

A G E N D A

. . . for the Regular Meeting of the Farmington City Council to be held at 7:00 p.m., Tuesday, September 13, 2011 in the Council Chamber, City Hall, 800 Municipal Drive, Farmington, New Mexico. . .

1. Roll Call and Convening the Meeting:
2. Invocation: Pastor Wade Elftman of Crossroads Community Church.
3. Pledge of Allegiance:
4. Acceptance of Consent Agenda: Those items on the agenda that are marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on with one motion. If any item proposed does not meet with approval of all Councilors or if a citizen so requests, that item will be heard under Business from the Floor.
5. *Approval of Minutes for:
 - (a) the Regular Meeting of the City Council held August 23, 2011; and
 - (b) the Regular Work Session of the City Council held August 16, 2011.
6. *Approval to Declare worn-out, unusable or obsolete transformers and distribution equipment (Administrative Services, Electric Warehouse, Electric and Transmission and Distribution) surplus to the needs of the City and not essential for municipal purposes, and to authorize the City Manager or his designee to dispose of such surplus property pursuant to State Statutes.
7. *Approval to Declare worn-out, unusable or obsolete vehicles (Administrative Services, Central Warehouse, General Services and Vehicle Maintenance) surplus to the needs of the City and not essential for municipal purposes, and to authorize the City Manager or his designee to dispose of such surplus property pursuant to State Statutes.
8. *Approval of Bid for purchase of snow removal equipment for the Four Corners Regional Airport (General Services) being awarded to Transwest Freightliner, LLC as the lowest and best bidder (\$232,852), and subject to approval by the Federal Aviation Administration. Bids opened August 25, 2011 with five bidders participating.
9. *Approval of Bid for purchase of a snow removal equipment building (General Services) being awarded to B & M Cillessen Construction Company, Inc. as the sole bid is fair and reasonable (\$398,526), and subject to approval by the Federal Aviation Administration. Bids opened September 6, 2011.

10. *Approval of Lease Agreement between the City and Presbyterian Medical Services, doing business as Totah Behavioral Health Authority, for lease of City-owned property located at 1615 Ojo Place in return for substance abuse counseling services to be provided to Native Americans (term to June 30, 2012 with an automatic two-year extension to June 30, 2014).
11. *Approval of Second Amendment to Lease Agreement dated December 21, 1998 between the City and Atlantic Aviation FBO, Inc. to add Section 50 granting Atlantic Aviation the option to exercise agency authority and the ability to act on behalf of the City in matters related to lease agreements and tenants located on "Ramp B", as recommended by staff and the Airport Advisory Commission.
12. *Approval for Adoption of Resolution No. 2011-1410 accepting and approving a certain grant agreement between the City and the Federal Aviation Administration for Project No. 3-35-0016-033-2011 (snow plow) at the Four Corners Regional Airport in Farmington, New Mexico.
13. *Approval for Adoption of Resolution No. 2011-1411 accepting and approving a certain grant agreement between the City of Farmington and the Federal Aviation Administration for Project No. 3-35-0016-034-2011 (electrical upgrades – Phase 2 Construction; apron reconstruction - Phase 1 Design; and snow removal equipment building - Phase 2 Construction) at the Four Corners Regional Airport in Farmington, New Mexico.
14. *Approval of Warrants up to and including September 10, 2011.
15. Proclamations declaring:
 - (1) September 17 through 23, 2011 as "Constitution Week";
 - (2) September 18 through 24, 2011 as "Surgical Technology Week"; and
 - (3) October 2011 as "Breast Cancer Awareness Month".
16. Consideration of Request from the Farmington Chamber of Commerce to approve two Public Celebration Permit Applications (one for Wines of the San Juan and the other for Three Rivers Brewery) to allow alcoholic beverages to be served at the Farmington Chamber of Commerce Chili Cook-off planned for October 1, 2011 at Berg Park.
17. Consideration of renewal of Oil and Gas Lease between the City and Robert L. Bayless, Producer LLC for lease of mineral rights on 1.8176 acres of City-owned property located in Section 7, T29N, R13W for an additional three years based on the same terms and conditions as originally approved and subject to payment of a renewal fee of \$500 per acre (a total of \$908.08).

18. Recommendations from the Planning and Zoning Commission:

Acceptance of Consent Agenda: Those items marked with an asterisk (*) have been placed on the Planning and Zoning Commission Consent Agenda and will be voted on with one motion. If any item does not meet with approval of all Councilors or if a citizen so requests, that item will be removed from the Consent Agenda and heard in regular order.

- * (1) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. PUD 11-01 from Troy Parker requesting a planned unit development in the RE-1, Residential Estate, District for Lot 3 of Sun Village Subdivision #2 located at 544 Northgate Lane.

The recommendation of the Planning and Zoning Commission passed by a vote of 6-0 on August 25, 2011.

- * (2) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. SUP 11-05 from Sacred Heart Parish, represented by Timothy Christensen, requesting a Certificate of Appropriateness to construct a new youth center at 414 N. Allen Avenue in the MU/RPO, Mixed-Use/Residential Preservation Overlay, District.

The recommendation of the Planning and Zoning Commission passed by a vote of 6-0 on August 25, 2011.

- * (3) Approval of proposed amendments (A) thru (E) to amend the Unified Development Code, as recommended by the Unified Development Code Implementation Committee and the Planning and Zoning Commission:

- (A). Section 2.5.2(E) concerning accessory uses and structures to add the following verbiage:

“Shipping crates, railroad cars, truck or bus bodies, semi-trailers and other similar containers shall not be used as accessory buildings or used outside the IND district. However, shipping crates may be used in the GC district if they are placed in the rear yard and screened from the view of any street and/or residence in accordance with Section 5.5.7 Screening Standards; and shipping crates may be used in residential districts if they are in the rear yard and can meet the requirements for accessory structures.”

The recommendation of the Planning and Zoning Commission passed by a vote of 6-0 on August 25, 2011.

- (B). Section 2.8 concerning the table in the Density and Dimensional Standards to add a footnote for referencing purposes to the nonresidential table as follows:

“1. Setbacks for multi-family and nonresidential development next to protected residential districts and/or a single-family residence are required to meet standards in Section 5.10 Residential Protections.”

The recommendation of the Planning and Zoning Commission passed by a vote of 6-0 on August 25, 2011.

(C). Section 5.5.7(C)2 concerning screening devices to remove the words “split face” from in front of the words “masonry wall”, to read as follows:

“In all other districts and adjacent to residential uses and districts, an opaque vinyl or wood fence or a masonry wall shall be utilized.”

The recommendation of the Planning and Zoning Commission passed by a vote of 6-0 on August 25, 2011.

(D). Sections 6.8.2 and 6.8.2(D) concerning financial assurances/improvement agreement to replace the word “two” with the word “three” prior to the word “years” in the last sentence of Section 6.8.2 and to add a new sentence to Sections 6.8.2 and 6.8.2(D) to read as follows:

Section 6.8.2 Financial Assurances

“Following approval of the Final Plat, including construction plans, and prior to the issuance of building permits and construction, the subdivider shall utilize one of the following methods of guaranteeing the cost of installing all required improvements, within an agreed period of time not to exceed 3 years from the date of Final Plat approval. An extension of time may be granted by the Director for up to 3 more years if the number of lots sold in the subdivision is less than 80%.”

Section 6.8.2(D) Improvements Agreement

“Has executed an agreement approved by the City Attorney (between the subdivider and the City) wherein the subdivider agrees to install all improvements for which the subdivider is responsible under this section. Such agreement shall be signed by the Mayor.”

The recommendation of the Planning and Zoning Commission passed by a vote of 6-0 on August 25, 2011.

(E). Section (9.2.6) to add a new section as follows:

“9.2.6 Special Use Permits for Nonconforming Uses

A. Any lawful nonconforming use of a building shall be considered to be in conformity with the terms of this code upon application

and approval of a special use permit. In order to grant a special use permit, the City Council must find:

- (1) The use is compatible, in terms of scale, building size and intensity of land use, with the existing and permitted use in the local neighborhood;
- (2) The use does not create excessive additional traffic in the neighborhood; and
- (3) The use does not generate noise, smoke or other environmental pollutants that are foreign to the neighborhood.

B. In granting a special use permit for a nonconforming use, the City Council may impose such conditions as reasonably necessary to promote harmony with adjacent permitted uses in the district. Such conditions may include, but not be limited to, the following:

- (1) Requirement that standards for off-street parking be met;
- (2) Requirement for physical improvements to the structure to make it compatible with neighboring properties;
- (3) Requirement for additional landscaping;
- (4) Limitation on density or future expansion of the use; and
- (5) Elimination of nonconforming characteristics of use, such as signage, outside storage, off-street parking and the like.

C. It shall be the responsibility of the applicant to provide evidence that the use for which the special use permit is sought had lawfully existed prior to the adoption of the provision of the code which resulted in the use no longer being subject to the provisions of the Unified Development Code, Section 9.2 Nonconforming Uses, but shall be subject to the general provisions pertaining to special uses and whatever conditions are attached to the special use permit.

D. This section applies to nonconforming uses of structures and shall not be construed to apply to nonconforming lots, nonconforming structures, or nonconforming uses of unimproved land.”

The recommendation of the Planning and Zoning Commission passed by a vote of 6-0 on August 25, 2011.

19. Discussion and approval of the proposed Golf Fees for Piñon Hills and Civitan Golf Courses (Jeff Bowman and Chris Jones).

20. New Business:
- (a) Mayor
 - (1) Appointment to the Planning & Zoning Commission.
 - (2) Consideration of cancellation of September 20, 2011 City Council Work Session.
 - (b) Councilors
 - (c) City Manager
 - (d) City Attorney
 - (1) Ordinance No. 2011-1249 – Final Action
-amending Section 5-2-1 of the Farmington City Code pertaining to the classification of liquor licenses approved and licensed by the City.
(Published August 21, 2011)
 - (e) City Clerk
21. Business from the Floor:
- (1) Items removed from Consent Agenda for discussion.
 - (2) Any other Business from the Floor.
22. Adjournment.

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

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