

**CITY OF FARMINGTON  
CITY COUNCIL WORK SESSION AGENDA  
September 17, 2013 – 9:00 a.m.**

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**DEPARTMENT HEAD REPORTS**

1. Employee of the Month Award (Employee Council President Shannon Ben)
2. Public Hearing concerning a request for a waiver to the 300-foot separation requirement from a church to allow beer and wine to be served at La Hacienda Restaurant located at 2501 E. 20<sup>th</sup> Street, Suite 12 in the GC, General Commercial, District (Fran Fillerup) ----- 1

Action Requested of Council:

Conduct a public hearing and render a decision on the request for a waiver.

Background/Rationale:

La Hacienda Restaurant is located at 2501 East 20<sup>th</sup> Street, Suite 12 and is approximately 120 feet from the property line of United Pentecostal Church at 1900 Fairview Avenue. The restaurant has changed ownership and the State of New Mexico is requiring the new owner to obtain the waiver. A waiver was reviewed and approved in September 2012 for a restaurant at the same location (see attached memo).

Staff Recommendation:

Approve the waiver.

Instructions Upon Approval:

Staff from the Community Development Department will prepare a document recording the findings and final decision for the Mayor's signature and a copy will be provided to the City Clerk's office who will complete the work of the liquor license request.

3. Discussion and direction to staff regarding the draft Traffic Control Signal Policy (Nevin Harwick and Jeff Smaka)
4. Discussion and direction to staff regarding a report on the intersection of Piñon Hills Boulevard and Butler Avenue (Nevin Harwick and Jeff Smaka)
5. Discussion and direction to staff regarding signalization at the intersection of Piñon Hills Boulevard and Dustin Avenue (Nevin Harwick and Jeff Smaka)

6. Building Space Lease Agreement between the City and San Juan County Communications Authority (Todd Gressick)----- 2

Action Requested of Council:

Approve the lease agreement.

Background/Rationale:

The San Juan County Communications Authority has requested a lease agreement for Building M-1 for their backup communications center. Currently, they occupy a small portion of M-1 that will not meet their future needs. With the additional square footage that the lease agreement will provide they will invest an estimated \$300,000 to upgrade the backup communications center located there.

Staff and Airport Advisory Commission Recommendation:

Approve the Building Space Lease Agreement between the City and San Juan County Communications Authority.

Instructions Upon Approval:

Execute the lease agreement.

Budgetary Impact:

This lease agreement will increase Airport revenue by \$7,800 per year.

7. Building Space Lease Agreement between the City and Chief Pilot, LLC (Todd Gressick)----- 3

Action Requested of Council:

Approve the lease agreement.

Background/Rationale:

The current lease agreement between the City and Chief Pilot, LLC for Hangar H-10 expires on September 30, 2013. Chief Pilot has requested a new lease agreement for H-10 that includes updated rental rates and insurance requirements.

Staff and Airport Advisory Commission Recommendation:

Approve the Building Space Lease Agreement between the City and Chief Pilot, LLC.

Instructions Upon Approval:

Execute the lease agreement.

Budgetary Impact:

This lease agreement will increase Airport revenue by \$7,896 per year.

8. Adoption of Resolution No. 2013-1486 accepting and approving a certain Grant Agreement between the City and the Federal Aviation Administration (Todd Gressick)----- 4

Action Requested of Council:

Adopt resolution.

Background/Rationale:

The Four Corners Regional Airport has been working with the Federal Aviation Administration ("FAA") to obtain grant funding from the Airport Improvement Program for Federal Fiscal Year 2013 for reconstruction of Taxiway B and construction of an animal control fence. The estimated cost for these projects is \$2,044,146, with the FAA funding 93.75 percent (\$1,916,387), the State funding 3.125 percent (\$63,879) and the City funding 3.125 percent (\$63,880).

Staff Recommendation:

Adopt resolution.

Instructions Upon Approval:

If adopted, all copies of the grant application and resolution will be signed by the Mayor and returned to Airport Administration.

Budgetary Impact:

Both items are budgeted in FY14.

9. Adoption of Resolution No. 2013-1487 accepting and approving a certain Grant Agreement between the City and the Aviation Division of the New Mexico State Highway and Transportation Department (Todd Gressick)----- 5

Action Requested of Council:

Adopt resolution.

Background/Rationale:

The New Mexico Department of Transportation, Aviation Division will reimburse 90 percent or up to \$10,000 for airfield maintenance supplies to ensure that state airports are able to be maintained and operated in optimum condition. Staff is requesting reimbursement for herbicides.

Staff Recommendation:

Adopt resolution.

Instructions Upon Approval:

If adopted, all copies of the grant application and resolution will be signed by the Mayor and returned to Airport Administration.

Budgetary Impact:

This grant will provide funding for important airfield supplies and will supplement and reduce the airport's operational expenses.

10. Resolution Nos. 2013-1488 and 2013-1489 request Federal funding assistance under the Transportation Alternatives Program ("TAP") for Phase 1 (Clayton to Fairview) and Phase 2 (Fairview to Sullivan) of the 20<sup>th</sup> Street Sidewalk project (Jeff Smaka) ----- 6

Action Requested of Council:

Approve Resolution Nos. 2013-1488 and 2013-1489 and direct staff to proceed with submitting a grant to the New Mexico Department of Transportation ("NMDOT").

Background/Rationale:

When complete, the 20<sup>th</sup> Street Sidewalk projects will provide for five-foot-wide sidewalks and a minimum of four-foot clear path around obstructions (new NMDOT requirement) on both sides of 20<sup>th</sup> Street between Clayton and Sunset Avenues. Six-foot wide sidewalks already exist between Clayton Avenue and Main Street. Accessibility ramps will be upgraded as necessary.

The 20<sup>th</sup> Street Sidewalk project (from Clayton to Sunset) has been on the State Transportation Infrastructure Program (STIP) for many years. The new Federal MAP 21 legislation stipulated new requirements for funding and the amounts are significantly lower than previous years under the SAFETEA-LU program using Transportation Enhancement Program (TEP) funds. Staff evaluated the possible funding amounts, divided the project into four sections (each approximately a half mile in length), submitted applications to the Farmington Metropolitan Planning Organization ("MPO") and were successful in getting the MPO's recommendation for funding under the new TAP guidelines.

Staff will apply for funding for the next two phases as funds become available.

Staff Recommendation:

Adopt Resolution Nos. 2013-1488 and 2013-1489.

Instructions Upon Approval:

Submit applications to the Farmington MPO for submittal to NMDOT.

Budgetary Impact:

Phase I: NMDOT (\$156,543); City (\$32,157 from the 201 fund)

Phase II: NMDOT (\$108,495); City (\$22,287 from the 201 fund)

11. Resolution for Federal funding under the Transportation Alternatives Program ("TAP") for Southside River Road Trail Development (Cory Styron) ----- 7

Action Requested of Council:

Approve the resolution and direct staff to proceed with submitting a grant to the New Mexico Department of Transportation ("NMDOT").

Background/Rationale:

The Animas River Trail at Southside River Road is one leg of many segments of river trail improvements along the Animas River. The City is expanding its river trail to connect existing trail sections to new trail sections. This section will connect the Piñon Hills Bridge crossing upstream to City-owned land downstream on the north side of the Animas River.

The Southside project is a critical link to completing the trail system along the Animas River and provides a needed link to the east of the city that has the potential to connect the Animas Mall area to the trail system. New requirements for funding were implemented with the Federal MAP 21 legislation and the amounts were significantly lower than previous years under the TEA-21 using TPE (Transportation Pedestrian Enhancement) funds. Staff reviewed the projects along the river trail for possible funding. After identifying a possible segment, an application was submitted to the Farmington Metropolitan Planning Organization ("MPO") and was successful in getting the MPO's recommendation for funding under the new NMDOT TAP guidelines.

Staff Recommendation:

Adopt Resolution No. 2013-1490.

Instructions Upon Approval:

Submit application to Farmington MPO for submittal to the NMDOT.

Budgetary Impact:

Local match of \$7,939 required in FY15 from the 202 Fund.

12. Resolution No. 2013-1491 adopting the FY2014 Infrastructure Capital Improvement Plan (Rob Mayes and Teresa Emrich)----- 8

Action Requested of Council:

Adopt Resolution No. 2013-1491.

Background/Rationale:

A local infrastructure capital improvement plan ("ICIP") is a 5-year plan that establishes priorities for anticipated capital projects. The state-coordinated ICIP process encourages entities to plan for development of capital improvements so they do not find themselves in emergency situations; but can plan for, fund and develop infrastructure at a pace that sustains their activities. The projects included in the plan can be considered for state capital outlay appropriations during the legislative session.

Staff Recommendation:

Select the top five capital projects and adopt Resolution 2013-1491.

Instructions Upon Approval:

The top five projects will be filed in accordance with the ICIP requirements of the Department of Finance and Administration, Local Government Division, no later than September 30, 2013.

13. Discussion of and direction to staff concerning the polling places for the March 4, 2014 Regular Municipal Election (Dianne Smylie)

Action Requested of Council:

Provide direction to staff.

Background/Rationale:

Representatives from the Farmington School District have expressed concern about the use of Piedra Vista and Farmington High Schools as polling places during the upcoming election because the two campuses are closed and are monitored by security guards. If the facilities are used, the voters must go through security before they are allowed to enter the building. Since this may not be an ideal situation for the voters, staff is recommending that other facilities in District 4 be considered. Some possibilities are Piñon Hills Community Church, Country Club Elementary School and the School District Administration building. Staff is also open to other ideas for polling places in District 4.

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**COUNCIL BUSINESS**

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**CLOSED MEETING**

14. To discuss request for qualification-based proposals for professional engineering services for the Foothills Drive Widening project, pursuant to Section 10-15-1H(6) NMSA 1978.

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15. Request for qualification-based proposals for professional engineering services for the Foothills Drive Widening project (Eddie Smylie) ----- 9

Action Requested of Council:

Approve recommendation to award to the top evaluated firm.

Background/Rationale:

Proposals for professional engineering services for the Foothills Drive Widening project (Public Works) were opened on May 29, 2013 with five offerors participating. This item was approved for negotiations at the July 23, 2013 Regular City Council Meeting.

Staff Recommendation:

The evaluation committee recommends that the contract be awarded to Souder, Miller & Associates based upon the pricing schedule for services.

Instructions Upon Approval:

Execute agreement.

Budgetary Impact:

\$248,375.

**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.**

# Memo

To: Mayor Roberts and Members of the City Council

From: Fran Fillerup, Associate Planner

Date: September 17, 2013

Re: LV 13-01 – Waiver for La Hacienda Restaurant to serve beer and wine at 2501 East 20<sup>th</sup> Street, Suite 12

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Staff is recommending approval of a waiver to the minimum separation of an establishment serving beer and wine from a church. The applicant is Ms. Concepcion Soto de Baca and the establishment is La Hacienda Restaurant located at 2501 East 20<sup>th</sup> Street, Suite 12.

The property is in the GC General Commercial District. According to the Use Table of Section 2.3 in the City of Farmington Unified Development Code (UDC), restaurants serving beer and wine are permitted in the GC District, subject to Section 2.4.44 of the UDC, which refers to Section 5-2-1 of the Farmington City Code. That section of FCC refers to the need for compliance of liquor licenses with NM State Statute. According to NM State Statute Section 60-6B-10, if a restaurant is within 300 feet of a church or school, a variance or waiver from the local governing body is required.

The restaurant is located approximately 120 feet from the boundary line of the property owned by United Pentecostal Church at 1900 Fairview Avenue. The church has provided a letter indicating that they do not object to the request (see attached letter). The nearest school, Animas Elementary, is approximately 1,040 feet away on Hutton Avenue.

In September 2012, the previous owner of the restaurant obtained approval of a waiver, LV 12-01, for a license to serve beer and wine at the same location.





**CITY OF FARMINGTON**

800 Municipal Drive  
Farmington, NM 87401-2663  
Fax: (505) 599-1299  
<http://www.farmington.nm.us>

August 30, 2013

New Mexico Regulation and Licensing Department  
Alcohol and Gaming Division  
P.O. Box 25101  
Santa Fe, NM 87504-5101

**Re: Zoning Verification for 2501 East 20th Street, Suite 12, Farmington, NM — La Hacienda Restaurant**

To Whom It May Concern:

The property known as La Hacienda Restaurant, located at 2501 East 20th Street, Suite 12, Farmington, NM, is in the GC General Commercial District. Pursuant to Table 2.3 of the City of Farmington's Unified Development Code, a restaurant serving beer and wine is a permitted use in the GC General Commercial District, subject to the standards of Section 2.4.44. This section refers to Section 5-2-1 of Farmington City Code which allows the City to approve licenses authorized under the New Mexico Liquor Control.


Pursuant to New Mexico State Statute 60-6B-10, no license shall be issued for the sale of alcoholic beverages at an establishment that is within three hundred (300) feet of any church or school without a waiver from the local governing body (Farmington City Council). Per the business owner's application, the subject restaurant is located within 300 feet of a church; therefore, a waiver from the local governing body is required. A hearing by the City Council to consider this waiver is scheduled for Tuesday, September 17, 2013.

If you have any questions regarding this zoning letter, please feel free to contact me at (505) 599-1282. Please contact the City of Farmington City Clerk's office at (505) 599-1101 with any questions regarding the hearing.

Sincerely,

Fran Fillerup, AICP  
Associate Planner



  
 1 in : 100 ft



**AREA UNDER CONSIDERATION**  
**LV 13-01 La Hacienda Restaurant**  
**2501 East 20th Street**

9/17/2013  
 COMM. DEV. DEPT.



# UNITED PENTECOSTAL CHURCH

"A place of healing, hope, and restoration."  
1900 Fairview - Farmington, NM 87401

To Whom It May Concern,

I am writing in regards to a request made by Soto Debaca Concepcion, of La Hacienda Restaurant. It is my understanding that she is applying for a liquor license. While I do not advocate the use of alcohol, I do not see her intent causing us problems. I also believe whatever she does will be kept in order. Therefore I have chosen not to object her request.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Carrington".

Steve Carrington  
Pastor

**"Where the Spirit of the Lord is, there is liberty."**