

CITY OF FARMINGTON
CITY COUNCIL WORK SESSION AGENDA
February 16, 2021 – 9:00 a.m.
<https://us02web.zoom.us/j/88244317479>

DEPARTMENT HEAD REPORTS

1. Roll Call and Convening the Meeting (Mayor)
2. Update regarding the Small Business Continuity Grant program (Warren Unsicker) ----- 1

Action Requested of Council:

Information only.

3. Proposed Resolution No. 2021-1783 requesting a time extension from the New Mexico Department of Transportation for Phase 2 of the Foothills Enhancement Project (David Sypher) ----- 2

Action Requested of Council:

Adopt Resolution No. 2021-1783 and authorize the Mayor to execute the First Amendment to the Cooperative Project Agreement – Construction Work (Control No. F100099).

Background/Rationale:

The requested time extension to the Cooperative Project Agreement – Construction Work (Control No. F100099) is a result of delays caused by the COVID-19 pandemic, coordination of the Transportation Alt Flexible (TAPF) funding requirements and updates to the design.

Staff Recommendation:

Adopt Resolution No. 2021-1783 and authorize the Mayor to execute the First Amendment to the Cooperative Project Agreement – Construction Work (Control No. F100099).

Instructions Upon Approval:

The executed First Amendment to the Cooperative Project Agreement – Construction Work (Control No. F100099) will be submitted to New Mexico Department of Transportation for review and approval.

4. Presentation regarding bus stop shelter design options for the Red Apple Transit (Eddie Smylie and Andrew Montoya)

Action Requested of Council:

Provide direction to staff.

Background/Rationale:

The current Red Apple Transit bus stop shelters are approaching 20 years of age and are in need of replacement. The design of the current shelters make them easily damaged by vandalism and expensive to maintain. Staff has provided several design options and recommendations for new bus stop shelters for Council's consideration.

Staff Recommendation:

Select the design for the new bus stop shelters and direct staff to begin the procurement process.

Instructions Upon Approval:

Proceed with procurement of the new bus stop shelters.

Budgetary Impact:

Total estimated project cost is \$200,000 (State/Federal funding is \$160,000 and the City's match is \$40,000).

5. Discussion regarding the proposed ordinance amending the Unified Development Code (UDC) in its entirety (Jennifer Breakell and Beth Escobar) -----3

Action Requested of Council:

Discussion only. Final action is scheduled for March 9, 2021.

COUNCIL BUSINESS

CLOSED MEETING

6. To discuss disposition of real property (College Boulevard), pursuant to Section 10-15-1H(8) NMSA 1978.

AGENDA ITEM SUPPORT MATERIALS ARE AVAILABLE FOR INSPECTION AND/OR PURCHASE AT THE OFFICE OF THE CITY CLERK, 800 MUNICIPAL DRIVE, FARMINGTON, NEW MEXICO.

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 599-1106 or 599-1101 prior to the meeting so that arrangements can be made.

memo

Economic Development Department

Attn: Rob Mayes/Council

From: Warren Unsicker – Director of Economic Development

Date: 2/16/21

Re: City Council Update

Item Title: - Update to Council Regarding Results and Impact of the Small Business Continuity Grant

Comments: The City of Farmington is proud to have been able to assist 232 of its local businesses with the Small Business Continuity Grant – CARES Act funds awarded to the community by the State of New Mexico.

Awards by grant amount are as follows:

- 188 were awarded \$5,000
- 41 were awarded \$10,000
- 3 were awarded \$15,000

Nine (9) businesses were unable to utilize the full extent of their \$5,000 awards. These businesses were not able to produce enough receipts for “allowable reimbursement expenses” as outline by the State. This resulted in only \$8,953.57 of awarded funds not being disbursed.

The City of Farmington received a total of 271 applications. There were 39 applications that were not awarded due to the following reasons:

- Not eligible under state guidelines
- Unable to provide proper business documentation
- Not located within the city limits of Farmington (these were referred to the correct jurisdiction)
- Purchased or sold their business in the midst of COVID

The City of Farmington was originally awarded \$1,447,500 for the Small Business Continuity Grant program. As the deadline to expend the funds and new applications slowed down, the city took advantage of a one-time opportunity to transfer funds from the SBCG-CARES award to the Local Government-CARES award in the amount of \$100,000. This insured these funds would not be reverted back to the state in case they could not be awarded to businesses.

The city completed the disbursement of \$1,386,046.43, disbursing \$1,347,500 of SBCG funds and \$38,546.43 of funds from the reimbursed Local Government CARES act funds. Over 80% of the awarded funds were used for Non-Owner Employee Payroll, Rent, Mortgage and Insurance expenses.

Many city departments were involved with the administration of the SBCG funds, in particular the Administrative Services Department and Economic Development Department. However, key city staff worked diligently to make these funds accessible to our business community. In particular, a big thank you to the following:

- Cindy Lopez – Grant Administrator
- Samantha Simms – Finance
- Dana Bishop – Finance
- Sarah Talley – Finance
- Melissa Murphy – Finance
- Winnie Tom – Administration
- Shjan Sanisya-Spencer – Administration
- Rosalyn Potter – Purchasing
- Jennifer Rowland – Purchasing
- Shay Jaquez – PRCA
- Georgette Allen – Admin PIO
- Teresa Emrich – Administration



City of Farmington
Community Works Department
800 Municipal Drive, Farmington, NM 87401
Phone: 505-599-1308

INTEROFFICE MEMORANDUM

DATE: February 10, 2021

TO: Mayor and City Council

CC: Rob Mayes, City Manager
David Sypher, Community Works Director
Isaac Blue Eyes, City Engineer

FROM: Virginia King, Project Engineer

RE: TAPF Funding for Foothills Drive Enhancement Project Phase 2
Time Extension Request

Attached is the required resolution and the New Mexico Department of Transportation First Amendment to Transportation Alt Flexible Program Cooperative Agreement (Control No. F100099) for the Foothills Drive Enhancement Phase 2 Project between Rinconada Street to Mesa Del Oso, extending the Agreement termination date to March 4, 2022.

The time extension request was due to delays caused by COVID19, TAPF funding requirements coordination and updates to the design.

Staff Recommendation:

City Council authorize the Mayor to sign the NMDOT First Amendment to the COOP Construction agreement with the time extension.

RESOLUTION NO. 2021-1783

A RESOLUTION REQUESTING A TIME EXTENSION FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR THE FOOTHILLS ENHANCEMENT PROJECT, PHASE 2, TRANSPORTATION ALT FLEXIBLE (TAPF) PROGRAM COOPERATIVE PROJECT AGREEMENT - CONSTRUCTION WORK (Control No. F100099)

WHEREAS, the City of Farmington and the New Mexico Department of Transportation ("NMDOT") entered into a joint and coordinated effort for the Foothills Drive Enhancement Project, Phase 2; and

WHEREAS, the City of Farmington agrees to provide matching funds at a percentage equal to or above 14.56% in the amount of Fifty One Thousand One Hundred Thirty Two Dollars (\$51,132) in accordance with the Transportation Alt Flexible (TAPF) Program Funds with NMDOT's share being Three Hundred Thousand Forty Seven Dollars (\$300,047) for a total project cost of Three Hundred Fifty One Thousand One Hundred Seventy Nine Dollars (\$351,179); and

WHEREAS, the City of Farmington supports the project and is requesting a time extension to the COOP Agreement due to COVID19, the TAPF funding requirements coordination and updates to the design took additional time; and

WHEREAS, the project has an estimated construction contract time of 150 days with additional time required for the bid, final inspection and audit with an anticipated construction start date of April 2021; and

WHEREAS, the executed COOP Construction Agreement was received on December 10, 2020 with a termination date of March 1, 2021.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City of Farmington that we respectfully request a time extension to March 4, 2022 for the COOP Construction Agreement, Control No. F100099.

PASSED, SIGNED, APPROVED AND ADOPTED this 16th day of February, 2021.

Nate Duckett, Mayor

SEAL

ATTEST:

Andrea Jones, City Clerk

Contract No.:	<u>0000054331</u>
Vendor No.:	<u>F100099</u>
Control No.:	<u>20.205- Highway Planning &</u>
CFDA No:	<u>Construction</u>

**FIRST AMENDMENT TO
COOPERATIVE PROJECT AGREEMENT – CONSTRUCTION WORK**

This **First Amendment** is to the Cooperative Project Agreement entered into between the New Mexico Department of Transportation (Department) and City of Farmington (Local Agency). . This Amendment is effective as of the date of the last party to sign on the signature page.

RECITALS

Whereas, the Department and the Local Agency entered into an Agreement, Contract No. D18635, on 09/24/2020; and,

Whereas, Section 12 allows for modification of the Agreement by an instrument in writing executed by the parties; and,

Whereas, the Department and the Local Agency want to extend the term of the Agreement to allow for Project completion; and,

Whereas, the parties agree to modify this Agreement.

Now, therefore, the Department and the Local Agency agree as follows:

1. Section 4, Term, is deleted and replaced with the following:

4. Term.

This Agreement is effective on **09/24/2020**. This Agreement terminates on **03/04/2022**. If a contract term extension is needed, the Local Agency must provide written request to the Region or District T/LPA Coordinator sixty (60) days prior to the expiration date to ensure timely processing of an Amendment. The Region or District will then have two weeks to submit to Project Oversight Division to ensure timely processing of an Amendment.

2. Exhibit A is deleted and replaced with the attached Exhibit A.

All other obligations set forth in the Original Agreement shall remain in full force and effect unless expressly amended or modified by this First Amendment.

The remainder of this page is intentionally left blank.

In witness whereof, each party is signing this Agreement on the date stated opposite of that party's signature.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____ Date: _____
Cabinet Secretary or Designee

Reviewed and Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By: Aaron Frankland, Deputy General Counsel Date: Feb 4, 2021
Aaron Frankland, Deputy General Counsel (Feb 4, 2021 08:42 MST)
Assistant General Counsel

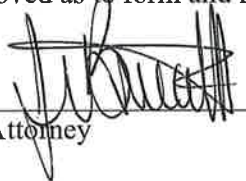
City of Farmington

By: _____ Date: _____

ATTEST

By: _____ Date: _____
CITY OF FARMINGTON Clerk

Approved as to form and legal sufficiency by the City's Attorney

By:  Date: 2/10/21
Attorney






F100099 DRAFT AGREEMENT AMENDMENT

Final Audit Report

2021-02-04

Created:	2021-02-04
By:	Alexis Perry-Vigil (Alexis.Perry@state.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAABEGDUmTZrcP42EcoKJXsx44zCoqITkio

"F100099 DRAFT AGREEMENT AMENDMENT" History

-  Document created by Alexis Perry-Vigil (Alexis.Perry@state.nm.us)
2021-02-04 - 3:39:12 PM GMT- IP address: 174.62.11.113
-  Document emailed to Aaron Frankland, Deputy General Counsel (aaron.frankland@state.nm.us) for signature
2021-02-04 - 3:40:35 PM GMT
-  Email viewed by Aaron Frankland, Deputy General Counsel (aaron.frankland@state.nm.us)
2021-02-04 - 3:41:17 PM GMT- IP address: 45.41.142.6
-  Document e-signed by Aaron Frankland, Deputy General Counsel (aaron.frankland@state.nm.us)
Signature Date: 2021-02-04 - 3:42:57 PM GMT - Time Source: server- IP address: 67.164.151.167
-  Agreement completed.
2021-02-04 - 3:42:57 PM GMT

Project End Date Selection T/LPA Project

The Project end date is the final date recorded in the project agreement when the NMDOT may incur direct costs on the project to be eligible for Federal-aid reimbursement. Also, referred to as the period of performance end date or project agreement end date. Project end date is the applicable field in FMIS. The Project End Dates are to be provided on the Agreement Request Form (ARF).

Control Number: F100099
District: 5

ARF end date:	<u>03/04/22</u>	
Calendar Days allowed to Final (District):	<u>180</u>	District Target to
Calendar Days allowed to Final (CCRB):	<u>45</u>	CCRB: <u>08/31/22</u>
Calendar Days allowed to Final (POD):	<u>45</u>	
		CCRB Target to
Final End Date: 11/29/22		POD: <u>10/15/22</u>

POD Approved: _____ **Date:** _____

Project End date extension request

DISTRICT/REGION

Final End Date:	11/29/22
* T/LPA request for extension:	0
New End Date:	11/29/22

*** Requires documentation to be attached.**

ADE Design/Construction: _____ **DE (if required):** _____

CCRB

New End Date	11/29/22
Other (Requires written justification to be attached):	
New End Date:	11/29/22

State Const Engineer: _____

POD

New End Date	11/29/22
New End Date:	11/29/22

POD Director: _____

**Unified Development Code Proposed Revisions
City Council February 9, 2021**

Article	Section	Change	Explanation
Table of Contents			Expand with hyperlinks to all major segments
1 – Introductory Provisions	1.9.1 Transitional Provisions	Change dates to reflect adoption of new code	
2 – Use Regulations	2.1.1 Districts established	Reformat table to delete ‘new’ information from 2007. Insert minimum lot size as quick reference.	
	2.1.2 Zoning District Hierarchy	Delete table	Not current
	2.1.3 Establishment of special purpose and overlay zoning districts	Eliminate former name, add hyperlinks to overlay section	
		Delete dated comments	
	2.3.2 Temporary Uses	Add clarification for temporary buildings	Temporary buildings consistent with use per zoning require a building permit not a Temporary Use Permit
	Table 2.3 Permitted Use Table	Add hyperlinks to Sections	
		Add Mobile Food Units	
		Change carwashes back to a permitted use in Commercial and Industrial Zoning Districts. Would apply to new development only.	See 2.4.13 amendments Site Plan requirements should address residential protection issues
		Separate livestock and fowl, add fowl as a permitted use in all districts	Per City Attorney
	2.4.2 Agriculture	Add language re State of New Mexico	Includes hemp as an agricultural crop
		Add language re code compliance	
	2.4.7 Animals or Fowl	Add fowls as permitted use	No limit on number. Issues addressed through an Administrative Review process. Shelter must be ten feet from neighbor’s building.

**Unified Development Code Proposed Revisions
City Council February 9, 2021**

Article	Section	Change	Explanation
		Add requirement for drainage narrative, waste management plan and watershed protection plan.	To be submitted with Special Use Permit
	<i>2.4.8.B Assisted Living and Nursing Homes</i>	Delete requirement for assisted living facilities to have direct access to a collector or arterial	Limits location, plus recent facilities have been permitted without this access - Welbrook
	<i>2.4.13.C Car Washes</i>	Add language requiring use of reclaimed water by new car washes	Would apply to all new or expansion per Section 9.2 of the UDC
	<i>2.4.16.D Day Care Centers</i>	Modify language about fence height	Consistent with NM regulations
	<i>2.4.32.D.f Mobile Homes and Manufactured Homes</i>	Allows existing setbacks to be retained when old mobile/manufactured units are replaced	Removes deterrent to upgrade older units
	<i>2.4.49.A.(2) Single-family and duplex dwellings</i>	Add language tying minimum square footage to Building Code	Allows for potential future 'tiny homes' if state modifies code
	<i>2.4.51 Small local retail or service establishments in residential and OP Districts</i>	Add language excluding certain sales in residential and OP	Eliminates more impactful sales such as tobacco, vape, CBD (in preparation for possible legalization of marijuana sales)
	<i>2.4.56.M.11 Telecommunication Facilities</i>	Add language for small cell wireless deployment in historic district	Based on guidelines adopted by the MRA on February 18, 2020
	<i>2.4.57 Upper story residential</i>	Allow upper-story residential to continue even if a commercial use is not in existence on bottom floor.	
	<i>2.4.59.C Vehicle repair, paint and body shops</i>	Add clarification for distance measurement	200 feet distance is required, but code doesn't specify how to measure
	<i>2.4.66 – New Section</i>	Add section for Mobile Food units	Add clarification about power source
	<i>2.5.2.B Accessory uses and structures</i>	Convert accessory structure calculations to lot coverage maximum. Set 20 as maximum average height as calculated by code. (Not peak height)	Consistency of the code and ease of enforcement. Add to definitions: accessory structure consistent with building

**Unified Development Code Proposed Revisions
City Council February 9, 2021**

Article	Section	Change	Explanation
			code, structure-must include a roof, not apply to pools, patios, hot tubs, shade sails.
	2.5.4 Apartments	Allow separate electric meters for apartments (ARB recommendation is to require an administrative review of applications for apartments)	Apartments require administrative review. Separate meter is allowed and may be rented-not allowing separate meters does not make sense
	2.5.8 Guesthouses	Allow separate electric meters for guest houses (ARB recommendation is to require an administrative review of applications for Guest houses)	Guesthouses, by definition, are not rental units. Many times separate meters are required due to use load.
	2.5.9.H Home Occupations	Remove language prohibiting signs for Home Occupation Businesses	Conflicts with Section 5.8.7.A.13 which has regulations for Home Occupation signs-wall signs only will be permitted
	2.5.10 Limited retail and service	See 2.4.51	
	2.8.3 Measurements and exceptions	See 2.5 re accessory structures	Consistency in code
3- Base Districts	No changes		
4 – Overlay and Special Purpose Districts	4.5.6 Special Mobile Home Area Overlay	Exempt manufactured homes in the SMHAO from stem wall foundation requirement	Inhibits development of affordable housing
5 – Development Standards	5.2.3 – after table	Add language regarding reduction of required off street parking is possible per Director’s review and approval	Allows flexibility in design, reduces potential for over parking
	5.2.11.C.1 Parking Design Standards-Surfacing and maintenance	Clarifies the requirement for paving of parking areas applies to new development only	Adds cost burden, impedes development of affordable housing when applied to replacement residential units
	5.2.11.C.(2) Parking Design Standards	Adds requirement for planning division review and approval of commercial/industrial parking lot resurfacing	Ensures retention of correct number of regular and ADA parking spaces and location of

**Unified Development Code Proposed Revisions
City Council February 9, 2021**

Article	Section	Change	Explanation
Apron, based on RA standards Must meet fire code Gravel shall be fractured face, self compacting, crusher fines lifetime maintenance is required	5.3.3.A.3 Driveways and parking lot access	Gravel minimum for driveways for replacement Mobile and Manufactured Homes in SMHAO with a 10-foot concrete apron required where the driveway meets the public right-of-way.	ADA spaces. There will be no charge for this permit review. Paving requirement adds cost burden that may prevent upgrade/replacement of pre 1976 units
	5.3.6.B Corner setbacks and intersection visibility	Redo graphics to be consistent with code	Will use NMDOT graphic
	5.5.6.D Parking Area Landscaping	Add landscape island requirement of every 15 lineal parking spaces. Trees in islands shall have a minimum height of eight (8) feet of clearance from the ground to the canopy. Applies to new development only	Break up large stretches of pavement. Code currently requires terminal islands for every 30 lineal parking spaces, this change would require an island at the halfway point.
	5.5.8.B Irrigation	Add language requiring incorporation of irrigation best practices	Language is broad to encourage participation and flexibility
	5.6.4.C Flood Hazard	Update FIRM info	
	5.7.3.B.5 Supplementary drainage requirements	New construction shall incorporate on-site first flush retention practices	To prevent accumulated sanitary solids and pollutants from entering stormwater system per the City's Stormwater Management Plan
	5.7.3.B.6 Supplementary drainage requirements	Encourage rainwater harvesting	
		Align with Section 6.4.14 Drainage regulations for subdivision	No conflict
	5.8 Signage	This entire section has been redone to align with recent court rulings	

**Unified Development Code Proposed Revisions
City Council February 9, 2021**

Article	Section	Change	Explanation
	5.8.3 Signs allowed without a permit F.	Add clarification regarding murals	
	5.8.3.G and 5.8.7.A.3.a.3	Remove references to commercial message	To bring sign code into compliance with Reed v. Gilbert
	5.8.4.B Prohibited signs	Allow for decorative string lighting	Not currently enforced
	5.8.4.G	Removes portable signs from prohibited sign list	We have not been enforcing this
	5.8.6 Summary of permitted signs	Adds portable signs, adopts standards-size, location, weighting requirements	
	5.8.7.A.13 Home Business Signs	Limit to wall signs only	
	5.10.8 Outdoor Lighting	Applies lighting code to all development, not just those adjacent to residential	Would apply to new development only with encouragement for existing businesses to upgrade
	5.10.8.A.2 Outdoor Lighting	Update allowed lighting sources	Conform with new FEUS standards
	5.10.B.4 String lighting	See 5.8.4.B	
	5.13	Adopt new street classification and design standards	Per Director request
6 – Subdivision Standards	6.3.C – E Building Lots	Add language regarding lot of record	Remove burden from property owner to receive summary plat approval
	6.4.7.J.2 Geometric standards	Change from back of curb to face of curb	
7 – Review and Decision Making Bodies	Director to Director or designee and Community Development to Community Works changes only		
8 – Administration and Procedures	8.1.3. B & C Minimum Submission Requirements	Remove the requirement for title report except in certain cases	

**Unified Development Code Proposed Revisions
City Council February 9, 2021**

Article	Section	Change	Explanation
	8.8.5.A.1.C <i>Summary Subdivision Application process</i>	Add acceptance of lot consolidation through a warranty deed or recorded legal survey	
	8.8.5.A.3 <i>Summary Subdivision Application process</i>	Add exemptions to summary plat requirements.	
	8.8.A.2	Make SUPs transferable for residential and commercial	
	8.9.6	Allow for time limit of SUPs to be set through conditions of approval	
9 - Nonconformities	<i>Director to Director or designee changes only</i>		
	9.2.4 & 9.3.3	Eliminate prohibition to rebuild or restore non-conforming use/structure	
10 – Violations, penalties and Enforcement	<i>Director to Director or designee and Community Development to Community Works changes only</i>		
11 – Definitions	<i>Review for completeness with entire code</i>		Revise definition of structure Revise definition of mobile home to eliminate dimension requirements Added definition for loan companies
12- Index			Will be reconfigured after all edits are reviewed/approved.
13 – Appendices	<i>No changes</i>		