

**CITY OF FARMINGTON
CITY COUNCIL WORK SESSION AGENDA
June 21, 2011 – 9:00 a.m.**

DEPARTMENT HEAD REPORTS

1. Potential projects for the 2011 Community Development Block Grant (CDBG) Action Plan (Jay Peterman)
 - (a) Presentations by A Path Home, Childhaven, San Juan College, San Juan County Partnership and Northwest New Mexico Seniors. (These organizations submitted responses to the Action Plan's RFP.)
 - (b) Presentation of potential City projects (Mary Holton)

Action Requested of Council:

Consideration of presented projects.

Background/Rationale:

The new Action Plan process encourages citizen participation, including the presentation of all potential projects during a public meeting, and providing for questions regarding the projects. Each presenter has been asked to limit their presentation to five minutes.

Staff Recommendation:

Consider all proposals.

Instructions Upon Approval:

Pursue Council directives.

Budgetary Impact:

No impact to the General Fund since CDBG funding will be utilized. Funding levels are subject to Council approval.

2. Adoption of a City Council Redistricting Plan (Michael Sharp, Research and Polling, Inc.)

Action Requested of Council:

Adopt a redistricting Plan.

Background/Rationale:

At the May 10, 2011 regular City Council meeting, Mr. Sharp presented the Council with five alternative redistricting plans (Plans A thru E). It was the consensus of the Council to further consider Plans A and B and to eliminate the other options. Staff was also directed to schedule the item for further discussion at a later date. Pursuant to Section 2-2-32(f) of City Code, changes made to the official election district map must be commemorated by resolution and Section 2-2-32(g) requires the City Clerk to publish the proposed resolution in the newspaper at least 10 days prior to its adoption.

Instructions Upon Approval:

The City Clerk will publish the resolution commemorating the redistricting plan selected by the Council and the resolution will be presented to the Council for consideration at a later date.

3. Presentation on gas pipeline safety (Michael Waszut, Senior Land Representative for Enterprise Field Services)

Action Requested of Council:

Information only.

4. Discussion and direction to staff regarding the Agreement between the City of Farmington, New Mexico and Valley Water and Sanitation District, San Juan County, New Mexico for the treatment and disposal of wastewater (Jeff Smaka)

Action Requested of Council:

Direct staff to place the Agreement on the June 28, 2011 Consent Agenda for Council consideration.

Background/Rationale:

The Valley Water and Sanitation District (the "District"), at the District's expense, is constructing and will be operating a sanitary sewer collection system in and around the community of Kirtland, New Mexico. Because the District does not have a wastewater treatment plant and lacks the economic means to construct such a facility, San Juan County, prior to the formation of the District, approached the City to provide the necessary sanitary sewage treatment services. The City's wastewater treatment plant has unused capacity and is able to provide these services.

During the District's May board meeting, the District approved the Agreement and submitted it to the City for action. Highlights of the Agreement, as well as pertinent terms and conditions, are as follows:

- The District, at their expense, will operate and maintain a sewage collection/gathering system before the meter. Most probably, the District will be contracting with an independent contractor for their operation and maintenance services.
- The District's gathering system will terminate and empty into the City's sanitary sewage collection system at a point between Deer Trail Avenue and Highway 64 on the west side of Farmington near Fire Station #6.
- The term of this Agreement is for a period of 40 years; however, after the first 20 years either party may terminate the Agreement with 5 years notice to the other party. The Agreement does not have an automatic renewal provision.
- The District agrees to pay the City a base monthly charge of \$250 for the connection to the City's system plus a volume charge of \$1.76 per 1,000 gallons delivered to the meter. Additionally, for each new connection made by the District, the District will pay the City a one-time fee of \$100.
- The District agrees, at their sole expense, to comply with City ordinances regulating the content of the sewage entering into the City's treatment facility. The District agrees to adopt and enforce the City's pre-treatment regulations. To ensure compliance with the City's pre-treatment ordinance, the City does reserve the right to conduct inspections of the District's wastewater customers.
- The District agrees, at their sole expense, to be responsible for odor control resulting from sewage and wastewater in the District's collection and appurtenant piping to the delivery point.
- Upon the District and/or the City filing an acceptable Return Flow Plan with the State Engineer, the City is entitled to 15% of any return flow credits allowed by the State Engineer to compensate the City for losses due to evaporation and losses incurred throughout the treatment process. The District is entitled to the remaining 85% of any return flow credit.

Staff Recommendation:

Place the Agreement on the June 28, 2011 Consent Agenda for Council consideration.

Budgetary Impact:

Estimated wastewater annual revenue per this agreement is \$20,000.

5. Reversion of zoning designation for failure to meet required condition for the 5.61 acre tract of land located on the southwest corner of Messina Street and Camaron Avenue which was the subject of Petition No. CR 11-01 (Mary Holton)

Action Requested of Council:

Confirm that the zoning designation on the property which was the subject of Petition CR11-01 should be marked "SF-10".

Background/Rationale:

At its regular meeting on June 14, 2011, the City Council acted on Zoning Petition No. CR 11-01 finding that condition (a) on the approval of a zone change from the R-1A, Single-Family Residential, District (now SF-10) to the R-3, Multiple-Family Residential, District (now MF-M) sought by Petition No. ZC 1430 in 1996 was **not met**. The condition read:

- (a) The apartment complex, except as noted below, being generally developed as shown on a site plan under a single ownership and meeting all City Codes with development commencing within five years of the date of City Council approval, **or the zoning reverting back to R-1A.** (emphasis added)

In 1996, in recognition of action on Petition No. ZC-1430, staff changed the zone designation on the City's Zoning Map to R-3. However, in 2003 or 2004, the zone designation on the subject tract was changed by staff back to R-1A, evidently because staff felt that the condition quoted above was not met. However, in February of this year, after planning staff became aware that the landowner, Socuno, Ltd., wanted to construct apartments on the tract, they sought a legal opinion from the City Attorney's office as to whether the zone designation automatically reverted to single family or remained multi-family. Assistant City Attorney Brigitte Thomas submitted the opinion that the zone reversion could not happen automatically and could not take place until after notice and a hearing. The City then filed a petition requesting that the zone be changed back to single-family. That petition was later withdrawn and replaced with Petition No. CR 11-01 asking for a determination of whether condition (a) had been met. Now that the City Council has ruled on Petition No. CR 11-01, finding that the condition was **not met**, staff seeks confirmation from the Council that the proper zone designation on the City's Zoning Map should be SF-10 as it is the current zoning classification that corresponds with the R-1A classification used in 1996 when the change of zoning requested in Petition No. ZC 1430 failed because of the failure to meet condition (a).

Staff Recommendation:

Confirm that the proper zone designation for the subject property on the City's Zoning Map is SF-10.

Instructions Upon Approval:

Ensure the City's Zoning Map is correctly marked.

Budgetary Impact:

None.

6. Proposed ordinance amending certain sections of the Unified Development Code (Jay Burnham)

Action Requested of Council:

Grant permission to publish Notice of Proposed Ordinance.

Background/Rationale:

When searching the Unified Development Code ("UDC") for provisions dealing with parking in front yards and not on designated driveways, it was discovered that the UDC inadvertently omitted this section previously contained in Chapter 27 of the City Code which has been repealed. It is necessary to add this omitted language to the UDC as Section 5.2.6B(4). Additionally, the UDC did not contain references in the index to a "vacation plat" and "abandonment plat," nor did it contain a section dealing with the expiration of a vacation plat which needs to be added in Section 8.8.7. The UDC Implementation Committee has recommended these amendments.

Staff Recommendation:

Grant permission to publish Notice of Proposed Ordinance.

Instructions Upon Approval:

Publish Notice of Proposed Ordinance with final action scheduled for July 12, 2011.

Budgetary Impact:

None.

COUNCIL AND OTHER BUSINESS

7. Discuss the wildfire mitigation work that was done to Mr. and Mrs. Rankin's property on Auburn Avenue (Councilor Fischer)

CLOSED MEETING

8. To discuss requests for proposals for cultural resource services and Community Development Block Grant (CDBG) Annual Action Plan.

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9. Request for proposals for cultural resource services (Kristi Benson)

Action Requested of Council:

Approve recommendation to award multiple contracts.

Background/Rationale:

Proposals for cultural resource services (Electrical Engineering) were opened on June 7, 2011 with three offerors participating.

Staff Recommendation:

The evaluation committee recommends that contracts be awarded to Dykeman Roebuck Archaeology, LLC as the primary contractor and to San Juan County Museum Association as the secondary contractor, based upon the pricing schedule for services.

Instructions Upon Approval:

Award contracts.

CLOSED MEETING

10. To discuss disposition of real property not currently being used for City purposes (E. Murray Dr. & Hydro Plant Rd.) and to receive advice from the City's legal counsel concerning a matter of pending litigation (State of New Mexico v. United States, CV-75-184).

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.