

A G E N D A

. . . for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m., Tuesday, April 14, 2020 virtually using Zoom at <https://zoom.us/j/267211076>. . .

1. Roll Call and Convening the Meeting:
2. Pledge of Allegiance:
3. 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 the Regular Meeting of the City Council held March 24, 2020. -----7
6. \*Approval of Bid for purchase of manhole and water valve risers (Community Works) being awarded to Port City Pipe as the lowest and best bidder after application of five percent in-state preference (\$102,521.28). Bids opened March 26, 2020 with five bidders participating. -----1
7. \*Approval of Bid for purchase of substation reclosers and controls (Electric) being awarded to Western United as the lowest and best bidder after application of five percent in-state preference (\$136,380). Bids opened March 24, 2020 with two bidders participating. -----2
8. \*Confirmation of Reappointments of Cheri Floyd, Larry Moore and Jose Villarreal, Jr. as members of the Community Relations Commission (terms to April, 2022).
9. \*Approval of Modified Style and Color of the Street Lights for the Downtown Complete Streets project. -----3
10. \*Approval of Cancellation of the April 21, 2020 regular City Council Work Session.
11. \*Approval of Adoption of Resolution No. 2020-1750 approving Phase II of the Foothills Drive Enhancement Project (Rinconada Street to Mesa Del Oso) and accepting funds from the New Mexico Department of Transportation's Transportation ALT Flexible Program (TAPF) funds for such project. -----4
12. \*Approval for Adoption of Resolution No. 2020-1751 suspending Section 7.3.4 of the Unified Development Code due to Executive Order 2020-022. -----5
13. \*Approval of Recommendation from the Liquor Hearing Officer for approval of Application No. 1152119 for a new Restaurant License (beer and wine on premise consumption only) from Tortillas Dona Maria, LLC, doing business as Tortillas Dona Maria, 1930 San Juan Boulevard, Suite I, Farmington, New Mexico. (Hearing held March 26, 2020) -----6

14. \*Approval of Warrants for:
- (a) the time period of March 8, 2020 through March 21, 2020; and  
**[Tabled at the March 24, 2020 regular City Council meeting]**
  - (b) the time period of March 22, 2020 through April 11, 2020.
15. Adjournment.

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

**ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the virtual meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 599-1101 prior to the meeting so that arrangements can be made.**

CITY OF FARMINGTON  
INTER-OFFICE MEMORANDUM

TO: Mayor Duckett and City Council

FROM: Kristi Benson, CPPO, CPPB  
Chief Procurement Officer

DATE: March 30, 2020

SUBJECT: Manhole and Water Valve Risers, Bid #20-136433

USING DEPARTMENT: Community Works

=====

A bid opening was held on March 26, 2020 for Manhole and Water Valve Risers. Five (5) bidders responded.

The Central Purchasing Department concurs with the recommendation from the Community Works Department to award the bid to Port City Pipe from Mobile, AL, a responsible bidder submitting the lowest responsive bid meeting specifications for a total awarded amount of \$102,521.28. The In-State preference was given to qualified bidders.

Kristi Benson (Presenter)  
Council Meeting/Consent Agenda 4/14/2020

Copy to:  
Teresa Emrich, Administrative Services Director  
David Sypher, Community Works Director  
Virginia King, Project Engineer  
File - 20-136433

**Event Number**

20-136433 Addendum 2

**Event Title**

Manhole and Water Valve Risers  
The City of Farmington (City) is requesting Bids from suppliers (Bidders) for adjustable manhole and water valve risers.

**Event Description**

**Event Type**

Bid

**Issue Date**

3/15/2020 08:00:01 AM (MT)

**Close Date**

3/26/2020 02:00:00 PM (MT)

**Organization**

Farmington, NM Online Bidding System  
Purchasing

**Workgroup**

**Event Contact**

Cory Marcum

**Email**

cmarcum@fmtn.org

**Phone**

(505) 599-1372

**Fax**

Responding Supplier	City	State	Response Total	Response Total w/In-State Preference
Baker Utility Supply	Albuquerque	NM	\$111,848.15	\$106,255.74 In-State Preference
Core & Main	Farmington	NM	\$118,990.75	\$113,041.21 In-State Preference

CITY OF FARMINGTON  
INTER-OFFICE MEMORANDUM

TO: Mayor Duckett and City Council

FROM: Kristi Benson, CPPO, CPPB  
Chief Procurement Officer

DATE: March 31, 2020

SUBJECT: Reclosers and Controls for Substations, Bid #20-135878

USING DEPARTMENT: Electric Utility

=====

A bid opening was held on March 24, 2020 for Reclosers and Controls for Substations. Two (2) bidders responded.

The Central Purchasing Department concurs with the recommendation from the Electric Utility to award the bid to Western United from Albuquerque, NM a responsible bidder submitting the lowest responsive bid meeting specifications for a total awarded amount of \$136,380.00, plus estimated applicable taxes of \$10,746.00. The In-State or Veterans preference was given to qualified bidders.

Kristi Benson (Presenter)  
Consent Agenda/ Council Meeting 4/14/2020

Copy to:  
Teresa Emrich, Administrative Services Director  
Hank Adair, Electric Utility Director

File – 20-135878

20-135878

Substation Reclosers and Controls

The City of Farmington (City) is requesting Bids from suppliers (Bidders) for reclosers and controls with test switches for our substations.

Bid

3/2/2020 09:41:05 AM (MT)

3/24/2020 02:00:00 PM (MT)

Farmington, NM Online Bidding System  
Purchasing

Event Owner  
Email [ctvler@fmtn.org](mailto:ctvler@fmtn.org)  
Phone (505) 599-1371

Organization  
Workgroup

Event Number  
Event Title

Event Description  
Event Type  
Issue Date  
Close Date

Responding Supplier	City	State	Response Submitted	Lines Responded	Response Total	In-State Preference
Western United Electric Supply	Albuquerque	NM	3/24/2020 10:02:41 AM (MT)	4	\$136,380.00 \$	129,561.00
Utility Packaging & Construction	Carrollton	GA	3/24/2020 11:36:14 AM (MT)	4	\$137,736.00 \$	137,736.00

City of Farmington

Memorandum

To: Mayor and City Council  
From: Julie Baird, Assistant City Manager  
Date: April 9, 2020  
Subject: Modified Style and Color for Street Lights

The street light pole vendor has informed us that the manufacturer's timeline for the wooden street light poles originally proposed for the Complete Streets project require an extended delivery time. This delay, estimated to be between 4 to 5 months, would be an intolerable delay in reopening of phase I for businesses. Furthermore, due to the impact of COVID 19 on the supply chain and operating credit, the manufacturer is requiring payment to be made in full at the time the order is placed. This creates a fiduciary risk to the city.

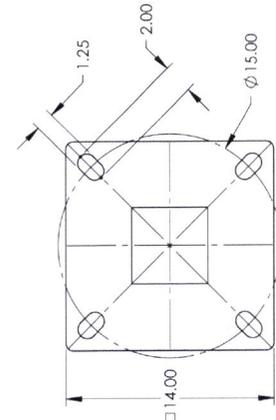
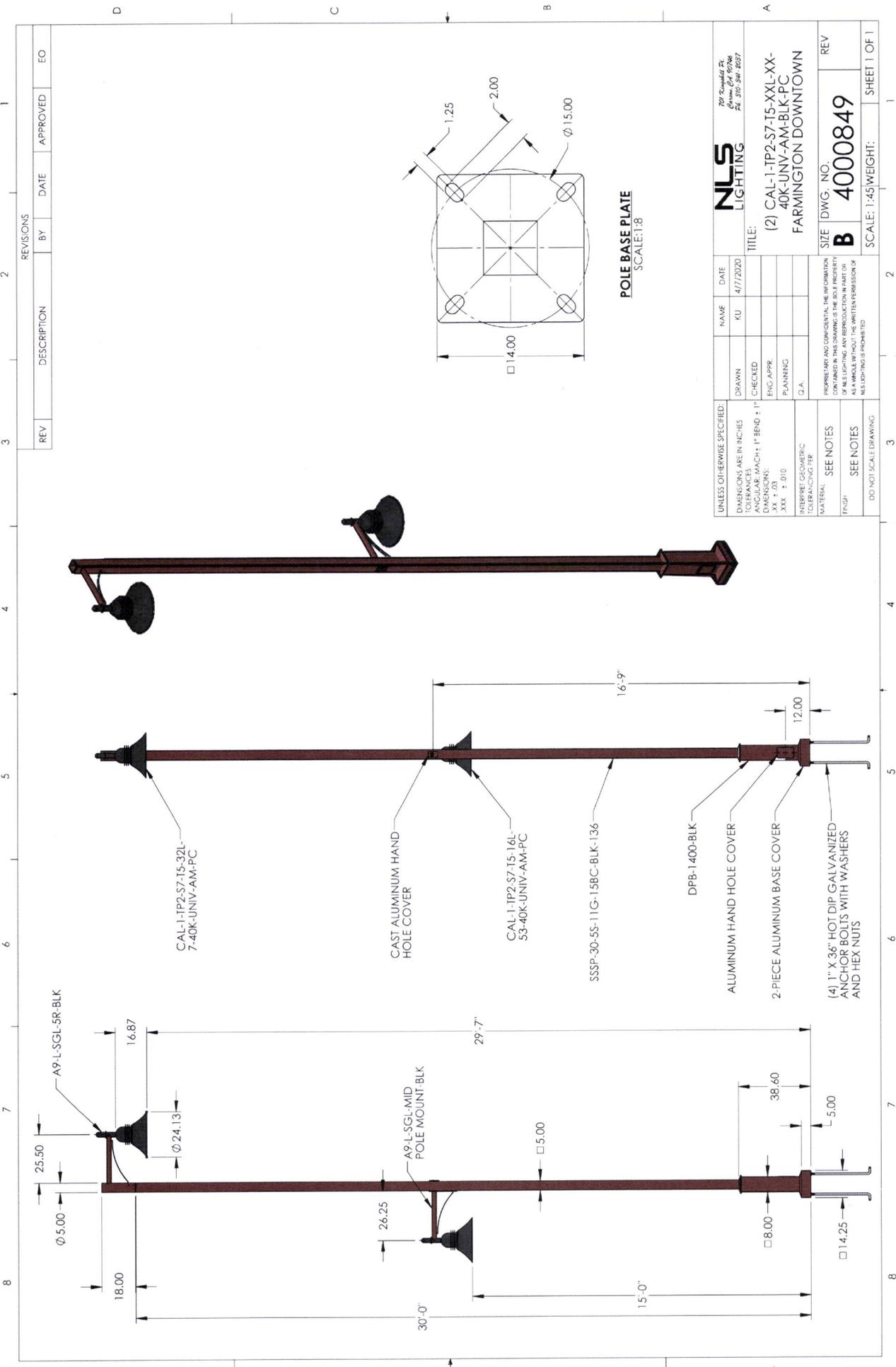
Due to the delayed timing of these wooden light poles, the amount needed for Phase I would not arrive in time for installation within the Phase I project schedule. In order to reopen Phase I and progress to Phase II on time, there would be additional costs (almost \$68,000) to provide appropriate temporary lighting in Phase I, both street lights and pedestrian lights.

Staff has identified an alternative metal pole in a rusty brown color consistent with the look of the MRA and Council approved Gateway Monuments. The pole and the arm of each unit would be in rusty brown and the light fixture would be black to complement the hardware contrast of the Gateway Monuments.

Changing to the metal poles would save just over \$96,500 for the poles themselves. We would also avoid the additional cost of \$68,000 for the temporary lighting accommodations mentioned above, for a total project cost benefit of \$164,500.

Staff is recommending approval to proceed with the metal poles as illustrated in the attached documents.





REV	DESCRIPTION	BY	DATE	APPROVED	EO

UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN INCHES TOLERANCES: ANGULAR: MACH - 1° BEND ± 1° DIMENSIONS: XXX ± 0.00 INTERPRET GEOMETRIC TOLERANCING PER MATERIAL SEE NOTES FINISH SEE NOTES DO NOT SCALE DRAWING		NAME KU	DATE 4/7/2020	DRAWN CHECKED ENG APPR PLANNING G.A.
<b>NLS LIGHTING</b>				
TITLE: (2) CAL-1-TP2-S7-T5-XXL-XX-40K-UNIV-AM-BLK-PC FARMINGTON DOWNTOWN				
SIZE <b>B</b>	DWG. NO. <b>4000849</b>	REV	SHEET 1 OF 1	
SCALE: 1:45 WEIGHT:				

**CULTURAL OPTION: Street View at West Gateway Location**



# Downtown Mainstreet - Complete Streets - Street lights

Company	Type	Estimated Delivery	Lighting Package	Concrete Base	Total	Notes:
PEMCO	Wood Poles w/ NLS Luminaires	120-150 days = July/August	\$ 438,000.00	\$ -	\$ 438,000.00	Cost based on Pole bid and estimate for Luminaire (not bid amount) expect to be higher, no foundation base - direct bury
	Originally proposed wooden light poles:					
	Wooden poles would not be delivered while we are in Phase I					
	Additional costs required to open Phase I while waiting for the light poles include					
	sleeving				\$8,481.00	
	Temporary street lighting				\$15,500.00	
	Remounting pedestrian lighting Phase I				\$10,000.00	
	Additional pedestrian lighting for Phase II				\$14,000.00	
	Additional traffic control costs				\$20,000.00	
	Subtotal				\$67,981.00	
					<b>\$ 505,981.00</b>	

Additional consideration: unfavorable payment terms due to COVID 19 (Full payment up front)

Newly proposed metal light poles:	NLS	Square Metal Pole/Cal-1 Luminaire/A9 arm	56 days (8 weeks)	\$ 286,450.34	\$ 55,000.00	<b>\$ 341,450.34</b>
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Metal poles would arrive during Phase I and would be installed with no additional costs to the project

\$ 164,530.66 difference saved with Metal poles

RESOLUTION NO. 2020-1750

A RESOLUTION APPROVING THE FOOTHILLS DRIVE ENHANCEMENT PROJECT PHASE II, RINCONADA TO MESA DEL OSO, AND ACCEPTING FUNDS FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ALT FLEXIBLE PROGRAM (TAPF) FUNDS FOR SUCH PROJECT

WHEREAS, New Mexico Department of Transportation (NMDOT) solicited proposed projects for funding under the New Mexico Department of Transportation's Transportation ALT Flexible TAPF program for Federal Fiscal Year 2020; and

WHEREAS, Foothills Drive is designated as a minor arterial, as shown on the City's Major Thoroughfare Plan, which carries in excess of 2,500 vehicles per day, and provides alternate access between residential communities located in North Foothills to NM516, as well as significant retail areas on East Main Street; and

WHEREAS, Foothills Drive is shown on the Farmington Metropolitan Transportation Plan, the Transportation Improvement Plan (TIP) and both the City's CIP and ICIP; and

WHEREAS, the Foothills Drive Enhancement Project Phase II, Rinconada to Mesa del Oso, will include construction of new asphalt sections, bike lanes, cut/fill, storm drainage, multi-use trail and street enhancements; and

WHEREAS, this Grant will be used for the multi-use trail and bike lanes as part of the larger project; and

WHEREAS, the Community Works Director and the City Engineer recommended the submission of an application for the Foothills Drive Enhancement Project Phase II, Rinconada to Mesa del Oso for funding under the NMDOT's Transportation Alt Flexible Program (TAPF) for FFY 2020.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Farmington:

SECTION 1:

That the City Council of the City of Farmington does hereby approve the "Foothills Drive Enhancement Project Phase II" located on Foothills Drive between Rinconada Street and Mesa del Oso in the City of Farmington.

SECTION 2:

That the City Council of the City of Farmington does further approve the total estimated cost of the Foothills Drive Enhancement Project Phase II, Rinconada to Mesa del Oso, budgeting of the sum of One Million Two Hundred Thirty Seven Thousand Four Hundred Sixty Five Dollars (\$1,237,465) in Federal Fiscal Year 2020 for such project upon the understanding that Three Hundred Thousand Forty Seven Dollars (\$300,047) shall be paid for with funds from the New Mexico Department of Transportation's Transportation Alt Flexible (TAPF) Funds (85.44%); One Hundred Eighty Thousand Dollars (\$180,000) shall be paid for with funds from the New Mexico Department Of Transportation's Municipal Arterial Program (M.A.P.) [contract processed previously] for Federal Fiscal Year 2020; and Six Hundred Forty Six Thousand Two Hundred Eighty Six Dollars (\$646,286) [(TAP 14.56% = \$51,132) + (MAP 25% = \$60,000) + \$535,154] will be paid for by the City of Farmington out of the 201 fund.

SECTION 3:

That the City Council of the City of Farmington does further represent that funds, equipment, labor and materials representing the total cost of the proposed project will be budgeted in Federal Fiscal Year 2020 and will be available when the agreement of such project becomes effective.

SECTION 4:

That the City Council of the City of Farmington does further authorize the Mayor of the City of Farmington to enter into appropriate

contracts with the New Mexico Department of Transportation for construction of any, or all, of the project described in this resolution under the Cooperative Project Agreement (CO-OP) of the State of New Mexico.

PASSED, SIGNED, APPROVED, AND ADOPTED this 14<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Nate Duckett, Mayor

SEAL

ATTEST:

\_\_\_\_\_  
Andrea Jones, City Clerk



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

## INTEROFFICE MEMORANDUM

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**DATE:** April 7, 2020

**TO:** Mayor and Council

**CC:** Rob Mayes, City Manager  
David Sypher, Public Works Director

**FROM:** Nica J Westerling, City Engineer

**RE:** TAPF Funding for Foothills Enhancement Project Phase II

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Attached is the required resolution and the NMDOT contract for the Foothills Enhancement Project Phase II – Rinconada to Mesa del Oso, accepting funding from the Transportation Alternative Program Flex (TAPF) funding in the amount of \$351,179, with \$300,047 being Federally funded and \$51,132 Local match required for the grant. This funding can only be used for construction of non-vehicle portions, bike lanes and multi-use trail and construction management.

We previously received a MAP grant of \$240,000, with \$180,000 from NMDOT, and a local match of \$60,000 for this project.

The amount listed on the STIP is \$1,237,465. The balance of \$646,286 and any overages would be paid for using 201 funds.

Contract No.:	_____
Vendor No.:	<u>0000054331</u>
Control No.:	<u>F100099</u>

**COOPERATIVE PROJECT AGREEMENT – CONSTRUCTION**

The New Mexico Department of Transportation (Department), and the City of Farmington (Local Agency) enter into this Agreement for Federal Highway Administration (FHWA) funding under NMSA 1978, Section 67-3-28. This Agreement for Project Control No.: F100099 is effective as of the date of the last party to sign it on the signature page.

**1. Funding and Project Description.**

a. Funding for Construction Work and Construction Management Work is as follows:

- |  |             |
|--|-------------|
| <b>1. <u>FFY 2020 TRANSP. ALT FLEXIBLE(TAPF) Funds</u></b>   |             |
| <u>Department's 85.44% share</u>   | \$258,678   |
| Foothills Drive Enhancement Phase II from Rinconada to Mesa del Oso. City of Farmington/Reconstruct Travel Lanes, Bike Lanes, Multi-use Trail and Street Enhancements.(Description as per STIP database, this agreement only pertains to the Construction Work portion of Project Control No. F100099.)            |             |
| <b>2. <u>City's matching 14.56% share</u></b>  | \$44,082    |
| For the purpose stated above.  |             |
| <b>3. <u>FFY 2020 TRANSP. ALT FLEXIBLE(TAPF) Funds</u></b>   |             |
| <u>Department's 85.44% share</u>   | \$41,369    |
| Foothills Drive Enhancement Phase II from Rinconada to Mesa del Oso. City of Farmington/Reconstruct Travel Lanes, Bike Lanes, Multi-use Trail and Street Enhancements.(Description as per STIP database, this agreement only pertains to the Construction Management Work portion of Project Control No. F100099.) |             |
| <b>4. <u>City's matching 14.56% share</u></b>  | \$7,050     |
| For the purpose stated above.  |             |
| <b>5. <u>Local Government Road Fund</u></b>  | \$240,000   |
| For the purpose stated above. To be covered by LGRF project L500301 which has been executed on Contract D15757.  |             |
| <b>5. <u>Additional Local Funds</u></b>  | \$646,286   |
| For the purpose stated above.  |             |
| <b>6. <u>The Total Project Funding</u></b>   | \$1,237,465 |

- b. Attached as Exhibit A is a table of data on funding as required by 2 CFR 200.331.
- c. The Local Agency shall provide all the work, labor, materials and services necessary to perform the Project.
- d. The Local Agency is responsible for all Project costs that exceed federal funding.
- e. The Local Agency must repay certain federal funding to the Department if:
1. The Project is cancelled.
  2. An audit determines an overpayment or federal funds were used for ineligible cost items.
  3. The construction of a road on a right-of-way acquisition is not undertaken within twenty (20) years after the fiscal year in which the funds are authorized.
  4. Acquisition of right-of-way or construction of the road for a preliminary engineering project is not undertaken within ten (10) years following the fiscal year in which the project is authorized.
- The Local Agency must repay or establish a repayment plan for the federal funds within forty-five (45) days of notice from the Department.

## **2. Payment – Reimbursement.**

The Department will reimburse the Local Agency upon receipt of reimbursement requests with supporting documentation and certification that costs have been incurred. Reimbursement requests may be submitted monthly or, at a minimum, quarterly. Expenses that are documented and determined to be eligible under 2 CFR Part 200 will be reimbursed based on the Local Agency's required Match. The final Project payment request must be submitted within thirty (30) calendar days of completion of (a) the PS&E package or (b) final payment to the contractor for Construction or Project Work and (c) prior to termination of this Agreement. The Department will not reimburse the Local Agency for costs incurred (a) prior to obligation of federal funding and the effective date of this Agreement; (b) after expiration of this Agreement; or (c) in excess of the federal funding identified in Section 1.

## **3. Federal, State and Department Requirements.**

By entering into this Agreement, the Local Agency certifies and agrees to comply with the terms and conditions as set forth in:

- a. Title 23, U.S. Code Highways and its associated regulations
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. See Exhibit B.
- c. 49 CFR Part 29, Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Debarment and Suspension (Grants) and Certification
- d. 49 CFR Part 20, Lobbying Certification
- e. The Department's policies and standards
- f. The current Tribal/Local Government Handbook located at:  
[http://dot.state.nm.us/content/dam/nmdot/TLPA/TLPA\\_Handbook\\_Final\\_Version\\_3-4-2019.pdf](http://dot.state.nm.us/content/dam/nmdot/TLPA/TLPA_Handbook_Final_Version_3-4-2019.pdf)
- g. The Federal Funding Accountability and Transparency Act (FFATA) and certain contracting requirements in regard to Office of Inspector General Reviews as identified on Exhibit B.

## **4. Term.**

This Agreement becomes effective upon signature of all parties. The effective date is the date when the last party signed the Agreement on the signature page. This Agreement terminates on **3/1/2021**. 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.

## **5. Termination.**

The Department may terminate this agreement and request repayment under Section 1e above for the following reasons:

- a. Failure to timely contract: The Local Agency, under a Design Agreement, must enter into a written agreement with an engineering consultant within three (3) months from the effective date this Agreement.
- b. Inactivity: If there is no Project expenditures for twelve (12) consecutive months.
- c. Failure to comply: If the Local Agency fails to comply with any provision of this Agreement.
- d. Local Agency's Request: The Local Agency may seek termination in a writing to the Department, which will be fully considered.

## **6. Third Party Beneficiary.**

This Agreement does not confirm any rights or remedies on anyone other than the Department and the Local Agency. The Department is not a party to any agreement between the Local Agency and a Project contractor at any tier.

**7. New Mexico Tort Claims Act.**

Neither party is responsible for liability incurred as a result of the other party’s acts or omissions. Any liability incurred is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, et seq. This paragraph is intended only to define the liabilities between the parties and it is not intended to modify, in any way, the parties’ liabilities as governed by common law or the New Mexico Tort Claims Act.

**8. Appropriation.**

The terms of this Agreement are contingent upon sufficient appropriations and authorizations from the New Mexico Legislature or the United States Congress when federal funds are involved. If sufficient appropriations and authorizations are not made, this Agreement terminates immediately upon written notice from the Department. The Department is not committed to expenditure of funds until they are programmed, budgeted, obligated by FHWA, encumbered, and approved for expenditure. The Department’s decision on whether funds are sufficient is final.

**9. Scope of this Agreement.**

This Agreement constitutes the entire Agreement between the Parties. Any claimed covenant, term, condition, warranty or promise of performance not included in this document or its amendments, is not part of this Agreement and not enforceable. Performance of all duties and obligations must conform with and must not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

**10. Severability.**

In the event that any portion of this Agreement is determined to be void, unconstitutional, or unenforceable, the remainder of this Agreement remains in full force and effect.

**11. Principal Contacts and Notices.**

The principal contacts for this Agreement are listed below. Except as otherwise specified, all notices must be in writing and must be given to the principal contacts listed below.

**Region T/LPA Coordinator**

Sharon R. Cruz  
North Region T/LPA Coordinator  
New Mexico Department of Transportation  
P.O. Box 1149, Room 203  
Santa Fe, NM 87504  
Office: 505-221.8220  
E-mail: Sharonr.Cruz@state.nm.us

**District T/LPA Coordinator**

Javier Martinez, P.E.  
T/LPA Coordinator  
New Mexico Department of Transportation  
P.O. Box 4127  
Santa Fe, NM 87502  
Office: 505-500-2360  
E-mail: Javier.martinez@state.nm.us

**Construction Liaison Engineer**

Sherman Peterson  
T/LPA Construction Liaison Engineer  
New Mexico Department of Transportation  
1570 Pacheco St., STE. A10

Santa Fe, New Mexico  
Office: 505-490-0867  
E-mail: sherman.peterson@state.nm.us

**Local Agency**

Virginia King  
Project Engineer  
City of Farmington  
800 Municipal Dr.  
Farmington, New Mexico 87401-2663  
Office: 505-599-1306  
E-mail: vking@fmtn.org

**12. Amendment.**

The terms of this Agreement may be amended by an instrument in writing executed by the parties.

**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: Cynthia A. Chert Date: 3-9-20  
Assistant General Counsel

**CITY OF FARMINGTON**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor

ATTEST

By: \_\_\_\_\_ Date: \_\_\_\_\_  
CITY OF FARMINGTON Clerk

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

By: [Signature] Date: 4/7/2020  
CITY OF FARMINGTON Attorney

## EXHIBIT A

### 2 CFR 200.331 Requirements

#### Federal Award Identification.

(i) Public Entity name (which must match the name associated with its unique entity identifier);	<b>City of Farmington</b>
(ii) Public Entity's unique entity identifier (DUNS);	<b>080376346</b>
(iii) Federal Award Identification Number (FAIN);	<b>Please see approved Federal Highway form.</b>
(iv) Federal Award Date (see §200.39 Federal award date) of award to the recipient by the Federal agency;	<b>Please see date on approved Federal Highway form.</b>
(v) Cooperative Project Agreement(Construction) Period of Performance Start and End Date;	<b>Please see date on approved Federal Highway form thru 3/1/2021 (End Date).</b>
(vi) Amount of Federal Funds Obligated by this action by the pass-through entity to the Public Entity;	<b>\$300,047</b>
(vii) Total Amount of Federal Funds Obligated to the Public Entity by the pass-through entity including the current obligation;	<b>This award is in addition to any previous awards received by sub-recipient from NMDOT.</b>
(viii) Total Amount of the Federal Award committed to the Public Entity by the pass-through entity;	<b>The total amount of this award is in addition to any previous awards received by sub-recipient from NMDOT.</b>
(ix) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);	<b>Federal Highway Administration (FHWA)</b>
(x) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity;	<b>FHWA, New Mexico Department of Transportation Sean Sandoval - 505 -660-6102, Sean.Sandoval@state.nm.us P.O. Box 1149 Santa Fe, NM 87501-1149</b>
(xi) CFDA Number and Name;	<b>20.205- Highway Planning &amp; Construction</b>
(xii) Identification of whether the award is R&D; and	<b>No R&amp;D</b>
(xiii) Indirect cost rate for the Federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs).	<b>N/A</b>

## EXHIBIT B

### **Uniform Administrative Requirements and Audit**

23 CFR 200, Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards, applies to each non-profit organization, each institution of higher education, and local governments as a whole when they or one of their departments receives federal funds. 2 CFR § 200 is formally OMB Circular A-133. Any non-profit organization, institution of higher education, or local government spending more than \$750,000 in federal funds from all sources within a 12-month period must have an audit performed on the use of the funds. The Department defines the 12-month period as July 1 to June 30.

### **Federal Funding Accountability and Transparency Act (FFATA).**

The FFATA requires full disclosure to the public of all entities or organizations receiving federal funds. Central to this law is [www.USASpending.gov](http://www.USASpending.gov), a publically available website with searchable information on each federal grant and contract over \$25,000. In addition, the Federal Subaward Reporting System (FSRS), [www.FSRS.gov](http://www.FSRS.gov), was developed for reporting on executive compensation and first-tier subawards. The Local Agency is required to register with the US Contractor Registration (System for Award Management [SAM] System) and get a Data Universal Number System (DUNS) number. The Local Agency is responsible for providing their executive compensation and subaward information to the Department for entry into [FSRS.gov](http://FSRS.gov). The Department is responsible for providing award information to USASpending. The type of information reported includes:

- Name of Local Agency receiving the award
- Amount of Award
- Funding Agency
- NAICS code for contracts or the Catalog of Federal Domestic Assistance program number for grants
- Program source
- Award title descriptive of the purpose of the funding action
- Location of the Local Agency, including the Congressional District
- Place of performance of the program or activity, including the Congressional District
- DUNS number of the Local Agency and its parent organization, if one exists
- Total compensation – If the Local Agency in the preceding year received eighty (80) percent or more of its annual gross revenues in federal awards, which exceeds \$25 million annually, and the public has no access to this information under the Securities Exchange Act or the Internal Revenue Code, then the names of the top five executives of the Local Agency are also required to comply with the FFATA.
- The Department will extract as much information as possible from the Local Agency's grant application and standard reports.

### **Office of Inspector General Review**

The Local Agency, when procuring services, shall provide to all bidders the reporting and oversight requirements that they are bound to from the time of bid submission. The following provisions must be included in all prime contracts, subcontracts, and other contracts for services for a federally-funded project:

- 1. Inspector General Reviews:** Any Inspector General of a federal department or executive agency shall review, as appropriate, any concerns raised by the public about specific investments using federal funds. Any findings of such reviews not related to an ongoing criminal proceeding shall be relayed immediately to the New Mexico Department of Transportation or the agency concerned.
- 2. Access of Offices of Inspector General to Certain Records and Employees:** With respect to each contract or grant awarded using federal funds, any representative of an appropriate Inspector General

appointed under the Inspector General Act of 1978, 1,5 USC App. 3 and specifically § 8G, 5 USC App. 3 (2014) is authorized to examine any records of the contractor or grantee, any of its subcontractors or sub-grantees, or any state or local agency administering such contract, that pertain to, and involve transactions relating to, the contract, subcontract, grant, or sub-grant; and to interview any officer or employee of the contractor, grantee, sub-grantee, or agency regarding such transactions. In addition, the Local Agency should do the following:

- a. Allow access by the Government Accountability Office Comptroller General and his representatives to examine any records of the contractor or any of contractor's subcontractors, or any state or local agency administering such contract that directly pertain to, and involve transactions relating to, the contract or subcontract
- b. Allow the Comptroller General and his representatives to interview any officer or employee of the contractor or any of contractor's subcontractors, or of any state or Local Agency administering the contract, regarding such transactions

Nothing in this section shall be interpreted to limit or restrict in any way any existing authority of an Inspector General. The Department's Office of Inspector General (OIG) has the authority to carry out all duties required. The duties are the same as those specified in Federal Law: OIG, 23 USC § 302 (1998) (the capability to carry out the duties required by law); 23 USC § 112(2) (2012) (contracting for engineering and design services); the review of Federal-aid construction contract.

RESOLUTION NO. 2020-1751

A RESOLUTION SUSPENDING SECTION 7.3.4 OF THE UNIFIED DEVELOPMENT CODE DUE TO EXECUTIVE ORDER 2020-022

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can spread via droplets from person to person; and

WHEREAS, on March 11, 2020 Governor Michelle Lujan Grisham proclaimed a public health emergency and invoked all powers under the All Hazard Emergency Act, NMSA, §§ 12-10-1 through 12-10-10, for a minimum of thirty (30) days; and

WHEREAS, on April 6, 2020 Governor Michelle Lujan Grisham issued Executive Order 2020-022 which extended the public health emergency and has caused the cancellation of all advisory boards for the City of Farmington during the pendency of the public health emergency; and

WHEREAS, to ensure citizens can continue to develop property and businesses within the City of Farmington that certain provisions of the Unified Development Code need to have a temporary suspension of application.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Farmington:

1. Section 7.3.4 of the Unified Development Code requires that certain applications including but not limited to Special Use Permits shall be heard by the Planning and Zoning Commission before proceeding to a final hearing before the City Council.
2. The City of Farmington's Planning and Zoning Commission is unable to meet due to the COVID-19 public health emergency which will inhibit the zoning and development of property within the City of Farmington.
3. To ensure due process protections of individual property rights the City of Farmington shall temporarily suspend Section 7.3.4 of the Unified Development Code.

PASSED, SIGNED, APPROVED AND ADOPTED this 14<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Nate Duckett, Mayor

SEAL

ATTEST:

\_\_\_\_\_  
Andrea Jones, City Clerk

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  
SHELLIE A. PATSCHECK, PC



PLEASE REPLY TO:  
4000 E. 30<sup>th</sup> St.  
Farmington, NM 87402  
Telephone: (505) 326-6503  
Facsimile: (505) 326-2672

March 26, 2020

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

**VIA FACSIMILE: (505) 599-1113**

**RE: Application No.: 1152119**  
**Applicant Name: Tortillas Dona Maria, LLC d/b/a Tortillas Dona Maria**  
**Business Location: 1930 San Juan Blvd., Suite I, Farmington, NM 87401**  
**Application Type: New Restaurant Liquor License (Beer and Wine)**

Dear Mayor and Council,

Pursuant to the laws of New Mexico a public hearing was held telephonically on March 26, 2020 at 10:00 a.m. within the City Council Chambers, located at the Municipal Building, 800 Municipal Dr., Farmington, NM 87401 to consider the above request.

Present at the hearing were Ms. Gloria Hernandez, on behalf of the applicant and owner of Tortillas Dona Maria and Emily Villanueva, interpreter for Ms. Hernandez. The Director of the State of New Mexico Alcohol and Gaming Division has reviewed the above referenced application and has granted preliminary approval. This application requests a new restaurant license to be operated at 1930 San Juan Blvd., Suite I, Farmington, NM 87401 in order to offer beer and wine sales at the establishment. Based on the consideration of all comments made at the public hearing and the information provided – the application; reports from the City of Farmington; City of Farmington Police Department; City of Farmington Fire Department; zoning information; and reviewing the effect on the health, safety and welfare of the citizens – at this time it would be my recommendation that this application be **approved subject to the passing of a final fire inspection**. Please do not hesitate to contact my office if I can be of any further assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tyson K. Gobble', written over a wavy line.

Tyson K. Gobble, Esq.

Also contact us at:

web address: [www.titusmurphylawfirm.com](http://www.titusmurphylawfirm.com)

F-mail address: [tkgobble@titusmurphylawfirm.com](mailto:tkgobble@titusmurphylawfirm.com)



New Mexico Regulation and Licensing Department  
ALCOHOLIC BEVERAGE CONTROL

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

January 13, 2020

Certified Mail No.: 9171 9690 0935 0155 2453 08

Michelle Lujan Grisham  
Governor

Marguerite Salazar  
Superintendent

Andrew Vallejos  
Director

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

RECEIVED

JAN 16 2020

City of Farmington  
City Clerk

Re: Lic. No. /Appl. No.: Application No. 1152119  
Name of Applicant: Tortillas Dona Maria, LLC  
Doing Business As: Tortillas Dona Maria  
Proposed Location: 1930 San Juan Blvd, Suite I, Farmington, NM 87401

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.

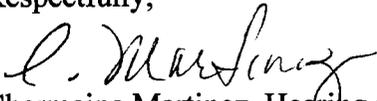
**THE APPLICANT IS SEEKING A RESTAURANT BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY.**

Alcoholic Beverage Control  
(505) 476-4875

**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

New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division

Phone: (505) 476-4804 Fax: (505) 476-4595

Email: [charmaine.martinez2@state.nm.us](mailto: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 Statement



AGD USE ONLY: Payment Application Fee \$ 200 Received on: 11-20-19 Receipt No. 2242929  
 License Fee \$ \_\_\_\_\_ Received on: \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Application # 1152119 Local Option District: \_\_\_\_\_

**RESTAURANT LIQUOR LICENSE APPLICATION**

\$200.00 Application Fee, non-refundable.

Check appropriate boxes:

Application is for:  New Restaurant Liquor License

Applicant is:  Individual  Limited Liability Company  Corporation  Partnership (General/Limited)

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER

Tortillas Doña Maria LLC 1930 San Juan Blvd  
Farmington, NM 87401 (505) 793-0761

D/B/A Name to be used: Tortillas Doña Maria Business Phone #: 505 564 8241

Email Address (required): Gloriaherandez111@hotmail.com

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)

1930 San Juan Blvd Suite I, Farmington, NM  
87401 San Juan County

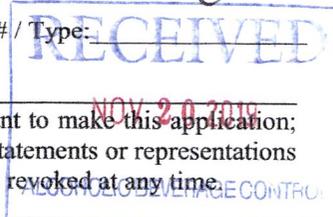
Mailing Address: 1930 San Juan Blvd Suite I, Farmington, NM 87401

Agent/Contact Person: Gloria Hernandez Phone #: 505 793 0761 Email: Gloriaherandez111@hotmail.com

Are alcoholic beverages currently being dispensed at the proposed location?  Yes  No If Yes, License # / Type: \_\_\_\_\_

I, (print name) Gloria Hernandez, as (title) owner

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.

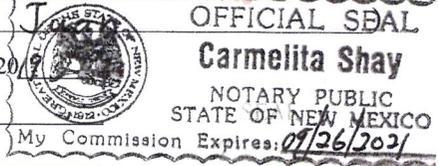


You must sign and date this form before a Notary Public.

Signature of Applicant: Gloria Hernandez Date: 10-30-19

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of San Juan) OFFICIAL SEAL

SUBSCRIBED AND SWORN TO before me this 30th day of October, 2019  
 By: Gloria Hernandez Notary Public: Carmelita Shay  
 My Commission Expires: 09/26/2021



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: \_\_\_\_\_ City, County, Village

Public Hearing held on \_\_\_\_\_, 20\_\_\_\_. Check one:  Approved  Disapproved

Signature and Title of City/County Official: \_\_\_\_\_

FOR ALCOHOL AND GAMING DIVISION USE ONLY:  Approved  Disapproved

Signed by Director: \_\_\_\_\_ Date: \_\_\_\_\_



**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**

NMSA §60-6B-10

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

- Owned by Applicant, copy of deed/document attached       Leased by Applicant, copy of lease/document attached  
 Other (provide details): Purchase agreement

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

- A. Owner(s): Gloria Hernandez  
 B. Date and Term of Lease: \_\_\_\_\_

3. Premises location is Zoned (example C-1, see Zoning Statement): Industrial  
 Zoning Statement attached, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance\* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: Desert Heights Church Miles/feet: 0.1 miles  
 Address/location of Church: 1835 E Main st. Farmington, NM 87401

5. Distance\* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: New Mexico Virtual Academy Miles/feet: 0.2 miles  
 Address/location of School: 845 Sullivan Ave, Farmington, NM 87401

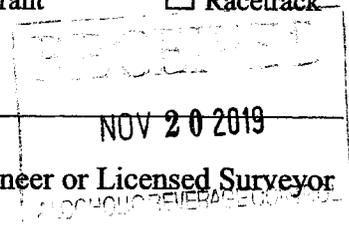
6. Distance from military installation \*(Property line of military installation to closest point of licensed premises—shortest distance.)

Name of Military Installation, <sup>circle one:</sup> Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),  
 Miles: 168 miles Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation:  Hotel       Lounge       Package Grocery       Restaurant       Racetrack

Small Brewer       Craft Distiller       Winery       Wholesaler  
 Other (specify): \_\_\_\_\_



\*NOTE: 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.

UTAH | COLO.  
ARIZ. | N.M.



**CITY OF FARMINGTON**

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

June 27, 2019

Gloria Hernández  
1706 E Navajo St  
Farmington, NM 87401

**RE: Zoning Verification — 1930 San Juan Blvd. #A-K (R0036357), Farmington, NM 87401**

Dear Ms. Hernández,

The property at 1930 San Juan Blvd. #A-K (R0036357) is in the IND, Industrial District, and the following uses are permitted at this location:

- Restaurants serving beer and wine
- Restaurants serving liquor

Pursuant to UDC 2.4.44 *Restaurants serving beer and wine* (Retail, service and commercial use categories; sales and service, entertainment-oriented), such uses shall be subject to the approval of a beer and wine license pursuant to the requirements of Municipal Code section 5-2-1.

- Sec. 5-2-1. - Classification. The city may approve all liquor licenses authorized by the state under the New Mexico Liquor Control Act.  
(Ord. No. 2011-1249, § 1, 9-13-11)

Pursuant to UDC 2.4.45 *Restaurants serving liquor* (Retail, service and commercial use categories; sales and service, entertainment-oriented), such uses shall be subject to the approval of otherwise required liquor license(s).

Please see enclosed zoning map image and the City of Farmington Unified Development Code (UDC) regarding allowable uses and density and dimensional standards found in Article 2 - Use Regulation, Section 2, Table 2.3:  
[https://library.municode.com/nm/farmington/codes/code\\_of\\_ordinances?nodeId=UNDECO](https://library.municode.com/nm/farmington/codes/code_of_ordinances?nodeId=UNDECO)

Should you have any questions, please contact me at (505) 599-1333 or via e-mail at [falvarado@fmtn.org](mailto:falvarado@fmtn.org).

Sincerely,  


Francisco Alvarado  
Associate Planner

Via e-mail: [monihernandez10@hotmail.com](mailto:monihernandez10@hotmail.com)

Page 1 of 2

**COMMUNITY DEVELOPMENT**

---

**Re: Liquor License Hearing for Tortillas Doña Maria LLC**

1 message

**Rix, Kipp** <krix@firenet.org>

Mon, Mar 23, 2020 at 4:03 PM

To: Brandy Vega &lt;bvega@firenet.org&gt;, Andrea Jones &lt;ajones@fmtn.org&gt;

I went by Dona Maria again this morning 09:30 to check on their progress. The wall opening in the rear of the building is still not finished, I check with the Building Department who said no permits have been pulled for the construction project. Fire extinguishers were still out of date for their inspections. I informed the manager that these issues needed to be corrected prior to their hearing date and to contact our office once all issues were corrected.

Thanks,

**Kipp Rix**

Assistant Fire Marshal  
Farmington Fire Department  
(505) 566-2361

On Sat, Mar 21, 2020 at 3:00 PM Rix, Kipp <krix@firenet.org> wrote:

They have not contacted me, I'll go by monday an visit them.

On Fri, Mar 20, 2020, 3:44 PM Brandy Vega <bvega@firenet.org> wrote:

Have they made any progress on their inspection?

Brandy Vega

Begin forwarded message:

**From:** "Jones, Andrea" <ajones@fmtn.org>

**Date:** March 20, 2020 at 2:01:41 PM MDT

**To:** Taft Tracy <ttracy@fmtn.org>, "BlueEyes, Isaac" <iblueeyes@fmtn.org>, Brandy Vega <bvega@firenet.org>

**Subject:** Liquor License Hearing for Tortillas Doña Maria LLC

Just a reminder that the liquor license hearing for Tortillas Doña Maria LLC is scheduled for Thursday, March 26. Please provide your information for the Liquor License Hearing Officer's consideration by Wednesday, March 25.

Thank you,

**Andrea Jones, MMC**

City Clerk

City of Farmington

800 Municipal Drive

Farmington, NM 87401

(505) 599-1101 - Office

(505) 599-1113 - Fax

ajones@fmtn.org

# MEMORANDUM

DATE: February 19, 2020

TO: Andrea Jones, City Clerk

FROM: Traffic Engineering division

SUBJECT: Application No. 1152119 for a new Restaurant Beer and Wine Liquor Licence (on Premises consumption only) from Tortillas Dona Maria, LLC, 1930 San Juan Boulevard, Suite I, Farmington, New Mexico to do business as Tortillas Dona Maria, 1930 San Juan Boulevard, Suite I, 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 intersection to the following address, 560 Scott Avenue is:
    - San Juan Boulevard Sullivan Avenue
  - 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
San Juan Boulevard @ Sullivan Avenue	12 Hours	2840	01/21/2019

- 2) Any information regarding proposed changes at the intersection, such as signalization or other changes which may affect traffic flow.
  - a) It this time there are no proposed changes at the intersection that would cause any changes to traffic flow.

March 19, 2020

RE: Application #1152119

Andrea Jones  
City Clerk  
City of Farmington  
800 Municipal Drive  
Farmington, NM 87401

City Clerk Jones,

Upon review of the application submitted on behalf of Tortilla Dona Maria, LLC, to do business as Tortilla Dona Maria at 1930 San Juan Blvd, application #1152119, 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 known negative contacts with local police agencies and none were entered into NCIC as being wanted fugitives from other jurisdictions.

Tortilla Dona Maria has no significant history of calls for Police Services at their current location.

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. The nature of the business operation, a complete service restaurant, mitigates some potential concerns for an increase in alcohol related traffic accidents near the proposed address of operations.

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



Captain Taft Tracy

## FATAL'S / CRASHES / DWI'S 1930 San Juan Boulevard

**March 24, 2019 through March 23, 2020**  
**Area: South Butler Avenue east to Hutton Avenue**

The following charts represent crash incidents and DWI case reports:

### CRASHES

Intersection	Total
San Juan Blvd / Scott Ave	6
San Juan Blvd / E Main St	4
San Juan Blvd / S Butler Ave	4
San Juan Blvd / N Sullivan Ave	1
San Juan Blvd / Industrial Ave	1
San Juan Blvd / Hutton Ave	1
San Juan Blvd / S Fairview Ave	1
<b>Grand Total</b>	<b>18</b>

There were a total of eighteen (18) reported crashes within this area during this time frame. Thirteen (13) reported no injuries and five (5) reported with injuries.

*Crash data collected from incidents (calls for service).*

There were a total of twelve (12) DWI case reports submitted that occurred within this area and during this time frame. One (1) of these was involved in a crash.

**There were no reported fatalities in this area during this time frame.**

### DWI'S

Intersection	Total
San Juan Blvd / Scott Ave	4
San Juan Blvd / E Main St	2
San Juan Blvd / N Sullivan Ave	2
San Juan Blvd / Hutton Ave	1
San Juan Blvd / S Tucker Ave	1
San Juan Blvd / Electric Ave	1
San Juan Blvd / S Butler Ave	1
<b>Grand Total</b>	<b>12</b>

The data contained in this report was collected from the Farmington Police Department's Record Management System. Although the data has been produced and processed from sources believed to be reliable, no assurances are made regarding accuracy or completeness and should be utilized only as general information. Prepared on March 24, 2020



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 Council Chamber at the Municipal Building, 800 Municipal Drive, Farmington, New Mexico at 10:00 a.m. on Thursday, March 26, 2020 to consider the following request:

Application #1152119 for a new Restaurant Beer and Wine Liquor License (on-premises consumption only) from Tortillas Dona Maria, LLC, 1930 San Juan Boulevard, Suite I, Farmington, New Mexico to do business as Tortillas Dona Maria, 1930 San Juan Boulevard, Suite I, Farmington, New Mexico.

The Director of the Alcohol Beverage Control 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), 4000 E. 30<sup>th</sup> Street, Farmington, New Mexico.

Dianne Smylie, City Clerk

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 6:00 p.m. on Tuesday, March 24, 2020. 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	Nate Duckett
PRESENT BY TELEPHONE PURSUANT TO RESOLUTION NO. 2013-1483	Linda G. Rodgers, Councilor Sean E. Sharer, Councilor Jeanine Bingham-Kelly, Councilor Janis Jakino, Councilor Jennifer Breakell, City Attorney

constituting all members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
CITY CLERK	Andrea Jones

Councilors Rodgers, Sharer, Bingham-Kelly and Jakino and City Attorney Jennifer Breakell were absent from the meeting but were contacted by speaker telephone for participation, pursuant to Paragraph C, Section 10-15-1, NMSA 1978 and City of Farmington Resolution No. 2013-1483.

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

Mayor Duckett 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 March 10, 2020.

\*BID: The Chief Procurement Officer recommended that the bid for pavement resurfacing or restoration (Community Works) be awarded to Four Corners Materials on its low bid of \$4,768,593.36 after application of five percent in-state preference. Bids opened March 17, 2020 with two bidders participating.

\*GRANT AWARD NUMBER G20SN0010A between the City and the Office of National Drug Control Policy for funding in the amount of \$352,500 for the Region II High Intensity Drug Trafficking Area (HIDTA) Narcotics Task Force from January 1, 2020 to December 31, 2021.

\*ADOPTION OF RESOLUTION NO. 2020-1747 designating the month of April, 2020 as "Fair Housing Month."

\*WARRANTS PAYABLE for the time period of March 8, 2020 through March 21, 2020, for current and prior years, in the amount of \$7,395,642.00.

Councilor Rodgers requested that the warrants payable for the time period of March 8, 2020 through March 21, 2020 be removed from the Consent Agenda.

In response to inquiry from Councilor Rodgers, City Manager Rob Mayes reported that the bid for pavement resurfacing or restoration is a project-based bid and is not an automatic payment of \$4.8 million; stated that the expenditures are currently budgeted in the 201 Fund; and noted that the paving bond revenues must be expended on street and/or paving projects.

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to approve the Consent Agenda with the exception of the warrants payable. The roll was called with the following result:

Those voting aye: Linda G. Rodgers  
Sean E. Sharer  
Jeanine Bingham-Kelly  
Janis Jakino

Those voting nay: None

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

DISCUSSION OF AND ACTION ON ITEM REMOVED FROM THE CONSENT AGENDA

- (1) Warrants payable for the time period of March 8, 2020 through March 21, 2020 for current and prior years, in the amount of \$7,395,642.00.

Councilor Rodgers questioned how the Council is able to approve the warrants payable without being able to review them. Following brief discussion, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to table approval of the warrants payable to the April 14, 2020 regular City Council meeting. The roll was called with the following result:

Those voting aye: Linda G. Rodgers  
Sean E. Sharer  
Jeanine Bingham-Kelly  
Janis Jakino

Those voting nay: None

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

MAYOR AND COUNCIL BUSINESS

Mayor Duckett presented and read in full Resolution No. 2020-1748 ratifying the Emergency Declaration issued by the San Juan County Commission. The title of the resolution being:

A RESOLUTION RATIFYING SAN JUAN COUNTY COMMISSION'S EMERGENCY DECLARATION.

Following brief discussion, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to pass and adopt Resolution No. 2020-1748, as presented. The roll was called with the following result:

Those voting aye: Linda G. Rodgers  
Sean E. Sharer  
Jeanine Bingham-Kelly  
Janis Jakino

Those voting nay: None

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

Mayor Duckett also presented and read in full Resolution No. 2020-1749 ratifying the Emergency Declaration he issued on Thursday, March 19, 2020. The title of the resolution being:

A RESOLUTION RATIFYING THE EMERGENCY DECLARATION BY MAYOR NATE DUCKETT.

Mayor Duckett reiterated that the City of Farmington is doing everything possible in regards to managing the COVID-19 pandemic and he emphasized that the Emergency Declaration does not provide the City or Council any additional powers.

Following brief discussion, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to pass and adopt Resolution No. 2020-1749, as presented. The roll was called with the following result:

Those voting aye: Linda G. Rodgers  
Sean E. Sharer  
Jeanine Bingham-Kelly  
Janis Jakino

Those voting nay: None

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

COVID-19 Update

Mayor Duckett announced that it is crucial for the community to adhere to Governor Lujan Grisham's stay-at-home order to help disrupt the spread of the COVID-19 virus and he reported that the City has displayed informational signage at heavily trafficked areas and that various media outlets are broadcasting additional messages to help inform and encourage the public to stay at home during this time. He asked that all businesses comply with the stay-at-home order and he encouraged the community to subscribe to Facebook and follow the City or to utilize the City's website ([www.fmtn.org](http://www.fmtn.org)) to remain up-to-date on the latest information. Mayor Duckett commended Public Affairs Administrator Georgette Allen for her tireless effort and upbeat attitude during this crisis.

In response to Councilor Sharer's comment, Mayor Duckett reviewed the Governor's stay-at-home order regarding non-essential businesses, mass gatherings and social distancing and he pointed out that the New Mexico State Police has issued a statement and initiated a hotline in an effort to increase enforcement of violations of the order.

Commendation of the Community and City Staff

Councilor Rodgers commended the community for its outpouring of support during this crisis and she expressed her gratitude for the commitment and tireless hours worked by City staff to keep the public safe. Mayor Duckett echoed Councilor Rodgers' sentiments.

There being no further business to come before the Council, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to adjourn the meeting at 6:40 p.m. The roll was called with the following result:

Those voting aye: Linda G. Rodgers  
Sean E. Sharer  
Jeanine Bingham-Kelly  
Janis Jakino

Those voting nay: None

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

The telephone call with Councilors Rodgers, Sharer, Bingham-Kelly and Jakino and City Attorney Jennifer Breakell was terminated.

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

Approved this 14<sup>th</sup> day of April, 2020.

Entered in the permanent record book this day of April, 2020.

\_\_\_\_\_  
Nate Duckett, Mayor

SEAL

ATTEST:

\_\_\_\_\_  
Andrea Jones, City Clerk