Care Unit (Mother-in-Law Quarters) on 0.41 acres located at 1803 Sage Drive. (Steven Saavedra)

Recommendation of approval by the Planning and Zoning Commission on August 25, 2016 which passed by a vote of 8-0.

**COMMUNITY DEVELOPMENT  
ACTION SUMMARY  
PETITION ZC 16-70  
Zone Change from RA to MF-M  
Between 1901 and 2101 Southside River Road**

**A. STAFF REPORT, August 25, 2016**

**PROJECT INFORMATION**

Applicant	City of Farmington
Representative	Julie Baird, Assistant City Manager
Date of Application	July 25, 2016
Requested Action	Zone Change from RA Rural Agriculture to the MF-M Multiple Family Residential
Location	South of Southside River Road between 1901 and 2101 Southside River Road
Existing Land Use	Vacant Land
Existing Zoning	RA Rural Agriculture
Surrounding Zoning / Land Use	North: RA Rural Agriculture/Residence and MF-M Multiple Family Residential/Multiple Family South: RA Rural Agriculture/Residence East: RA Rural Agriculture / Vacant West: RA Rural Agriculture/Legal Non-conforming Residence
Notice	A notice was published in the Daily Times on Sunday, August 7, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, August 3, 2016, and a sign posted on Friday, August 12, 2016.
Staff Planner	Cynthia Lopez, Senior Planner

**Project Description:**

The petitioner requests a zone change from the RA Rural Agriculture District to the MF-M Multiple Family Residential District for 5 lots of approximately 0.797 acres of vacant land located south of Southside River Road between 1901 and 2101 Southside River Road. The 5 lots are in the process of being consolidated. These parcels of land are remainder parcels left over after the City of Farmington purchased the land for the purpose of widening Southside River Road. Many of these lots had residences on them which have since been demolished.

The area of the zone change excludes the right-of-way for Southside River Road and the area of the property used for the neighborhood box units with the drive up area. The property has a ditch that runs along the south property line. The city is requesting the zone change and lot consolidation in preparation of selling this property.

### Multifamily Medium Density

The MF-M Multiple Family Medium Density District is intended to accommodate a substantial portion of the city's residential growth as covered by the comprehensive plan. Allowing multifamily housing provides a range of options for city residents. The range of housing options can be from detached houses on small lots to relatively high density apartments. Multiple Family Residential is intended to implement the residential planning policies of the comprehensive plan's "Residential High Density" land use designation.

This lot is approximately 0.797 acres. Medium Density will allow up to 17 dwellings on this property (21 units per acre). An apartment complex is located to the west on the southwest corner of Dekalb and Southside River Road (zoned MF-M). To the southeast is a single-family mobile home area that allows seven (7) units per acre. Across Southside River Road to the northwest is MF-M Multiple Family Medium Density Residential.

### STAFF ANALYSIS

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 (less than 20,000 square feet per lot). However, the plan recommends "Residential High Density" to the south and Commercial to the west and southwest. Multiple family housing works best as a transition between commercial uses and single family uses. It acts as a buffer transitioning from high traffic areas to lower intensity traffic.

- 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 Farmington Comprehensive Plan states: "It is desirable that well-built, safe, and accessible housing in a variety of styles be available in the City for all types of households. Southside River Road is a busy street with a mixture of residential and commercial uses. Multiple family will provide much needed rental residential near other higher density residential in the area. It will be in character with other zoning and uses in the general vicinity.

- Creation of adverse impacts and the ability to mitigate these impacts:

Any multiple family units that are approved for this lot will need to meet all of the requirements of the Unified Development Code, including parking, landscaping and setbacks. Meeting these requirements has a tendency to reduce the number of units that can fit on a parcel. Any developer will also be required to meet all other regulations, such as drainage, etc. A ditch runs along the south property line.

- The ability of the proposed use to be accomplished by the proposed zoning district:

If the zone change is approved, the City will be able to sell the property to a developer who can provide multiple residential units. This will meet the needs of the City for alternate housing types as noted in the comprehensive plan.

- The suitability of the land for the proposed development:

This property is in a location that is primarily residential in nature with several areas of medium density close by. It has access to a minor arterial (Southside River Road) and has access to both Broadway to the southwest and Browning Parkway to the east. The land is relatively flat and had residences in the past.

- The existence of or the applicant's ability and willingness to provide adequate public facilities:

Public facilities exist in Southside River Road and any developer will be required to provide facilities to any new development.

- 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." Multiple family medium density zoning is adjacent to the property across Southside River Road to the north and two lots over to the west. The proposed zone change does not constitute a spot zone.

#### **STAFF CONCLUSION**

Staff concludes that approval of ZC 16-70 is appropriate. The proposal is consistent with the comprehensive plan and surrounding land uses.

#### **STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition ZC 16-70, a request from the City of Farmington, represented by Julie Baird, Assistant City Manager for a zone change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential for 0.797 acres of vacant land located between 1901 and 2101 Southside River Road.

#### **B. FINDINGS OF THE PLANNING AND ZONING COMMISSION:**

On August 25, 2016, the Planning and Zoning Commission held a public meeting for ZC 16-70 and made the following findings:

1. The owner of the property is the City of Farmington, represented by Julie Baird, Assistant City Manager.
2. The petitioner requests a zone change from the RA Rural Agriculture District to the MF-M Multiple Family Medium Density District for 0.797 acres of vacant land located south of Southside River Road between 1901 and 2101 Southside River Road.
3. A notice was published in the Daily Times on Sunday, August 7, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, August 3, 2016, and a sign posted on Friday, August 12, 2016.
4. The Farmington Comprehensive Plan states: "It is desirable that well-built, safe, and accessible housing in a variety of styles be available in the City for all types of households. Southside River Road is a busy street with a mixture of residential and commercial uses. Multiple family will provide much needed rental residential near other higher density residential in the area. It will be in character with other zoning and uses in the general vicinity.
5. Multiple family medium density zoning is adjacent to the property across Southside River Road to the north and two lots over to the west. The proposed zone change does not constitute a spot zone.
6. The petitioner's representative was at the hearing and spoke in favor of the request. No one was at the hearing to protest.

#### Planning & Zoning Commission Discussion of Petition ZC 16-70 on August 25, 2016

Senior Planner Cindy Lopez presented the staff report for ZC 16-70, a request from the City of Farmington, represented by Julie Baird, Assistant City Manager, for a zone change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential, for 5 lots totaling 1.113 acres of vacant land located south of Southside River Road and east of Dekalb Avenue.

The parcels of land are remainder parcels left over after the city purchased the land for the widening of Southside River Road. The 5 lots are in the process of being consolidated into one lot. The city is requesting the zone change and lot consolidation in preparation of selling this property.

The Comprehensive Plan calls for more multiple family to accommodate a portion of the city's residential growth. Medium Density will allow up to 24 dwellings. An apartment complex is located to the west on the southwest corner of Dekalb and Southside River Road. To the southeast is a single-family mobile home area.

Staff concludes that approval of ZC 16-70 is appropriate.

Commissioner Thompson asked why the city was asking for a zone change prior to selling the property. Ms. Lopez said there is a party interested in purchasing the property and they would like to put in multi-family residences.

Julie Baird, Assistant City Manager, stated the City's right-of-way for Southside River Road will take some of the property. The total property will end up being less than 1 acre once the right-of-way is taken. The City is working with an interested party who would like to exchange this property for property the City is interested in owning.

**Planning & Zoning Commission Action of Petition ZC 16-70 on August 25, 2016**

A motion was made by Commissioner Freeman and seconded by Commissioner Thompson to **approve** Petition ZC 16-70, a request from the City of Farmington, represented by Julie Baird, Assistant City Manager for a zone change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential for 0.797 acres of vacant land located between 1901 and 2101 Southside River Road.

AYE: Chair Cardon, Commissioners Brown, Freeman, Langenfeld, Ragsdale, Thompson, Waldroup, and Washburn.

NAY: None

Abstained: None

Absent: Commissioners Davis and Yazzie.

**Motion passed 6-0**



## PLANNING MEMO COMMENTS SUMMARY

ZC 16-70 ZC 16-70 SOUTHSIDE RIVER ROAD

Deadline: 8/4/16

### City of Farmington Departments

CD	Director	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official	No comment
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No conflict
ELEC	T & D	
FIRE	Fire Marshall	
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	No comment
POLICE	Code Compliance	No comment
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	No comment
Enterprise Field Services	
Comcast Cable	
CH2MHILL OMI	
Field Services	
Farmington School District	

# PETITION APPLICATION



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

**INFORMATION**

Applicant's Name: <u>City of Farmington</u>	Project Location: <u>Southside River Rd</u> <u>Between 190 1/2 and 210</u>
Address: <u>800 Municipal Dr.</u>	Existing Use: <u>Vacant</u>
E-Mail: <u>jbaird@fntn.org</u>	Proposed Use: <u>multi family housing</u>
Telephone: <u>599-1102</u>	Current Zoning: <u>RA</u>
Relationship to Property Owner: <u>Asst. City Manager</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>R0035097; R0035075; R0035228; R0035227; R0035006</u>

Legal Description of Subject Property:

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>Julie Baird, Asst. City Manager</u>	E-Mail: <u>jbaird@fntn.org</u>
Phone: <u>599-1102</u>	Address: <u>800 Municipal Dr. Farmington NM 87401</u>

**OWNERSHIP**

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (If any)
Name: _____ Phone: _____	Name: _____ Phone: _____
Address: _____	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>City of Farmington</u>	Address: <u>800 Municipal Dr. Farmington NM</u>
Owner's Signature: <u>Julie Baird</u>	Phone / Email: <u>599-1102 jbaird@fntn.org</u>

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

Received By Cindy  
 Date 7/25/16 Fee Received —  
 Project File No. ZC16-70  
 Date of Hearing/Meeting: PER 8/25 CC 8/30

- Blueline Copies of Plans \_\_\_\_\_
- Ownership Report (subject and surrounding properties)
- Legal Description \_\_\_\_\_
- Detailed Statement of Proposed Use



**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 16-70 - a request from the City of Farmington, represented by Julie Baird, Assistant City Manager, for a Zone Change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential, for 5 lots totaling 1.113 acres of vacant land located south of Southside River Road and east of Dekalb Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

A tract of land located in the T29N, R13W, Sec. 14, NW/4SW/4, in the City of Farmington, San Juan County, New Mexico.

Beginning at a point, being a set 1/2" iron 1' S of an existing 5' sidewalk said point being the "Point of Beginning", Whence the W/4 corner of said Sec. 14 being a set PK nail with brass washer bears N 81°18'17" W 339.42'

THENCE, S 89° 16' 08" E for a distance of 5.85' to the beginning of a curve, to the right through an angle of 52° 31' 57", having a radius of 1.00', and whose long chord bears S 63° 00' 10" E for a distance of 0.89'

THENCE, S 36° 44' 11" E for a distance of 27.61' to the beginning of a curve to the left through an angle of 50° 01' 08", having a radius of 10.00', and whose long chord bears S 61° 44' 45" E for a distance of 8.46'

THENCE, S 86° 45' 19" E for a distance of 2.24' to a point on a line,

THENCE, S 01° 19' 50" W for a distance of 7.92' to a point on a line,

THENCE, S 89° 14' 24" E for a distance of 31.93' to a point on a line,

THENCE, N 01° 12' 42" E for a distance of 8.10' to a point on a line,

THENCE, E for a distance of 3.04' to the beginning of a curve to the left through an angle of 49° 49' 57", having a radius of 10.00', and whose long chord bears N 65° 05' 02" E for a distance of 8.43'

THENCE, N 40° 10' 03" E for a distance of 26.50' to the beginning of a curve to the right through an angle of 51° 01' 26", having a radius of 5.00', and whose long chord bears N 65° 40' 46" E for a distance of 4.31'

THENCE, S 89° 03' 05" E for a distance of 121.27' to the NE corner,

THENCE, S 01° 03' 31" W for a distance of 107.02' to the SE corner,

THENCE, S 74° 49' 59" W a distance of 273.79'

THENCE, N 00° 49' 36" E for a distance of 183.02' to the point of beginning.  
Otherwise located south of Southside River Road and east of Dekalb Avenue

Petition No. ZC 16-72 - a request from William Fortner, represented by Cheney-Walters-Echols, for a Zone Change from RE-1 Residential Estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard

and Piñon Frontage Road, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

T30N, R13W, Sec. 26, SE1/4NE1/4SE1/4S  
E1/4.

Otherwise located west of College Blvd. and north of Piñon Hills Boulevard and Piñon Frontage Road.

Petition No. SUP 16-73 - a request from Mary Frances and Wayne Leupold, for a Special Use Permit to allow the construction of a 500 sq. ft. Family Care Unit (Mother-in-Law Quarters), on 0.41 acres located at 1803 Sage Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 2, in Block 5, of the Yucca Subdivision, San Juan County, New Mexico.

Otherwise located at 1803 Sage Drive

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, August 25, 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, September 13, 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. 72989 published in The Daily Times on August 7, 2016.

**NOTICE OF PUBLIC HEARING  
ZONE CHANGE  
PETITION NO. ZC 16-70**

August 3, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from the City of Farmington, represented by Julie Baird, Assistant City Manager, for a zone change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential, for 5 lots totaling 1.113 acres of vacant land located south of Southside River Road and east of Dekalb Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

A tract of land located in the T29N, R13W, Sec. 14, NW/4SW/4, in the City of Farmington, San Juan County, New Mexico.

Beginning at a point, being a set ½" iron 1' S of an existing 5' sidewalk said point being the "Point of Beginning", Whence the W/4 corner of said Sec. 14 being a set PK nail with brass washer bears N 81°18'17" W 339.42';

THENCE, S 89°16'08" E for a distance of 5.85' to the beginning of a curve, to the right through an angle of 52°31'57", having a radius of 1.00', and whose long chord bears S 63°00'10" E for a distance of 0.89',

THENCE, S 36°44'11" E for a distance of 27.61' to the beginning of a curve to the left through an angle of 50°01'08", having a radius of 10.00', and whose long chord bears S 61°44'45" E for a distance of 8.46',

THENCE, S 86°45'19" E for a distance of 2.24' to a point on a line,

THENCE, S 01°19'50" W for a distance of 7.92' to a point on a line,

THENCE, S 89°14'24" E for a distance of 31.93' to a point on a line,

THENCE, N 01°12'42" E for a distance of 8.10' to a point on a line,

THENCE, E for a distance of 3.04' to the beginning of a curve to the left through an angle of 49°49'57", having a radius of 10.00', and whose long chord bears N 65°05'02" E for a distance of 8.43',

THENCE, N 40°10'03" E for a distance of 26.50' to the beginning of a curve to the right through an angle of 51°01'26", having a radius of 5.00', and whose long chord bears N 65°40'46" E for a distance of 4.31',

THENCE, S 89°03'05" E for a distance of 121.27' to the NE corner,

THENCE, S 01°03'31" W for a distance of 107.02' to the SE corner,

THENCE, S 74°49'59" W a distance of 273.79',

THENCE, N 00°49'36" E for a distance of 183.02' to the point of beginning.

**Otherwise located south of Southside River Road and east of Dekalb Ave.**

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, August 25, 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, September 13, 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 Cindy Lopez at 505-599-1448 or [clopez@fmtn.org](mailto:clopez@fmtn.org).

Sincerely,

A handwritten signature in black ink that reads "Karen Walker". The signature is written in a cursive style with a large initial "K".

Karen Walker  
Administrative Assistant

Mattie Buller Trust  
2103 Southside River Rd.  
Farmington 87401-7884

<sup>w.</sup>  
John Pennington  
303 Dekalb  
Farmington 87401-7826

Ray E and Mattie K. Buller Trust  
2013 Southside River Rd.  
Farmington 87401

Jesus Gonzalez  
90 Road 3961  
Farmington 87401-6626

Garland Lowe Trustees ETAL  
108 E. Gladden Dr.  
Farmington. 87401-6126

Charlie G and Cindy Blanco  
1205 W. Third St.  
Roswell, NM 88201

Rebecca J. Rhien Trust  
711 Crestview Dr  
Farmington 87401

Chevron USA Inc.  
P.O. Box 285  
Houston, TX 77001-0285

R and PH Herrera LLC  
37 Road 5117  
Bloomfield, 87413

**COMMUNITY DEVELOPMENT  
ACTION SUMMARY  
PETITION ZC 16-72  
Zone Change from RE-1 to OP  
West of College Blvd. & North of Piñon Hills Blvd.**

**A. STAFF REPORT, August 25, 2016**

**PROJECT INFORMATION**

Applicant	William Fortner
Representative	George Walters of Cheney-Walters-Echols Inc.
Date of Application	July 25, 2016
Requested Action	Zone Change from the RE-1 Residential Estates district to the OP Office Professional district
Location	West of College Blvd. and north of Piñon Hills Blvd. (Tax ID R0051321)
Existing Land Use	Vacant Land
Existing Zoning	RE-1 Residential Estates
Surrounding Zoning / Land Use	North: RE-1 Residential Estates/Vacant South: RE-1 Residential Estates/Vacant East: SF-10 Single Family Residential / Vacant West: RE-1 Residential Estates/Vacant
Notice	A notice was published in the Daily Times on Sunday, August 7, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, August 3, 2016, and a sign posted on Friday, August 12, 2016.
Staff Planner	Cynthia Lopez, Senior Planner

**Project Description:**

The petitioner is requesting a zone change from RE-1 Residential Estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard and Piñon Frontage Road (Tax ID R0051321). The property fronts College Boulevard on the east where College Boulevard starts to curve from a northerly direction to the east. The 2002 Comprehensive Plan Land Use Map recommends the lot as Residential Single Family Low Density (greater than or equal to 1.0 acre lot). However, the 2004 Piñon Hills Boulevard Corridor Plan recommends that the lot be designated as Office/Business Park.

The petitioner is requesting the zone change to be able to construct a medical facility of the site. He proposes to build a dentist office and a plastic surgeons office.

The City of Farmington owns the parcel of land to east on the other side of College Boulevard and Piedra Vista High School is to the east of the City's parcel. There are two lots between this property and Piñon Hills Boulevard to the south. Pinon Frontage road abuts this property to the south where Piñon Frontage turns east from its north direction to connect to College Boulevard. Cactus Trail as designated on several maps is on the west side of the property. However, Cactus Trail has not been dedicated as a street, it exists in a patent easement on the property to the west.

The Jehovahs Witness Church is two lots to the north. The surrounding properties are vacant. An insurance company is along Piñon Frontage to the southwest and is zoned OP Office Professional. The two lots to the west of the insurance company are zoned LNC Local Neighborhood Commercial and west of those are more OP Office Professional zoned properties. The Piñon Hills Boulevard Corridor Plan recommends that the three lots at the southwest corner of Piñon Hills Boulevard and College Boulevard be zoned as Neighborhood Commercial and that this lot and the lot to the north of this lot be zoned as OP Office Professional.

#### STAFF ANALYSIS

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

- Consistency with the Comprehensive Plan:

The 2002 Comprehensive Plan Land Use Map recommends the lot as Residential Single Family Low Density (greater than or equal to 1.0 acre lot). However, the 2004 Piñon Hills Boulevard Corridor Plan recommends that the lot be designated as Office/Business Park. The Piñon Hills Boulevard Corridor Plan was approved by Council subsequent to the Comprehensive Plan and is the regulating plan.

- 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 surrounding this lot are all vacant. There are two residences to west and northwest that do not abut this lot. A church is to the north and an insurance company is to the southwest. The Piñon Hills Boulevard Corridor Plan recommends that this corner along Piñon Hills Boulevard and College Boulevard be zoned as Neighborhood Commercial and OP Office Professional. This zone change will be in character with the recommendation of the Piñon Hills Boulevard Corridor Plan.

- Creation of adverse impacts and the ability to mitigate these impacts:

This zone change meets the recommendation of the Piñon Hills Boulevard Corridor Plan. Any new building will be required to meet the density and

dimensional standards and the development standards as set forth in the Unified Development Code at the time of building permitting.

- The ability of the proposed use to be accomplished by the proposed zoning district:

The petitioner is requesting the zone change to be able to construct a medical facility of the site. He proposes to build a dentist office and a plastic surgeons office. Both of these uses are permitted in the OP Office Professional district.

- The suitability of the land for the proposed development:

The land is 2.5 acres of land that has frontage on College Boulevard and Piñon Frontage. The south property line is approximately 650 feet from the intersection of College Boulevard and Piñon Hills Boulevard. Water and sewer exists in College Boulevard which is accessible to this property. This parcel is suitable to the proposed use.

- The existence of or the applicant's ability and willingness to provide adequate public facilities:

Public facilities exist in College Boulevard and the developer will be required to provide water and sewer for any new development.

- 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." Although the Comprehensive Plan recommends this property for Residential Single Family Low Density (greater than or equal to 1.0 acre lot), the Piñon Hills Boulevard Corridor Plan recommends the property be zoned as Office/Business Park. The Piñon Hills Boulevard Corridor Plan was approved by Council subsequent to the Comprehensive Plan and is the regulating plan for this area of the City. The proposed use meets the recommendation of the Piñon Hills Boulevard Corridor Plan

#### **STAFF CONCLUSION**

Staff concludes that approval of ZC 16-72 is appropriate. The proposed use is consistent with the Piñon Hills Boulevard Corridor Plan. The areas along College Boulevard and Piñon Hills Boulevard have been developing consistently with the Piñon Hills Boulevard Corridor Plan into office parks. Public utilities are available to this parcel from College Boulevard.

#### **STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition ZC 16-72, a request from William Fortner, represented by George Walters of Cheney-Walters-Echols, Inc., for a zone change from RE-1 Residential Estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard.

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

On August 25, 2016, the Planning and Zoning Commission held a public meeting for ZC 16-70 and made the following findings:

1. The owner of the property is William Fortner, represented by George Walters of CheneyWalters-Echols.
2. The petitioner requests a zone change from the RE-1 Residential Estates District to the OP Office Professional District for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard and Piñon Frontage Road.
3. A notice was published in the Daily Times on Sunday, August 7, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, August 3, 2016, and a sign posted on Friday, August 12, 2016.
4. The 2002 Comprehensive Plan Land Use Map recommends the lot as Residential Single Family Low Density (greater than or equal to 1.0 acre lot). However, the 2004 Piñon Hills Boulevard Corridor Plan recommends that the lot be designated as Office/Business Park. The Piñon Hills Boulevard Corridor Plan was approved by Council subsequent to the Comprehensive Plan and is the regulating plan.
5. Neither the petitioner nor the petitioner's representative was at the hearing. No one was at the hearing to protest.

**Planning & Zoning Commission Discussion of Petition ZC 16-72 on August 25, 2016**

Senior Planner Cindy Lopez presented the staff report for ZC 16-72, a request from William Fortner, represented by George Walters of Cheney-Walters-Echols, for a zone change from RE-1 Residential estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard and Piñon Frontage Road.

The property fronts College Boulevard on the east where College Boulevard starts to curve from a northerly direction to the east. The 2002 Comprehensive Plan Land Use Map recommends the lot as Residential Estates; however, the 2004 Piñon Hills Boulevard Corridor Plan recommends this area as Office/Business Park.

**Planning & Zoning Commission Action of Petition ZC 16-72 on August 25, 2016**

A motion was made by Commissioner Thompson and seconded by Commissioner Washburn to **approve** Petition ZC 16-72, a request from William Fortner, represented by George Walters of Cheney-Walters-Echols, Inc., for a zone change from RE-1 Residential Estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard.

AYE: Chair Cardon, Commissioners Brown, Freeman, Langenfeld, Ragsdale, Thompson, Waldroup, and Washburn.

NAY: None

Abstained: None

Absent: Commissioners Davis and Yazzie.

Motion passed 6-0



ZC 16-72 College Blvd.-Fortner  
RE-1 to OP

**Legend**

- County & City Addresses - Nur
- Searchable Parcels
- Parcels - No Labels
- Condos
- Regional Highways-US
- Regional Highways-State
- City Roads
- Other Roads
- County Maintained
- Lesser County Maintained
- Navajo Route
- Oilfield Roads
- Private Roads
- Lakes
- Rivers
- Aztec City Limits
- Bloomfield City Limits
- Farmington City Limits
- School Districts
- San Juan County Bounds
- Reservation

1:2,836



The San Juan County Assessor's Office provides no warranty, expressed or implied, as to the accuracy, reliability or completeness of furnished data. This map is not intended to be used as a survey. For assessment purposes only.



## PLANNING MEMO COMMENTS SUMMARY

ZC 16-72 ZC 16-72 COLLEGE BLVD.

Deadline: 8/4/16

### City of Farmington Departments

CD	Director	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official	No comment
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No conflict
ELEC	T & D	
FIRE	Fire Marshall	
LEGAL	City Attorney	The office professional use seems to be more consistent with the surrounding properties. Legal has no objection to zone change.
LEGAL	Deputy City Attorney	
POLICE	Code Compliance	No comment
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	No comment
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 Dept.  
City of Farmington  
800 Municipal Drive  
Farmington, NM 87401  
(505) 599-1317  
(505) 599-1299 (fax)

**PROJECT TYPE (Check Those Applicable)**

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

**INFORMATION**

Applicant's Name: William A. Fortner	Project Location: College Boulevard
Address: 2890 Pinon Frontage Rd., Farmington, NM, 87401	Existing Use: RE-1
E-Mail:	Proposed Use: OP
Telephone: 702-401-5087	Current Zoning:
Relationship to Property Owner: Same	Assessor's Parcel I.D. and/or Tax I.D. Number: <b>R0051321</b>

Legal Description of Subject Property: *See Attached Plat*

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: George T. Walters	Email: gtw@c-w-e.com
Phone: (505) 327-3303	Address: 909 West Apache, Farmington, NM, 87401

**OWNERSHIP**

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (If any)
Name: William A. Fortner	Name:
Phone: 702-401-5087	Phone:
Address: 2890 Pinon Frontage Rd., Farmington, NM, 87401	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: William A. Fortner	Address: 2890 Pinon Frontage Rd., Farmington, NM, 87401
Owner's Signature: <i>William A Fortner</i>	Phone / Email: 702-401-5087

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

Received By _____ Time _____ Date <u>7/27/10</u> Fee Received <u>100</u> Project File No. <u>2010-72 College Blvd</u> Date of Hearing/Meeting: <u>PEZ 8/25 - CC 9/13</u>	<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 _____
---	--

07/26/16

Date

CITY OF FARMINGTON  
PLANNING AND ZONING COMMISSION

Gentlemen:

The undersigned respectfully petitions the change in zoning classification of the property described as follows:

DESCRIPTION

The Southeast Quarter of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (SE1/4 NE1/4 SE1/4 SE1/4) of Section Twenty-Six (26), in Township Thirty (30) North of Range Thirteen (13) West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

FROM: RE-1 Zone

TO: OP Zone



Owner

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 16-70 - a request from the City of Farmington, represented by Julia Baird, Assistant City Manager, for a Zone Change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential, for 5 lots totaling 1.113 acres of vacant land located south of Southside River Road and east of Dekalb Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

A tract of land located in the T29N, R13W, Sec. 14, NW/4SW/4, in the City of Farmington, San Juan County, New Mexico.  
Beginning at a point, being a set 1/2" iron 1" S of an existing 5' sidewalk said point being the "Point of Beginning", Whence the W/4 corner of said Sec. 14 being a set PK nail with brass washer bears N 81°18'17" W 339.42';  
THENCE, S 89°16'08" E for a distance of 5.85' to the beginning of a curve, to the right through an angle of 52°31'57", having a radius of 1.00', and whose long chord bears S 63°00'10" E for a distance of 0.89';  
THENCE, S 36°44'11" E for a distance of 27.61' to the beginning of a curve to the left through an angle of 50°01'08", having a radius of 10.00', and whose long chord bears S 61°44'45" E for a distance of 8.46';  
THENCE, S 86°45'19" E for a distance of 2.24' to a point on a line,  
THENCE, S 01°19'50" W for a distance of 7.92' to a point on a line,  
THENCE, S 89°14'24" E for a distance of 31.93' to a point on a line,  
THENCE, N 01°12'42" E for a distance of 8.10' to a point on a line,  
THENCE, E for a distance of 3.04' to the beginning of a curve to the left through an angle of 49°49'57", having a radius of 10.00', and whose long chord bears N 65°05'02" E for a distance of 8.43';  
THENCE, N 4°00'10" E for a distance of 26.50' to the beginning of a curve to the right through an angle of 51°01'26", having a radius of 5.00', and whose long chord bears N 65°40'46" E for a distance of 4.31';  
THENCE, S 89°03'05" E for a distance of 121.27' to the NE corner,  
THENCE, S 01°03'31" W for a distance of 107.02' to the SE corner,  
THENCE, S 74°49'59" W a distance of 273.79';  
THENCE, N 0°00'49'36" E for a distance of 183.02' to the point of beginning.  
Otherwise located south of Southside River Road and east of Dekalb Avenue

Petition No. ZC 16-72 - a request from William Fortner, represented by Cheney-Walters-Echols, for a Zone Change from RE-1 Residential Estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard

and Piñon Frontage Road, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**  
T30N, R13W, Sec. 26, SE1/4NE1/4SE1/4S  
E1/4.

Otherwise located west of College Blvd. and north of Piñon Hills Boulevard and Piñon Frontage Road.

Petition No. SUP 16-73 - a request from Mary Frances and Wayne Leupold, for a Special Use Permit to allow the construction of a 500 sq. ft. Family Care Unit (Mother-in-Law Quarters), on 0.41 acres located at 1803 Sage Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**  
Lot 2, in Block 5, of the Yucca Subdivision, San Juan County, New Mexico.  
Otherwise located at 1803 Sage Drive

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, August 25, 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, September 13, 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. 72989 published in The Daily Times on August 7, 2016.

**NOTICE OF PUBLIC HEARING  
ZONE CHANGE  
PETITION NO. ZC 16-72**

August 3, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from William Fortner, represented by Cheney-Walters-Echols, for a Zone Change from RE-1 Residential Estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard and Piñon Frontage Road, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

T30N, R13W, Sec. 26, SE1/4NE1/4SE1/4SE1/4.

**Otherwise located west of College Blvd. and north of Piñon Hills Boulevard and Piñon Frontage Road.**

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, August 25, 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, September 13, 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 Cindy Lopez at 505-599-1448 or [clopez@fmrn.org](mailto:clopez@fmrn.org).

Sincerely,



Karen Walker  
Administrative Assistant

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

PROPERTY OWNERS WITHIN 100 FEET, EXCLUDING ROADWAYS AND ALLEYS OF  
 THE FOLLOWING DESCRIBED PROPERTY: **T30N, R13W, Sec. 26**  
**SE1/4NE1/4SE1/4SE1/4**

OWNERS: William A. Fortner Investments, LLC  
 2890 Pinon Frontage Road  
 Farmington, NM 87401  
 1447/539

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Completed Seven, LLC 1579/79	305 La Cuesta Farmington, NM 87401	T30N, R13W, Sec. 26 NE1/4NE1/4SE1/4SE1/4
City of Farmington 1325/979	800 Municipal Dr. Farmington, NM 87401-2663	T30N, R13W, Sec. 25 SW1/4SW/14
Kozimor, Stan Kozimor, Joe Kozimor, Jacque Monahan, Sylvia Trustee 1424/929, 1603/971	P.O Box 629 Farmington, NM 87499	T30N, R13W, Sec. 26 NE1/4SE1/4SE1/4SE1/4
Hooper, Brett L. and Patricia Trustees Watson, Timothy J. and Shannon S. 1275/538, 1564/1000	P.O Box 2811 Farmington, NM 87499	T30N, R13W, Sec. 26 NW1/4SE1/4SE1/4SE1/4
Clayton, Richard F. and Lavean Trustees 1268/719	2102 N. Lee Ave. Farmington, NM 87401-4434	T30N, R13W, Sec. 26 SW1/4NE1/4SE1/4SE1/4

Kleinegger, James P.  
Scarborough, Leslie  
1570/374

5000 Sandalwood  
Farmington, NM  
87402

T30N, R13W, Sec. 26  
NW1/4NE1/4SE1/4SE1/4

**COMMUNITY DEVELOPMENT  
 ACTION SUMMARY**  
**Petition SUP 16-73 Special Use Permit allowing a detached Family  
 Care Unit (Mother-in-law Quarters) at 1803 Sage Drive.**

**A. STAFF REPORT August 25, 2016**

**PROJECT INFORMATION**

<b>Applicant</b>	Wayne and Mary Frances Leupold
<b>Representative</b>	Same
<b>Date of Application</b>	August 1, 2016
<b>Requested Action</b>	Approval of a special use permit to allow a detached Family Care Unit in the SF-7 Single-Family zoning district.
<b>Location</b>	1803 Sage Drive
<b>Existing Land Use</b>	Residential
<b>Existing Zoning</b>	SF-7 Single-Family zoning district
<b>Surrounding Zoning &amp; Land Use</b>	<b>North, South, East &amp; West:</b> SF-7 Single-Family zoning district / Residential
<b>Notice</b>	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times Sunday August 7, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday August 3, 2016 and a sign was posted on Friday, August 12, 2016.
<b>Staff Planner</b>	Steven M. Saavedra, Associate Planner

**STAFF ANALYSIS**

**Petition Description and History**

The petitioner requests a special use permit to allow a detached Family Care Unit to be located at 1803 Sage Drive. The proposed two-story structure totals 2,239 square feet, of which 500 square feet will be used for the family care unit on the upper level. In addition, the two-story structure will house a 629 square foot storage area on the second floor and a 1,200 square foot two-car garage on the first floor. The structure has two floors, with the living dwelling unit on the second-story. The proposed Family Care Unit will be placed in the northwest section of the property, adjacent to Yucca Ave. The proposed family-care unit is for the petitioner’s father and mother.

Pursuant to Section 2.5.7 of the UDC, detached family care units are permitted when it is determined by the City Council that it is impractical to attach the unit to the principal building due to special conditions on the petitioner’s property, including but not limited to the location or design of existing structures, the restriction of setbacks, of the size or shape of the lot. The floor area of the detached unit shall not exceed 500 square feet and must meet the required height and setback requirements of the

UDC, with a minimum rear yard setback of 5 feet, a street side yard setback of at least 15 feet and minimum separation from the principal structure of 10 feet. Pursuant to UDC 2.5.7(D) a detached family-care unit may be permitted on a lot with a single-family dwelling in a residential zoning district. Both the single-family dwelling and the family care unit shall remain under single ownership.

In terms of occupancy, both the principal structure and family care unit shall be occupied by one family, but no more than two persons may occupy the family care unit. At least one person living in the unit or in the principal structure shall be the owner of the property and at least one person shall be 55 years of age or older.

The UDC further states that the entrance to the unit shall not be directly from the front of the principal dwelling and all exterior modifications shall maintain the appearance of a single-family dwelling. The unit will also be required to have AN additional off-street parking space behind the required front yard setback.

The proposed location will allow the petitioner to place the unit in such a position that will not divert attention from the principal dwelling.

#### **Special Use Permit Criteria – Section 8.9.4 of the UDC**

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

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

The proposed use will not be detrimental to the surrounding properties. The Family Care Unit will meet all required setbacks and height restrictions as well as maintain the existing character of the area.

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

The site is in the SF-7 Single-Family Residential zoning district. The proposed Family Care Unit is allowed with an approved Special Use Permit in the SF-7 district and is compatible with the surrounding area.

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

There are no negative impacts concerning noise, glare fumes, dust smoke, or vibration. Pursuant to UDC 3.12, standards pertain but are not

limited to building setbacks, building height, screening, dumpsters, and outdoor lighting.

D. Infrastructure impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

The proposed use will should not have a negative impact on any infrastructure. The Family Care Unit will be located in an area that is accessible to all protection service providers.

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

The Comprehensive Plan calls for this area to be Single-Family residential. A SUP for a Family Care Unit in a residential district is consistent with the UDC and the Comprehensive Plan.

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

N/A

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

A conceptual site plan was provided to the Building Division of Community Development and is included with this petition report.

## ISSUES

### Community Development Director: Mary Holton- 599-1285

- If the SUP is approved, the site plan will be attached to the Findings of Fact.

### Engineering: Toni Sitta- 599-1399

- Any secondary structure will need to obtain a building permit and adhere to all residential drainage standards (Positive drainage away from the structure and to the street).

## STAFF CONCLUSION

Staff concludes approval of SUP 16-73 is appropriate for an attached family care unit.

## **STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition SUP 16-73, a request from Wayne and Mary Frances Leupold for a special use permit to allow a detached Family Care Unit at 1803 Sage Drive., in the SF-7 Single-Family Residential zoning district.

## **B. FINDINGS OF THE PLANNING AND ZONING COMMISSION**

On August 25, 2016, the Planning and Zoning commission held a public meeting for SUP 16-73 and made the following findings:

1. The petitioners are Wayne and Mary Frances Leupold, who are the property owners of a residence at 1803 Sage Drive in the SF-7 Single-Family Residential District.
2. The petitioner is requesting a Special Use Permit for a detached Family Care Unit to be located northwest of the principal structure.
3. The petitioner is constructing a 2,239 square foot two-story structure, of which 500 square feet will be used for the family care unit on the second level. The first level is a 1,200 square foot garage.
4. The petitioner's mother-in-law (84 years old) and father-in-law (92 years old) will occupy the family care unit.
5. The use is compatible with the scale, building size and intensity of land use with the surrounding area. It will not create excessive additional traffic and it will not generate noise, smoke, or other environmental pollutants that are foreign to the neighborhood.
6. Mr. Wayne Leupold was present at the hearing and spoke in favor of the petition. No one was present to object.

### **Planning & Zoning Commission Discussion of Petition SUP 16-73 on August 25, 2016**

Associate Planner Steven Saavedra presented the staff report for SUP 16-73, a request from Wayne and Mary Frances Leupold for a special use permit to allow a detached Family Care Unit (Mother-in-Law Quarters) at 1803 Sage Drive, in the SF-7 Single Family Residential zoning district.

The proposed two-story structure totals 2,239 square feet. The family care unit will be 500 square feet. There will be a 1,200 square foot two-car garage on the first floor.

The family care unit will be on the northwest section of the property. The living space will be used by Ms. Leupold's parents.

Staff concludes approval of SUP 16-73 is appropriate.

Commissioner Freeman asked if the care unit will access from the main level. Ms. Lopez said the first floor will be from the street level. The second story will be built at grand level at the top of the slope; therefore, it will have direct access to the yard.

Commissioner Waldroup asked what the difference was between a care unit and a guest house. Mr. Saavedra said a care unit was allowed to have a kitchen stove. The reasoning behind that is to prevent the unit from becoming a rental in a single-family zoning district.

Commissioner Thompson asked if the neighbors who were notified had made any comments. Mr. Saavedra said there had not been any comments from neighbors.

Wayne Leupold of 1803 Sage commented that his mother-in-law is 84 years of age, and his father-in-law is 92 years of age. Mr. Leupold said his wife is the only one in the family who is available to take care of her parents. They felt this was the best option.

**Planning & Zoning Commission Action of Petition SUP 16-73 on August 25, 2016**

A motion was made by Commissioner Thompson and seconded by Commissioner Washburn to **approve** Petition SUP 16-73, a request from Wayne and Mary Frances Leupold for a special use permit to allow a detached Family Care Unit (Mother-in-Law Quarters) at 1803 Sage Drive, in the SF-7 Single Family Residential zoning district.

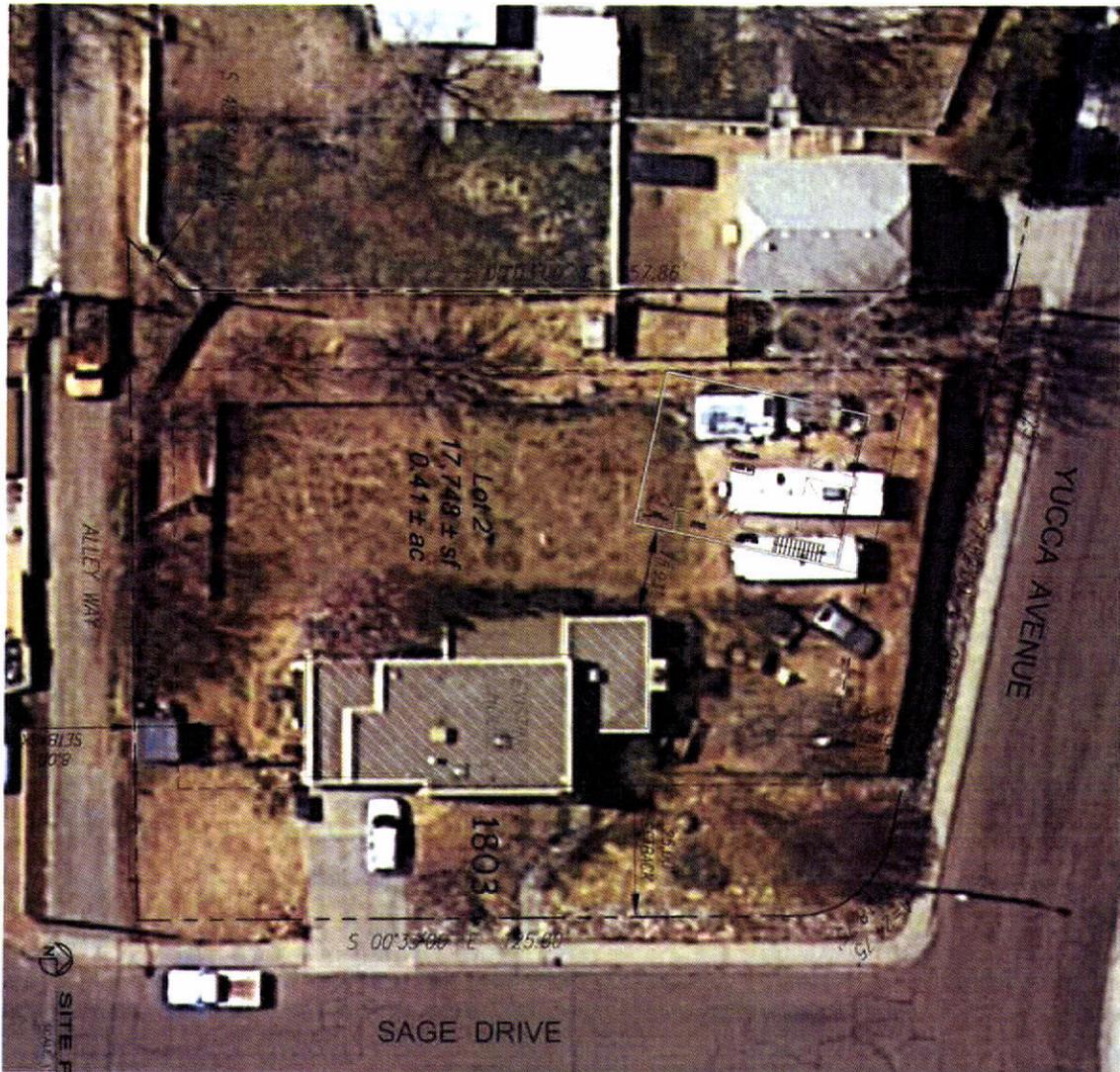
AYE: Chair Cardon, Commissioners Brown, Freeman, Langenfeld, Ragsdale, Thompson, Waldroup, and Washburn.

NAY: None

Abstained: None

Absent: Commissioners Davis and Yazzie.

**Motion passed 8-0**



**SITE PLAN**  
SCALE: 1" = 10'

**LEGAL DESCRIPTION:**  
 1803 SAGE DRWC, LOT 2  
 17,748 SF, 0.41 ± ACERS  
 TICAL SUBDIVISION  
 FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

NO.	DATE	REVISION
1		

**SITE PLAN & INDEX SHEET**  
 NEW GUEST HOUSE FOR MARY FRANCES LEUPOLD  
 ADDRESS: LOT 2  
 FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

NO.	DATE	BY

**iDRAW**  
 CAD SERVICES  
 NORM BEAVY 305-402-2841  
 PO BOX 185  
 FAUSTLAND, NEW MEXICO 87418



**SITE PLAN**  
SCALE: 1" = 10'

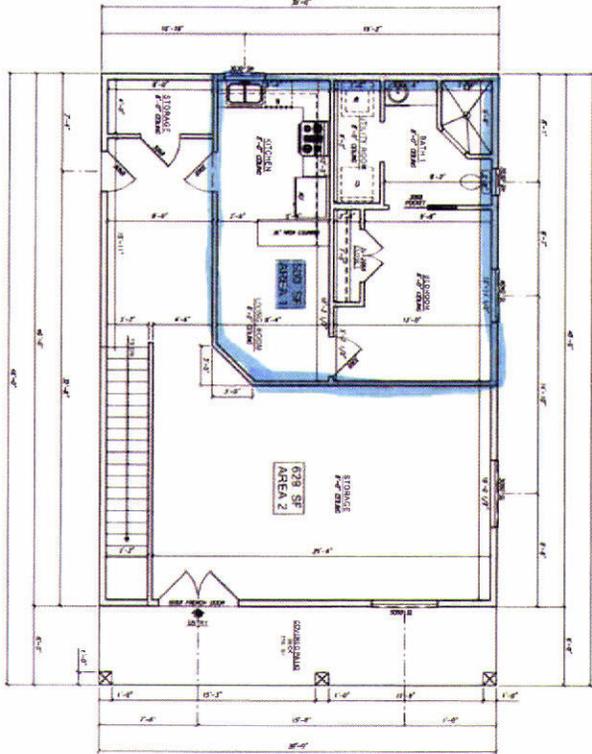
**LEGAL DESCRIPTION:**  
1803 SAGE DRIVE, LOT 2  
17,748 SF, 0.41 ± ACRES  
VICIA SUBDIVISION  
FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

DATE	11/11/11
PROJECT	1803 SAGE DRIVE, LOT 2
CLIENT	MARY FRANCES LEUPOLD
SCALE	1" = 10'
SHEET	1

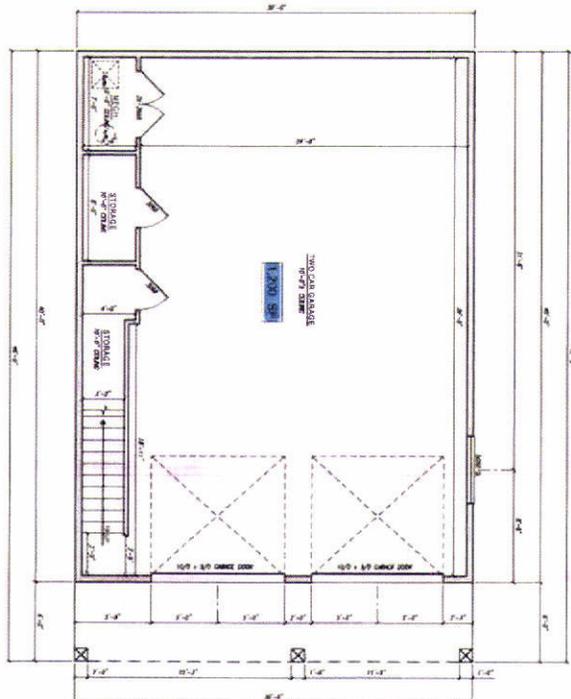
**SITE PLAN & INDEX SHEET**  
NEW GUEST HOUSE FOR MARY FRANCES LEUPOLD  
ADDRESS: LOT 2  
FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

REVISION	DATE	BY

**iDRAW**  
CAD SERVICES  
NORM BEGAYE, 100-407 1542  
PO BOX 181  
FRUITLAND, NEW MEXICO 87416



**UPPER FLOOR PLAN**



**GARAGE FLOOR PLAN**

**GENERAL NOTES:**

1	UPPER FLOOR AREA 1:	= 500 SF
	UPPER FLOOR AREA 2:	= 629 SF
	TOTAL UPPER AREA:	= 1,129 SF
	GARAGE AREA:	= 1,200 SF
	TOTAL GARAGED AREA:	= 2,329 SF

**2**

**PROPOSED GARAGE & GUEST HOUSE**  
 NEW GUEST HOUSE FOR MARY FRANCES LEUPOLD  
 ADDRESS: 1803 SAGE DRIVE, LOT 2  
 FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

REVISION	DATE	BY

**IDRAW**  
 CAD SERVICES  
 NORM BEAVER 505-822-3342  
 PO BOX 183  
 FAULETLAND, NEW MEXICO 87416

## PLANNING MEMO COMMENTS SUMMARY

SUP 16-73 SUP 16-73 1803 SAGE DRIVE

Deadline: 8/7/16

### City of Farmington Departments

CD		The submitted site plan is very confusing. I have requested that the petitioner redraw it to scale and include the lot's boundaries, all existing structures/buildings (home & accessory structures), driveways, and the proposed family care unit building. If the SUP is approved, the site plan will be attached to the Findings of Fact.
	Director	Additional comments will be incorporated into the staff report.
CD	Addressing – Planning Division	
CD	Chief Building Official	No comment
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No conflict
ELEC	T & D	
FIRE	Fire Marshall	
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	The Petitioner has attached a drawing of the proposed building which will be constructed as a Family Care Unit. The drawing indicates a much larger structure will be completed, and Petitioner intends to designate one (1) room as a Family Care Unit. This does not comply with the UDC. The structure as a whole can be 500 square foot. To allow a structure which is much bigger than 500 square foot violates the code because the structure will be no different than any other multi-room family home. The purpose of the exception to building two (2) homes on one lot, is to allow a very small structure which would be a supplemental living quarters for a family member. Anything larger than 500 square feet may be used as a rental unit, which is specifically prohibited.
POLICE	Code Compliance	
POLICE	Sergeant	
PRCA	Director	

PW	City Engineer	
PW	Engineering	- Any secondary structure will need to obtain a building permit and adhere to all residential drainage standards (Positive drainage away from structure and to the street).
PW	Streets Superintendent	
PW	Traffic Engineer	
PW	Water/Waste Water	No comment

**Other Entities**

New Mexico Gas Company	
CenturyLink	No comment
Enterprise Field Services	
Comcast Cable	
CH2MHILL OMI	
Field Services	
Farmington School District	

# PETITION APPLICATION



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

**INFORMATION**

Applicant's Name: <u>Mary Frances Leupold</u> <u>Wayne leupold</u>	Project Location: <u>1803 Sage drive</u>
Address: <u>1803 Sage drive</u>	Existing Use: <u>residential</u>
E-Mail: <u>wleupold@fms.k12.us</u>	Proposed Use: <u>residential</u>
Telephone: <u>327 7817</u> <u>US</u>	Current Zoning: <u>SF 10</u>
Relationship to Property Owner: <u>owner</u>	Assessor's Parcel I.D. and/or Tax I.D. Number:

Legal Description of Subject Property:

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>Mary Frances Leupold</u>	E-Mail: <u>wleupold@fms.k12.nm.us</u>
Phone: <u>same</u>	Address: <u>same</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) Name: <u>Mary Frances Wayne</u> Phone: <u>327-7817</u> Address: <u>1803 Sage dr.</u>	MORTGAGE HOLDERS (If any) Name: <u>Quicken</u> Phone: _____ 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>MFLeupold</u>	Address: <u>1803 Sage dr.</u>
Owner's Signature: <u>MFLeupold</u>	Phone / Email: <u>wleupold@fms.k12.us</u>

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

Received By \_\_\_\_\_

Date 8/1/16 Fee Received \$80-

Project File No. SUP16-73-1803 Sage Dr

Date of Hearing/Meeting: 8/25/16-PE2  
9/13/16-CC

- Blueline Copies of Plans \_\_\_\_\_ nm.us
- Ownership Report (subject and surrounding properties)
- Legal Description \_\_\_\_\_
- Detailed Statement of Proposed Use

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 16-70 - a request from the City of Farmington, represented by Julia Baird, Assistant City Manager, for a Zone Change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential, for 5 lots totaling 1.113 acres of vacant land located south of Southside River Road and east of Dekalb Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

A tract of land located in the T29N, R13W, Sec. 14, NW/4SW/4, in the City of Farmington, San Juan County, New Mexico.

Beginning at a point, being a set 1/2" iron 1" S of an existing 5' sidewalk said point being the "Point of Beginning", Whence the W/4 corner of said Sec. 14 being a set PK nail with brass washer bears N 81°18'17" W 339.42';

THENCE, S 89°16'08" E for a distance of 5.85' to the beginning of a curve, to the right through an angle of 52°31'57", having a radius of 1.00', and whose long chord bears S 63°00'10" E for a distance of 0.89';

THENCE, S 36°44'11" E for a distance of 27.61' to the beginning of a curve to the left through an angle of 50°01'08", having a radius of 10.00', and whose long chord bears S 61°44'45" E for a distance of 8.46';

THENCE, S 86°45'19" E for a distance of 2.24' to a point on a line,

THENCE, S 01°19'50" W for a distance of 7.92' to a point on a line,

THENCE, S 89°14'24" E for a distance of 31.93' to a point on a line,

THENCE, N 01°12'42" E for a distance of 8.10' to a point on a line,

THENCE, E for a distance of 3.04' to the beginning of a curve to the left through an angle of 49°49'57", having a radius of 10.00', and whose long chord bears N 65°05'02" E for a distance of 8.43';

THENCE, N 40°10'03" E for a distance of 26.50' to the beginning of a curve to the right through an angle of 51°01'26", having a radius of 5.00', and whose long chord bears N 65°40'46" E for a distance of 4.31';

THENCE, S 89°03'05" E for a distance of 121.27' to the NE corner,

THENCE, S 01°03'31" W for a distance of 107.02' to the SE corner,

THENCE, S 74°49'59" W a distance of 273.79';

THENCE, N 00°49'36" E for a distance of 183.02' to the point of beginning.

Otherwise located south of Southside River Road and east of Dekalb Avenue

Petition No. ZC 16-72 - a request from William Fortner, represented by Cheney-Walters-Echois, for a Zone Change from RE-1 Residential Estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard

and Piñon Frontage Road, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

T30N, R13W, Sec. 26, SE1/4NE1/4SE1/4S  
E1/4.

Otherwise located west of College Blvd. and north of Piñon Hills Boulevard and Piñon Frontage Road.

Petition No. SUP 16-73 - a request from Mary Frances and Wayne Leupold, for a Special Use Permit to allow the construction of a 500 sq. ft. Family Care Unit (Mother-in-Law Quarters), on 0.41 acres located at 1803 Sage Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 2, in Block 5, of the Yucca Subdivision, San Juan County, New Mexico.

Otherwise located at 1803 Sage Drive

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, August 25, 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, September 13, 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. 72989 published in The Daily Times on August 7, 2016.

**NOTICE OF PUBLIC HEARING  
ZONE CHANGE  
PETITION NO. SUP 16-73**

August 3, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request Mary Frances and Wayne Leupold, for a Special Use Permit to allow the construction of a 500 sq. ft. Family Care Unit (Mother-in-Law Quarters), on 0.41 acres located at 1803 Sage Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 2, in Block 5, of the Yucca Subdivision, San Juan County, New Mexico.  
**Otherwise located at 1803 Sage Drive**

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, August 25, 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, September 13, 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 Steven Saavedra at 505-599-1282 or [ssaavedra@fmtn.org](mailto:ssaavedra@fmtn.org).

Sincerely,



Karen Walker  
Administrative Assistant

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

Lot Two (2), of the YUCCA SUBDIVISION, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record May 30, 1991.

**TRACT 1**

Wayne Arthur Leupold and Mary Frances  
Leupold  
1803 Sage Drive  
Farmington, NM 87401

Lot 2, of the YUCCA SUBDIVISION, as shown  
on the Plat of said Subdivision filed for record  
May 30, 1991;

Book 1122, page 267

**TRACT 2**

Davis W. Begay and Alberta Begay  
P.O. Box 1906  
Farmington, NM 87499

Lot 10, in Block 2, of the ZIA SUBDIVISION  
REPLAT, as shown on the Replat of said  
Subdivision filed for record January 13, 1977;

Book 1211, page 1077

**TRACT 3**

Donovan Stearns and Jordan Stearns  
1602 Yucca Avenue  
Farmington, NM 87401

Lot 9, in Block 2, of the ZIA SUBDIVISION  
REPLAT, as shown on the Replat of said  
Subdivision filed for record January 13, 1977;

Book 1603, page 620

**TRACT 4**

Robert L. Woodside and Gerri Woodside  
1604 Yucca Avenue  
Farmington, NM 87401

Lot 8, in Block 2, of the ZIA SUBDIVISION  
REPLAT, as shown on the Replat of said  
Subdivision filed for record January 13, 1977;

Book 1283, page 960

**TRACT 5**

Nick Candelaria and Carmen Candelaria  
511 East Broadway  
Farmington, NM 87401

Lot 7, in Block 2, of the ZIA SUBDIVISION  
REPLAT, as shown on the Replat of said  
Subdivision filed for record January 13, 1977;

Book 1279, page 548

**TRACT 6**

Robert Wilson and Sandra Wilson  
1608 Yucca Avenue  
Farmington, NM 87401

Lot 6, in Block 2; of the ZIA SUBDIVISION  
REPLAT, as shown on the Replat of said  
Subdivision filed for record January 13, 1977;

Book 1155, page 167

**TRACT 7**

Michael Strayhand and Gale Strayhand  
1610 Yucca Avenue  
Farmington, NM 87401

Lot 5, in Block 2, of the ZIA SUBDIVISION  
REPLAT, as shown on the Replat of said  
Subdivision filed for record January 13, 1977;

Book 1559, page 950

**TRACT 8**

Perry G. Stewart and Emily J. Stewart  
1605 Yucca Avenue  
Farmington, NM 87401

That part of Lot 6, in Block 5, of the ZIA  
SUBDIVISION AMENDED REPLAT, as shown  
on the Replat of said Subdivision filed for record  
November 29, 1972;

Book 1134, page 448

**TRACT 9**

Wilfred Hawbecker and Rebecca King  
1804 Sage Drive  
Farmington, NM 87401

Lot 7, in Block 5, of the ZIA SUBDIVISION, as  
shown on the Plat of said Subdivision filed for  
record June 12, 1957;

Book 1284, page 219

**TRACT 10**

Victor W. Sutton and Valerie A. Sutton  
1802 Sage Drive  
Farmington, NM 87401

All of Lot 4, and that part of Lot 3, in Block 5, of  
the ZIA SUBDIVISION, as shown on the Plat of  
said Subdivision filed for record June 12, 1957;

Book 1446, page 958

**TRACT 11**

Yvette R. Matamoros and John G. Matamoros  
1801 Sage Drive  
Farmington, NM 87401

That part of Lot 3, in Block 5, of the ZIA  
SUBDIVISION as shown on the Plat of said  
Subdivision filed for record June 12, 1957;

Book 1320, page 905

**TRACT 12**

Scott M. Silverman and Toni Michele Silverman  
1704 Knudsen Avenue  
Farmington, NM 87401

Lots 1 and 2, in Block 3, of the KNUDSEN  
SUBDIVISION, as shown on the Plat of said  
Subdivision filed for record August 14, 1958;

Book 1156, page 249

**TRACT 13**

Charles M. Wilson and Kim L. Wilson  
1804 Knudsen Avenue  
Farmington, NM 87401

Lot 1B, of the YUCCA SUBDIVISION, as shown  
on the Plat of said Subdivision filed for record  
May 30, 1991;

Book 1323, page 109

**TRACT 14**

Ralph E. Gregg, Jr., and Vanessa Gregg  
1808 Knudsen Avenue  
Farmington, NM 87401

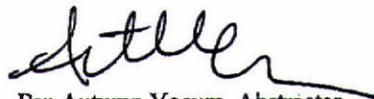
Lot 1A, of the YUCCA SUBDIVISION, as shown  
on the Plat of said Subdivision filed for record  
May 30, 1991;

Book 1598, page 598

TO: July 26, 2016, at 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

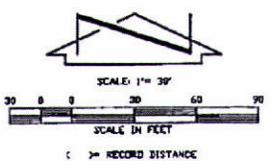
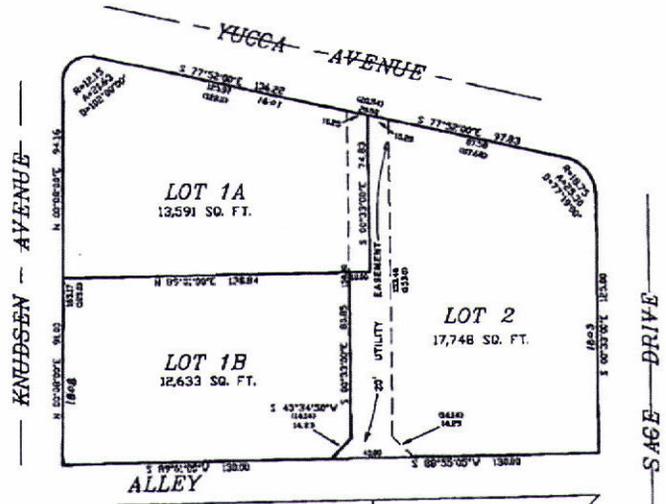
SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

A handwritten signature in black ink, appearing to read "Autumn Yocum", written over a horizontal line.

By: Autumn Yocum, Abstracter

9105801

# YUCCA SUBDIVISION A REPLAT OF LOTS 1 AND 2 BLOCK FIVE, ZIA SUBDIVISION, FARMINGTON, NEW MEXICO



**BREWER ASSOCIATES, INC.**  
 810 E. AVENUE, FARMINGTON, N.M.

FILE: 1434  
 REVISION DATE: 03/28/91

FILED OR RECORDED  
 MAY 30 1991  
 [Signature]

**LAND DESCRIPTION**  
 LOTS 1 AND 2 BLOCK FIVE, ZIA SUBDIVISION IN THE CITY OF FARMINGTON AS SHOWN ON THE SUBDIVISION PLAT FILED FOR RECORD JUNE 12, 1951.

**DEEDS**  
 KNOWN ALL MEN BY THESE PRESENTS THAT VANCE LEUPOLD, HUSBAND, AND MARY FRANCIS LEUPOLD, WIFE, AND MARY J. FOSTER, L.S., SIGNED BY WILLIAM R. LEZ, AND ROBERT D. BOWEN, HUSBAND AND DEBORAH C. BOWEN, WIFE, BEING THE SOLE OWNERS AND PROPRIETORS OF THE LAND ABOVE RECORDED, HAD MADE A SUBDIVISION OF SAID LAND, AND THAT SAID SUBDIVISION SHALL BE KNOWN AS YUCCA SUBDIVISION.

AND THAT THE SUBDIVISION AS SHOWN ON THIS PLAT, IS WITH THE CONSENT AND IN ACCORDANCE WITH THE RECORDS OF SAID COUNTY, AND THE STREETS AND CALCULATIONS SHOWN HEREIN ARE DESIGNATED FOR PUBLIC USE AS TRUCK DRIVING PUBLIC UTILITIES AND INCLUDING OBTAINING OF EASEMENTS, RIGHTS OF WAY, UTILITIES, AND FOR UNDERSTANDING OF BURNED SERVICE VEHICLES WITH THE RIGHT TO INCLUDE NECESSARY MAINTENANCE OF THE SAME, AND RIGHT OF RIGHTS AND CORRES TO AND FROM SAID CALCULATIONS.

IN WITNESS WHEREOF, WE HAVE SIGNED THESE PRESENTS TO BE EFFECTIVE THIS 28th DAY OF March, 1991.  
 VANCE LEUPOLD, HUSBAND [Signature]  
 MARY FRANCIS LEUPOLD, WIFE [Signature]  
 ROBERT D. BOWEN, HUSBAND [Signature]  
 DEBORAH C. BOWEN, WIFE [Signature]

**ATTORNEY**  
 COMES NOW VANCE LEUPOLD, BEING FIRST SEEN UPON HIS OATH, AND STATES THE SUBDIVISION SHOWN HEREIN IS IN WHOLE WITHIN THE PLANNING AND PLANNING JURISDICTION OF THE CITY OF FARMINGTON, NEW MEXICO.  
 VANCE LEUPOLD [Signature]

STATE OF NEW MEXICO  
 COUNTY OF SAN JUAN  
 THE FOREGOING DECLARATION AND AFFIDAVIT WERE ACKNOWLEDGED BEFORE ME THIS 28th DAY OF March, 1991 BY VANCE LEUPOLD.  
 MY COMMISSION EXPIRES 12/31/92 [Signature] NOTARY PUBLIC

STATE OF NEW MEXICO  
 COUNTY OF SAN JUAN  
 THE FOREGOING DECLARATION WAS ACKNOWLEDGED BEFORE ME THIS 28th DAY OF March, 1991 BY MARY FRANCIS LEUPOLD.  
 MY COMMISSION EXPIRES 12/31/92 [Signature] NOTARY PUBLIC

STATE OF NEW MEXICO  
 COUNTY OF SAN JUAN  
 THE FOREGOING DECLARATION WAS ACKNOWLEDGED BEFORE ME THIS 28th DAY OF March, 1991 BY ROBERT D. BOWEN.  
 MY COMMISSION EXPIRES 12/31/92 [Signature] NOTARY PUBLIC

STATE OF NEW MEXICO  
 COUNTY OF SAN JUAN  
 THE FOREGOING DECLARATION WAS ACKNOWLEDGED BEFORE ME THIS 28th DAY OF March, 1991 BY DEBORAH C. BOWEN.  
 MY COMMISSION EXPIRES 12/31/92 [Signature] NOTARY PUBLIC

**ACCEPTANCE**  
 APPROVED PURSUANT TO THE BURNING PROVISIONS OF THE LAND SUBDIVISION REGULATIONS OF THE CITY OF FARMINGTON ON THE 28th DAY OF March, 1991.  
 [Signature] CITY MANAGER  
 [Signature] CITY CLERK  
 [Signature] CITY ENGINEER

**CERTIFICATION**  
 I, GEORGE L. VALTIERA, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF NEW MEXICO, CERTIFY THAT I PREPARED THIS PLAT AT THE DIRECTION OF THE OWNER (FROM FIELD NOTICE OF AN ORIGINAL SURVEY) AND CERTIFIED PLATS AND I FURTHER CERTIFY THAT THE REPRESENTATIONS ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
 2-27-91 [Signature]  
 REGISTERED PROFESSIONAL SURVEYOR  
 STATE OF NEW MEXICO 84139



# City of Farmington Parks, Recreation and Cultural Affairs

## Memorandum

TO: Mayor and City Council

FROM: Cory Styron, Director of Parks, Recreation, and Cultural Affairs 

DATE: August 29, 2016

SUBJECT: Naming and Dedication of Museum Exhibit Hall

The purpose of this memorandum is to request Council approval for the naming of the small original exhibit hall the "Cassie Stiles Dallas Gallery." Mrs. Dallas served the Museum and Museum Foundation for over 30 years through financial contributions and volunteer time. Mrs. Dallas was recognized in 2015 with the Presidential Lifetime Award for Volunteerism with over 4,000 hours of service, primarily with the Museum and Museum Foundation. Mrs. Dallas was an instrumental force in shaping the Museum we see today.

The Museum Foundation Board unanimously approved proposing the naming of the exhibit hall after Mrs. Dallas and forwarded the application to the Parks and Recreation Commission. The Parks and Recreation Commission considered the request for naming the exhibit hall based on the revised naming guidelines revised at the August meeting. The Commission reviewed the application and unanimously approved recommending the renaming of the exhibit hall the "Cassie Stiles Dallas Gallery."

### Attachments:

Guidelines for Naming and Dedication of Parks and Recreation Facilities  
Naming/Dedication Application  
Letters of support (3)  
PRCA Commission Minutes

## **5.6 Guidelines for Naming and Dedication of Farmington Facilities**

### **PURPOSE:**

The naming or dedicating of municipal property, buildings and park elements are important for public awareness, promotion and emergency access. In order to ensure fairness and consistency, naming or dedicating of municipal property, buildings and park elements will be named according to the following principles.

The guidelines of the Parks, Recreation, and Cultural Affairs (PRCA) Commission is to name whole assets, parks, and facilities through an adopted process utilizing established criteria emphasizing community values and character, local history, geography, environmental, civics and service to the community of Farmington.

### **Naming Principles**

- Aid in the geographical identification of the municipal property, buildings and park elements to assist in emergency response situations.
- Maintain long standing local area identification
- Understandable to the majority of Farmington residents
- Give a sense of place, continuity, and belonging; to celebrate distinguishing characteristics and uniqueness of the community of Farmington, avoiding confusion, name duplication and similar sounding names
- Not discriminatory, derogatory or political in nature
- Municipal property buildings and park amenities will not be named after elected officials currently in office
- Corporate names will not be used unless a significant financial or other contribution has been made to the City
- City Council retains the right to change any name at any time without notice

### **Criteria**

The following criteria shall be used in determining the appropriateness of the naming designation:

- Geographic location (neighborhood, significant areas, etc.)
- Natural features
- A person (non-living) or place of historical or cultural significance

- A group, or feature particularly identified with the land or facility
- Conditions of property donation as agreed upon by the donor and the City shall be honored regarding the naming of the parks, recreation areas and facilities subject to these adopted policies.
- Names that are similar to existing parks, properties or facilities in Farmington should not be considered in order to minimize confusion.
- The City reserves the right to change the name to maintain consistency with these policies

### **Purchased Naming Rights**

In the case of purchased naming rights the following additional considerations will apply:

#### **Criteria**

- The significance of the contribution made relative to the construction and/or operating costs of the item being named.
- The significance of the contribution relative to the market valuation of the naming opportunity.
- Results of a value assessment
- The benefits to and obligations of both the purchaser and the City.
- The duration of the naming including a specific sunset clause associated with the length of time that the name will be used.
- Whether the naming agreement can be renewed if a further gift or sponsorship is received (Demonstrated public support for the sale of naming rights of the facility).

### **Commemorative Naming**

From time to time recommendations from the community may arise to show recognition of an individual or organization for service or support to a specific park or facility. Under this condition the PRCA Commission may entertain recommendations to recognize specific elements of a facility or park for the service or support of the individual or organization.

#### **Criteria**

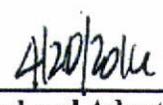
- Must be perceived as a model citizen and open to close scrutiny relative to their character, integrity and values.
- Community involvement must be positive and renowned.
- The involvement will have had a dramatic influence/impact on the City/Residents over an extended period of time.

- Contribution including length of service, level of commitment, level of responsibility assumed, or financial must be demonstrated.
- In the case of service clubs, have they contributed through public service activities in Farmington over multiple years?

**PROCEDURE:**

Naming of PRCA assets, parks and facilities

1. A request for naming of a PRCA asset, park, or facility shall be submitted in writing to the Parks, Recreation, and Cultural Affairs (PRCA) Commission through the PRCA Department.
2. Those submitting a naming request should show how the proposed name is consistent with the criteria stated in this policy. When naming after a person or persons, the application (attached) will describe the contributions to the City. City staff will review the proposal for adherence to the stated criteria and authentication of statements relative to contributions in the case of an individual before forwarding to the PRCA Commission. If the request is incomplete, staff will contact the applicant, in writing, and provide them with the opportunity to resubmit a revised request.
3. The PRCA Commission will offer the opportunity for the public input on the proposed naming.
4. The PRCA Commission shall vote for approval and forward their recommendation to City Council for final decision.
5. The PRCA Commission can initiate the naming process whenever deemed necessary and/or in the best interest of the City.
6. In the absence of any naming requests, the PRCA Commission shall adhere to criteria stated in this policy in recommendation of name.

   
 Approved and Adopted

## CITY OF FARMINGTON FACILITIES NAMING/DEDICATION APPLICATION

- ❖ The involvement will have had a dramatic influence/impact on the City/residents over an extended period of time

Cassie's involvement has had a dramatic influence on the City and residents. Due to her involvement, the Museum has grown from the small stone "Rock House" into the showcase facilities we have today. Along this 30+ year evolution, the Farmington Museum System has touched hundreds of thousands of people's lives with enriching and fulfilling programs and exhibits. Cassie Dallas supported it all with her stellar volunteer commitment and monetary contributions.

- ❖ Contribution including length of service, level of commitment, level of responsibility assumed must be extraordinary

Cassie served on the Farmington Museum Foundation Board for a combined 29 years as President, Membership Chairman, Board Secretary, and Board Member Emeritus. She worked tirelessly in all capacities from working on the Board to organizing the details. No task was too big or too small. For many years she didn't keep track of the hours she put in. In 2011, she had accounted for 400 hours. At that time Kandy LeMoine, Volunteer Coordinator, convinced her it was important to accurately track volunteers hours as they are a strong indication of support for the institution. By 2015 Cassie had over 4,000 hours and was awarded the Presidential Lifetime Award for Volunteerism. Her level of commitment was extraordinary.

- ❖ In the case of financial gifts, has the donor participated in a large one-time campaign, or participated in a fundraising campaign in support of a public venue?

Cassie and Wayne Dallas have given consistently to the Farmington Museum Foundation for over 30 years. The majority of the time it has been in the form of their membership but also memorials to honor past friends and family. They contributed a significant donation to the Farmington Museum's Energy Exhibit. Cassie was also the driving force behind the Farmington Museum Foundation's Ice Cream Social that was the biggest and most consistent fundraiser for the Foundation for over 25 years. This alone contributed at least \$75,000 that was used to support exhibits and programs at the Farmington Museum. She was also instrumental in starting the "One Great Day of Shopping" event held before Christmas each year. This event brought in new members and renewed former members in support of the Museum. She also participated in the Farmington Museum Foundation's Navajo Rug Auction and formed an appraisal aspect of the event where people could bring in their Native art pieces and get them appraised. This not only brought in needed funding but also benefited the Museum when several Navajo rugs were donated to the Museum through the event.

- ❖ In the case of service clubs, have they contributed through public service activities in Farmington over multiple years?

Cassie served on the Farmington Museum Foundation for a total of 29 years.

**PLEASE INCLUDE ANY LETTERS, REFERENCES, ARTICLES OR PETITIONS THAT DEMONSTRATE BROAD-BASED SUPPORT**

**Please submit application to:  
Farmington Parks, Recreation, and Cultural Affairs Dept., ~ 901 Fairground Rd. ~ Farmington, New Mexico  
87401**

July 21, 2016

To whom it may concern:

This letter concerns the effort and desire to name a gallery space in the Farmington Museum after Cassie Stiles Dallas. The inclusion of her maiden name honors her Farmington pioneer heritage, as she was born here.

Shortly after Cassie passed away, I approached Bart Wilsey suggesting that the gallery currently referenced as "the gallery next to the reception desk" be named "The Cassie Stiles Dallas Gallery". For all the reasons described in the required application document, I believe this space should be referenced after the individual who, if it had not been for her, we very certainly would not have that exhibit space or the museum itself in its current large and prominent setting.

I do believe that a name, a means of referencing, is very important. What better way to reference a hall in the museum than after Cassie? No one, volunteer or employee, has done more or given more over a period of over thirty years than Cassie to the growth and progress of the museum. I am aware that frequently the donation of a large sum of money cements the name of some institution or space for the recognition of an individual. Indeed, Cassie has (and by her influence her husband Wayne) donated significant funds as already noted. But no one has, or perhaps ever will, come close to matching the hours, the effort, the outreach, the influence, or the rallying of others to the cause, as Cassie has. Her efforts, if translated monetarily, would be a most sizable amount.

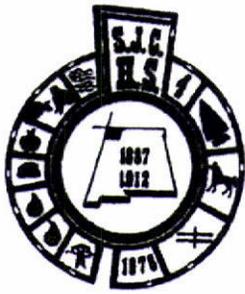
She was a remarkable and untiring public servant in many areas. The City of Farmington owes her not just a debt of gratitude, but also the recognition she deserves.

Postscript: In the spring of 2015 I went before the PRCA Commission to request the naming above. The commission was unanimously positive but understandably did not officially vote or "pass" anything in my presence. It was suggested I write a letter to Mayor Roberts concerning my request. I did so and received a reply from him agreeing with the proposal. He stated that the City of Farmington would prepare an appropriate title and plaque of explanation which would be in place by the 4th of July 2015 to be unveiled at a Dallas family reunion. The reunion was held, but intervening concerns about protocols for civic naming of spaces prevented the proposal despite PRCA Commission support and mayoral approval.

Sincerely,

Rebecca Rhein

Former President, Farmington Museum Foundation



## San Juan County Historical Society

201 N. Main St. - P.O. Box 1252

Aztec, New Mexico 87410-1252

Telephone: 505-334-7136

Internet: [www.facebook.com/sanjuancountyhistoricalsociety](http://www.facebook.com/sanjuancountyhistoricalsociety)

May 25, 2016

Dear Rebecca

RE: Naming A Farmington Museum Exhibit Gallery to honor Cassie Lois Stiles Dallas

What an exceptional idea! I can think of no other person affiliated with the Farmington Museum that deserves this honor more than Cassie Dallas.

I first met Cassie when I was hired at the Farmington Museum in February 1988. What a formidable force. Had to admit, she kind of scared me at first. As time went by, I could see that she cared about the Farmington Museum, how it was run, types of traveling exhibits, how the building looked (inside and out), future plans, etc. She wanted it to be the very best museum in the Four Corners area.

I remember my first time working during the annual Ice Cream Social event in July of 1988. It just seemed so chaotic, but it was not. With Cassie's supervision, planning and execution all the booth's, ice cream lines, drink tables, hot dog preparation were all efficiently manned and operated. It was just the crowds of people that made it look so hectic.

Cassie had diagrams for how the Park's crews were to put the table and chairs around the Museum and Rock House for the Ice Cream Social. Cups, napkins, spoons, etc. were all counted. She knew who to contact for the hot dogs, buns, relishes, chips. She made arrangements with Creamland Dairies for the ice cream. She ordered the cans of toppings. Everything always went smoothly. She knew who to contact for the roasters for the hot dogs and they all showed up. Cassie even oversaw the gathering of prizes, selling of raffle tickets before and during the event. You were assigned a job, and failure to show was not an option.

Cassie dedicated over 30 years of service to the Farmington Museum, not only by serving on the Foundation Board, but also being a docent. In fact, she was a docent during the Egyptian Exhibit.

Cassie had received the Volunteer of the Year Award in 2011 from the San Juan College Volunteer Center, and the Lifetime Achievement Award for Volunteer Service from the Farmington Museum Foundation.

When I retired from the Farmington Museum in 2004, I was very fortunate to have her friendship and expertise with the San Juan County Historical Society. There is no other person I can think of that worked so hard most of her life to help get the Farmington Museum where it is today. I would consider it an honor to attend the dedication ceremony for the Cassie Lois Stiles Dallas Exhibit Hall.

Sincerely,

Catherine Davis, Archivist

### MISSION STATEMENT

To collect and preserve historical documents pertaining to San Juan County for future generations



## San Juan County Historical Society

201 N. Main St. - P.O. Box 1252

Aztec, New Mexico 87410-1252

Telephone: 505-334-7136

Internet: [www.facebook.com/sanjuancountyhistoricalsociety](http://www.facebook.com/sanjuancountyhistoricalsociety)

June 3, 2016

I know of no single person whom has meant more to the Farmington Museum Association and the San Juan County Historical Society than Cassie Dallas.

No job that needed to be done was too big for her abilities and ambitions. From running all aspects and events of the Ice Cream Social and seeing that all components meshed together and contributed to a successful event to being responsible and accountable to the Museum Foundation for the results. Her many years of service to the Museum and all its related activities serve as a beacon to all who have tried to emulate her accomplishments.

As a long time member and officer of the San Juan County Historical Society I have been hard pressed to find any person with the knowledge, drive and talents to take her place. From taking notes and minutes at meetings, to formulating and printing out those minutes and agendas that we all relied upon to help the society run smoothly.

I can think of no other person who unselfishly gave of themselves so much to each organization that she belonged to. Any recognition of her many talents and abilities to enhance the operation and future of those organizations serve to remind all concerned of what she did for not only the organizations but also for all members.

Any honor that is bestowed upon her is long overdue for what she accomplished during her long and faithful service to her organizations.

Sincerely,

Zang Wood

President: San Juan County Historical Society

#### MISSION STATEMENT

To collect and preserve historical documents pertaining to San Juan County for future generations

**August 18, 2016 MEETING MINUTES OF THE  
PARKS, RECREATION, & CULTURAL AFFAIRS COMMISSION**

The Parks, Recreation, and Cultural Affairs Commission (PRCA) of the City of Farmington met in a regular session on Thursday, August 18, 2016, at 6:15 p.m. in the Executive Conference Room at City Hall, 800 Municipal Drive, Farmington, NM. Roll call was taken with attendance as follows:

Members Present: Tyson Snyder, Chair; Patricia Baca; Jane Banes; Corey Freeman; Larry Hilliard  
Peter Holzem; JB Holcomb; Kent Mobley; Tyson Snyder; Leslie Thompson

Members Absent: Ellyn Dimond

Also present were: Cory Styron, PRCA Director; Debbie Homer, Administrative Aide

**Roll Call** -

Tyson Snyder, Chair called the meeting to order at 6:15 p.m. and conducted a roll call.

**APPROVAL OF MINUTES**

Tyson Snyder asked the Commissioners if they had reviewed the July 21, 2016 minutes and if there were any questions or changes. There were none and Mr. Snyder called for a motion to approve. Mr. Holzem moved to accept the July 21, 2016 minutes as presented. Ms. Thompson seconded the motion. The motion passed unanimously.

**UNFINISHED BUSINESS**

A. Action Items – None

B. Discussion –

1. Bridge Naming – Commissioner Holcomb

Mr. Snyder recognized Commissioner Holcomb regarding the Bridge Naming items. Commissioner Holcomb said surveys have gone out. Currently there are two sets of names that are front runners. They are Sunrise, Sunset and Berg, Animas. The question was asked when will the naming event end. Mr. Styron replied that the survey on the PRCA Facebook and Website states the end will be Monday, August 22, 2016. Mr. Snyder asked Mr. Styron what will happen after voting ends. Mr. Styron replied that all of the votes will be tallied and presented to the commission at the September meeting for a recommendation. The commission's recommendation will then be presented to City Council for consideration.

2. Community Gardens – Commissioner Holcomb

Mr. Holcomb advised the commission that there is a meeting tomorrow, Friday, August 19th at the PATH facility board room at 1:00 pm to discuss a community garden at the facility. The Four Corners Foundation would like to spearhead the project. Mr. Holcomb invited everyone in attendance to attend the meeting. Discussion began regarding different locations for community gardens throughout the city. Mr. Snyder asked Mr. Holcomb to keep the commission up to date.

**OLD BUSINESS**

A. Action -

1. Facility Naming Application for Cassie Dallas

Mr. Snyder asked the commissioners if they had reviewed the application to name the exhibit hall at Gateway Museum for Cassie Dallas. The commissioners stated they had no further discussion regarding the application. Mr. Freeman made a motion to name the exhibit hall at Gateway Museum after Cassie Dallas. Ms. Galloway seconded the motion. The motion carried unanimously. Mr. Styron stated the recommendation will be presented to City Council in September.

**DEPARTMENT REPORT**

A. Handout - July Department Report

Mr. Styron reviewed various items from the July Department Report. He noted the viewing stand for the radio control vehicle track has been installed. The Miniature Golf proposal draft has been completed. He noted that the Aquatic Center has had a small increase of 3 percent attendance since the closure of Brookside pool. The attendance for the Adams Family play was not as high as expected however response to the Children's and Teen Theater was phenomenal. It was noted that attendance was higher for a single night at the youth plays than at the Adam's Family. Regarding the Predator exhibit at the museum Mr. Styron noted that this has been a great hit. Mr. Styron stated that the NMRPA State Conference will be held in Farmington on September 14 through 16. Mr. Styron said that the invitation to the conference will be sent to commissioners soon.

**COMMISSIONER ITEMS -**

Ms. Thompson noted that the Bishop's golf tournament will be held in Mid- September. Applications are available at Pinon Hills Golf Course.

Ms. Banes said that the State Special Olympics will be held in Farmington this weekend.

**ADJOURNMENT**

There being no further business or discussion, Ms. Galloway moved to adjourn, Mr. Freeman seconded the motion. The meeting adjourned at 7:05 pm.

---

Tyson Snyder, Chair

---

Debbie Homer, PRCA Administrative Aide

AN ORDINANCE REVISING CERTAIN SECTIONS OF THE FARMINGTON CITY CODE PROVIDING FOR CLARIFICATION AND ADDITIONS TO PROVISIONS IN CHAPTER 8, ARTICLE 13 DEALING WITH FOOD CATERING/VENDING WAGONS AND TRUCKS

WHEREAS, several sections of the City Code are in need of clarification to better serve the methods and procedures of enforcement in dealing with food catering/vending wagons and trucks; and

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

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

Section One: Article 13 of Chapter 8, Food Catering/Vending Wagons and Trucks be repealed and replaced with the following:

Article 13. Mobile Food Units

Sec. 8-13-1. - Definitions.

- (a) *Mobile Food Unit.* Any wagon, truck, push cart or vehicle self-propelled or otherwise movable from place to place from which any person sells, offers for sale beverages, food or any food product for human consumption. A mobile food unit may be as complex as a full commercial kitchen on wheels or as simple as a push cart and includes any activity involved with food preparation or sales.
- (b) *Common ownership.* The ownership by a single person of at least 25 percent of the outstanding equity in more than one licensed mobile food unit.
- (c) *Food.* Any articles sold for human consumption not prohibited by law.
- (d) *Person.* Any individual, estate, trust, receiver, cooperative association, association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity.

Sec. 8-13-2. - Business license, display and renewal.

Each mobile food unit must obtain a business license and pay the applicable license fee imposed by section 8-3-7(10) of the Farmington City Code. The business license must display on its face the vehicle identification number (VIN) and the license plate number of the mobile food unit that is being licensed, if applicable. Business license(s) must be renewed each January 1. The business license must be displayed at all times in the mobile food unit in a prominent and conspicuous manner. Business licenses are not transferrable from vehicle to vehicle.

Sec. 8-13.3. - Compliance.

All persons operating a mobile food unit must comply with the following guidelines:

- (1) Obtain the proper business license(s) for each mobile food unit as provided in section 8-13-2.
- (2) Each mobile food unit shall be approved by the New Mexico Environment Department and shall display appropriate evidence of the most current approval.
- (3) Proper trash facilities and receptacles shall be provided to patrons pursuant to sections 23-1-9 and 12-2-27 of the Farmington City Code.
- (4) A special events license must be obtained by the owner of a business hiring a mobile food unit to be upon its premises if food is dispensed therefrom.
- (5) The cab must be attached to the mobile food unit, if applicable, while in business on a public street or public parking lot.
- (6) A business establishment which is not a mobile food unit will not be licensed under this article.

- (7) Prior approval from the city parks and recreation department is needed to conduct any business in a city park or city parking lot at a park or other City-owned recreational facility and shall be subject to such conditions and restrictions as may be deemed appropriate by the department.
- (8) Common ownership, as defined in section 8-13-1(b) must be disclosed at the time the license is issued.
- (9) Mobile food units are permitted to operate on private property in non-residential zones provided that written permission from the property owner for use of the site is provided to the city clerk and the community development department grants approval of the site plan.
- (10) Mobile foods units are prohibited from operating on private property in residential zones.

Sec. 8-13-4. - Restrictions.

- (a) Business shall be restricted to the sale of food and beverage.
- (b) Mobile food units cannot exceed a length of 40 feet and a width of eight feet, not including the cab.
- (c) Mobile food units must be mobile and be removed from the street or from the location where food is sold during those hours when not open for business unless the property is fenced and the mobile food unit is secure overnight.
- (d) Mobile food units shall not be parked within 100 feet of flammable fuels.
- (e) Mobile food units shall not sell any food from any vehicle within 200 feet of any school ground between the hours of 7:00 a.m. and 4:30 p.m. on any day while school or school activities are in session, unless specifically requested by the school.
- (f) It shall be unlawful for any person to operate a mobile food unit while stopped between the curb lines of any public street without the motor vehicle's hazard lights being in operation and without taking all other reasonable precautions to ensure the safety of patrons.
- (g) No mobile food unit shall be stored, parked or left overnight on any street or sidewalk or parked other than in a lawful parking place, in conformance with city and state parking regulations.
- (h) No mobile food unit shall sound or permit the sounding of any device which produces a loud or raucous noise or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention to [of] the public. This section shall not be construed to prohibit bells, chimes or unamplified musical instruments if in compliance with all other applicable provisions of City Code including, but not limited to, Chapter 12, Article 5 (noise).
- (i) No vendor vending from a mobile food unit shall conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant or create or become a public nuisance, increase traffic congestion or delay or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire, police or sanitation vehicles.
- (j) No vendor shall stop, stand or park a mobile food unit upon any street or permit it to remain there except on the roadway at the curb for the purpose of completing pending vending transactions therefrom.

Sec. 8-13-5. - Revocation of license.

- (a) Should the owner or any employee of the mobile food unit be convicted of a crime (felony or misdemeanor) arising while in the conduct of the licensee's business, the city clerk has the authority to permanently revoke the business license or licenses on all vehicles licensed to that person or in which that person has common ownership interest as the same is defined in subsection 8-13-1(b).
- (b) Should the owner or any employee of the mobile food unit violate any provision of this article, a criminal citation may be issued in addition to the business license or licenses being permanently revoked on all vehicles licensed to that person or common owner and will not be renewed.

(c) Licenses may be revoked by the action of the city clerk, after appropriate notice and opportunity for hearing. The decision of the city clerk to revoke a license may be appealed to the city council by delivering written notice of appeal to the city clerk within ten days of the clerk's decision revoking the license. An appeal shall be considered at its next regular meeting following delivery of notice of appeal.

PASSED, SIGNED, APPROVED AND ADOPTED this 13<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
Tommy Roberts, Mayor

SEAL

ATTEST:

\_\_\_\_\_  
Dianne Smylie, City Clerk

CITY OF FARMINGTON  
INTER-OFFICE MEMORANDUM

TO: Mayor Roberts and City Council

FROM: Kristi Benson, CPPO, CPPB *KB*  
Chief Procurement Officer

DATE: August 30, 2016

SUBJECT: Request for Qualification-based Proposals for Outdoor Family Aquatic Facility, RFQP #16-115786

USING DEPARTMENT: Parks, Recreation, and Cultural Affairs  
=====

Qualification-based proposals opened on June 28, 2016 for professional services for the Outdoor Family Aquatic Facility. Eight offers were submitted.

Negotiations were conducted with the top evaluated firm, FBT Architects.

The Central Purchasing Department concurs with the recommendation from the evaluation committee to award the contract to FBT Architects, 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:

- FBT Architects – Albuquerque, NM
- Van H. Gilbert Architects – Albuquerque, NM
- Dekker/Perich/Sabatini – Albuquerque, NM
- Rodahl & Hummell Architecture – Farmington, NM
- Greer Stafford/SJCF Architecture – Albuquerque, NM
- Arch Pac Aquatics – Vista, CA
- Aquatic Facility Design – Millersburg, PA
- James R. Dennis Assoc. – Farmington, NM

Kristi Benson (Presenter)  
Council Meeting 9/13/16 Close/Reopen

xc: H. Andrew Mason, CPFO, Administrative Services Director  
Cory Styron, PRCA Director  
File - 16-115786

Evaluation Committee:  
Cory Styron, PRCA  
Mary Gardocki, PRCA  
Mike Duke, PRCA  
Edward Smylie, General Services  
Tonya Stinson, FCVB  
Tyson Snider, PRCA Commission  
J.B. Holcomb, PRCA Commission **10.0 -**

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, August 23, 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.

Mayor Roberts led the Pledge of Allegiance.

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

\*MINUTES: The minutes of the Regular Meeting of the City Council held August 9, 2016.

\*DECLARATION OF SURPLUS PROPERTY: The Chief Procurement Officer recommended that worn-out, unusable or obsolete vehicles (Administrative Services, Central Warehouse, General Services and Vehicle Maintenance) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

\*BID: The Chief Procurement Officer recommended that the bid for slope stabilization at the Four Corners Regional Airport (Administration) be awarded to Meridian Contracting on its low bid meeting specifications of \$166,107, and that the bid received from Hank Williams, Inc. be rejected for not having the correct New Mexico license classification that allows work on airports. Bids opened July 28, 2016 with two bidders participating.

\*PUBLIC CELEBRATION PERMIT APPLICATION AND WAIVER to the 300-Foot Separation Requirement from a Church from Wines of the San Juan (License No. 6085) for a reception to be held on September 14, 2016 at 302 East Main Street.

\*PUBLIC CELEBRATION PERMIT APPLICATION AND WAIVER to the 300-Foot Separation Requirement from a Church from Wines of the San Juan (License No. 6085) for a class reunion to be held on October 1, 2016 at 302 East Main Street.

\*WARRANTS PAYABLE for the time period of August 7, 2016 through August 20, 2016, for current and prior years, in the amount of \$5,273,017.61.

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

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

\*CONSENT AGENDA: Community Development Director Mary Holton requested that the Planning and Zoning Commission recommendations marked with an asterisk (\*) be placed on the Planning and Zoning Commission Consent Agenda and voted on without discussion by one motion. She asked that if the items proposed did not meet with approval of all Councilors or if a citizen so requested, the item would be removed from the Consent Agenda and heard in regular order.

- \* (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. PP 16-65 from Joe Kozimor, represented by Cheney-Walters-Echols, requesting preliminary plan approval for Little Creek Subdivision, Phase VI, a 46-lot subdivision of 12.64 acres located north of Piedras Street.
- \* (2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. PFP 16-67 from Kenneth Kendrick, represented by Souder Miller Associates, requesting preliminary plan/final plat approval for the Kendrick Subdivision on 34.13 acres of land located south of Murray Drive, east of the City's Water/Wastewater Treatment Plant and west of Curtis Place.

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

CITY MANAGER BUSINESS

City Manager Rob Mayes presented and read by title Resolution No. 2016-1602 authorizing applications for financial assistance from the New Mexico Finance Authority. The title of the resolution being:

A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF COMPLETED APPLICATIONS FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY TO FINANCE (I) IMPROVEMENTS TO THE CITY'S CONVENTION CENTER AND (II) AN ENERGY CONSERVATION AND EFFICIENCY PROJECT, ALL WITHIN THE CITY OF FARMINGTON, NEW MEXICO.

Mr. Mayes noted that Resolution Nos. 2016-1602, 2016-1603 and 2016-1604 are all related since they pertain to the submission of applications for financial assistance through the New Mexico Finance Authority for energy conservation improvements at the Civic Center and other City facilities. He explained that the Civic Center has been separated from the other facilities because the loan will be repaid with revenue collected through the Convention Center Fee which generates approximately \$840,000 per year. He advised the Council that staff is only pledging \$710,000 annually towards the loan, thereby allowing some room for a decrease in revenue if the economy continues to decline. He also explained that Paul Cassidy, the City's financial advisor, has recommended that both projects be combined into one transaction to save money on the issuance fees and stated that Mr. Cassidy has also identified a qualified energy conservation bond that offers a rebate program that could allow the City to recover \$989,000 in interest costs incrementally over the 15-year period. He noted that this is a federally-funded program that is subject to annual appropriations and, as a result, stated that the rebate is not being built into the program proforma.

In response to inquiry from Mayor Roberts, Mr. Mayes explained that the New Mexico Finance Authority will sell the bonds and then issue loans to the City of Farmington and the other participating entities. He assured the Mayor that the City is only financially responsible for the loan agreement and not the entire bond issue.

There being no further discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers that Resolution No. 2016-1602 be passed and adopted as presented. 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 and Resolution No. 2016-1602 was duly passed and adopted.

Mr. Mayes also presented and read by title Resolution No. 2016-1603 authorizing a loan agreement with the New Mexico Finance Authority for energy conservation and efficiency improvements. The title of the resolution being:

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF CITY OF FARMINGTON, NEW MEXICO, TO CONSIDER FOR ADOPTION AN ORDINANCE AUTHORIZING EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE NEW MEXICO FINANCE AUTHORITY IN A PRINCIPAL AMOUNT OF \$5,500,000 FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND EQUIPPING ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS WITHIN THE CITY; AND DIRECTING THE CITY MANAGER AND CITY CLERK TO PUBLISH NOTICE OF INTENT TO CONSIDER AN ORDINANCE AUTHORIZING SUCH LOAN IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY.

There being no discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers that Resolution No. 2016-1603 be passed and adopted as presented. 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 and Resolution No. 2016-1603 was duly passed and adopted.

Lastly, Mr. Mayes presented and read by title Resolution No. 2016-1604 authorizing a loan agreement with the New Mexico Finance Authority for improvements to the Civic Center. The title of the resolution being:

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF CITY OF FARMINGTON, NEW MEXICO, TO CONSIDER FOR ADOPTION AN ORDINANCE AUTHORIZING EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE NEW MEXICO FINANCE AUTHORITY IN A PRINCIPAL AMOUNT OF \$11,500,000 FOR THE PURPOSE OF IMPROVING, EQUIPPING, FURNISHING AND REHABILITATING THE CITY'S CONVENTION CENTER; AND DIRECTING THE CITY MANAGER AND CITY CLERK TO PUBLISH NOTICE OF INTENT TO CONSIDER AN ORDINANCE AUTHORIZING SUCH LOAN IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY.

It was noted that the Council has been provided an amended Resolution that increases the maximum principal amount from 11,500,000 to 12,500,000.

There being no discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers that Resolution No. 2016-1604 be passed and adopted as amended. 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 and Resolution No. 2016-1604 was duly passed and adopted.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented for discussion a proposed ordinance dealing with food catering/vending wagons and trucks. The title of such proposed ordinance being:

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 13 OF THE CITY CODE DEALING WITH FOOD CATERING/VENDING WAGONS AND TRUCKS.

There being no discussion, Ms. Breakell announced that the proposed ordinance will be presented for final action at the September 13, 2016 regular City Council meeting.

Ms. Breakell also presented a proposed ordinance pertaining to Pollution Control Revenue Refunding Bonds, 2016 Series A (Public Service Company of New Mexico San Juan and Four Corners Project) and recommended that the ordinance, if adopted, be given the number 2016-1291. The title of the ordinance being:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE BY THE CITY OF FARMINGTON, NEW MEXICO OF ITS REVENUE BONDS DESIGNATED "POLLUTION CONTROL REVENUE REFUNDING BONDS, 2016 SERIES A (PUBLIC SERVICE COMPANY OF NEW MEXICO SAN JUAN AND FOUR CORNERS PROJECT)" TO BE ISSUED IN AN AGGREGATE PRINCIPAL AMOUNT OF \$46,000,000 TO BE ISSUED PURSUANT TO THE PROVISIONS OF THE POLLUTION CONTROL REVENUE BOND ACT, CHAPTER 397, LAWS OF 1973 OF THE STATE OF NEW MEXICO, 31ST LEGISLATURE, 1ST SESSION, AS AMENDED FOR THE PURPOSE OF REFUNDING OUTSTANDING REVENUE BONDS ISSUED UNDER SUCH ACT TO REFUND PREVIOUSLY ISSUED REVENUE BONDS UNDER SUCH ACT TO REFUND PREVIOUSLY ISSUED REVENUE BONDS UNDER SUCH ACT TO FINANCE A PORTION OF THE COSTS TO PUBLIC SERVICE COMPANY OF NEW MEXICO PUBLIC SERVICE COMPANY OF NEW MEXICO (THE "COMPANY"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF NEW MEXICO (THE "STATE") OF (I) ACQUIRING, CONSTRUCTING, AND INSTALLING CERTAIN AIR AND WATER POLLUTION CONTROL SYSTEMS AND FACILITIES (THE "SAN JUAN FACILITIES") RELATING TO UNIT 3 AT THE SAN JUAN GENERATING STATION (THE "SAN JUAN PLANT") LOCATED IN SAN JUAN COUNTY, NEW MEXICO, INTERESTS IN WHICH ARE OWNED BY THE COMPANY AND (II) ACQUIRING, CONSTRUCTING, RECONSTRUCTING, IMPROVING, MAINTAINING, EQUIPPING OR FURNISHING CERTAIN AIR AND WATER POLLUTION CONTROL FACILITIES (THE "FOUR CORNERS FACILITIES", AND TOGETHER WITH THE SAN JUAN FACILITIES, THE "FACILITIES") RELATING TO UNITS 4 AND 5 AT THE FOUR CORNERS GENERATING STATION (THE "FOUR CORNERS PLANT", AND TOGETHER WITH THE SAN JUAN PLANT, THE "PLANTS") AN ELECTRIC POWER GENERATING PLANT LOCATED IN SAN JUAN COUNTY, NEW MEXICO, INTERESTS IN WHICH ARE OWNED BY THE COMPANY, SAID REVENUE BONDS TO BE PAYABLE BY THE CITY SOLELY FROM THE REVENUES PAYABLE TO THE CITY BY PUBLIC SERVICE COMPANY OF NEW MEXICO PURSUANT TO CERTAIN INSTALLMENT SALE AGREEMENTS DATED AS OF \_\_\_\_\_, 2016 BETWEEN THE CITY, AS VENDOR, AND PUBLIC SERVICE COMPANY OF NEW MEXICO, AS VENDEE, AND CERTAIN OTHER MONEYS PLEDGED THEREFOR HEREUNDER, SAID REVENUE BONDS NEVER TO CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION, AND NEVER TO CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF THE CITY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS AND DECLARING THAT EMERGENCY CIRCUMSTANCES EXIST WITH RESPECT THERETO.

Addressing the Council as the Assistant Treasurer for PNM Resources, Michael Rico introduced fellow colleagues Gregory Theobald, PNM Financial Analyst, Craig Scully of Katten Muchin Rosenman LLP, bond counsel for PNM, and David Lucas of Sherman and Howard, special bond counsel to the City. He urged the Council to adopt the two proposed ordinances dealing with the refinancing of the Pollution Control Revenue Refunding Bonds for the San Juan and Four Corners Projects.

After consideration of Ordinance No. 2016-1291, a motion was made by Councilor McCulloch, 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 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 and Ordinance No. 2016-1291 was duly passed and adopted.

Lastly, Ms. Breakell presented a proposed ordinance pertaining to Pollution Control Revenue Refunding Bonds, 2016 Series B (Public Service Company of New Mexico San Juan and Four Corners Project) and recommended that the ordinance, if adopted, be given the number 2016-1292. The title of the ordinance being:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE BY THE CITY OF FARMINGTON, NEW MEXICO OF ITS REVENUE BONDS DESIGNATED "POLLUTION CONTROL REVENUE REFUNDING BONDS, 2016 SERIES B (PUBLIC SERVICE COMPANY OF NEW MEXICO SAN JUAN AND FOUR CORNERS PROJECTS)" TO BE ISSUED IN AN AGGREGATE PRINCIPAL AMOUNT OF \$100,000,000 TO BE ISSUED PURSUANT TO THE PROVISIONS OF THE POLLUTION CONTROL REVENUE BOND ACT, CHAPTER 397, LAWS OF 1973 OF THE STATE OF NEW MEXICO, 31ST LEGISLATURE, 1ST SESSION, AS AMENDED FOR THE PURPOSE OF REFUNDING OUTSTANDING REVENUE BONDS ISSUED UNDER SUCH ACT TO REFUND PREVIOUSLY ISSUED REVENUE BONDS UNDER SUCH ACT TO REFUND PREVIOUSLY ISSUED REVENUE BONDS UNDER SUCH ACT TO FINANCE THE COST TO PUBLIC SERVICE COMPANY OF NEW MEXICO (THE "COMPANY") A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF NEW MEXICO (THE "STATE") OF (I) CERTAIN FACILITIES (THE "SAN JUAN FACILITIES") FOR THE ABATEMENT, CONTROL, REDUCTION OR PREVENTION OF AIR AND WATER POLLUTION CAUSED BY THE OPERATION OF UNITS 1, 2, 3 AND 4 ("UNITS 1, 2, 3 AND 4") AT THE SAN JUAN GENERATING STATION (THE "SAN JUAN PLANT") LOCATED IN SAN JUAN COUNTY, NEW MEXICO, INTERESTS IN WHICH ARE OWNED BY THE COMPANY AND (II) CERTAIN FACILITIES (THE "FOUR CORNERS FACILITIES" AND TOGETHER WITH THE SAN JUAN FACILITIES, THE "FACILITIES") FOR THE ABATEMENT, CONTROL, REDUCTION OR PREVENTION OF AIR AND WATER POLLUTION CAUSED BY THE OPERATION OF UNITS 4 AND 5 ("UNITS 4 AND 5") AT THE FOUR CORNERS GENERATING STATION, (THE "FOUR CORNERS PLANT", AND TOGETHER WITH THE SAN JUAN PLANT, THE "PLANTS"), AN ELECTRIC POWER GENERATING PLANT LOCATED IN SAN JUAN COUNTY, NEW MEXICO, INTERESTS IN WHICH ARE OWNED BY THE COMPANY, SAID REVENUE BONDS TO BE PAYABLE BY THE CITY SOLELY FROM THE REVENUES PAYABLE TO THE CITY BY THE COMPANY PURSUANT TO A CERTAIN INSTALLMENT SALE AGREEMENT BETWEEN THE CITY, AS VENDOR, AND THE COMPANY, AS VENDEE, AND CERTAIN OTHER MONEYS PLEDGED THEREFOR HEREUNDER, SAID REVENUE BONDS NEVER TO CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION, AND NEVER TO CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF THE CITY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS AND DECLARING THAT EMERGENCY CIRCUMSTANCES EXIST WITH RESPECT THERETO.

After consideration of Ordinance No. 2016-1292, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch that said ordinance be passed and adopted as presented. 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 and Ordinance No. 2016-1292 was duly passed and adopted.

#### CLOSED MEETING

A motion was made by Councilor Duckett, seconded by Councilor McCulloch to close the meeting to discuss acquisition of real property (riverine trail system), pursuant to Section 10-15-1H(8) 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 6:25 p.m. with all members of the Council 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 McCulloch, seconded by Councilor Rodgers to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 6:36 p.m. with all members of the Council being present.

PURCHASE AGREEMENT/KENNY AND CANDY KENDRICK TRUST AND KEN INVESTMENT, LLC

Parks, Recreation and Cultural Affairs Director Cory Styron recommended approval of the Purchase Agreement between the City and the Kenny and Candy Kendrick Trust and Ken Investment, LLC for purchase by the City of 14.55 acres of property located in the Kenny Kendrick and Ken Investment tracts for riverine trail purposes. Noting that the purchase price is \$431,000, he stated that this amount has been budgeted in the 201 Fund for Fiscal Year 2017.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to approve the Purchase Agreement between the City and the Kenny and Candy Kendrick Trust and Ken Investment, LLC for 14.55 acres of land located in the Kenny Kendrick and Ken Investment tracts for riverine trail system improvements, as recommended, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 6:37 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 13<sup>th</sup> day of September, 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, August 16, 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	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett

constituting all the members of the Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Julie Baird
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie
DEPUTY CITY CLERK	Andrea Jones

#### EMPLOYEE OF THE MONTH PROGRAM AWARD

Employee Council President Kathy Farley recognized Library Receptionist Dacia Yazzie as the Employee of the Month award recipient for June 2016. Ms. Yazzie was not present at the meeting, but Ms. Farley read her nomination letter in full and the Mayor and Council expressed their appreciation for her dedication to the City.

#### PRESENTATION/LOWER ANIMAS WATERSHED BASE PLAN

Providing opening remarks, Public Works Director David Sypher stated that today's presentation will provide an update on the Lower Animas Watershed Base Plan ("Plan"). He reported that Paul Montoia is the City's representative in the San Juan Watershed Group ("SJWG") and he introduced San Juan Soil and Water Conservation District Interim Coordinator Melissa May and SJWS Coordinator David Tomko.

Utilizing a PowerPoint presentation, Mr. Tomko announced that the Plan is one of a dozen throughout New Mexico that has been accepted by the Environmental Protection Agency ("EPA") and the New Mexico Environment Department ("NMED") and he provided an illustration detailing the various pollutants of the San Juan, Animas and La Plata Rivers which are listed as "impaired" for not meeting water quality standards. At the request of the Mayor, Mr. Tomko reviewed the types of pollutants and stated that the most comparable river to the Animas River in New Mexico is the lower Rio Grande River from Hatch, New Mexico to the Texas border. He reviewed the 2014 sampling total maximum daily loads ("TMDLs") for nitrogen, phosphorous and E.coli bacteria and pointed out that the highest levels coincide with large rainstorms indicating that pollutants are flushed into the river from surrounding land parcels. In addition, Ms. May reported that the samplings revealed ruminant pollutant sources such as cattle, deer, sheep and goats approximately 90 percent of the time; stated that human-source bacteria was also present in the samples; and reiterated that the spikes in concentrations occurred with large rain events which indicates that illegal human dumping and manure from fields are flushed into the river.

Responding to City Manager Rob Mayes' inquiry, Mr. Tomko stated that there were no specific pollutant violations within the City's jurisdiction but reported that all complaints go directly to the NMED District Field Office. Additionally, Ms. May noted that the City's efforts in enhancing the public's general awareness of how pollutants enter the rivers has been greatly appreciated and pointed out that an informational flyer was included in a recent City utility bill mailing. In response to the Mayor's inquiry, Mr. Tomko confirmed that the water table is fairly high and stated that septic systems in the river valleys

in concentrated subdivisions are of the most concern for creating ground water pollutants. Responding to Councilor Duckett's question, Ms. May reported that the Hood and Porter Arroyos in the Foothills Drive area drain into the Animas River.

Ms. May pointed out that TMDLs are important because of the stricter nutrient guidelines in place for water discharged into the Animas River, noting that the City of Aztec's wastewater treatment plant discharges into the Animas River and she stated that the City of Farmington's wastewater treatment plant discharges into the San Juan River which does not have nutrient TMDLs in place at this time. Mr. Tomko explained that New Mexico does not have numerical standards in place for nitrates (nitrogen and phosphorous) in the San Juan River but stated that because of the observed presence of algae there are numerical standards in place for the Animas River. In addition, Ms. May noted that the San Juan River is a larger type of river which is more sinuous and has a sand bottom and reported that the State has not developed nutrient criteria for this type of river yet.

Following brief review of water studies performed in 2005 through 2008, Mr. Tomko discussed the Plan's nine key elements required by the EPA and the various components that make up the Plan. In regards to implementing the Plan, Ms. May reported that outreach programs and agricultural best management practices are underway and she explained that projects such as removing non-native vegetation from the river banks and replanting native vegetation to help improve the overall health of the river have been completed and will continue in the future. At the request of Mayor Roberts, Ms. May described some TMDLs reduction options ranging from minimal cost to multi-million dollar cost estimates and Mr. Tomko discussed the TMDLs reduction model for storm water detention ponds.

Responding to Councilor Duckett's questions, Mr. Tomko reported that modern landfills including the local landfill are heavily regulated and pose very minimal risk to polluting the river(s) and Ms. May pointed out that the Plan includes a soils map that illustrates the absorption properties of various soil types located in the area. Additionally, Mr. Tomko stated that the old Lee Acres landfill located in Flora Vista, New Mexico is designated as a "Superfund" site and noted that the leaching pollution plume is being monitored. In response to Councilor McCulloch's inquiry, Ms. May confirmed that the Plan will not mandate regulation for landowners near the river with livestock except those with large livestock population such as dairies and she stated that land conservation programs and resources are available to those landowners.

Concluding the presentation, Mr. Tomko discussed the pollutant source project opportunities and reiterated that this Plan is a fluid document and that projects can be removed or added as needed. Mr. Tomko also reported that the City will have an advantage on certain state and federal grant opportunities since the Plan has been accepted.

At the request of the Mayor, Mr. Sypher confirmed that the City's water treatment process effectively filters out water pollutants and that the drinking water distributed to the community meets all state and federal water quality standards.

#### FINANCIAL REPORT FOR THE 12 MONTHS ENDING JUNE 30, 2016

Utilizing a PowerPoint presentation to display financial data that he provided to the Council, Administrative Services Director Andy Mason reviewed the June 30, 2016 Financial Report. He reported that gross receipts tax revenues for all funds were 3.7 percent below those received last year; all revenues in the General Fund were 1.2 percent below budget and that expenditures were 1.7 below budget; expenditures in the Electric Utility Fund exceeded revenues by \$754,000; revenues in the Water Fund exceeded expenditures by \$0.58 million; and that expenditures in the Wastewater Fund exceeded revenues by \$0.69 million.

Responding to Mayor Roberts, City Manager Rob Mayes confirmed that the City has not declared an emergency but rather has utilized the available monies in the 408 Fund (cash account) to provide solvency to the Fiscal Year 2016 budget. Following discussion regarding the Electric Utility's power cost adjustment ("PCA"), Mr. Mayes commended the Electric Utility and Public Works' staff for their dedication to improving capital infrastructure for the community.

RESOLUTION NO. 2016-1600 APPROVING THE FINAL FISCAL YEAR 2016  
QUARTER FINANCIAL REPORT

Administrative Services Director Andy Mason presented and read by title Resolution No. 2016-1600 approving the final Fiscal Year 2016 financial report and requesting State approval.

Following consideration of Resolution No. 2016-1600, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean 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 Resolution No. 2016-1600 was duly passed and adopted.

RESOLUTION NO. 2016-1601 ADOPTING AN INFRASTRUCTURE CAPITAL  
IMPROVEMENT PLAN (ICIP)

City Manager Rob Mayes presented and read by title Resolution No. 2016-1601 adopting an Infrastructure Capital Improvement Plan (ICIP).

Councilor Duckett expressed his appreciation for the continued commitment to the Villa View Detention Pond and Foothills Drive Enhancements (Rinconada to Lakewood) projects.

Following consideration of Resolution No. 2016-1601, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean 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 Resolution No. 2016-1601 was duly passed and adopted.

PROPOSED ORDINANCE AMENDING CHAPTER 8, ARTICLE 13 OF THE CITY CODE

City Attorney Jennifer Breakell requested permission to publish notice of intent to consider adoption of a proposed ordinance amending Chapter 8, Article 13 of the City Code dealing with food catering/vending wagons and trucks.

Thereupon a motion was made by Councilor Duckett, seconded by Councilor Rodgers to direct the City Attorney to publish notice of intent to consider adoption of a proposed ordinance in accordance with State Statutes.

In response to Mayor Roberts, City Clerk Dianne Smylie reported that staff has worked closely together to "clean up" the existing ordinance without any substantial issues to staff or community members.

The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean 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, said motion carried.

COUNCIL BUSINESS

Intersection of San Juan Boulevard and Scott Avenue

In response to Councilor Rodgers' inquiry, Public Works Director David Sypher reported that construction at the intersection of San Juan Boulevard and Scott Avenue should be completed next week and explained that supply issues caused the delay in the completion of the project.

Meeting with Greg Anesi

At Councilor McCulloch's request, Assistant City Manager Julie Baird reported that staff will be meeting with Greg Anesi in the near future to provide a progress update on the funds he donated for the development of the riverine trail system on the property the City purchased from him.

2016 NEW MEXICO MUNICIPAL LEAGUE ANNUAL BUSINESS MEETING  
RESOLUTIONS AND POLICY STATEMENTS

Mayor Roberts reviewed the process that was initiated in 2014 to gather a consensus to either support or reject the proposed resolutions and policy statements being presented at the New Mexico Municipal League (NMML) Annual Business Meeting. City Manager Rob Mayes reported that staff does not have any concerns with the proposed resolutions or policy statements. In response to Councilor Duckett's inquiry, Mr. Mayes reported that tax reform including sales tax for e-commerce has its own committee that will most likely bring a resolution from the floor at the meeting. Additionally, Mayor Roberts announced that he has urged the legislative delegation to find a taxation remedy and stated that tax on inter-state sales and an overhaul of the current tax system will be topics at the 2<sup>nd</sup> Annual Mayors Summit in September.

With no further comments, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to direct the voting delegate to support the proposed resolutions and policy statements as presented, and upon voice vote, the said motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 10:43 a.m.

APPROVED this 13<sup>th</sup> day of September, 2016.

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Tommy Roberts, Mayor

SEAL

ATTEST:

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Dianne Smylie, City Clerk