

A G E N D A

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

1. Roll Call and Convening the Meeting:
2. Invocation: Pastor David Florez of The Journey 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 November 8, 2016;----- **15**
 - (b) the Special Meeting of the City Council held November 30, 2016;
and----- **16**
 - (c) the Regular Work Session of the City Council held November 15,
2016. ----- **17**
6. *Approval to Declare worn-out, unusable or obsolete vehicles and equipment (Administrative Services, Central Warehouse, General Services and Vehicle Maintenance) 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 the Disadvantaged Business Enterprise Program for the Red Apple Transit for Federal Fiscal Years 2017-2019 with a percentage goal of 1.5 percent in accordance with Federal Regulation 49 CFR Part 26. ----- **2**
8. *Approval of Purchase Agreement between the City and Shelly Wood also known as Shelly S. Heath, Trustee of the Melvin K. and Lucy L. Heath Trust, for purchase by the City of 373 square feet of land located in Section 30, Township 30 North, Range 12 West for an easement for Phase I of the Foothills Enhancement project (purchase price \$500). ----- **3**
9. *Approval of Purchase Agreement between the City and William A. Pope, Jr. and Marjorie L. Pope for purchase by the City of 1,738 square feet of land located in Section 30, Township 30 North, Range 12 West for an easement for Phase I of the Foothills Enhancement project (purchase price \$1,750). ---- **4**

10. *Approval of Purchase Agreement between the City and Jeffrey M. Sarvash and Terri L.A. Sarvash for purchase by the City of 699 square feet of land located in Section 30, Township 30 North, Range 12 West for a temporary construction permit for Phase I of the Foothills Enhancement project (purchase price \$250).-----5
11. *Approval of Purchase Agreement between the City and Ann Rhien Palmer and Lawrence C. Palmer for purchase by the City of 809 square feet of land located in the Taylor Tyson Summary Subdivision (Lot 1) for a temporary construction permit for Phase I of the Foothills Enhancement project (purchase price \$250).-----6
12. *Approval of Purchase Agreement between the City and Byron Dennis Campbell and Cherly Lynne Campbell for purchase by the City of 537 square feet of land located in the Tyler Subdivision (Lot 3) for a temporary construction permit for Phase I of the Foothills Enhancement project (purchase price \$250).-----7
13. *Approval of Purchase Agreement between the City and Gene A. Whitehorn and L. Elaine Whitehorn for purchase by the City of 78 square feet of land located in the Tyler Subdivision (Lot 2) for a temporary construction permit for Phase I of the Foothills Enhancement project (purchase price \$250).-----8
14. *Approval of Purchase Agreement between the City and Maxine W. Rhien, Trustee of the Robert E. Rhien and Maxine W. Rhien Revocable Trust, for purchase by the City of 198 square feet of land located in the Rhien Subdivision (Lot 1) for Phase I of the Foothills Enhancement project (purchase price \$750).-----9
15. *Approval of Purchase Agreement between the City and Terry Wade and Nelda Wade for purchase by the City of 1,640 square feet of land located in Section 19, Township 30 North, Range 12 West (Lot 56) for Phase I of the Foothills Enhancement project (purchase price \$3,900).----- 10
16. *Approval of Purchase Agreement between the City and Marianne F. Van Riel for purchase by the City of 1,474 square feet of land located in Section 19, Township 30 North, Range 12 West (Lot 55) for Phase I of the Foothills Enhancement project (purchase price \$2,000). ----- 11
17. *Approval of Recommendation from the Liquor Hearing Officer for approval of Application #1017387 for a new Restaurant License (beer and wine for on premise consumption only) from Marnina, LLC, 4800 College Boulevard, Suite 204, Farmington, New Mexico doing business as Dickey's Barbecue Pit, 3701 Messina Drive, Building 100, Farmington, New Mexico. (Hearing held November 30, 2016)----- 12
18. *Approval of Warrants up to and including December 10, 2016.

- 19. Public Hearing to receive comments on the Community Development Block Grant 2015 Consolidated Annual Performance Evaluation Report (CAPER); **AND Adoption of Resolution No. 2016-1613** adopting the Community Development Block Grant 2015 Consolidated Annual Performance Evaluation Report (CAPER) (Teri Clashin) ----- **13**
- 20. New Business:
 - (a) Mayor
 - (b) Councilors
 - (c) City Manager
 - (d) City Attorney
 - (e) City Clerk
- 21. Business from the Floor:
 - (1) Items removed from Consent Agenda for discussion.
 - (2) Any other Business from the Floor.
- 22. Closed Meeting to discuss request for qualification-based proposals for Downtown Farmington Revitalization – Complete Streets, pursuant to Section 10-15-1H(6) NMSA 1978.
- 23. Proposal: Recommendation from the Chief Procurement Officer to commence negotiations on the qualification-based proposal for Downtown Farmington Revitalization – Complete Streets (Community Development) with Occam Engineers, Inc. as the top evaluated firm after application of the five percent in-state and Veterans preferences. Proposals opened November 2, 2016 with five offerors participating. ----- **14**
- 24. 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
Chief Procurement Officer

DATE: December 7, 2016

SUBJECT: Declaration of Worn-Out, Unusable or Obsolete Property

USING DEPARTMENT: General Services / Vehicle Maintenance
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The Central Purchasing Division of the Administrative Services Department concurs with the recommendation from the Central Warehouse and Vehicle Maintenance to declare the following vehicles and equipment as worn-out, unusable or obsolete.

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

Kristi Benson (Presenter)
Consent Agenda, City Council Meeting 12/13/2016

xc: Brooke Quintana, Accounting, Controller
Sarah Talley, Accounting, Staff Accountant – Grants Administrator
Ross DeVargas, Accounting, Staff Accountant – Fixed Assets
Jerry Parson, Vehicle Maintenance Superintendent
Bob Schrag, Warehouse Superintendent

Surplus Vehicles

UNIT #	VIN / SERIAL #	YEAR	MAKE	MODEL / DESCRIPTION
9330	TO310SE836571	1997	JOHN DEERE	LOADER/BACKHOE 4X4 310SE
9661	2G1WF52E649204241	2004	CHEVROLET	IMPALA SEDAN 4DR
9725	1FMPU16545LA93702	2005	FORD	EXPEDITION 4X4 4DR MARKED
9743	2FAFP71W65X157015	2005	FORD	CROWN VIC MARKED UNIT

**CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM**

TO: Mayor Roberts and City Council

FROM: Andrew Montoya, Red Apple Transit Administrator

DATE: November 7, 2016

SUBJECT: Consent Agenda on the DBE Percentage Goal

USING DEPARTMENT: General Services Department

City of Farmington doing business as (dba) Red Apple Transit (RAT) -Disadvantaged Business Enterprise (DBE) program ensures that socially (women, Blacks, Hispanics, Native, Asian, or other minorities) and economically (small businesses) disadvantaged businesses are non-discriminated against when awarding federally funded contracts.

Because the City receives federal funding for the transit system, it is to comply with Federal Regulation 49 CFR (Transportation) Part 26 (DBE) requiring it to contract out to DBE certified businesses. The City, following the Federal Transit Administration (FTA) guidance, determines a percentage goal of the amount of federal financial assistance to go towards DBE certified businesses for the next three years to encourage more local businesses to become DBE certified

There are 897 DBE contracting opportunities in New Mexico of which 7 are in the local area that are ready, willing, and able. A percentage goal of 1.5% of federal financial assistance is to go towards DBE certified businesses for the next 3 years. The percentage calculates to \$8,845 annually. City of Farmington/dba RAT currently has 1 DBE certified business under contract known as Arellano's Power Washing and Cleaning. Arellano services cleans the buses and shelters. The contract is for \$25,125 annually which is over the minimum federal DBE requirement of \$8,845 annually.

Based on the FTA guidance and calculations, the council is presented to approve the percentage goal of 1.5% for the next 3 years. Goal could be set higher, however the 1.5% is realistic and required at a minimum based on the data. Approval will be publicized through public notice and newsletter to inform DBE certified businesses of the City of Farmington's contracting percentage goal.

Andrew Montoya (Presenter)
Consent Agenda/Council Meeting – December 13, 2016

xc: Edward Smylie - General Service Department, Director
Sarah Talley – Accounting, Staff Accountant – Grants Admission

City of Farmington

Red Apple Transit

Federal Fiscal Years 2017 -2019

DBE Goal Policy Statement/Overall Goal Calculation/Public Participation-Notice

Section 26.1, 26.23 Objectives/Policy Statement

The City of Farmington/dba Apple Transit has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (FTA/DOT), 49 CFR Part 26. The City of Farmington has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City of Farmington has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the City of Farmington to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in FTA/DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of FTA/DOT assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for FTA/DOT assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in FTA/DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Andrew Montoya has been delegated as the DBE Liaison Officer. In that capacity, Mr. Montoya is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Farmington in its financial assistance agreements with the Department of Transportation.

City of Farmington has disseminated this policy statement to the City Council and all of the components of our organization. We will distribute this statement to DBE and non-DBE business communities that perform work for us on FTA/DOT-assisted contracts and will place notice in the local newspaper.

Robert Mayes
Manager, City of Farmington
City of Farmington

Date

September 16, 2016

Legal Department
Approved as to form
By [Signature]
Date 11/10/16

1

Section 26.45 Overall Goal Calculation – Amount of Goal

1. The City of Farmington’s overall DBE goal for FFY 2017-2019 is the following: 1.5% of the Federal financial assistance budgeted to be expended in FTA/DOT assisted contracts exclusive of FTA funds to be used for the purchase of transit vehicles.
2. \$1,768,873 is the dollar amount of FTA/DOT assisted contracts that the City expects to award during FFY 2017-2019. The dollar amount was derived by reviewing budget expenditures and types of contracting opportunities most available for utilization. (Relative Availability/Weighted Calculation) The data collected was a detailed evaluation of what specific contracting opportunities Red Apple Transit would be purchasing and seeking reimbursement from FTA.

Therefore, the City has set a goal of expending \$26,533 with DBEs during FFY 2017-2019.

NAICS Category	Federal Participation @
	60.5%
Manufacturing	\$ 19,965
Wholesale Trade	\$ 54,450
Transportation/ Warehousing	\$ 476,472
Information	\$ 1,210
Professional, Scientific, Technical Services	\$ 17,304
Other Services	\$ 2,883
Assume 3% Annual Growth	
2014	\$ 572,284
2015	\$ 589,453
2016	\$ 607,136
Total Federal Share (5307)	\$ 1,768,873
DBE Goal @ 1.5%	\$ 26,533

Step 1: 26:45 (c)

Part One

Determine the base figure for the relative availability of DBE's. The base figure for the relative availability of DBE's was calculated as follows:

$$\text{Base figure} = \frac{\text{Ready, willing, and able DBEs (7)}}{\text{All firms ready, willing and able (897)}} = .78 \%$$

The data source or demonstrable evidence used to derive the numerator was:

The City evaluated the NMDOT Directory for existing certified DBEs participating in the Unified Certification Program for the Farmington service area including the Cities of Farmington, Aztec, Bloomfield and Kirtland as well as other areas included in the Farmington MSA and San Juan County. Seven active Vendors and associated NAICS Commodity Codes were identified as participating in the certification program for Disadvantaged Business Enterprise Program.

NAICS Commodity Code	UPC/DBE Work Code Description	NMDOT Certified DBE
238	Painting	1
484	Trucking	2
399	Transit Service - Other	0
502	Telecommunications/Data/Electronic	0
541	Engineering/Environmental Service	3
512	Printing Service	0
562	Power washing/cleaning	1
625	Diesel	0
627	Furniture, Equipment, Supplies, Office	0
656	Printing Equipment	0
671	Toiletries	0
675	Transit Supplies/equipment	0
678	Uniforms/Clothing	0
		7

This Directory contains all firms certified by the New Mexico Unified Certification Program. The firms listed have been certified in accordance with 49 CFR Part 23 and 26. The businesses have undergone a certification process and are bona fide DBEs. The list is published in accordance with 49 CFR Part 26.

The data source or demonstrable evidence used to derive the denominator was:

- Statistics of US Businesses (USBS), 2013 Annual Data-Tables by Establishment Industry in data file: msa_naicssector_2013. This was the most recent available data.
- These statistics were coordinated with the NAICS Commodity codes identified with the certified DBEs.
- NAICS Code 23 Construction was not included as the City does not anticipate any facility construction in 2017 to 2019.

NAICS Category	Available Contracting Opportunities
Manufacturing	80
Wholesale Trade	163
Transportation/ Warehousing	112
Information	18
Professional, Scientific, Technical Services	251
Other Services	273
	897

This data provides the number of overall applicable businesses available in the Farmington MSA service area. The NAICS categories surveyed include manufacturing, wholesale trade, retail trade, transportation and warehousing, information, professional services, administrative support, and other services. An example of the various services in these categories is shown below.

2012 NAICS	NAICS CODE DETAIL	INDEX ENTRY-US NAICS TITLE
Manufacturing		
31-33	3341	Computer and Peripheral Equipment Manufacturing
31-33	32311	Printing
31-33	315	Apparel Manufacturing
31-33	333319	Carwashing machinery manufacturing-Other Commercial and Service Industry Machinery Manufacturing
31-33	334220	GPS (global positioning system) equipment manufacturing-Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing
31-33	334310	Audio and Video Equipment Manufacturing
31-33	339950	Signs and signboards (except paper, paperboard) manufacturing-Sign Manufacturing
Wholesale Trade		
42	423110	Bus merchant wholesalers-Automobile and Other Motor Vehicle Merchant Wholesalers
42	423430	Printers, computer, merchant wholesalers-Computer and Computer Peripheral Equipment and Software Merchant Wholesalers
42	423610	Security systems merchant wholesalers-Lighting fixtures, electric, merchant wholesalers-Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers
42	423710	Fasteners (e.g., bolts, nuts, rivets, screws) merchant wholesalers-Hardware Merchant Wholesalers
Retail Trade		
44-45	45431	Fuel Dealers
44-45	441310	Automobile parts dealers-Automotive Parts and Accessories Stores
44-45	444130	Hardware stores
44-45	445110	Food (i.e., groceries) stores-Supermarkets and Other Grocery (except Convenience) Stores
44-45	453210	Office supply stores-Office Supplies and Stationery Stores
Transportation and Warehousing		
48-49	488410	Tow truck services-Motor Vehicle Towing

City of Farmington/dba Red Apple Transit
 DBE Goal for FFY 2017-2019

Information		
		Newspaper publishers (except exclusive Internet publishing)-
51	511110	Newspaper Publishers
51	512110	Video production-Motion Picture and Video Production
		Cellular telephone services-Cellular and Other Wireless
51	517212	Telecommunications
Professional, Scientific, and Technical Services		
54	541330	Engineering services
54	541430	Graphic art and related design services-Graphic Design Services
		Software programming services, custom computer-Custom
54	541511	Computer Programming Services
		Advertising services, indoor or outdoor display-Display
54	541850	Advertising
Administrative and Support and Waste Management and Remediation Services		
		Trash collection services/Trash hauling, local-Solid Waste
56	56211	Collection
56	561431	Parcel mailing services, private-Private Mail Centers
		Security alarm systems sales combined with installation, repair,
		or monitoring services-Security Systems Services (except
56	561621	Locksmiths)
Other Services (except Public Administration)		
81	81111	Automotive Mechanical and Electrical Repair and Maintenance
81	81112	Automotive Body, Paint, Interior, and Glass Repair

In addition, searches of online and printed yellow page listings for businesses providing needed contract services and goods, a review of current City bid lists, and Chamber of Commerce members was developed.

When we divided the numerator by the denominator we arrived at the base figure for our overall goal and that number was 0.78%.

Part Two

After calculating the base figure of the relative availability of DBEs, evidence was examined to arrive at the overall goal. To achieve higher accuracy, it was necessary to weigh the relative availability calculations for the base figure. Weighting involves giving the amount of money spent on each contracting opportunity category a specific weight percentage. That percentage is then multiplied by the relative availability of DBEs to provide a refined look at what types of contracting opportunity and the amount of funding spent on those contract in determining the base figure of the goal.

City of Farmington/dba Red Apple Transit
 DBE Goal for FFY 2017-2019

NAICS Category	Federal Participation @	Weight	NMDOT Certified DBE	Available Contracting Opportunities	Relative Availability	Weighted Base Figure
	60.5%					
Manufacturing	\$ 19,965	3.5%	0	80	0.00%	0.00%
Wholesale Trade	\$ 54,450	9.5%	0	163	0.00%	0.00%
Transportation/ Warehousing	\$ 476,472	83.3%	2	112	1.79%	1.49%
Information	\$ 1,210	0.2%	0	18	0.00%	
Professional, Scientific, Technical Services	\$ 17,304	3.0%	3	251	1.20%	0.01%
Other Services	\$ 2,883	0.5%	2	273	0.73%	0.01%
Assume 3% Annual Growth						
2014	\$ 572,284		7	897	0.78%	1.51%
2015	\$ 589,453					
2016	\$ 607,136					
Total Federal Share (5307)	\$ 1,768,873					
DBE Goal @ 1.5%	\$ 26,533					

Weighted DBE goal	1.5%
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Based on weighting, the base figure from Step One could be increased to 1.5%.

Step 2:26.45(d)

Based on DOT guidance for DBE goal setting (*Tips for Goal-Setting in the DBE Program*), the past performance of DBE certified firms is a good way to adjust the figure determined in Step One. Also per DOT guidance, if the contracting opportunities are different from previous years, past participation cannot be used accurately. The City of Farmington was able to exceed the prior goal of 1% and we are confident we will be able to meet this higher goal. No construction projects are anticipated.

Therefore, the methodology in Step One has been adjusted based on the relative availability calculation. The City of Farmington/dba Red Apple Transit overall DBE goal for Federal Transit funds for FFY 2017-2019 is 1.5%

Other factors influencing goal setting process:

1. Public Participation: We rely on active involvement in the NM Disadvantaged Business Enterprise System. The City will notify all certified DBEs and potential DBE companies in the local market area that this DBE Goal Setting process is being completed and will be provided information upon request. We have also prepared a newsletter/public service announcement that has been distributed to local Chamber of Commerce, MPO, and other

business organizations. This announcement included an offer to meet and discuss the proposed goal and rationale used to develop the goal.

2. Public Notice: The City of Farmington will publish FFY 2017-19 DBE goal information in the Farmington Daily Times.

Public Notice

City of Farmington/dba Red Apple Transit

Participation in Federal Transit Administration DBE Program

In accordance with the requirements of the U.S. Department of Transportation as set forth in 49 C.F.R. Part 26, as amended, the City of Farmington/dba Red Apple Transit hereby notifies the public that it is recommending the following Disadvantaged Business Enterprise (DBE) goal for applicable operating and administrative procurements to support Red Apple Transit during Fiscal Year 2017 to 2019, beginning October 1, 2016 and ending September 30, 2019. The overall total DBE goal for the fiscal year is 1.5%. Information pertaining to this goal and a description of how it was selected is available for inspection from 8:00 A.M. to 5:00 P.M. (mountain daylight time) at the City of Farmington, 800 Municipal Drive, Farmington, NM, for 30 days following the date of this notice. Written comments on this goal will be accepted for 45 days from the date of this notice. The comments are for information purposes only and may be sent to the DBE Office, same address, or to the Regional VI Civil Rights Officer, Federal Transit Administration, Region VI, 819 Taylor Street, Room 8A3T, Fort Worth, TX, 76103.

3. Race Neutral Participation. The City of Farmington does not have any data upon which to base a conclusion that there will be any DBE participating in any of the projects funded by the FTA that will qualify as race-conscious according to the description of "race-conscious participation" found in 49 CFR Part 26. Therefore, the City anticipated meeting the 1.5 % FFY 2017-2019 goal entirely with race-neutral DBE participation.

Conclusion:

The City of Farmington dba Red Apple Transit FFY 2017-19 DBE goal for FTA Section 5307 funds is 1.5%.

INTER

OFFICE

MEMO

To: Mayor and Council
From: Nica J. Westerling, City Engineer
Date: December 9, 2016 *NJW*
Subject: Right of Way Acquisition for Foothills Enhancements Phase 1

Several years ago the City started the process of designing improvements for Foothills Drive between Holmes and Lakewood. As part of the process there were a series of public meetings. At the first meeting and several others the two major concerns expressed by the public were traffic calming and drainage. After a traffic study verified speeding in both directions was an issue, traffic calming was incorporated into the design. Roundabouts were designed at both Rinconada and Lakewood, necessitating right of way acquisition. The City received MAP funding for phase 1 (Holmes to Rinconada) from NMDOT prior to starting the right of way acquisition. After working through the right of way mapping, title search and appraisals in NMDOT's format we were allowed to start making offers. Our consultant over the last 60 days has successfully negotiated with all 9 property owners and we are purchasing the right of way, Temporary Construction Permit (TCP) or the Construction Maintenance Easement (CME) for the appraised values. These property acquisitions are required to construct this project. The cost for the acquisitions is \$9,900 which will be paid out of the 401 fund.

The final design for Foothills Enhancement Phase 1- Holmes to Lakewood includes two 11 foot vehicle lanes, 5 foot bike lanes and a 10 foot wide separated pedestrian path on the east side, with drainage improvements and a roundabout at Rinconada.

If approved by Council, staff will process the paperwork, pay the property owners and submit for our right of way certification from NMDOT, thereby clearing the way to bid the project in the spring with a spring/summer construction schedule.

Attached:
Spreadsheet with acquisitions listed
ROW/Easement Location Map
Contracts

Property Owner	Number	Map Color	Square Footage	Cost
Heath	2-CME-1	Pink	373	\$500
Pope	3-CME-1	Pink	1738	\$1,750
Sarvash	3-TCP-1	Blue	699	\$250
Palmer	3-TCP-2	Blue	809	\$250
Campbell	3-TCP-3	Blue	537	\$250
Whitehorn	3-TCP-4	Blue	78	\$250
Rhien	3-1	Green	198	\$750
Wade	3-2	Green	1640	\$3,900
Riel	3-3	Green	1474	\$2,000

CME- Construction Maintainance Easement

TPC- Temporary Construction Easement

3-x - Right of way acquisition

CONTRACT

Project: 13-98670
 Termini: Foothills Widening Phase I
 Parcel: 2-CME-1

Control #: L500144
 District: 5
 County: San Juan

THIS AGREEMENT made and entered into this 11 day of November, 2016
 between Shelly Wood a/k/a Shelly S. Heath, Trustee of the Melvin K. and Lucy L. Heath Trust
 whose address is 28 Road 5297, Farmington, NM 87401

Party of the First Part, and the City of Farmington, whose address is 800 Municipal Drive, Farmington, NM 87402, hereinafter referred to as the City. For the purposes of this contract, Party shall be deemed to be either singular or plural as the context requires.

WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the City, a 373 sq. ft. parcel of land for an Easement as more particularly described on Exhibit "A", attached hereto and made a part hereof, for roadway purposes situated in San Juan County, State of New Mexico, and subject to the following terms and conditions:

1. THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
2. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said Party of the First Part agrees to discharge the same.
3. THIS CONTRACT shall be binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by City Council or his authorized representative.
4. The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, the right to enter thereon is **HEREBY GRANTED** to the City, its duly authorized Agents and Contractors, upon receipt of payment by First Party.
5. The terms and conditions of this contract have been fully explained and are understood by the undersigned, and payment is to be made in accordance with the above conditions.
6. The consideration as set forth in the contract shall constitute full payment for the premises and all damages, of whatever nature, arising out of or by reason of the use of said premises for road construction purposes.
7. Party of the first part will hold the City harmless for any and all claims, demands or causes of action arising out of or as a result of the transactions as described herein.

The City agrees to pay the Party of the First Part for an Easement as follows:

Parcel	Sq. Ft.	Unit Value	% Fee	Land	Improvements	Net Damages	Total
2-CME-1	373	\$1.00/sq. ft.	100	\$500.00	NA	NA	\$500.00

Total Compensation \$ 500.00

City of Farmington

By: [Signature]
 Right of Way Negotiator -Chandler Marechal

Date: 12/7/16

Approved By: _____
 City Council -Mayor Tom Roberts

Date: _____

Party of the First Part: Shelly Wood
Shelly Wood a/k/a Shelly S. Heath

Date: 11/6/16

Legal Department
 Approved as to form
 By: [Signature]
 Date: 12/8/16

CONTRACT

Project: 13-98670
 Termini: Foothills Widening Phase I
 Parcel: 3-CME-1

Control #: L500144
 District: 5
 County: San Juan

THIS AGREEMENT made and entered into this 3rd day of Nov., 2016
 between William A. Pope, Jr. and Marjorie L. Pope, Jr.
 whose address is P.O. Box 1999, Farmington, NM 87499

Party of the First Part, and the City of Farmington, whose address is 800 Municipal Drive, Farmington, NM 87402, hereinafter referred to as the City. For the purposes of this contract, Party shall be deemed to be either singular or plural as the context requires.

WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the City, a 1,738 sq. ft. parcel of land for an Easement as more particularly described on Exhibit "A", attached hereto and made a part hereof, for roadway purposes situated in San Juan County, State of New Mexico, and subject to the following terms and conditions:

1. THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
2. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said Party of the First Part agrees to discharge the same.
3. THIS CONTRACT shall be binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by City Council or his authorized representative.
4. The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, the right to enter thereon is **HEREBY GRANTED** to the City, its duly authorized Agents and Contractors, upon receipt of payment by First Party.
5. The terms and conditions of this contract have been fully explained and are understood by the undersigned, and payment is to be made in accordance with the above conditions.
6. The consideration as set forth in the contract shall constitute full payment for the premises and all damages, of whatever nature, arising out of or by reason of the use of said premises for road construction purposes.
7. Party of the first part will hold the City harmless for any and all claims, demands or causes of action arising out of or as a result of the transactions as described herein.

The City agrees to pay the Party of the First Part for an Easement as follows:

Parcel	Sq. Ft.	Unit Value	% Fee	Land	Improvements	Net Damages	Total
3-CME-1	1,738	\$1.10/sq. ft.	100	\$1,750.00	NA	NA	\$1,750.00

Total Compensation \$ 1,750.00

City of Farmington

By: *[Signature]*
 Right of Way Negotiator -Chandler Marechal

12/7/16
 Date

Approved By: _____
 City Council -Mayor Tom Roberts

 Date

Party of the First Part: *William A. Pope, Jr.*
William A. Pope, Jr.

11-3-16
 Date:

Party of the First Part: *Marjorie L. Pope*
Marjorie L. Pope, JR.

11-3-16
 Date:

Legal Department
 Approved as to form
 By: *[Signature]*
 Date: 12/8/16

Exhibit "A"
Page 1

Attached to and made a part of that certain Contract by William A. Pope, Jr. and Marjorie L. Pope, Jr. and the City of Farmington.

Description: A 1,738 sq. ft. parcel of land depicted below as 3-CME-1, out of the following:

A 1.00 acre lot, more or less, located in the N/2SW/4/NW/4NE/4 of Section 30, Township 30 North, Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico being described as follows: Beginning at a point that is 823.58 feet South 0 degrees 37'00" East from the corner of said Section 30, being on the centerline of Foothills Drive and on the West line of said N/2SW/4NW/4NE/4 and being the Southwest corner of the property described in Book 1128, Page 417 of the Records of said county; Thence North 89 degrees 47'11" East 264.00 feet to the Southeast corner of the property described in Book 1128, Page 417 of the Records of said county; Thence South 0 degrees 37'00" West 164.61 feet to appoint on the South line of said N/2SW/4NW/4NE/4; Thence South 89 degrees 43'44" West 264.00 feet along said South line to a point on the West line of said N/2SW/4NW/4NE/4; Thence North 0 degrees 37'00" East 164.88 feet along said West line to the point of beginning.

Note: According to the San Juan County Assessor's Office, the above property has been assigned Parcel Number 2072175250437.

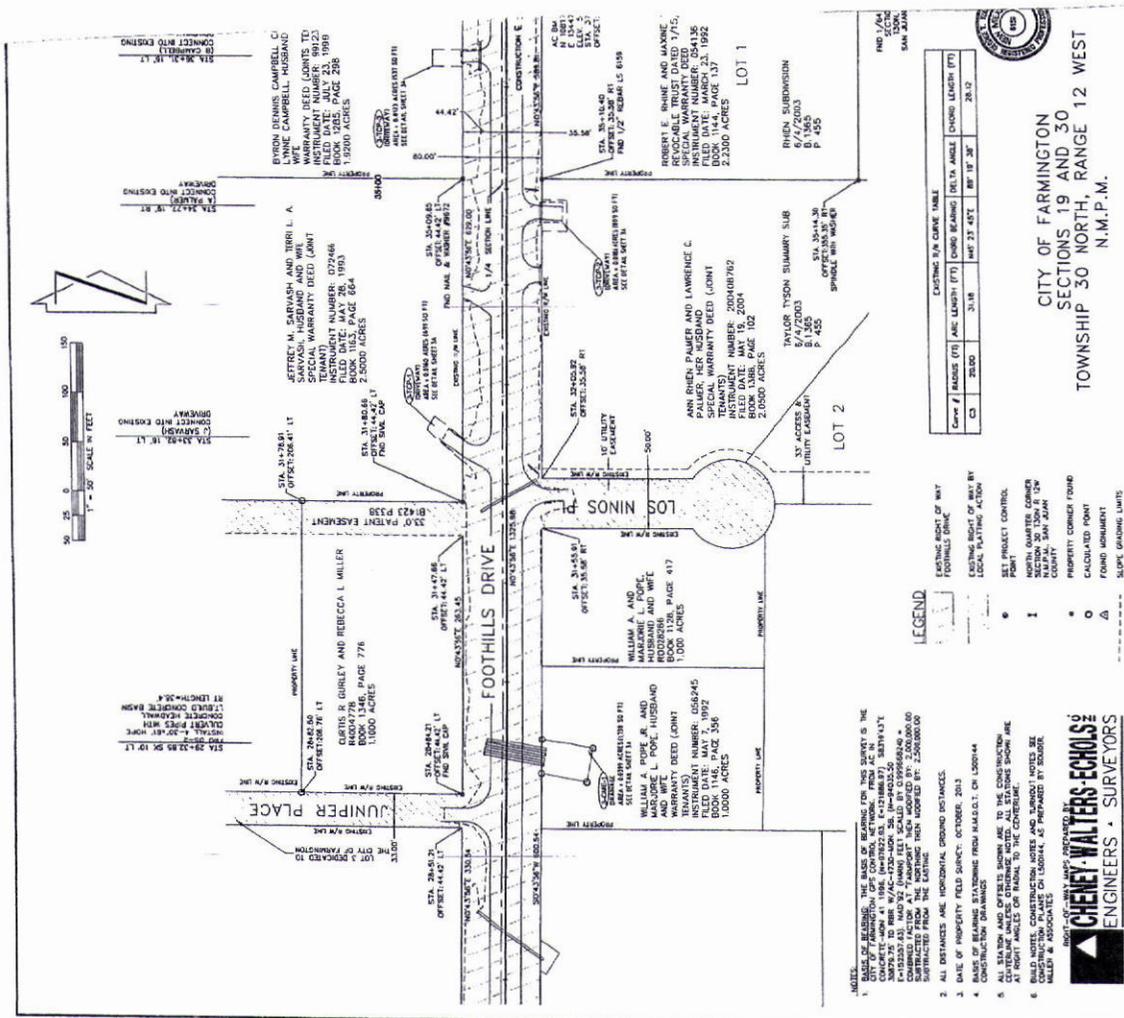


Exhibit "A"

Page 2

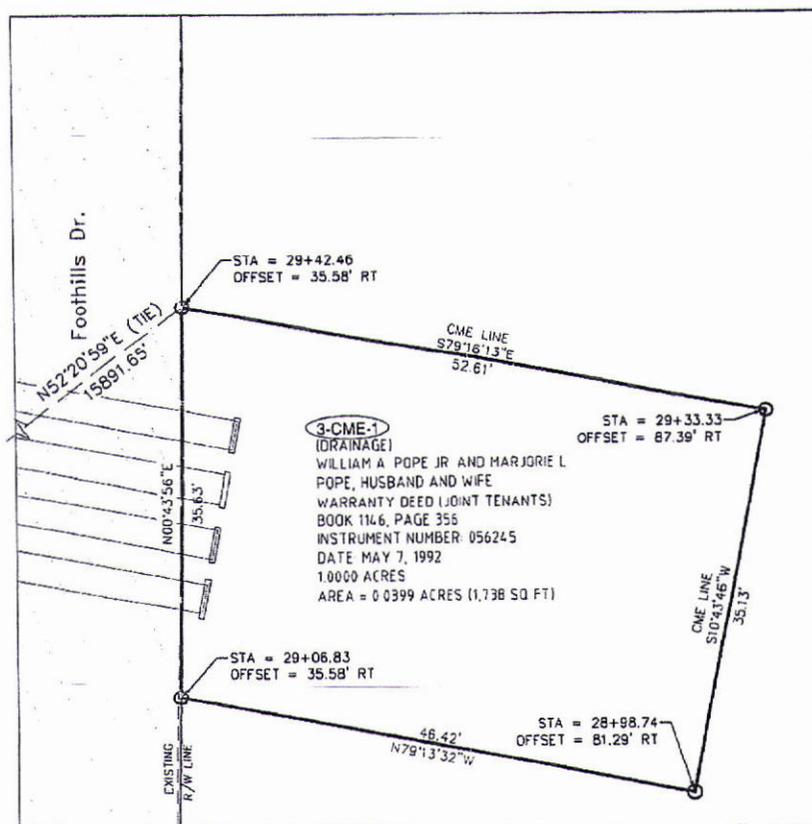
Attached to and made a part of that certain Contract by William A. Pope, Jr. and Marjorie L. Pope, Jr. and the City of Farmington.

Description: A 1,738 sq. ft. parcel of land depicted below, out of the following:

A 1.00 acre lot, more or less, located in the N/2SW/4/NW/4NE/4 of Section 30, Township 30 North, Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico being described as follows: Beginning at a point that is 823.58 feet South 0 degrees 37'00" East from the corner of said Section 30, being on the centerline of Foothills Drive and on the West line of said N/2SW/4NW/4NE/4 and being the Southwest corner of the property described in Book 1128, Page 417 of the Records of said county; Thence North 89 degrees 47'11" East 264.00 feet to the Southeast corner of the property described in Book 1128, Page 417 of the Records of said county; Thence South 0 degrees 37'00" West 164.61 feet to appoint on the South line of said N/2SW/4NW/4NE/4; Thence South 89 degrees 43'44" West 264.00 feet along said South line to a point on the West line of said N/2SW/4NW/4NE/4; Thence North 0 degrees 37'00" East 164.88 feet along said West line to the point of beginning.

Note: According to the San Juan County Assessor's Office, the above property has been assigned Parcel Number 2072175250437.

Survey of 3-CME-1



CONTRACT

Project: 13-98670
Termini: Foothills Widening Phase I
Parcel: 3-TCP-1

Control #: L500414
District: 5
County: San Juan

THIS AGREEMENT made and entered into this 7th day of December, 2016 between Jeffrey M. Sarvash and Terri L.A. Sarvash, whose address is 6317 Foothills Drive, Farmington, New Mexico 87402

Party of the First Part, and the City of Farmington, whose address is 800 Municipal Drive, Farmington, NM 87402, hereinafter referred to as the City. For the purposes of this contract, Party shall be deemed to be either singular or plural as the context requires.

WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the City, a 699 sq. ft. parcel of land for a Temporary Construction Permit more particularly described on Exhibit "A", attached hereto and made a part hereof, for roadway purposes situated in San Juan County, State of New Mexico, and subject to the following terms and conditions:

CONDITIONS:

1. Under no circumstances shall construction in the Temporary Construction Permit area, as depicted on Exhibit "A", have a duration longer than one month.
2. Road base and pavement will be utilized by the City of Farmington to match grades from Foothills Drive to the driveway within the Temporary Construction Permit Area.

1. THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.

2. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said Party of the First Part agrees to discharge the same.

3. THIS CONTRACT shall be binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by City Council or his authorized representative.

4. The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, the right to enter thereon, is **HEREBY GRANTED** to the City, its duly authorized Agents and Contractors, upon receipt of payment by First Party.

5. The terms and conditions of this contract have been fully explained and are understood by the undersigned, and payment is to be made in accordance with the above conditions.

6. The consideration as set forth in the contract shall constitute full payment for the premises and reasonable damages arising out of or by reason of the use of said premises for road construction purposes.

7. Party of the first part will hold the City harmless for any and all claims, demands or causes of action arising out of or as a result of the transactions as described herein.

THE City agrees to pay the Party of the First Part for a Temporary Construction Permit as follows:

Parcel	Sq. Ft.	Unit Value	% Fee	Land	Improvements	Net Damages	Total
3-TCP-1	699	\$1.00/sq. ft.	100	\$250.00	NA	NA	\$250.00

Total Compensation \$ 250.00

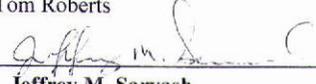
City of Farmington

By: 
Right of Way Negotiator - Chandler Marechal

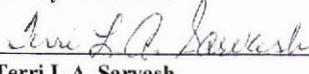
12/7/16
Date

Approved By: _____
City Council - Mayor Tom Roberts

Date

Party of the First Part: 
Jeffrey M. Sarvash

Date: 12/7/2016

Party of the First Part: 
Terri L.A. Sarvash

Date: 12/7/2016

Legal Department

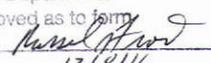
Approved as to form
By: 
Date: 12/8/16

Exhibit "A"
Page 1

Attached to and made a part of that certain Contract by and between Jeffrey M. Sarvash and Terri L.A. Sarvash, husband and wife, and the City of Farmington.

Description: A 699 sq. ft. parcel of land depicted below as 3-TCP-1, out of the following described land:

E/2S/2NE/4NE/4NW/4 of Section 30, Township 30 North, Range 12 West, N.M.P.M., City of Farmington, San Juan County, New Mexico.

Note: According to the San Juan County Assessor's Office, the above property has been assigned Parcel Number 2072175277477.

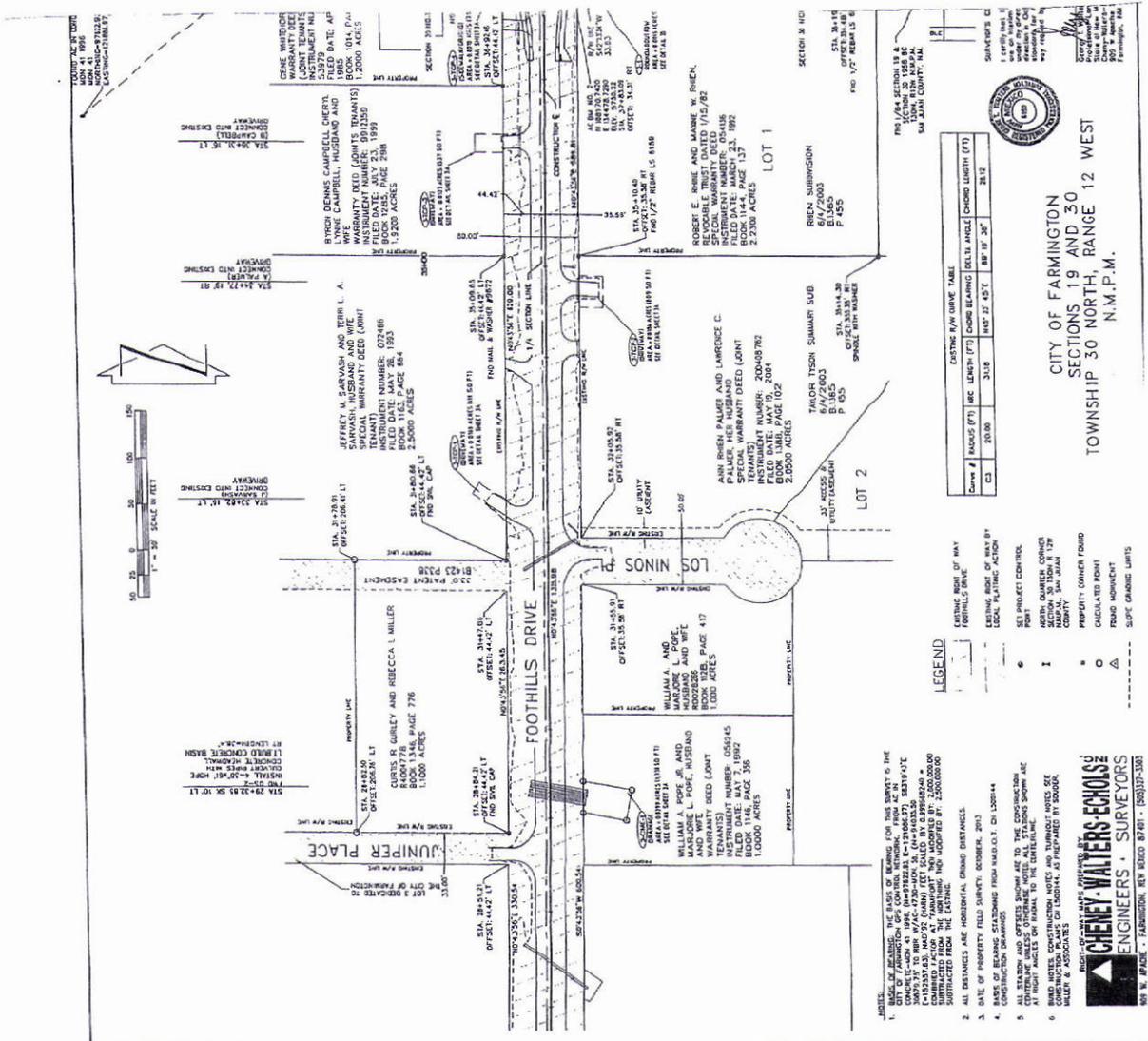


Exhibit "A"

Page 2

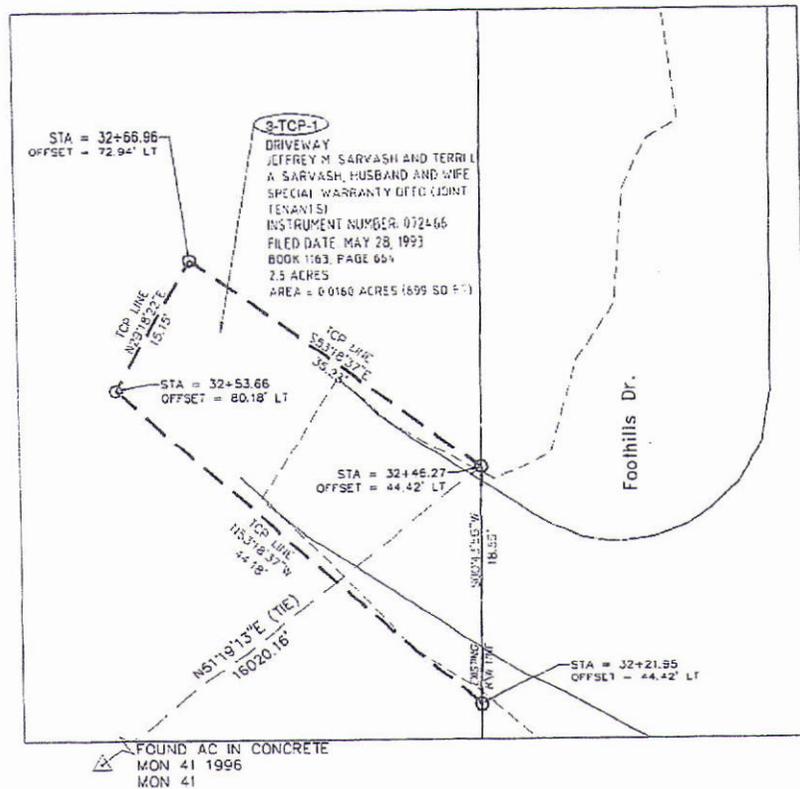
Attached to and made a part of that certain Contract by and between Jeffrey M. Sarvash and Terri L.A. Sarvash, husband and wife, and the City of Farmington.

Description: A 699 sq. ft. parcel of land depicted below as 3-TCP-1, out of the following described land:

E/2S/2NE/4NE/4NW/4 of Section 30, Township 30 North, Range 12 West, N.M.P.M., City of Farmington, San Juan County, New Mexico.

Note: According to the San Juan County Assessor's Office, the above property has been assigned Parcel Number 2072175277477.

Survey of 3-TCP-1



CONTRACT

Project: 13-98670
 Termini: Foothills Widening Phase I
 Parcel: 3-TCP-2

Control #: L500414
 District: 5
 County: San Juan

THIS AGREEMENT made and entered into this _____ day of _____, 2016 between Ann Rhien Palmer and Lawrence C. Palmer whose address is 6320 Foothills Drive, Farmington, New Mexico 87402

Party of the First Part, and the City of Farmington, whose address is 800 Municipal Drive, Farmington, NM 87402, hereinafter referred to as the City. For the purposes of this contract, Party shall be deemed to be either singular or plural as the context requires.

WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the City, an 809 sq. ft. parcel of land for a Temporary Construction Permit more particularly described on Exhibit "A", attached hereto and made a part hereof, for roadway purposes situated in San Juan County, State of New Mexico, and subject to the following terms and conditions:

1. THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
2. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said Party of the First Part agrees to discharge the same.
3. THIS CONTRACT shall be binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by City Council or his authorized representative.
4. The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, the right to enter thereon, is **HEREBY GRANTED** to the City, its duly authorized Agents and Contractors, upon receipt of payment by First Party.
5. The terms and conditions of this contract have been fully explained and are understood by the undersigned, and payment is to be made in accordance with the above conditions.
6. The consideration as set forth in the contract shall constitute full payment for the premises and all damages, of whatever nature, arising out of or by reason of the use of said premises for road construction purposes.
7. Party of the first part will hold the City harmless for any and all claims, demands or causes of action arising out of or as a result of the transactions as described herein.

THE City agrees to pay the Party of the First Part for a Temporary Construction Permit as follows:

Parcel	Sq. Ft.	Unit Value	% Fee	Land	Improvements	Net Damages	Total
3-TCP-2	809	\$1.05/sq. ft.	100	\$250.00	NA	NA	\$250.00

Total Compensation \$ 250.00

City of Farmington

By: _____
 Right of Way Negotiator - Chandler Marechal

_____ 12/7/16
 Date

Approved By: _____
 City Council – Mayor Tom Roberts

 Date

Party of the First Part: Ann Rhien Palmer
Ann Rhien Palmer

Date: 3 Nov 2016

Party of the First Part: Lawrence C. Palmer
Lawrence C. Palmer

Date: 3/11/16

Legal Department
 Approved as to form
 By: Russell Reed
 Date: 12/8/16

CONTRACT

Project: 13-98670
 Termini: Foothills Widening Phase I
 Parcel: 3-TCP-3

Control #: L500414
 District: 5
 County: San Juan

THIS AGREEMENT made and entered into this 7th day of DECEMBER ~~JANUARY~~ ^{DEC} 2016 ~~2017~~
 between ~~Byron~~ ^{BYRON} Dennis Campbell and Cheryl Lynne Campbell whose address is 6475 Foothills Drive,
Farmington, New Mexico 87402

Party of the First Part, and the City of Farmington, whose address is 800 Municipal Drive, Farmington, NM 87402, hereinafter referred to as the City. For the purposes of this contract, Party shall be deemed to be either singular or plural as the context requires.

WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the City, a 537 sq. ft. parcel of land for a Temporary Construction Permit more particularly described on Exhibit "A", attached hereto and made a part hereof, for roadway purposes situated in San Juan County, State of New Mexico, and subject to the following terms and conditions:

1. THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
2. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said Party of the First Part agrees to discharge the same.
3. THIS CONTRACT shall be binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by City Council or his authorized representative.
4. The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, the right to enter thereon, is **HEREBY GRANTED** to the City, its duly authorized Agents and Contractors, upon receipt of payment by First Party.
5. The terms and conditions of this contract have been fully explained and are understood by the undersigned, and payment is to be made in accordance with the above conditions.
6. The consideration as set forth in the contract shall constitute full payment for the premises and all damages, of whatever nature, arising out of or by reason of the use of said premises for road construction purposes.
7. Party of the first part will hold the City harmless for any and all claims, demands or causes of action arising out of or as a result of the transactions as described herein.

THE City agrees to pay the Party of the First Part for a Temporary Construction Permit as follows:

Parcel	Sq. Ft.	Unit Value	% Fee	Land	Improvements	Net Damages	Total
3-TCP-3	537	\$1.05/sq. ft.	100	\$250.00	NA	NA	\$250.00

Total Compensation \$ 250.00

City of Farmington

By: [Signature]
 Right of Way Negotiator - Chandler Marechal

Date: 12/7/16

Approved By: _____
 City Council - Mayor Tom Roberts

Date: _____

Party of the First Part: [Signature]
~~BYRON~~ **Byron Dennis Campbell**

Date: 12-07-16

Party of the First Part: [Signature]
Cheryl Lynne Campbell

Date: 12-7-16

Legal Department
 Approved as to form
 By: [Signature]
 Date: 12/8/16

Exhibit "A"

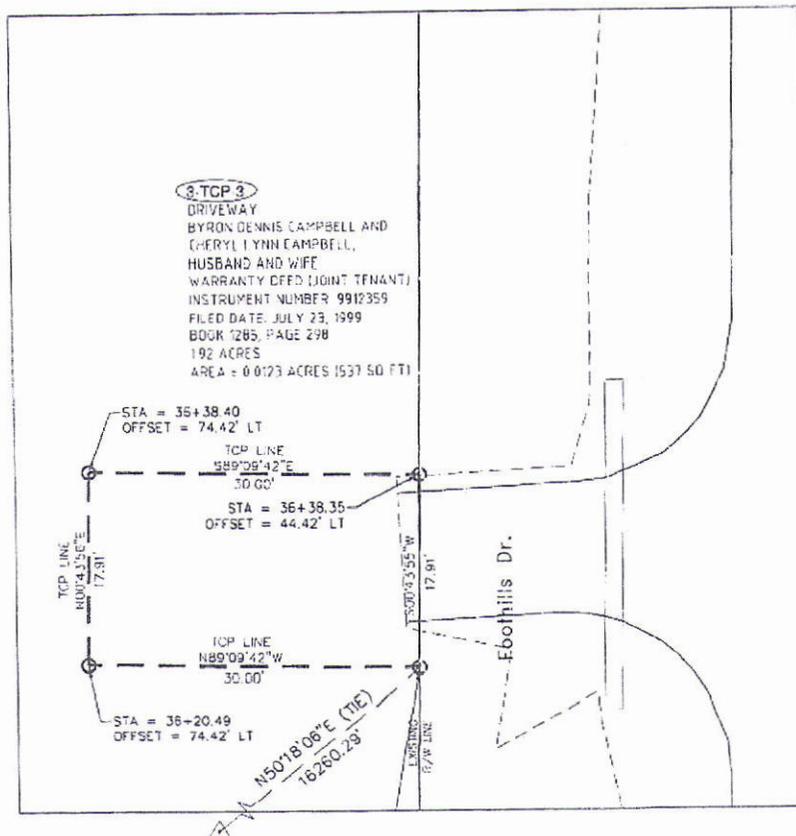
Page 2

Attached to and made a part of that certain Contract by and between Byron Dennis Campbell and Cheryl Lynne Campbell, husband and wife, and the City of Farmington.

Description: A 537 sq. ft. parcel of land depicted below out of Lot 3 of the Tyler Subdivision, according to the plat thereof filed for record in the Office of the San Juan County Clerk on February 24, 1982, within Section 30, Township 30 North, Range 12 West, N.M.P.M., City of Farmington, San Juan County, New Mexico.

Note: According to the San Juan County Assessor's Office, the above property has been assigned Parcel Number 2072175291504.

Survey of 3-TCP-3



CONTRACT

Project: 13-98670
 Termini: Foothills Widening Phase I
 Parcel: 3-TCP-4

Control #: L500414
 District: 5
 County: San Juan

THIS AGREEMENT made and entered into this 3rd day of November, 2016 between Gene A. Whitehorn and L. Elaine Whitehorn whose address is 5551 Rinconada Drive, Farmington, New Mexico 87402

Party of the First Part, and the City of Farmington, whose address is 800 Municipal Drive, Farmington, NM 87402, hereinafter referred to as the City. For the purposes of this contract, Party shall be deemed to be either singular or plural as the context requires.

WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the City, an 78 sq. ft. parcel of land for a Temporary Construction Permit more particularly described on Exhibit "A", attached hereto and made a part hereof, for roadway purposes situated in San Juan County, State of New Mexico, and subject to the following terms and conditions:

1. THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
2. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said Party of the First Part agrees to discharge the same.
3. THIS CONTRACT shall be binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by City Council or his authorized representative.
4. The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, the right to enter thereon, is **HEREBY GRANTED** to the City, its duly authorized Agents and Contractors, upon receipt of payment by First Party.
5. The terms and conditions of this contract have been fully explained and are understood by the undersigned, and payment is to be made in accordance with the above conditions.
6. The consideration as set forth in the contract shall constitute full payment for the premises and all damages, of whatever nature, arising out of or by reason of the use of said premises for road construction purposes.
7. Party of the first part will hold the City harmless for any and all claims, demands or causes of action arising out of or as a result of the transactions as described herein.

THE City agrees to pay the Party of the First Part for a Temporary Construction Permit as follows:

Parcel	Sq. Ft.	Unit Value	% Fee	Land	Improvements	Net Damages	Total
3-TCP-4	78	\$1.10/sq. ft.	100	\$250.00	NA	NA	\$250.00

Total Compensation \$ 250.00

City of Farmington

By: [Signature]
 Right of Way Negotiator / Chandler Marechal

12/7/16
 Date

Approved By: _____
 City Council – Mayor Tom Roberts

 Date

Party of the First Part: Gene A. Whitehorn
Gene A. Whitehorn

11-3-16
 Date

Party of the First Part: L. Elaine Whitehorn
L. Elaine Whitehorn

11-7-16
 Date

Legal Department

Approved as to form

By: [Signature]

Date: 12/8/16

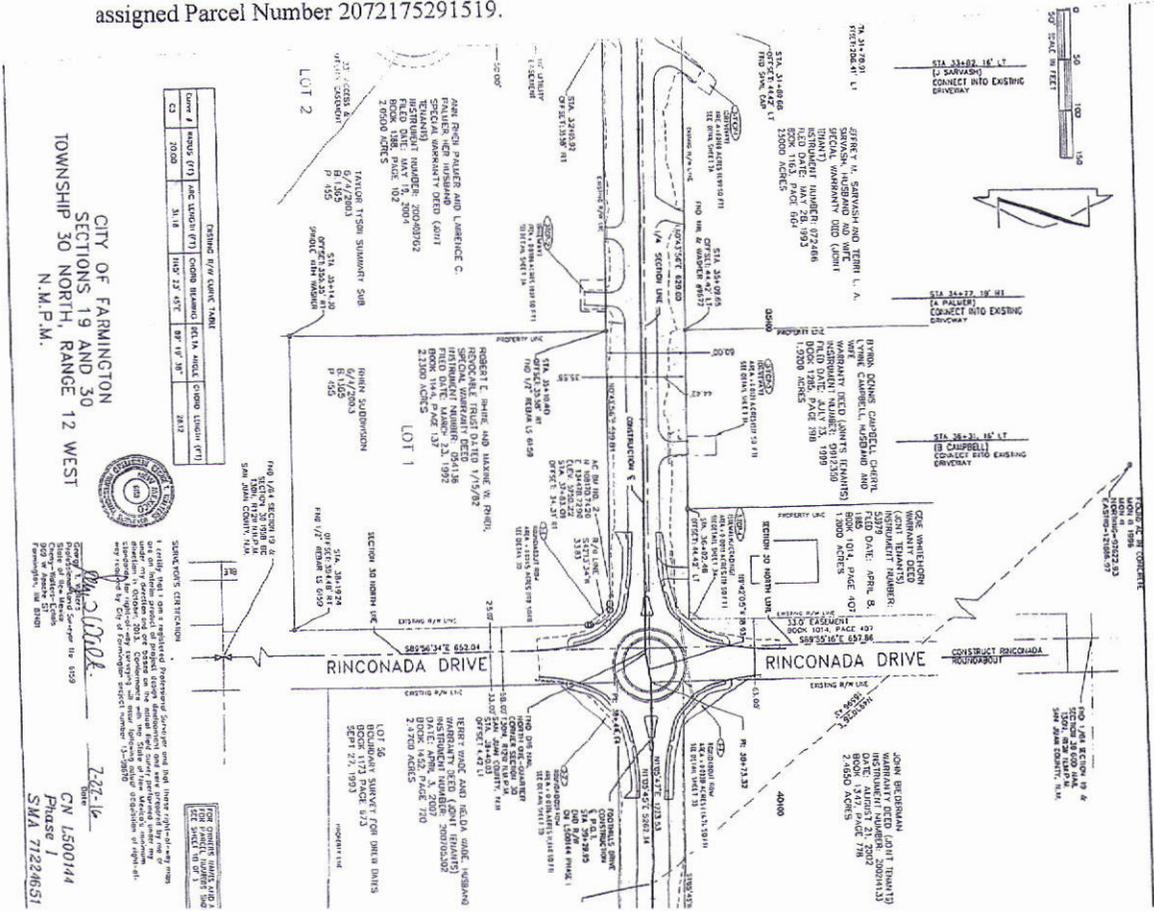
Exhibit "A"

Page 1

Attached to and made a part of that certain Contract by and between Gene A. Whitehorn and L. Elaine Whitehorn, husband and wife, and the City of Farmington.

Description: A 78 sq. ft. parcel of land depicted below as 3-TCP-4, out of Lot 2 of the Tyler Subdivision, according to the plat thereof filed for record in the Office of the San Juan County Clerk on February 24, 1982, within Section 30, Township 30 North, Range 12 West, N.M.P.M., City of Farmington, San Juan County, New Mexico.

Note: According to the San Juan County Assessor's Office, the above property has been assigned Parcel Number 2072175291519.



CONTRACT

Project: F13-98670
 Termini: Foothills Widening Phase I
 Parcel: 3-1

Control #: L500414
 District: 5
 County: San Juan

THIS AGREEMENT made and entered into this _____ day of _____, 2016 between Maxine W. Rhien, Trustee of the Robert E. Rhien and Maxine W. Rhien Revocable Trust dated 1/15/82 whose address is 5711 Rinconada St., Farmington, New Mexico 87402 Party of the First Part, and the City of Farmington, whose address is 800 Municipal Drive, Farmington, NM 87402, hereinafter referred to as the City. For the purposes of this contract, Party shall be deemed to be either singular or plural as the context requires.

WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the City, a 198 sq. ft. parcel of land more particularly described on Exhibit "A", attached hereto and made a part hereof, for roadway purposes situated in San Juan County, State of New Mexico, and subject to the following terms and conditions:

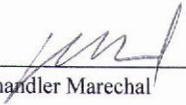
1. Taxes and Special Assessments, if any, delinquent from former years, and Taxes and Special Assessments for the current year, if due and/or payable, shall be paid by the Party of the First Part.
2. Party of the First Part will be responsible for the payment of all property taxes for the parcel of property heretofore described to the date of closing of this transaction. The Department will reimburse the Party of the First Part for all property taxes paid by said Party of the First Part after the date of closing for the parcel of property heretofore described.
3. THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
4. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said Party of the First Part agrees to discharge the same.
5. THIS CONTRACT shall be binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by City Council or his authorized representative.
6. The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, **IMMEDIATE POSSESSION** of said premises, and the right to enter thereon, is **HEREBY GRANTED** to the City, its duly authorized Agents and Contractors, upon receipt of payment by First Party.
7. The terms and conditions of this contract have been fully explained and are understood by the undersigned, and payment is to be made in accordance with the above conditions.
8. The consideration as set forth in the contract shall constitute full payment for the premises and all damages, of whatever nature, arising out of or by reason of the use of said premises for road construction purposes.
9. Terms and conditions contained on the reverse side of this contract are part of this contract as fully as if written on this side.
10. Party of the first part will hold the City harmless for any and all claims, demands or causes of action arising out of or as a result of the transactions as described herein.

THE City agrees to purchase the above described real estate, or interest therein, and to pay upon delivery of a good and sufficient conveyance therefore, as follows:

Parcel	Sq. Ft.	Unit Value	% Fee	Land	Improvements	Net Damages	Total
3-3	198	\$1.05/sq. ft.	100	\$250.00	\$500.00	0	\$750.00

Total Compensation \$ 750.00

City of Farmington

By: 
 Right of Way Negotiator - Chandler Marechal

12/7/16
 Date

Approved By: _____
 City Council – Mayor Tom Roberts

 Date

Party of the First Part: Maxine W. Rhien
Maxine W. Rhien, Trustee

Date: 12/5/16

Party of the First Part: _____

Date: _____

Legal Department

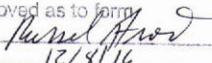
Approved as to form
 By: 
 Date: 12/8/16

Exhibit "A"
Page 1

Attached to and made a part of that certain Contract by and between Maxine W. Rhien, Trustee of the Robert E. Rhien and Maxine W. Rhien Revocable Trust dated 1/15/82 and the City of Farmington.

Description: A 198 sq. ft. parcel of land as depicted below as Parcel 3-1, out of Lot 1 of Rhien Subdivision in Section 30, Township 30 North, Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Note: According to the San Juan County Assessor's Office, the above property has been assigned Parcel Number 2072175237514.

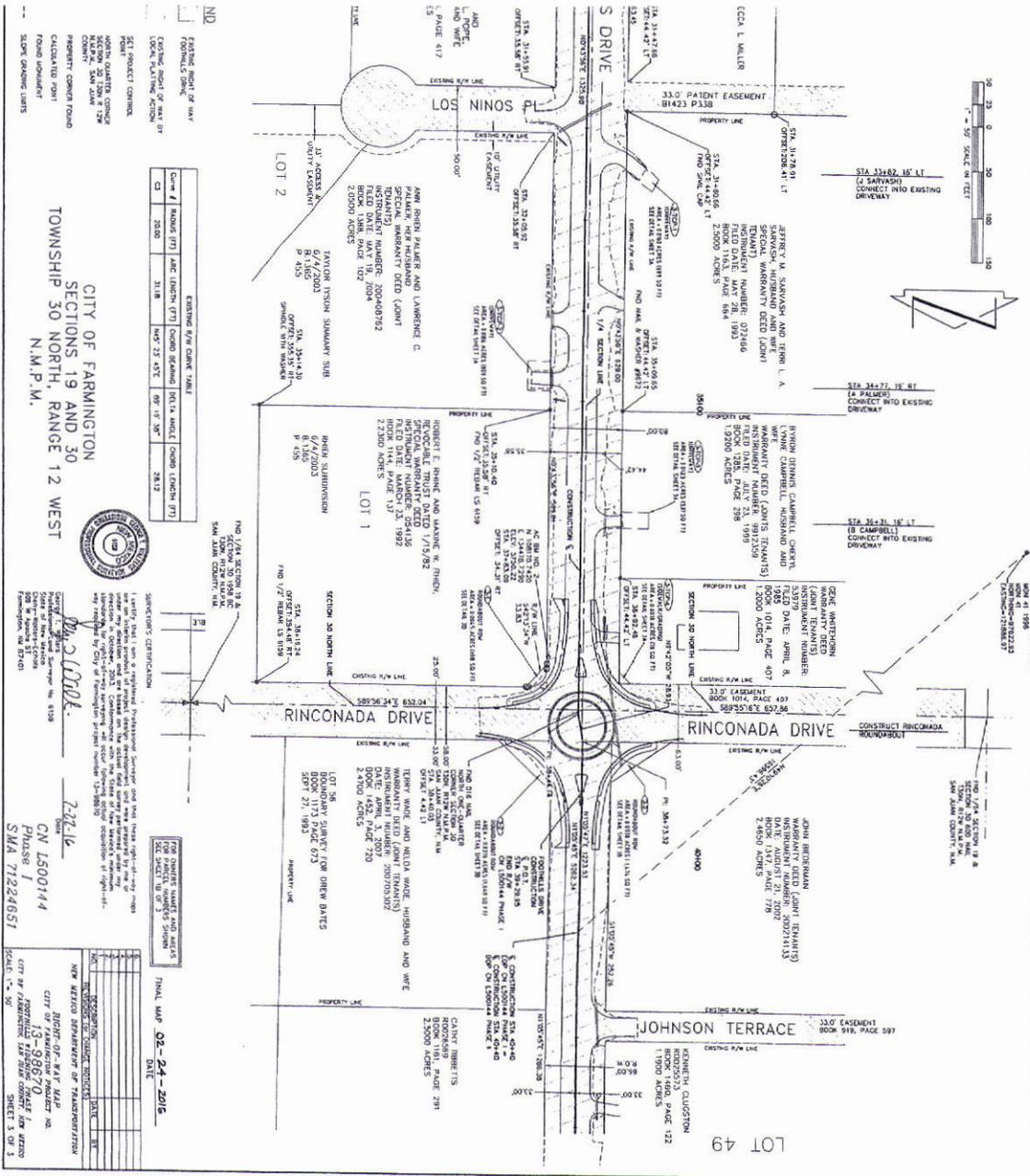


Exhibit "A"

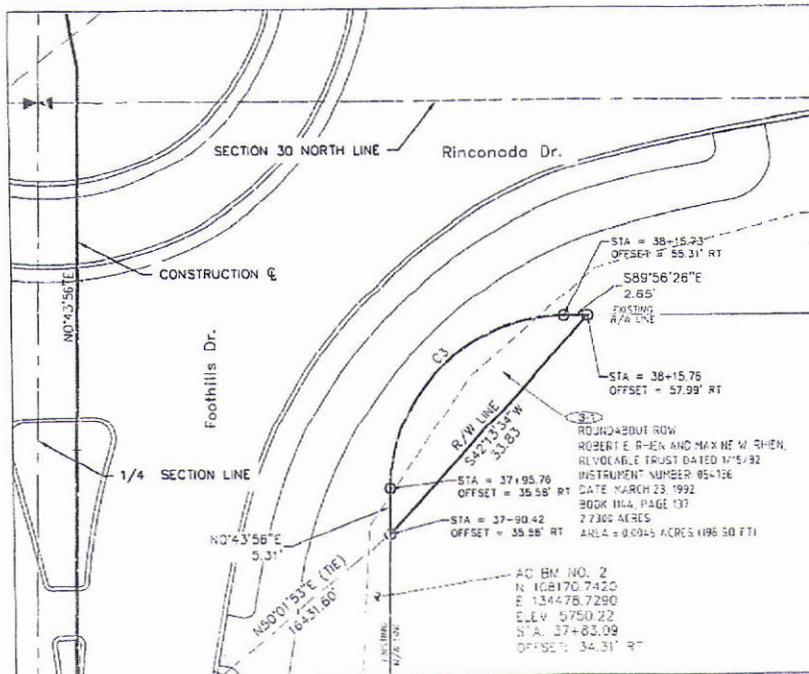
Page 2

Attached to and made a part of that certain Contract by and between Maxine W. Rhien, Trustee of the Robert E. Rhien and Maxine W. Rhien Revocable Trust dated 1/15/82 and the City of Farmington.

Description: A 198 sq. ft. parcel of land as depicted below out of Lot 1 of Rhien Subdivision in Section 30, Township 30 North, Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Note: According to the San Juan County Assessor's Office, the above property has been assigned Parcel Number 2072175237514.

Survey of Parcel 3-1



CONTRACT

Project: F13-98670
 Termini: Foothills Widening Phase I
 Parcel: 3-2

Control #: L500414
 District: 5
 County: San Juan

THIS AGREEMENT made and entered into this _____ day of _____, 2016
 between Terry Wade and Nelda Wade, husband and wife
 whose address is 5600 Rinconada St., Farmington, NM 87402

Party of the First Part, and the City of Farmington, whose address is 800 Municipal Drive, Farmington, NM 87402, hereinafter referred to as the City. For the purposes of this contract, Party shall be deemed to be either singular or plural as the context requires.

WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the City, a 1,640 sq. ft. parcel of land more particularly described on Exhibit "A", attached hereto and made a part hereof, for roadway purposes situated in San Juan County, State of New Mexico, and subject to the following terms and conditions:

1. Taxes and Special Assessments, if any, delinquent from former years, and Taxes and Special Assessments for the current year, if due and/or payable, shall be paid by the Party of the First Part.
2. Party of the First Part will be responsible for the payment of all property taxes for the parcel of property heretofore described to the date of closing of this transaction. The Department will reimburse the Party of the First Part for all property taxes paid by said Party of the First Part after the date of closing for the parcel of property heretofore described.
3. THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
4. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said Party of the First Part agrees to discharge the same.
5. THIS CONTRACT shall be binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by City Council or his authorized representative.
6. The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, **IMMEDIATE POSSESSION** of said premises, and the right to enter thereon, is **HEREBY GRANTED** to the City, its duly authorized Agents and Contractors, upon receipt of payment by First Party.
7. The terms and conditions of this contract have been fully explained and are understood by the undersigned, and payment is to be made in accordance with the above conditions.
8. The consideration as set forth in the contract shall constitute full payment for the premises and all damages, of whatever nature, arising out of or by reason of the use of said premises for road construction purposes.
9. Terms and conditions contained on the reverse side of this contract are part of this contract as fully as if written on this side.
10. Party of the first part will hold the City harmless for any and all claims, demands or causes of action arising out of or as a result of the transactions as described herein.

THE City agrees to purchase the above described real estate, or interest therein, and to pay upon delivery of a good and sufficient conveyance therefore, as follows:

Parcel	Sq. Ft.	Unit Value	% Fee	Land	Improvements	Net Damages	Total
3-2	1,640	\$1.00/sq. ft.	100	\$1,650.00	\$2,250.00	0	\$3,900.00
Total Compensation \$							3,900.00

City of Farmington

By: *[Signature]* Date: 12/7/16
 Right of Way Negotiator -Chandler Marechal

Approved By: _____ Date: _____
 City Council -Mayor Tom Roberts

Party of the First Part: *Leroy Wade* Date: 10-15-16

Party of the First Part: *Nelda Wade* Date: 10-15-16

Legal Department
 Approved as to form
 By: *Russell Howard*
 Date: 12/8/16

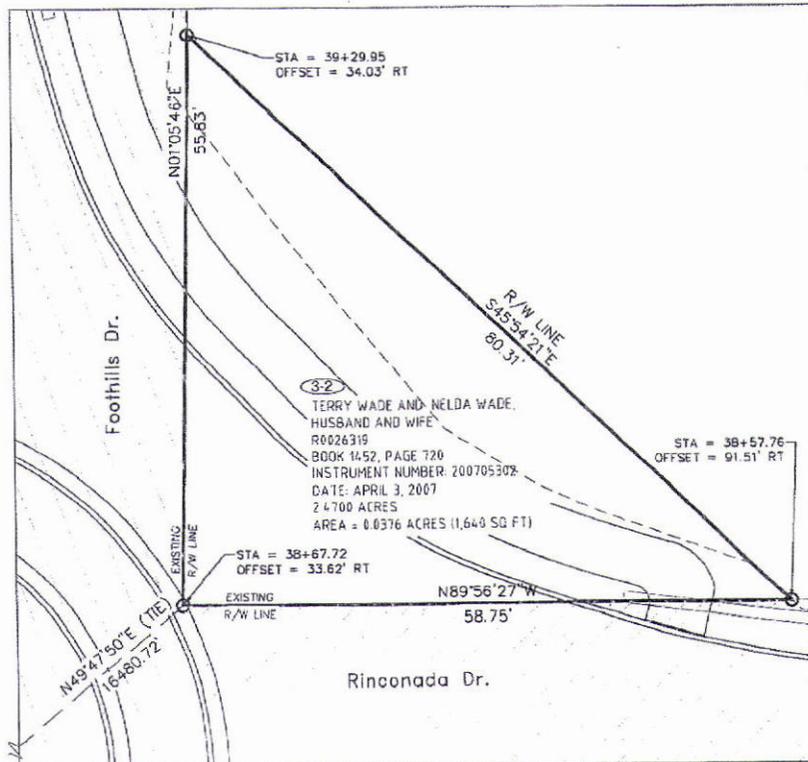
Exhibit "A"
Page 2

Attached to and made a part of that certain Contract by and between Terry Wade and Nelda Wade and the City of Farmington.

Description: A 1,640 sq. ft. parcel of land as depicted below, out of Lot 56 of Section 19, Township 30 North, Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Note: According to the San Juan County Assessor's Office, the above property has been assigned Parcel Number 2072176240017.

Survey of Parcel 3-2



CONTRACT

Project: F13-98670
 Termini: Foothills Widening Phase I
 Parcel: 3-3

Control #: L500144
 District: 5
 County: San Juan

THIS AGREEMENT made and entered into this _____ day of _____, 2016
 between Marianne F. Van Riel, a widow,
 whose address is 5510 Rinconada St., Farmington, NM 87402

Party of the First Part, and the City of Farmington, whose address is 800 Municipal Drive, Farmington, NM 87402, hereinafter referred to as the City. For the purposes of this contract, Party shall be deemed to be either singular or plural as the context requires.

WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the City, a 1,474 sq. ft. parcel of land more particularly described on Exhibit "A", attached hereto and made a part hereof, for roadway purposes situated in San Juan County, State of New Mexico, and subject to the following terms and conditions:

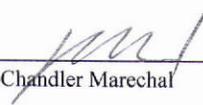
1. Taxes and Special Assessments, if any, delinquent from former years, and Taxes and Special Assessments for the current year, if due and/or payable, shall be paid by the Party of the First Part.
2. Party of the First Part will be responsible for the payment of all property taxes for the parcel of property heretofore described to the date of closing of this transaction. The Department will reimburse the Party of the First Part for all property taxes paid by said Party of the First Part after the date of closing for the parcel of property heretofore described.
3. THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
4. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said Party of the First Part agrees to discharge the same.
5. THIS CONTRACT shall be binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by City Council or his authorized representative.
6. The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, **IMMEDIATE POSSESSION** of said premises, and the right to enter thereon, is **HEREBY GRANTED** to the City, its duly authorized Agents and Contractors, upon receipt of payment by First Party.
7. The terms and conditions of this contract have been fully explained and are understood by the undersigned, and payment is to be made in accordance with the above conditions.
8. The consideration as set forth in the contract shall constitute full payment for the premises and all damages, of whatever nature, arising out of or by reason of the use of said premises for road construction purposes.
9. Terms and conditions contained on the reverse side of this contract are part of this contract as fully as if written on this side.
10. Party of the first part will hold the City harmless for any and all claims, demands or causes of action arising out of or as a result of the transactions as described herein.

THE City agrees to purchase the above described real estate, or interest therein, and to pay upon delivery of a good and sufficient conveyance therefore, as follows:

Parcel	Sq. Ft.	Unit Value	% Fee	Land	Improvements	Net Damages	Total
3-3	1,474	\$1.00/sq. ft.	100	\$1,500.00	\$500.00	0	\$2,000.00

Total Compensation \$ 2,000.00

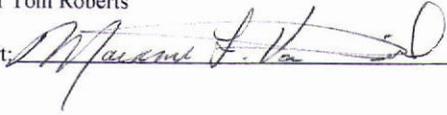
City of Farmington

By: 
 Right of Way Negotiator -Chandler Marechal

12/7/16
 Date

Approved By: _____
 City Council -Mayor Tom Roberts

 Date

Party of the First Part: 

Date: 9-19-16

Party of the First Part: _____

Date: _____

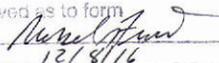
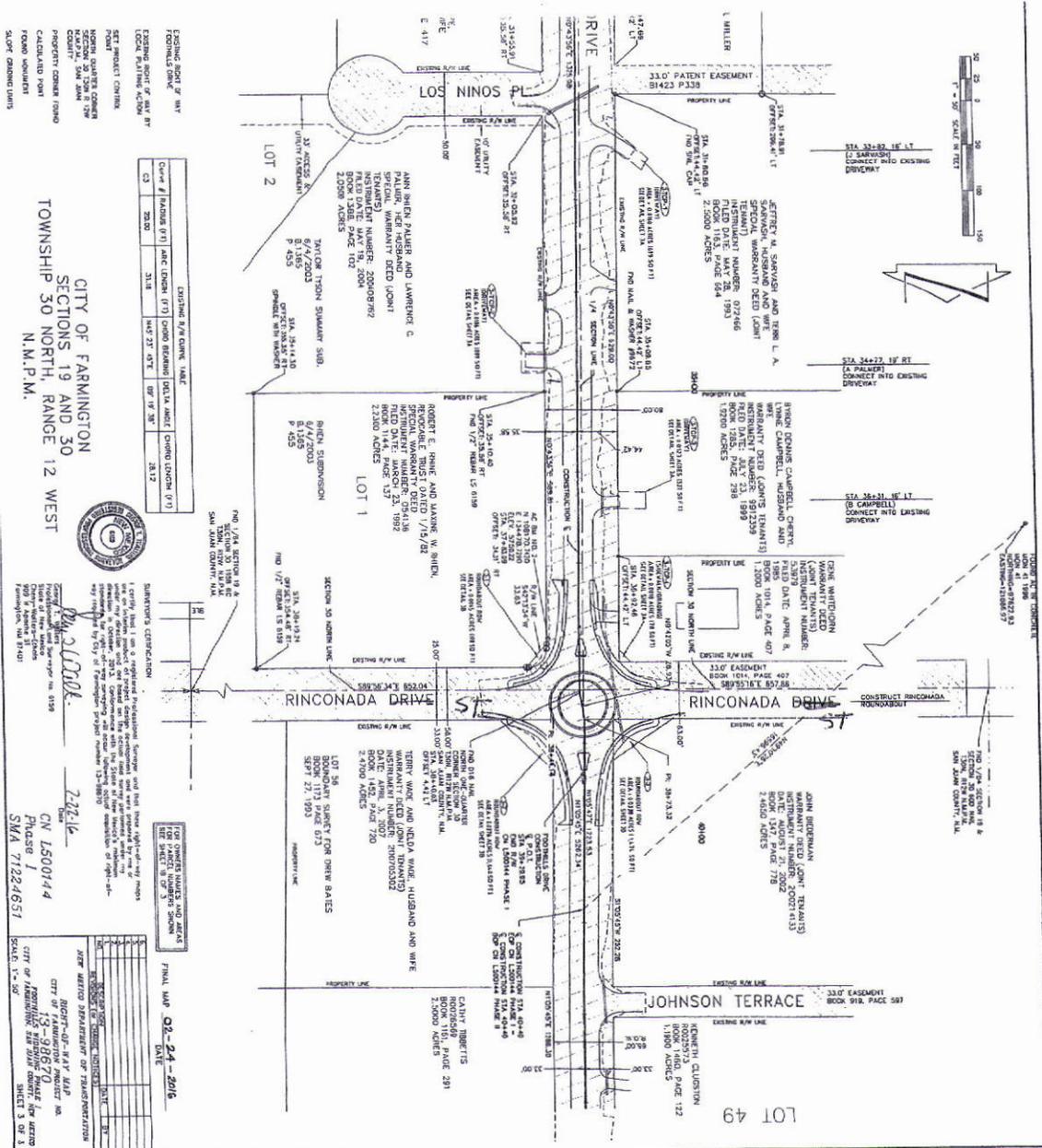
Legal Department
 Approved as to form
 By: 
 Date: 12/8/16

Exhibit "A"
Page 1

Attached to and made a part of that certain Contract by and between Marianne F. Van Riel and the City of Farmington.

Description: A 1,474 sq. ft. parcel of land as depicted below as Parcel 3-3, out of Lot 55 of Section 19, Township 30 North, Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Note: According to the San Juan County Assessor's Office, the above property has been assigned Parcel Number 2072176280017.



EXISTING RIGHT OF WAY
FOOTCUTS DRIVE
EXISTING RIGHT OF WAY BY
LOCAL PAVING ACTION
SET POINT CENTER
NORMAL QUARTER CORNER
N.M.P.M., SAN JUAN
COUNTY
PROPORTION CORNER
CALCULATED POINT
FORM VOUCHER
SLOPE GRADING DATA

CHUCK #	REMARKS (1)	ARC CENTER (1)	CHORD BEARING	DELTA ANGLE	CHORD LENGTH (1)
C3	230.0	31.8	N42°27'42"E	97°17'38"	28.12

CITY OF FARMINGTON
SECTIONS 19 AND 30
TOWNSHIP 30 NORTH, RANGE 12 WEST
N.M.P.M.

SURVEYOR'S CERTIFICATION
I, the undersigned, a duly qualified Professional Engineer and duly licensed Surveyor, certify that I have personally supervised the survey and that the same is true and correct in all particulars. I have also personally examined the original field notes and computations and find them to be correct and true in all particulars. I have also personally examined the original field notes and computations and find them to be correct and true in all particulars. I have also personally examined the original field notes and computations and find them to be correct and true in all particulars.

7-22-16
CN L500144
Phase 1
SMA 71224651

NO.	REMARKS	DATE
1	FOR CHANGES MADE AND ADDED	02-24-2016
2	FOR CHANGES MADE AND ADDED	02-24-2016
3	FOR CHANGES MADE AND ADDED	02-24-2016
4	FOR CHANGES MADE AND ADDED	02-24-2016
5	FOR CHANGES MADE AND ADDED	02-24-2016
6	FOR CHANGES MADE AND ADDED	02-24-2016
7	FOR CHANGES MADE AND ADDED	02-24-2016
8	FOR CHANGES MADE AND ADDED	02-24-2016
9	FOR CHANGES MADE AND ADDED	02-24-2016
10	FOR CHANGES MADE AND ADDED	02-24-2016

Exhibit "A"

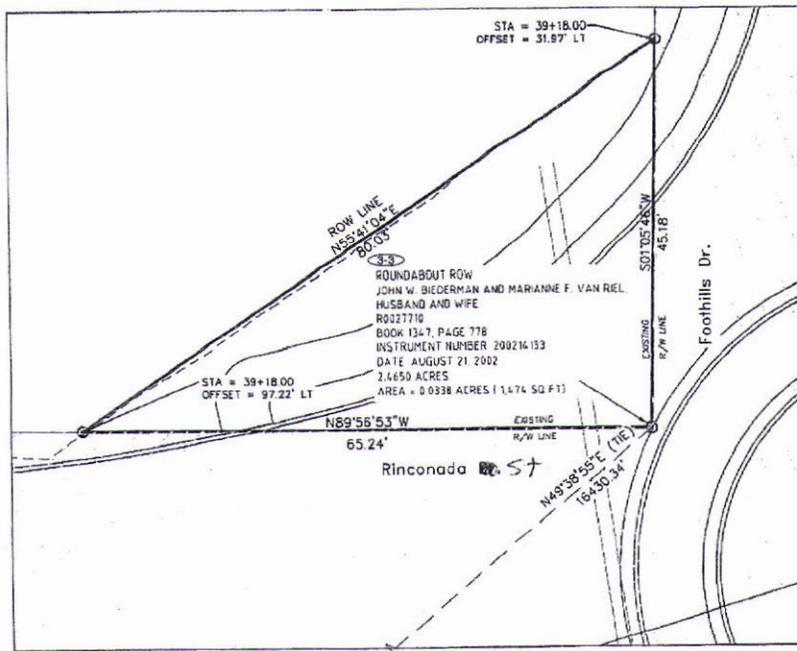
Page 2

Attached to and made a part of that certain Contract by and between Marianne Van Riel and the City of Farmington.

Description: A 1,474 sq. ft. parcel of land as depicted below, out of Lot 55 of Section 19, Township 30 North, Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Note: According to the San Juan County Assessor's Office, the above property has been assigned Parcel Number 2072176280017.

Survey of Parcel 3-3



TITUS

THE

&

MURPHY

LAW FIRM

INJURY CLAIMS

Auto • Oilfield • Work Comp

CRIMINAL DEFENSE

Felonies • Traffic • DUI

An Association of Professional
Corporations:

VICTOR A. TITUS, PC
H. STEVEN MURPHY, PC
TYSON K GOBBLE, PC



PLEASE REPLY TO:
2021 E. 20th Street
Farmington, NM 87401
Telephone: (505) 326-6503
Facsimile: (505) 326-2672

November 30, 2016

The City of Farmington
Attn: City Council and
Mayor Tommy Roberts
800 Municipal Dr.
Farmington, NM 87401

VIA FACSIMILE: (505) 599-1113

RE: Application No.: 1017387
Applicant Name: Marnina, LLC d/b/a Dickey's Barbecue Pit
Proposed Location: 3701 Messina Dr., Bldg. #100 Farmington, NM
Application Type: New Restaurant Beer and Wine License

Dear Mayor and Council,

Pursuant to the laws of New Mexico a public hearing was held on November 30, 2016 at 9:00 a.m. within the Executive Conference Room, located at the Municipal Building, 800 Municipal Dr., Farmington, NM 87401 to consider the above referenced application request.

Present at the hearing were Ernest Roybal, owner/operator, and Craig Stoabs, owner. The Director of the State of New Mexico Alcohol and Gaming Division has reviewed the above referenced matter and granted preliminary approval. The application at issue requests a new restaurant license (beer and wine only) to be operated at 3701 Messina Dr., Bldg. #100. Based on the consideration of all comments made at the public hearing and the information provided – the application; reports from both the City of Farmington Police Department and Fire Department; the Memorandum by Isaac Blue Eyes, Associate Traffic Engineer; the City of Farmington City Planner; and reviewing the health, safety, and welfare of the citizens of the community – at this time it is my recommendation that this application be approved. Please do not hesitate to contact my office if I can be of any further assistance in this matter.

Thank you for your prompt attention to this matter. Should you have any questions please do not hesitate to contact me.

Sincerely,


Tyson K. Gobble, Esq.

Also contact us at:

web address: www.titusmurphylawfirm.com

E-mail address: tkgobble@titusmurphylawfirm.com



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

October 7, 2016

Certified Mail No.: 9171 9690 0935 0079 1507 71

Susana Martinez
Governor

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

RECEIVED

Robert "Mike" Unthank
Superintendent

OCT 11 2016

David Jablonski
Deputy Superintendent

City of Farmington
City Clerk

Claudia Armijo
Deputy General Counsel

Re: Lic. No. /Appl. No.: Application No. 1017387
Name of Applicant: Marnina, LLC
Doing Business As: Dickey's Barbecue Pit
Proposed Location: 3701 Messina Drive, Bldg. #100
Farmington, NM 87402

Mary Kay Root
Director

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made of the hearing.**

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

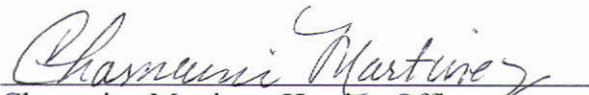
Administrative Services Division
(505) 476-4800

THE APPLICANT IS SEEKING A RESTAURANT BEER AND WINE LICENSE WITH ON PREMISES CONSUMPTION ONLY.

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Charmaine Martinez, Hearing Officer
NM Regulation & Licensing Dept. | Alcohol & Gaming Division
Phone: (505) 476-4804 Fax: (505) 476-4595
Email: charmaine.martinez2@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning

RECEIVED

AUG 30 2016 Page 1
Rev. 01/14

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

ALCOHOL & GAMING DIVISION

RESTAURANT LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.

AGD USE ONLY - APPLICATION # 1017387 LOD _____

Application is for: New License / Change of Stock among existing members only / Change of Officers (no ownership interest)
Applicant is: Individual / Corporation / Partnership (General or Limited) / Limited Liability Company

NAME OF APPLICANT (company or individual) MARNINA, LLC.

ADDRESS (including city, state, zip) 4800 COLLEGE BLVD. STE 204 FARMINGTON, NM 87402

TELEPHONE NUMBER OWNER (505) 325-2464 EMAIL cgrubb@netzero.com

D/B/A name to be used: DICKEY'S BARBEQUE PIT Phone number for licensed premises: (505) 501-7094

Physical location where license is to be used: 3701 MESSINA DR BLDG. #100 FARMINGTON, NM 87402
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 4800 COLLEGE BLVD STE 204 FARMINGTON, NM 87402

Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No If yes, give license number and type _____

I, (print name) ERNEST ROYBAL, as (title) OWNER/OPERATOR, being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant [Signature] Date 8-24-16

SUBSCRIBED AND SWORN TO before me this 24th day of August, 2016 by Ernest Roybal
Notary Public Tammi Cooper My Commission Expires August 31, 2019

Local Governing Body of: _____ (City or County). Hearing held on _____ 20 _____

Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____



RECEIVED

AUG 30 2016

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
SS-60-6B-10

ALCOHOL & GAMING DIVISION

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) Other (provide details) _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) BUILDING: WILDCAT PROPERTIES, LLC LAND: CAPITALS, LLC.

B. Date and term of lease 07/01/15 - 06/30/13

3. Premises location is zoned (example C-1) LNC

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises—shortest distance).

12 Miles/feet 3960 FT. Name of church CHURCH OF JESUS CHRIST OF ADDRESS/LOCATION OF CHURCH 4400 COLLEGE BLVD FARMINGTON, NM 8740.
4 LATTER DAY SAINTS Over - New Covenant Center Methodst (0-112 ft)

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).

Miles/feet 2640 FT. Name of school PEDRA VISTA HIGH SCHOOL Address/location of school 5700 COLLEGE BLVD. FARMINGTON, NM 8740.
0.2 (1056 ft)

6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance.)

Miles N/A 105 MI. Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),
Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____

UTAH

COLO.

ARIZ.

N.M.



CITY OF FARMINGTON

800 MUNICIPAL DRIVE
FARMINGTON, NEW MEXICO 87401-2663
FAX: (505) 599-1299
www.fmntn.org

August 26, 2016

Hearing Officer
NM Alcohol and Gaming Division
P.O. Box 25101
Santa Fe, NM 87504-5101

Re: Marnina LLC, 3701 Messina Drive Suite 100, Farmington, NM

To Whom It May Concern:

The property located at 3701 Messina Drive, Farmington, NM 87402, is in the LNC, Local Neighborhood Commercial District. Pursuant to Section 2.3 of the City of Farmington's Unified Development Code, a restaurant serving beer and wine are permitted uses in the LNC Local Neighborhood Commercial District.

Pursuant to section 2.4.44 of the City of Farmington UDC, restaurants that serve beer and wine are required to get a beer and wine license from the City of Farmington in compliance with Municipal Code section 5-2-1.

If you have any questions feel free to contact me at (505) 599-1448.

Sincerely,

Cynthia Lopez, M. Arch., CZO
Senior Planner

RECEIVED
AUG 30 2016
ALCOHOL & GAMING DIVISION



CITY of FARMINGTON

COMMUNITY DEVELOPMENT
800 Municipal Drive
Farmington, NM 87401
(505) 599-1448
FAX (505) 599-1299

Cynthia A. Lopez, M. Arch.
SENIOR PLANNER
Email: clopez@fmtn.org

AFFIDAVIT OF PUBLICATION

Ad No. 73238

**STATE OF NEW MEXICO
County of San Juan:**

SAMMY LOPEZ, being duly sworn says:
That he IS the ADVERTISING
PRESIDENT of THE DAILY TIMES, a
daily newspaper of general circulation
published in English at Farmington, said
county and state, and that the hereto
attached Legal Notice was published in a
regular and entire issue of the said DAILY
TIMES, a daily newspaper duly qualified for
the purpose within the State of New Mexico
for publication and appeared in the Internet
at The Daily Times web site on the following
day(s):

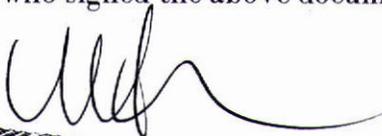
Wednesday, October 26, 2016

Wednesday, November 23, 2016

And the cost of the publication is \$117.33



ON 11-28-16 SAMMY LOPEZ appeared
before me, whom I know personally to be the
person who signed the above document.





COPY OF PUBLICATION

Legal Notices 152 **Legal Notices 152**

NEW MEXICO VIRTUAL ACADEMY, Farmington, NM, will receive sealed proposals until 5:00pm MST, November 29, 2016, for Educational, Technology, and Administrative Products & Services.

The RFP will become available on October 30, 2016. All proposals must be submitted in a sealed package marked "NMVA RFP #2016-001 SEALED PROPOSALS" on the front of the package/envelope. A list of qualifications and specifications, instructions to Offerors, and RFP forms can be obtained by email request (New Mexico Virtual Academy, c/o Lawrence Palmer, lawrencepalmer0@gmail.com) or by visiting New Mexico Virtual Academy's website at: www.nmva.k12.com.

NEW MEXICO VIRTUAL ACADEMY reserves the express right to accept or reject any or all bids.

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY LIQUOR HEARING OFFICER
REGARDING LIQUOR LICENSE
CITY OF FARMINGTON, NEW MEXICO**

Notice is hereby given that the City Liquor Hearing Officer will hold a public hearing in the Executive Conference Room at the Municipal Building, 800 Municipal Drive, Farmington, New Mexico at 9:00 a.m. on Wednesday, November 30, 2016 to consider the following request:

Application for new Restaurant License #1017387 (beer and wine on premise consumption only) from Marnina, LLC, 4800 College Boulevard, Suite 204, Farmington, New Mexico doing business as Dickey's Barbecue Pit, 3701 Messina Drive, Building 100, Farmington, New Mexico.

The Director of the Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department has given this application preliminary approval. Further details regarding this application may be examined at the aforementioned hearing or by contacting Tyson K. Gobble, Attorney (505-326-6503), 2021 E. 20th Street, Farmington, New Mexico.

Dianne Smylie, City Clerk

Legal No. 73238 published in The Daily Times on October 26 & November 23, 2016.

FARMINGTON POLICE

Steve Hebbe, *Chief of Police*



Internationally Accredited Since 1995

November 17, 2016

RE: Liquor License Application 101738

Dianne Smylie
City Clerk
City of Farmington
800 Municipal Drive
Farmington, NM 87401

ECENE

NOV 17 2016

City of Farmington
City Clerk

City Clerk Smylie,

Upon review of the application submitted on behalf of Restaurant License for Marnina, LLC doing business as Dickeys Barbecue Pit, at 3701 Messina Drive, Building 100, a cursory background investigation, subject to the limitations allowed by law, was conducted as to the merits of the application and the associated applicants.

The principal corporate officer(s) listed on the application was found to have no recent negative contacts with local police agencies and none were entered into NCIC as being wanted fugitives from other jurisdictions.

A review of data associated with calls for service in the identified area, revealed a negligible concern for an increase in calls for service by the granting of this application.

In addition, a review of the attached traffic crash data reveals a negligible concern for an increase in alcohol related traffic crashes by the granting of this application.

It is the recommendation of the Farmington Police Department that the application be granted.

Lieutenant Taft Tracy

Traffic Crashes – Pinon Hill Drive; November 1, 2015-October 31, 2016 (By Intersections)

La Plata	Dustin		Butler		Education		College		Beckland		English		Foothills		E. Main		Lowe's	
	No Injury	W/ Injury	No Injury	W/ Injur	No Injury	W/ Injur	No Injury	W/ Injury	No Injury	W/ Injur	No Injury	W/ Injur	No Injury	W/ Injur	No Injury	W/ Injury	No Injury	W/ Injury
4**	4	5	0	1	2*	1	0	4	1*	1	3	2**	1	6	4	9	0	0

Totals: (Not including accidents in Lowe's parking lot)
 No Injury= 35
 Injury= 19
 Total = 54

*Of the accidents identified, two resulted in DUI charges. One was a non-injury at Beckland and one was an injury at Butler.
 ** In July, 2016, statistics were not available to distinguish between injury or non-injury. The intersections of La Plata, College and Pinon Hills all experienced a crash during this time frame. The numbers were included in the non-injury, due to their not being any indications located of injury.



Farmington Fire Dept (NM)
850 Municipal Dr.
Farmington, NM 87401

Fire Dept Violation Notice

November 8, 2016

DICKEY'S BBQ
3701 MESSINA DR, 100
Farmington, NM 87401

Congratulations, an inspection of your facility on Nov 8, 2016 revealed no violations.

Inspection Note This inspection record was automatically created by the system in response to a reinspection request from ManageMyInspections.com.

A handwritten signature in black ink, appearing to read "Naomi Roberts".

247 Naomi Roberts
Inspector

A handwritten signature in black ink, appearing to read "Nancy Oxford".

Nancy Oxford

MEMORANDUM

DATE: November 21, 2016

TO: Dianne Smylie, City Clerk

FROM: Isaac Blue Eyes, Associate Traffic Engineer I

SUBJECT: Application #1017387 for new Restaurant License for Marnina, LLC doing business as Dickey's Barbecue Pit at 3701 Messina Drive, Building 100, Farmington, New Mexico.

The following information is being provide to the Liquor Hearing Officer at your request:

1) The most recent traffic count at the nearest major intersection(s).

- a. The nearest intersections to the following address, 3701 Messina Drive are:
 - Pinon Hills Boulevard @ College Boulevard
 - Pinion Hills Boulevard @ English Road
- b. Please see Table 1, to view the traffic volume at these intersections.

Table 1: Intersection Approach Traffic Volumes

Intersection Counted	Length of Count	Traffic Volumes	Date of Count
Pinon Hills Boulevard @ College Boulevard	6 Hours	11,007	03/29/2012
Pinion Hills Boulevard @ English Road	2 Hours	2,992	08/13/2009

2) Any information regarding proposed changes at those intersections, such as signalization or other changes which may affect traffic flow.

- a. Piedra Vista High School has recently allowed students and staff use the east access of their campus. This allows vehicles to enter and exit the campus using English Drive, north of Pinon Hills Boulevard. The City of Farmington Traffic Engineering Division had accommodated this change by adding a left-turn phase to the signalized intersection at Pinon Hills Boulevard and English Road (Drive).
- b. The City of Farmington Traffic Engineering Division is not aware of any other proposed changes to these two (2) signalized intersections.

RESOLUTION NO. 2016-1613

A RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
2015 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

WHEREAS, the City of Farmington was designated in 2003 an
"Urbanized Area" and became a Metropolitan Statistical Area, thus
becoming eligible for the CDBG entitlement grants; and

WHEREAS, the CDBG grant requires the submittal of an annual
performance evaluation; and

WHEREAS, the 2015 Annual Action Plan fiscal year was from October 1,
2015 to September 30, 2015; and

WHEREAS, the 2015 Consolidated Annual Performance Evaluation Report
(CAPER) was made available for public review and comment and a public
hearing was held in accordance with the adopted Citizen Participation
Plan.

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

That the City of Farmington does hereby adopt the CDBG 2015
Consolidated Annual Performance Evaluation Report (CAPER) to be submitted
to the U.S. Department of Housing and Urban Development within 90 days of
the close of the 2015 Annual Action Plan fiscal year.

PASSED, SIGNED, APPROVED AND ADOPTED this 13th day of December,
2016.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk



DRAFT

2015 CAPER

Consolidated Annual Performance Evaluation Report

**Public Review/Comment Period is from
November 14, 2016 through December 13, 2016.**

The Public Hearing to hear comments regarding the 2015 CAPER Draft and the Adoption of the 2015 CAPER will occur on **Tuesday, December 13, 2016, at 6:00 p.m.** in City Council Chambers at City Hall, 800 Municipal Drive, Farmington, NM 87401.

UTAH

COLO.

ARIZ.

N.M.



CITY OF FARMINGTON

800 MUNICIPAL DRIVE

FARMINGTON, NEW MEXICO 87401-2663

FAX: (505) 599-1299

www.fmtn.org

PUBLIC NOTICE

CITY OF FARMINGTON COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) Draft 2015 Consolidated Annual Performance Evaluation Report (CAPER)

The City of Farmington is making the Draft 2015 Consolidated Annual Performance Evaluation Report (CAPER) available for review and public comment.

The Draft 2015 CAPER will be available for review at the City Clerk's office, the Community Development Department office, the City's website, and the reference desk of the Farmington Public Library beginning Monday, November 14, 2016. Comments of the report will be accepted through the public hearing scheduled during the City Council Meeting on Tuesday, December 13, 2016 at 6:00 p.m. Consideration of adoption of the 2015 CAPER by resolution of the City Council is scheduled during the same meeting after the public hearing.

For more information and to provide written comments, contact Teri Clashin, CDBG Associate Planner, at 599-1281, in the City's Community Development Department, during regular business hours. Comments should be sent by mail (CDBG, City of Farmington, 800 Municipal Drive, Farmington, NM 87401), fax (505-599-1299), or by email (tclashin@fmtn.org).

The meeting rooms and facilities are fully accessible to persons with mobility disabilities and accommodations are available for the hearing impaired. If you plan to attend the meeting and will need auxiliary aid or service, please contact the City Clerk's office at 599-1101 or 599-1106 prior to the meeting, so that arrangements can be made. The 711 Telecommunications Relay Service (TRS) is available for the hearing impaired. Dial 711 on your phone to automatically be connected to a TRS operator for free.

The CAPER document can be translated into alternative formats upon request, please contact the Community Development Department at 599-1317 prior to the meeting so that arrangements can be made.



AVISO PÚBLICO

CIUDAD DE FARMINTON

OTORGAMIENTO PARA EL DESARROLLO COMUNITARIO (CDBG)

Informe Consolidado Anual de Evaluación de Desempeño – Proyecto 2015 (CAPER 2015)

La ciudad de Farmington está hacienda disponible al público el proyecto del Informe Consolidado Anual de Evaluación de Desempeño 2015 (CAPER 2015) para su revisión y comentarios públicos.

El proyecto del CAPER 2015 estará disponible para revisión y comentarios en la oficina de la Escribana de la ciudad, la oficina del Departamento de Desarrollo Comunitario, la Pagina Web de la ciudad de Farmington, y en el escritorio de referencia de la biblioteca pública de Farmington, comenzando el día viernes 14 de noviembre de, 2016. Comentarios sobre al informe se aceptaran hasta que se realice la audiencia pública el 13 de diciembre de 2016. El Concilio de la Cuidad considerará la adopción del CAPER 2015 en esa misma reunión.

Para más información y para proporcionar comentarios por escrito, póngase en contacto con Teri Clashin, planificador, en (505) 599-1281 en el Departamento de Desarrollo Comunitario de la ciudad, durante el horario normal de negocio. Comentarios pueden ser enviados por correo (CDBG, City of Farmington, 800 Municipal Drive, Farmington, NM 87401), por fax (505-599-1299), o por correo electrónico (tclashin@fmntn.org).

La Sala de reuniones e instalaciones son totalmente accesibles para personas con discapacidades de movilidad y ayuda está disponible para las personas con discapacidad auditiva. Si usted planea asistir a la reunión y va a necesitar ayuda auxiliar, servicio, o traducción póngase en contacto con la oficina de la Escribana llamando a 599-1101 o 599-1106 antes de la reunión para que se hagan arreglos. El 711 servicio de retransmisión de telecomunicaciones está disponible para las personas con discapacidad auditiva. Favor de marcar a 711 en su teléfono para ser conectado automáticamente a este servicio por gratis.

El documento CAPER puede ser traducido a formatos alternativos a petición, favor de comunicarse con el Departamento de Desarrollo Comunitario llamando a 599-1317 antes de la audiencia pública para que se hagan arreglos.

COMMUNITY DEVELOPMENT

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The 2015 Consolidated Annual Performance Evaluation Report (CAPER) is for the 2015 federal fiscal year starting on October 1, 2015 and ending on September 30, 2016. Throughout the year, activities are evaluated and measures for effectiveness and efficiency of the projects. This includes the outcomes (goal and objectives) achieved as part of the 2014-2018 Consolidated Plan.

CDBG funded projects are required to address a priority need, goal, and objective established in the 2014-2018 Consolidated Plan. The priority needs established in the 2014-2018 Consolidated Plan include homelessness, special needs populations, community facilities, infrastructure, and low-to-moderate income (LMI) households. A number of factors are taken into consideration in determining how funds are allocated to projects. The funding levels are highly dependent on the critical needs in the community, the number of applications received, and the types of projects submitted through a formal Request for Proposal process. The City received seven (7) public service applications for the 2015 CDBG program year. Since HUD limits the amount of funding for public service projects (15% of total allocation), the application process is highly competitive. The City selected seven (7) public service projects and two (2) public facilities projects.

The Public Service projects have addressed some of the many needs outlined in the 2014-2018 Consolidated Plan, which include operational funds for a homeless shelter and homeless assistance, mentoring/educational programming for low-to-moderate income (LMI) youth, respite care for elderly and frail elderly persons, emergency rental assistance to prevent homelessness, child care assistance for LMI college students, and social service referral assistance to homeless and LMI persons, including homeless youth.

Once completed, the Public Facilities projects will address critically needed ADA (American Disability Act) improvements for up to three (3) Parks, Recreations and Cultural Affairs facilities and sidewalk locations throughout the City. Recent assessments undertaken by the City have identified the critical need to make ADA improvements to City facilities and to sidewalks.

The City took part in the following CDBG activities: the City Mayor proclaimed April as Fair Housing Month on April 12, 2016, staff participated in the local Home Builders Expo to provide information on Fair Housing laws to the Community on March 4-5, 2016, staff participated in an interview on the local radio station regarding Fair Housing Laws and how they apply to residents who rent apartments/homes on March 18, 2016. For the program year, the City received \$348,432 from CDBG, \$52,264 (15%) was allocated to Public Service projects, \$226,482 (65%) to Capital projects, and \$69,686 (20%) to Planning and Administration cost.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected - Strategic Plan	Actual - Strategic Plan	Percent Complete	Expected - Program Year	Actual - Program Year	Percent Complete
2015 Goal - Public Facilities: PRCA ADA Improvements	Non-Housing Community Development	\$113,241	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted				100	0	0%
2015 Goal - Public Facilities: Sidewalk ADA Improvements	Non-Housing Community Development	\$113,241	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted				100	0	0%
2015 Goal - Public Services: People Assisting the Homeless (PATH)	Homeless Special Needs	\$9,000	Homelessness Prevention/Overnight/Emergency Shelter/Transitional Housing	Persons Assisted				20	403	2015%
2015 Goal - Public Services: Big Brothers Big Sisters	Non-Homeless Special Needs	\$9,000	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted				20	20	100%

2015 Goal - Public Services: Northwest New Mexico Seniors	Non-Homeless Special Needs	\$7,000	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted				9	13	144.44%
2015 Goal - Public Services: Masada House	Non-Homeless Special Needs	\$7,000	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted				0	0	0%
2015 Goal - Public Services: San Juan County Partnership	Homeless Special Needs	\$9,000	Homelessness Prevention	Persons Assisted				6	10	166.66%
2015 Goal - Public Services: San Juan College Daycare	Non-Homeless Special Needs	\$7,000	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted				10	10	100%
2015 Goal - Public Services: Identity	Non-Homeless Special Needs	\$4,264	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted				20	107	535%
ConPlan Goals: Public Facilities	Affordable Housing Public Housing Homeless Non-Homeless Special Needs		Homelessness Special Needs Populations	Persons Assisted	80	40	50%			
ConPlan Goals: Community Facilities: Community and Youth Center	Non-Housing Community Development		Community Facilities Low-to-Moderate Income Households	Persons Assisted	0			200	0	0%

CAPER

3

ConPlan Goals: Community Facilities: Food Bank and Other	Non-Housing Community Development	Homelessness Special Needs Populations Community Facilities Low-to-Moderate Income Households	Persons Assisted	2700						
ConPlan Goals: Infrastructure: Water and Streets	Non-Housing Community Development	Infrastructure Low-to-Moderate Income Households	Persons Assisted	30						
ConPlan Goals: Infrastructure: Transportation Facilities	Non-Housing Community Development	Infrastructure Low-to-Moderate Income Households	Persons Assisted	0						
ConPlan Goals: Public Service	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	Homelessness Special Needs Populations Community Facilities Low-to-Moderate Income Households	Persons Assisted	400	460 (PY2014) 563 (PY2015) T= 1023	255.75%	85	563	662.35%	

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The 2015 Annual Action Plan projects coincide and meet the 2014-2018 Consolidated Plan goals and objectives. The City of Farmington identified five (5) priority needs within the 2014-2018 Consolidated Plan. The following are program year projects that meet a priority need.

Homelessness: this includes veterans, homeless families with children, victims of domestic violence, youth, and severely mentally ill.

- The People Assisting the Homeless (PATH) provided overnight shelter for homeless persons.
- San Juan County Partnership provides emergency rental assistance to prevent homelessness
- Identity provided social referral assistance to homeless and LMI persons.
- The Joint Interventions Program and Transitional Living facility provides forty (40) transitional living facility beds/overnight shelter for homeless persons.

Special Needs Populations: include the elderly and frail elderly, persons with substance abuse, the severely mentally ill, victims of domestic violence, and the disabled.

- Northwest New Mexico Seniors provide respite care service for elderly, frail elderly so that they can remain in their own homes.

Community Facilities: is a need throughout the community to serve low to moderate income households, special needs populations, and homeless persons.

- The two capital projects PRCA ADA Improvements and Sidewalk ADA Improvements will provide ADA accessibility for special needs populations.

Infrastructure: include street improvements, water system improvements and transportation facility improvements.

- The City did not have any projects for this program year that fall under this priority need.

Low-to-Moderate Income Households: include a variety of needs.

- Big Brothers Big Sisters provide mentoring and educational service to LMI children and youth.
- San Juan College Daycare provides child care assistance to LMI college students.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	199
Black or African American	12
Asian	4
American Indian or American Native	283
Native Hawaiian or Other Pacific Islander	0
Total	498
Hispanic	71
Not Hispanic	0

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The racial and ethnic composition of families assisted is based upon the subrecipient's activities. The subrecipients count the number of participants in their CDBG funded programs. These numbers are reported quarterly and at the end of the program year by each subrecipient.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG		0	\$125,507.54

Table 3 – Resources Made Available

Narrative

The City of Farmington was successful in expending \$125,507.54 in CDBG funds for the Public Service projects, Planning and Administration and a small portion of the PRCA capital project. The two ADA capital projects were delayed due to the construction season ending. The two capital projects will be completed in the early spring 2017.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
City of Farmington's Metropolitan Development Area	32.5%		The two capital projects: PRCA ADA Improvements and Sidewalk ADA Improvements are located within these areas. Project will be completed in Spring 2017.
Low Mod Targeted Neighborhood	32.5%		The two capital projects: PRCA ADA Improvements and Sidewalk ADA Improvements are located within these areas. Projects will be completed in Spring 2017.
	Combined 65% of Capital Project Funds		

Table 4 – Identify the geographic distribution and location of investments

Narrative

All CDBG funds are used within the boundaries of the City of Farmington. The two capital projects are in the City's Low-Mod Targeted Neighborhoods and the City's Metropolitan Redevelopment Area. The public service projects are clientele based, as opposed to location based.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

While there is no specific requirement for leveraging CDBG grant funds, the City has found that sub-recipients typically leverage other grant funds and private funds. The 2015 Annual Action Plan project contracts had no required matching funds.

The City's Joint Intervention Program and Transitional Living Facility was completed in July 2016, the capital project has a total project cost of \$668,300. The City used \$319,708 in CDBG funds (2013 FFY \$77,800 and 2014 FFY \$241,908) for the JIP project. The City provided matching funds in the amount of \$348,592 to complete the project.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	0	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	0	0

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	10
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	0	0
Number of households supported through Acquisition of Existing Units	0	0
Total	0	10

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

While there are sufficient numbers of households with unmet housing needs, the City did not utilize any CDBG funds for rehab or for a new housing project. Though annual CDBG funding is limited to support such projects, the City continues to encourage, and assist where possible. For instance, the San Juan County Partnership sub-recipient provides emergency rental assistances, it addressed affordable housing and the “worst case” housing needs by helping homeless persons get into traditional housing and prevents homelessness. The San Juan County Partnership provided emergency rental assistance to those living in the City of Farmington earning less than 80% MFI and in danger of becoming homeless. The funds were used to assist eligible households with children and households without children to pay the first month’s rent, security deposits, and utility deposits. These households remain in permanent supportive housing in the City.

Discuss how these outcomes will impact future annual action plans.

The 2014 Analysis of Impediments to Fair Housing Choice list the City of Farmington’s impediments and recommended actions. There are three (3) private sector and four (4) public sector impediments; the City is currently working on the recommended actions for fair housing. The City will continue to sponsor a series of financial literacy and credit repair classes, work with local realtors to develop an education outreach program to address fair housing issues, and to provide education on fair housing and affirmatively furthering fair housing information to the public.

The City of Farmington plans to utilize resources over the next couple of years to implement the Affordable Housing Ordinance by establishing an application process and by marketing it and working with the private sector to identify land areas within the City for private development of affordable housing projects.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Persons Served	CDBG Actual	HOME Actual
Extremely Low-income	5	0
Low-income	4	0
Moderate-income	1	0
Total	10	0

Table 7 – Number of Persons Served

Narrative Information

The 2015 Action Plan sub-recipient San Juan County Partnership provided funds to ten (10) households in need of emergency rental assistance. Five (5) recipients met the 30% MFI, four (4) met the 50% MFI and one (1) household met the 80% MFI criteria.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The 2015 Action Plan specifically addressed the homeless and those with special needs. Once the two capital projects are completed, they will address a critical need in the community of providing accessibility to physically disabled persons at public facilities and other land uses located throughout the City. In addition, there were two public service projects that provided assistance to prevent homelessness.

San Juan County Partnership – the subrecipients provided emergency rental assistance with move-in assistance and eviction prevention to prevent homelessness.

People Assisting the Homeless (PATH) – PATH provides emergency shelter services such as temporary shelter, food, and clothing for the homeless. They also provide counseling and basic life skill classes regarding parenting, budget management, and nutrition. PATH addresses chronic homelessness by providing transitional housing, treatment, and training to homeless individuals to re-enter the traditional housing market.

Joint Intervention Program (JIP) & Transitional Living Facility – this capital project was funded last year (2014 FFY) and was completed in July 2016. This project supports JIP's mission to address the hundreds of people in Farmington with chronic addiction and health conditions who are also homeless and have historically cycled in and out of jail, the hospital emergency room, and other crisis systems of care. The JIP facility participants and will be provided with the structure and consistency necessary for recovery and transitioning.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Joint Intervention Program (JIP) and the People Assisting the Homeless (PATH) project include case management, counseling, and education components. Both the Joint Intervention Program (JIP) facility and the People Assisting the Homeless (PATH) program include emergency shelter and transitional housing for the homeless.

The majority of the social service agencies in the community work collaboratively to reach out to homeless persons and provide individual assessments.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after

being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The People Assisting the Homeless (PATH) project provides an emergency shelter, a transitional living facility, and daily meals to the homeless. For residents of the emergency shelter and the transitional living facility, PATH provides guidance and support to prevent homelessness in the future. Weekly group/individual meetings are scheduled to provide education on housing, budgeting, nutrition, employment, and health care. Residents can take advantage of learning basic computer literacy, learning how to save money, learning skills for living independently, and have the use of a daycare while job searching.

The Joint Intervention Program (JIP) shelter was completed in July 2016 and opened its doors at the end of October 2016. The JIP facility provides a space for homeless persons to sleep at night while accessing services to help ensure self-sufficiency. Utilizing a joint effort including mental health, substance abuse treatment, medical and dental care, employment and educational support, and case management, the program helps to ensure shelter residents will be able to exit the program with skills needed to retain self-sufficiency.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Farmington will continue to actively work with other local agencies to provide supportive services to homeless and special needs populations. Currently, the PATH program provides both an emergency shelter and has a transitional living apartment on their campus. The residents of the emergency shelter and the transitional living facility are provided guidance and support to prevent homelessness in the future. Weekly group/individual meetings are scheduled to provide education on housing, budgeting, nutrition, employment, and health care. Residents can take advantage of learning basic computer literacy, learning how to save money, learning skills for living independently, and have the use of a daycare while searching for employment.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City of Farmington does not have public housing available. Due to the limited amount of CDBG grant fund and the variety of needs identified, it is not possible to create a public housing project at this time. According to the HUD USER Low-Income Housing Tax Credit (LIHTC) Database, there are eleven low-income apartment complexes within San Juan County.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

There are no public housing apartments in the City of Farmington.

Actions taken to provide assistance to troubled PHAs

There are no public housing authorities (PHAs) in the City of Farmington.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Farmington continues to identify and address barriers to affordable housing in order to increase the availability of affordable housing units. The 2015 Action Plan did not include specific actions that address barriers to affordable housing.

The City plans to address Affordable Housing by utilizing the City resources to fully implement its Affordable Housing Ordinance by establishing the application process and by marketing it, and by working with the private sector to identify land areas the City owns for private development of affordable housing projects. In the event that sufficient funding becomes available in future Action Plan years, the City wants the ability to partners with the private sector, as it has done in the past Action Plan years, to provide new housing unit production or rehabilitation.

Additionally, the City continually updates its zoning regulations and zoning map purposely to increase the support of the availability of affordable housing in the City.

Land availability is an issue in Farmington. The Navajo Nation, as well as numerous state and Federal properties surround the City. The City will work with the BLM and the State to secure the release of public property for the development of affordable housing.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

There is an underserved need across most categories, including the homeless, special needs populations, and low income residents. A major obstacle to meeting these needs include the lack of funding required to meet all of the needs. The 2015 Action Plan strategically placed an emphasis on projects that had the most impact for high needs populations. This means that an emphasis was placed on projects that utilize a high degree of coordination with other agencies, that meet the highest-rated needs, and that had a measureable impact on the persons served.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

There are no Action Plan projects related to lead-based paint, and the City does not intend on funding renovations. However, the San Juan County Partnership subrecipient provides emergency rental assistance to families within the City. As part of their program, they provide lead based paint testing on apartment rentals for their clientele.

The City will continue to ensure that capital projects funded by CDBG funding which involve

rehabilitations require the mitigation of lead based paint appropriately by including the requirement in applicable contracts with sub-recipients.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The 2015 Action Plan reduced the number of poverty-level families through the implementation of funding to the Public Services projects. These projects have provided support for households by assisting them on the road to self-sufficiency and allowed families to access new opportunities and the support and education needed to be able to exit out of poverty.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The Planning and Administration of CDBG funds have allowed the City to monitor and guide the implementation of goals. This guidance has ensured the City will meet its obligations as outlined by HUD.

The City of Farmington's Mayor and City Council serves as the legislative, policy-making and administrative body governing the City. The Mayor and City Council performs legislative and quasi-judicial functions, which include adopting ordinances and resolutions for the safety, health, and well-being of the community.

The Mayor and City Council appoints a City Manager to carry out the policy directions of the City Council and to supervise and coordinate the work of department staff. With the exception of the City Attorney and the City Clerk, the City Manager has line authority over all City departments. The Community Development Department, which administers the CDBG program, is one of these departments.

Actions planned to continue to develop institutional structure include:

- Provide data and other information through the appropriate channels to ensure that leaders are aware of issues and can make decisions accordingly.
- Implement the 2014-2018 Consolidated Plan and the 2015 Annual Action Plan for the CDBG program.
- Update the Mayor and City Council regarding the CDBG program, request approvals, and provide project information as needed.
- Include other local jurisdictions in the CDBG process.
- Continue engaging sub-recipients and eligible organizations in the annual application process, project updates on funded projects, new rules and regulations from HUD, as well as fair housing information.
- Continue providing training and technical assistance to sub-recipients.
- Continue to encourage collaboration amongst agencies and organizations.
- Encourage, facilitate and foster relationships throughout San Juan County to strengthen the services available to the public.

All development in the City must comply with the City's 2020 Comprehensive Plan. Chapter 7, Housing, provides the following overarching goal: "Promote quality, affordable, and safe housing that meets the needs of the community and assures implementation of sound standards for orderly development and growth."

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Coordination among all providers is essential to improving the conditions and addressing service gaps for the City's citizens. Actions planned to enhance coordination between public and private housing and social service agencies include:

- Award CDBG funds to eligible projects for housing and social services.
- Encourage agencies to work together to apply for CDBG funds to leverage resources to the fullest extent.
- Continue working with agencies to address issues of poverty and homelessness.
- Continue to attend and be involved in meetings, events and training opportunities for housing and social service agencies.
- Continue to conduct outreach at public events on fair housing.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The 2014 Analysis of Impediments to Fair Housing Choice list the City of Farmington's impediments and recommended actions. There are three (3) private sector and four (4) public sector impediments; the City is currently working on the recommended actions for fair housing. The City will continue to sponsor a series of financial literacy and credit repair classes, work with local realtors to develop an education outreach program to address fair housing issues, and to provide education on fair housing and affirmatively furthering fair housing information to the public.

The City of Farmington plans to utilize resources over the next couple of years to implement the Affordable Housing Ordinance by establishing an application process and by marketing it and working with the private sector to identify land areas within the City for private development of affordable housing projects.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Farmington monitors the CDBG program and projects by the following:

Sub-recipient training- City staff works with the management and case workers of partner agencies to ensure that all key personnel understand their contract's scope of services, pertinent Federal Regulations, and accomplishment reporting. Training occurs after contracts are signed in order to provide important information and answer any questions subrecipients may have regarding to CDBG.

On-site Monitoring and Information Monitoring- Staff has developed a multi-page monitoring worksheet. This worksheet includes a wide variety of review questions and a regulation compliance checklist. The partner agency is provided a copy of the worksheet and an appointment is made for an on-site visit. During that visit, case files are reviewed, the worksheet is filled out, and any findings or concerns are noted. A copy of the final worksheet is provided to the partner agency for their review. Any findings or concerns will be corrected and documentation of the correction/revision kept in the project file. On-site monitoring occurs a minimum of once a year. In addition to the on-site monitoring informal monitoring such as phone calls and emails are also made to check-up on specific issues and to maintain consistent communication with subrecipients.

Invoice Monitoring - All partner agencies are required to submit documented invoices for CDBG payments. The documentation must include justification of paid expenses and required accomplishments. City staff reviews the invoices to ensure that they are both eligible and reasonable costs. This is the most frequent type of monitoring that occurs monthly and quarterly.

Timeliness Monitoring - City staff monitors project expenditures to ensure that funds are being drawn down in a timely manner and to ensure contract compliance. This monitoring is on-going through the year.

Accomplishments for goals and objectives - All contracts for CDBG projects include in the scope of services, a requirement to provide an end of the year accomplishment report. These include all data required to report accomplishments in HUD's IDIS web page. These reports are typically due 10 days after the end of the fiscal year.

CAPER - The Consolidated Annual Performance Evaluation Report (CAPER) includes a summary of the year's monitoring efforts. This report is prepared by the staff, made available to the public for review and comment, presented to and adopted by the City Council, and submitted to HUD for Federal review. The CAPER focuses on accomplishments, financial reporting, and compliance with Federal regulations.

Long Term Monitoring for Capital Projects – The City of Farmington has developed some CDBG projects that have long-term compliance requirements such as the development of affordable housing, the operation of facilities, and liens on properties that are forgivable over time. These types of projects and long term scopes of services require an annual monitoring effort for 5, 10, or 15 years. Long term monitoring results are included in the annual CAPER. The long term monitoring happens once a year in the fall.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The Citizen Participation Plan describes how the City of Farmington will involve residents in the planning, implementation and assessment of how the CDBG funds are to be used. The Citizen Participation Plan documents the processes and public involvement for the development of the Consolidated Plan, the Annual Action Plans, and the Consolidated Annual Performance and Evaluation Reports (CAPER). All public meetings and hearings are publicized in accordance with applicable HUD, state, and local regulations.

All applicable citizen participation requirements were met to finalize the 2015 CAPER. A public hearing will be held with the City Council on December 13, 2016, for adoption of the CAPER by Resolution. A 30-day public review and comment period beginning November 14, 2016, it will be noticed in English and Spanish in the Daily Times newspaper. Notices for the public review and hearing were also posted in English and Spanish at the City Clerk's office, the Community Development Department office, the City of Farmington Web Page, the reference desk of the Farmington Public Library, as well as the Farmington Indian Center, the Sycamore Park Community Center and the San Juan Center for Independence.

The opportunity for language, hearing, and accessibility assistance will be included in the public notification and the 2015 CAPER was made available for public review at the Public Library, City Clerk's Office, Community Development Department, and was posted on the City's web page. The 711 Telecommunications Relay Service was also cited in the public notices to assist hearing impaired individuals.

In addition, staff also provided reasonable efforts to provide language assistance to ensure meaningful access for Limited English Proficiency (LEP) persons. Including oral interpretation of documents, staff is also bilingual in both Spanish and Navajo, and we also provided a telephone interpreter for inquires.

- Once approved a copy of the Adopted Resolution will be attached at the end of this report.
- The Public Notice and Public Hearing advertisements will be attached at the end of this report. They were both advertised in English and Spanish.
- All received comments will be included at the end of this report.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There were no changes made to the 2014-2018 Consolidated Plan objectives in the program year 2015.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

The City of Farmington does not have any BEDI grants.

CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Roberts and City Council

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

DATE: December 8, 2016

SUBJECT: Request for Qualification-based Proposals for Downtown Farmington
Revitalization - Complete Streets, RFQP #17-117958

USING DEPARTMENT: Community Development
=====

A proposal opening was held on November 2, 2016 for Downtown Farmington Revitalization - Complete Streets. Five (5) offers were submitted.

The Central Purchasing Department concurs with the recommendation from the evaluation committee to begin negotiations with Occam Engineers, Inc., the top evaluated firm. The in-state or Veterans preference was given to qualified bidders.

The final rankings are listed below:

Occam Engineers, Inc. – Albuquerque, NM
Wilson & Company – Albuquerque, NM
Souder, Miller & Associates – Farmington, NM
Smith Engineering – Albuquerque, NM
Russell Planning & Engineering – Durango, CO

Kristi Benson (Presenter)
Council Meeting Close/Reopen 12/13/16

xc: H. Andrew Mason, Administrative Services Director
Mary Holton, Community Development Director
Cindy Lopez, Senior Planner
File - 17-117958

Evaluation Committee:
David Sypher, Public Works
John McNeill, Farmington MRA
Julie Baird, General Services
Melody Coyner, Legal
Teri Clashin, Community Development

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Executive Conference Room at City Hall at 6:00 p.m. on Tuesday, November 8, 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 Gayla A. McCulloch Nate Duckett
ABSENT	Sean E. Sharer, Councilor

constituting all 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 Associate Pastor to Youth Aaron Taylor of Crossroads Community 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 October 25, 2016.

*PURCHASE AGREEMENT between the City and Shawmarie Anderson, also known as Shawmarie James, for purchase by the City of 0.492 acres of land located at 5603 Greenwood Drive for a new detention pond as part of the Villa View Detention Ponds project (purchase price \$38,000).

*WARRANTS PAYABLE for the time period of October 23, 2016 through November 5, 2016, for current and prior years, in the amount of \$6,696,293.59.

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

REQUEST TO SPEND MRA FUNDS/RESTROOMS AT THE NATIVE AMERICAN MUSEUM

Senior Planner Cindy Lopez reported that the Metropolitan Redevelopment Agency ("MRA") is requesting authorization to utilize \$40,000 from the MRA Fund for renovation of the restrooms at the Native American Museum located at 301 West Main Street within the Metropolitan Redevelopment Area. She explained that ADA-compliant (Americans with Disabilities Act) restrooms are being required by law and noted that the MRA is eager to see the Native American Museum completed and operational in a timely manner.

In response to inquiry from Mayor Roberts, City Manager Rob Mayes reported that it is his opinion that the MRA fund is the most appropriate funding mechanism since the "Unanticipated" line item was used to install a fire suppression system that was also required at the Native American

Museum. He noted that the MRA Fund currently has a cash balance of \$1,000,049 and stated that it should take approximately three months to complete the renovations.

Responding to further inquiry from Councilor Duckett, Mr. Mayes confirmed that there is a mechanism for business owners to apply for financial assistance from the MRA Fund to assist with required improvements (i.e. sidewalks, fire suppression systems, etc.) and explained that such requests are considered on a case-by-case basis.

There being no further discussion, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch to authorize an expenditure of \$40,000 from the MRA Fund to renovate the restrooms at the Native American Museum located at 301 West Main Street, within the Metropolitan Redevelopment Area, and upon voice vote the motion carried unanimously.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented for discussion a proposed ordinance authorizing the 2016 Qualified Energy Conservation Bonds. The title of such proposed ordinance being:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF THE CITY OF FARMINGTON, NEW MEXICO TAXABLE DIRECT PAYMENT QUALIFIED ENERGY CONSERVATION BONDS SERIES 2016A IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,740,000, TO ACQUIRE, INSTALL, RETROFIT AND REPLACE ENERGY CONSERVATION MEASURES IN MUNICIPAL FACILITIES OWNED BY THE CITY AND TO PAY COSTS OF ISSUANCE OF THE SERIES 2016A BONDS; PROVIDING THAT THE SERIES 2016A BONDS WILL BE PAYABLE FROM STATE-SHARED GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY PURSUANT TO SECTION 7-1-6.4 NMSA 1978, AND FEDERAL SUBSIDY PAYMENTS FROM THE UNITED STATES TREASURY; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE SERIES 2016A BONDS, THE METHOD OF PAYING THE SERIES 2016A BONDS AND THE SECURITY THEREFOR; PRESCRIBING OTHER DETAILS CONCERNING THE PLEDGED REVENUES; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith.

There being no discussion, Ms. Breakell announced that the proposed ordinance will be presented for final action at the November 15, 2016 City Council Work Session.

CLOSED MEETING

A motion was made by Councilor Duckett, seconded by Councilor Rodgers to close the meeting to discuss request for proposals for a geographic information system transmission inventory for the Electric Utility System and a high definition laser scanning survey bundle, pursuant to Section 10-15-1H(6). The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Gayla A. McCulloch Nate Duckett
Those voting nay:	None
Those absent:	Sean E. Sharer

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

The Mayor convened the closed meeting at 6:09 p.m. with Councilors Rodgers, McCulloch and Duckett being present.

Following the closed meeting, during which meeting the matters discussed were limited only to those specified in the motion for closure, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 6:13 p.m. with Councilors Rodgers, McCulloch and Duckett being present.

REQUEST FOR PROPOSALS/GEOGRAPHIC INFORMATION SYSTEM TRANSMISSION
INVENTORY

Chief Procurement Officer Kristi Benson reported that proposals for a geographic information system transmission inventory (Electric) opened on August 24, 2016 with seven offerors participating. She recommended that the proposal be awarded to ESC Engineering, Inc. as the top evaluated firm based on the pricing schedule for services after application of the five percent in-state and Veterans preferences.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor McCulloch to award the proposal for a geographic information system transmission inventory to ESC Engineering, Inc., as recommended by the Chief Procurement Officer, and upon voice vote the motion carried unanimously.

REQUEST FOR PROPOSALS/HIGH DEFINITION LASER SCANNING SURVEY BUNDLE

Chief Procurement Officer Kristi Benson reported that proposals for a high definition laser scanning survey bundle (Electric) opened on September 7, 2016. She recommended that the proposal be awarded to Vectors Inc. as the sole proposal is deemed to be advantageous and in the best interest of the City.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to award the proposal for a high definition laser scanning survey bundle to Vectors Inc., as recommended by the Chief Procurement Officer, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 6:15 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 13th day of December, 2016.

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

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk

Special Meeting of the City Council, City of Farmington, New Mexico, held in the Executive Conference Room at City Hall at 12:00 noon on Wednesday, November 30, 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:

DEPUTY CITY CLERK	Andrea Jones
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City Manager Rob Mayes, City Attorney Jennifer Breakell and Administrative Services Director Andy Mason were contacted by telephone for participation in the meeting.

Peter Franklin of Modrall Spering, special bond counsel to the City, and Andrew Stricklin of RBC Capital Markets were also present at the meeting.

The meeting was convened by the Mayor. Thereupon the following proceedings were duly had and taken:

The Mayor announced that at this meeting the City Council is to consider adoption of a wrap-up resolution in connection with the City of Farmington, New Mexico Gross Receipts Tax Civic Center Improvement Revenue Bonds which were authorized by Ordinance No. 2016-1294. City Manager Rob Mayes thereupon introduced the resolution, entitled as follows:

RESOLUTION NO. 2016-1612

A RESOLUTION RELATING TO THE CITY OF FARMINGTON, NEW MEXICO GROSS RECEIPTS TAX CIVIC CENTER IMPROVEMENT REVENUE BONDS IN ACCORDANCE WITH CITY ORDINANCE NO. 2016-1294 ADOPTED ON OCTOBER 25, 2016; APPROVING THE SALE OF THE BONDS TO THE NEW MEXICO FINANCE AUTHORITY; PROVIDING THAT THE BONDS WILL BE PAYABLE FROM STATE-SHARED GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY PURSUANT TO SECTION 7-1-6.4 NMSA 1978, AND CONVENTION CENTER FEE REVENUES COLLECTED BY THE CITY PURSUANT TO SECTIONS 5-13-1 THROUGH 5-13-15 NMSA 1978 AND CITY ORDINANCE NO. 2014-1272; ESTABLISHING CERTAIN DETAILS OF THE BONDS; PROVIDING FOR THE PAYMENT OF EXPENSES RELATING TO THE ISSUANCE OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINGENT INTERCEPT AGREEMENT; APPROVING OTHER DOCUMENTS RELATING TO THE BONDS; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH AND REPEALING PREVIOUS ACTION INCONSISTENT WITH THE PROVISIONS HEREOF.

Peter Franklin of Modrall Spering, special bond counsel to the City, provided a brief summary of the process to-date and noted that amended versions of the Resolution, Bond Purchase Agreement and Contingent Intercept Agreement have been distributed to the Council for review. Furthermore, he explained that the Contingent Intercept Agreement would only be activated if the City does not make timely payments to the New Mexico Finance Authority ("NMFA") as required in the Bond Purchase Agreement.

Andrew Stricklin of RBC Capital Markets reminded the Council that the bonds will be payable from State-shared gross receipts tax revenues distributed to the City and Convention Center fee revenues collected by the City and reported that the estimated \$820,000 collected in annual revenues will provide the annual debt service payment of \$713,000. Additionally, he announced that a 3.79 percent true interest cost was obtained and stated that the pricing results are located on Page 3 of the informational packet distributed to the Council.

In response to Mayor Roberts' inquiry, Mr. Franklin reported that the maturity date for the bonds is June 1, 2041 and explained that the City is selling its bonds to NMFA which negates the need for a separate loan agreement. Responding to further inquiry from the Mayor, Mr. Mayes stated that the surplus in revenues collected after the annual debt service payments is the initial contingency plan if needed and noted that if the revenue balance is depleted that the debt service payments would be honored by the General Fund.

There being no further discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers that Resolution No. 2016-1612 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
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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. 2016-1612 was duly passed and adopted.

There being no further business to come before the Council, the meeting was adjourned at 9:10 a.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 13th day of December, 2016.

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

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, November 15, 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
ABSENT	Nate Duckett, Councilor

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 AWARDS

Employee Council President Kathy Farley recognized Police Officers Matthew Burns and Jonathon Thornton as the Employee of the Month award recipients for September 2016. Officer Burns and Officer Thornton were each presented with a plaque and gift certificate and the Mayor and Council expressed their appreciation for their dedication to the City.

SMALL BUSINESS SATURDAY PROCLAMATION

The Mayor presented a Proclamation declaring November 26, 2016 as "Small Business Saturday" and encouraged all citizens to support local businesses.

GRANT MODIFICATION 1/AWARD NO. G16SN0010A/REGION II HIGH INSTENSITY DRUG TRAFFICKING AREA NARCOTICS TASK FORCE

Region II Director Sergeant Kevin Burns reported that the grant modification is a supplemental funding request that provides the Police Department and area agencies with a valuable piece of software for downloading data from cell phones, noting that it will alleviate the cumbersome process of a single analyst entering data into an Excel spreadsheet for dissemination.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch to approve Grant Modification 1, as presented, and upon voice vote the motion carried unanimously.

CHATEL INVENTORY LIST

Administrative Services Director Andy Mason explained that to be in compliance with Section 12-6-10 NMSA 1978, the New Mexico State Auditor has advised that a listing of moveable chattel (equipment costing more than \$5,000) be approved annually by the Council. He pointed out that the full list is included in the agenda packet and noted that staff audits 20 percent of the City's assets every year.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to approve the chattel inventory list, as presented, and upon voice vote the motion carried unanimously.

RESOLUTION NO. 2016-1611 APPROVING THE FIRST REVISION TO THE FY17 BUDGET AND REQUESTING STATE APPROVAL

Administrative Services Director Andy Mason reviewed the proposed revisions to the FY17 budget and recommended adoption of Resolution No. 2016-1611 approving the first revision to the FY17 budget.

Following brief consideration, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch to adopt Resolution No. 2016-1611 as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch
Those voting nay:	None
Those absent:	Nate Duckett

The presiding officer thereupon declared that three Councilors having voted in favor thereof, said motion carried and Resolution No. 2016-1611 was duly passed and adopted.

PRESENTATION/OUTDOOR AQUATIC FACILITY FEASIBILITY STUDY

Parks, Recreation & Cultural Affairs Director Cory Styron introduced Ted Grumblatt of FBT Architects. Mr. Grumblatt introduced fellow team members George Deines of Councilman-Hunsaker and Kelly Jernigan of FBT Architects. At the request of the Mayor, Mr. Grumblatt and Mr. Deines provided a brief overview of their previous experience with outdoor aquatic projects of similar size and scope.

Utilizing a PowerPoint presentation, Mr. Grumblatt discussed the feasibility study five-step process and stated that the pre-workshop activities (step one) and the workshop with the steering committee (step two) have been completed to-date. Mr. Styron reported that Aquatics Manager Mike Duke, Parks Superintendent Brian Bobeck, Senior Planner Cindy Lopez, City Engineer Nica Westerling and Farmington Convention and Visitors Bureau ("CVB") Executive Director Tonya Stinson are the steering committee members for the project. Mr. Grumblatt announced that the public input meetings (step three) are scheduled for today and tomorrow and reported that the design team will develop three schemes (step four) within budget based on the input received and present them to the steering committee for consideration. In response to the Mayor's inquiry, Mr. Grumblatt stated that scheme one is a replacement of the existing pool without a set construction budget, scheme two has a \$2 million construction budget and scheme three has a \$4 million construction budget and City Manager Rob Mayes explained that the budget numbers are only conceptual based on the estimated revenues realized from the possibility of refunding the 2005 Bonds. Mr. Grumblatt stated that the final report will be presented to the Council and/or public (step five) which will conclude the feasibility study.

Councilor McCulloch questioned whether the replacement facility would have to be in the same location as Brookside Pool or if it could be moved to a more level location within Brookside Park. In response, Mr. Mayes reported that staff has asked the feasibility study team to evaluate both options with an open mind and Mr. Grumblatt confirmed that they have studied the entire park and pointed out that there will be infrastructure costs associated with moving the facility to a different location. Responding to inquiry from Mayor Roberts, Mr. Grumblatt stated that replacing the existing facility would require meeting current code standards and therefore would not be an identical replication and Mr. Mayes acknowledged that it might not be a low cost alternative to a new facility design. Additionally, Mr. Deines announced that user expectations have changed over the past 25 years in both physicality and functionality of aquatic facilities.

Mr. Deines explained that they compared area aquatic providers to help develop price points, features, financial forecasting and to make the facility unique to Farmington and confirmed that it is possible to design a facility that would accommodate off-season use such as a Christmas light tour, but noted that this is not typical. Furthermore, he noted that outdoor facilities usually have higher attendance in their open season (100 days) than indoor pools that are open year-round. In

response to the Mayor, Mr. Styron reported that there was a three percent attendance increase at the Aquatic Center this past year since Brookside Pool was closed but pointed out that most participants utilized the beach at Lake Farmington. Additionally, he stated a small percentage of participants want the outdoor "see-the-bottom-of-the-pool" experience but noted that most participants simply desire to have an outdoor water experience.

Ms. Jernigan presented several possible design features that included climbing, spraying, beach entry, waterfalls, slides, lazy river, zip line, social and party areas, party suites, canopies and tables and the possibility of various themes that would tie the features together. Responding to the Mayor's inquiry, Mr. Deines reported that a tower and slide cost approximately \$300,000 to \$350,000 and that a single slide can range from \$100,000 to \$200,000 and he described the different types of slides and their required exit methods. Ms. Jernigan stated that the various design elements have been divided into different price point levels for the public to rate at the public meetings which will help the design team create schemes within the construction budgets based on the community's desires. Councilor Rodgers announced that she believes that it would be beneficial to allow the public to participate with the design element ratings online via social media or the City's website. Mayor Roberts agreed that expanding the avenues of seeking public input would be helpful and stated that the public should be able to participate online just as they would if they had attended the public meetings. Mr. Deines confirmed that social media is a good tool to increase public participation. Councilor Sharer expressed his agreement with electronic participation, noting that Brookside Pool is located within his district and is an important project to him. He announced that he would like to see the Connie Mack World Series offered as a design element and/or theme.

Following further discussion regarding funding of the project, Mayor Roberts emphasized that there is a potential funding source identified that will not raise taxes or cut any current programs or services offered by the City but would extend a current commitment on the General Fund for a period of time.

PRESENTATION/CITY OF FARMINGTON UTILITY ASSISTANCE PROGRAM

Electric Utility Director Hank Adair announced that Utility Business Operations Manager Sue Nipper Greaves and Customer Care Manager Nicki Parks spearheaded the proposed revisions to the City of Farmington Utility Assistance Program ("Program") which is funded through Farmington Electric Utility System ("FEUS") disconnection warning tag revenues. He stated that the funding available has increased to \$157,000 (nearly triple the previous year's amount) which allows for an adjustment in the guidelines and reported that the new Program provides an assistance limit not to exceed \$200 per month and \$1,000 per household per year, noting that the current limit is \$375 per household per year. Ms. Nipper Greaves introduced Sara Kaynor of ECHO, Inc. which is the third party administrator of the Program and stated that there is a true need in the community for increased assistance. Ms. Nipper Greaves reported that the average residential utility customer's bill is \$200 per month and announced that the Program is available to all FEUS customers.

Responding to the Mayor's inquiry, Ms. Parks stated that the warning tag is issued seven days prior to the second bill's due date which is a timeframe of approximately 45 days and Ms. Nipper Greaves confirmed that customers are notified that their bill is delinquent and that they can apply for assistance with ECHO, Inc. In response to additional inquiry from the Mayor, Ms. Nipper Greaves confirmed that it is possible for the fund balance to run low but stated that it is unlikely and Mr. Adair reported that the proposed assistance limits are slightly more than what Public Service Company of New Mexico ("PNM") and the City of Aztec offer. Responding to Councilor Sharer's question, Ms. Nipper Greaves stated that the Program is based on household income with a limit of 150 percent of poverty level and there must be a financial emergency or expense that was unexpected such as a medical bill or car repair.

There being no further discussion, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to approve the new City of Farmington Utility Assistance Program, as presented, and upon voice vote the motion carried unanimously.

ORDINANCE NO. 2016-1295/PROVIDING FOR THE ISSUANCE OF THE CITY OF FARMINGTON, NEW MEXICO TAXABLE DIRECT PAYMENT QUALIFIED ENERGY CONSERVATION BONDS SERIES 2016A IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,743,999 TO ACQUIRE, INSTALL, RETROFIT AND REPLACE ENERGY CONSERVATION MEASURES IN MUNICIPAL FACILITIES OWNED BY THE CITY AND TO PAY COSTS OF ISSUANCE OF THE SERIES 2016A BONDS; PROVIDING THAT THE SERIES 2016A BONDS WILL BE PAYABLE FROM STATE-SHARED GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY PURSUANT TO SECTION 7-1-6.4 NMSA 1978, AND FEDERAL SUBSIDY PAYMENTS FROM THE UNITED STATES TREASURY; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE SERIES 2016A BONDS, THE METHOD OF PAYING THE SERIES 2016A BONDS AND THE SECURITY THEREFOR; PRESCRIBING OTHER DETAILS CONCERNING THE PLEDGED REVENUES; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

City Attorney Jennifer Breakell directed the Council's attention to the amended version of Ordinance No. 2016-1295 authorizing the Taxable Direct Payment Qualified Energy Conservation Bonds Series 2016A, noting that there are no substantive changes from the previous version included in the agenda packet. She stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978 Compilation.

After brief consideration of Ordinance No. 2016-1295, a motion was made by Councilor Rodgers, seconded by Councilor Sharer 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
Those voting nay:	None
Those absent:	Nate Duckett

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2016-1295 was duly passed and adopted.

COUNCIL BUSINESS

Revenues collected from the Convention Center Financing Act

Mayor Roberts requested an update on the revenues collected from the Convention Center Financing Act in light of the Red Lion Hotel's foreclosure. Administrative Services Director Andy Mason requested additional time to compile the data and confirmed that he would provide an update at the next scheduled City Council Work Session. City Manager Rob Mayes stated that a memorandum could also be sent to the Council prior to that meeting.

There being no further business to come before the Council, the meeting was adjourned at 10:23 a.m.

APPROVED this 13th day of December, 2016.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk