AGENDA

... for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m., Tuesday, January 8, 2019 in the Council Chamber, City Hall, 800 Municipal Drive, Farmington, New Mexico...

1. Roll Call and Convening the Meeting:

2. Invocation: Pastor Steve Carrington of United Pentecostal Church.

3. Pledge of Allegiance:

4. Acceptance of Consent Agenda: Those items on the agenda that are marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on without discussion with one motion. If any item proposed does not meet with approval of all Councilors or if a citizen so requests, that item will be heard under Business from the Floor.

5. *Approval of Minutes for:

   (a) the Regular Meeting of the City Council held December 11, 2018; and

   (b) the Regular Work Session of the City Council held December 18, 2018.

6. *Approval of Intergovernmental Agreement for Ambulance Services between San Juan County and the cities of Farmington, Bloomfield and Aztec (term to October 1, 2019 with one automatic one-year renewal).

7. *Approval of Agreement transferring a parcel of land (approximately 1.64 acres) located on Ojo Court from San Juan County to the City for the addition of a wet shelter adjacent to the sobering center. This property was previously conveyed to San Juan County from the City of Farmington for construction of a sobering center.

8. *Approval of First Amendment to Intergovernmental Agreement for Behavioral Health Services (Joint Intervention and Sobering Programs) between the City, San Juan County, San Juan Regional Medical Center and Presbyterian Medical Services.

9. *Approval of Second Amendment to Intergovernmental Agreement for Behavioral Health Services (Joint Intervention and Sobering Programs) between the City, San Juan County, San Juan Regional Medical Center and Presbyterian Medical Services.

10. *Approval of Purchase Agreement between the City and the William and Claytie Irrevocable Trust for purchase by the City of Lots 1 and 2 in Block 7 of the Riverside Subdivision (205 East Corcorran Drive) utilizing the Community
11. *Approval of Warrants up to and including January 5, 2019.

12. Recognition of Irke Cooper for his dedicated service to the Administrative Review Board (Mayor)

13. Recognition of Steve White for his dedicated service to the Airport Advisory Commission (Mayor)

14. Recognition of Derald Polston for his dedicated service to the Metropolitan Redevelopment Agency Commission (Mayor)

15. Recommendations from the Planning and Zoning Commission:

Acceptance of Consent Agenda: The items marked with an asterisk (*) have been placed on the Planning and Zoning Commission Consent Agenda and will be voted on without discussion. If any item does not meet with approval of all Councilors or if a citizen so requests, the 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 Action Summary to deny Petition No. ZC 18-86 from El Rancho Holdings, LLC, represented by Mike Atchison, requesting a zone change from the GC, General Commercial, District to the MU, Mixed Use, District to allow household living and mixed uses on property located at 2000 West Main Street and 103 Gower Road. (Gary Leikness)

The recommendation of the Planning and Zoning Commission passed by a vote of 5-0 on December 13, 2018.

*(2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Action Summary to approve Petition No. ZC 18-89 from Doug Hunt, represented by Teresa Hunt, requesting a zone change from the MF-L SMHAO, Multi-Family Low Density Special Mobile Home Area Overlay, District to the GC, General Commercial, District to allow commercial use on property located at 1105 Schofield Lane. (Helen Landaverde)

The recommendation of the Planning and Zoning Commission passed by a vote of 5-0 on December 13, 2018.

16. New Business:

(a) Mayor
(b) Councilors
(c) City Manager
(d) City Attorney

(e) City Clerk

17. Business from the Floor:

(1) Items removed from Consent Agenda for discussion.

(2) Any other Business from the Floor.

18. 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.
RENEWAL OF
INTERGOVERNMENTAL AGREEMENT
FOR AMBULANCE SERVICES

This Renewal Agreement is effective October 1, 2018, between the Board of County Commissioners of San Juan County, New Mexico (the County), the City of Farmington, New Mexico, the City of Bloomfield, New Mexico, and the City of Aztec, New Mexico (the Cities);

RECITALS:

1. The Intergovernmental Agreement For Ambulance Services between the County and the Cities dated November 9, 2006 expired on November 14, 2014, and was renewed with a Renewal Agreement effective November 15, 2014.

2. The Operating Agreement For Ambulance Service between the parties to the Intergovernmental Agreement and San Juan Regional Medical Center, Inc. expires June 30 of each year and automatically renews for successive one-year terms unless notice is given 90 days prior to expiration of the Agreement.

3. It would protect the public health, safety, and welfare and be in the best interest of the parties to the Intergovernmental Agreement and the provider under the Operating Agreement to renew the Intergovernmental Agreement for successive one-year terms to coincide with the terms of the Operating Agreement.

IT IS THEREFORE AGREED that the term of the Intergovernmental Agreement For Ambulance Services between the County and the Cities dated November 9, 2006, is hereby extended from November 15, 2014 to October 1, 2019 and shall automatically renew on October 1, 2019 for successive one (1) year terms thereafter unless notice is given 90 days prior to expiration of the Agreement.

This Renewal Agreement may be executed in counterparts which shall be effective as if all signatures were affixed to one original document, and execution of a counterparty may be transmitted via facsimile transmission.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals effective the day and year first written above.

BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO

By: _____________________________
    Margaret McDaniel, Chairman

APPROVED AS TO FORM
SAN JUAN COUNTY ATTORNEY

By: _____________________________

Tanya Shelby, County Clerk

- 1.0 -
City of Farmington

Memorandum

To: Mayor and City Council  
From: Julie Baird, Assistant City Manager  
Date: January 3, 2019  
Subject: Transition of Winter Shelter from “The Roof” to Ojo Court

The transition of winter shelter operations from “The Roof” to the Ojo Court location associated with the Sobering Center is progressing. The three following consent items will facilitate this change in operations.

The first item is the Agreement Transferring Back a Parcel of Land on Ojo Court to the City of Farmington, New Mexico, which outlines the transfer of the land and the Sobering Center building to the City of Farmington.

The second item is the First Amendment to Intergovernmental Agreement for Behavioral Health Services Joint Intervention Program and Sobering Program. This Amendment ensures the IGA with San Juan County and San Juan Regional Medical Center is in alignment with the change of ownership of the Sobering Center building and states the City of Farmington will enter into a facility lease agreement with PMS for the use of the building for the Sobering Center.

The final item is the Second Amendment to Intergovernmental Agreement for Behavioral Health Services Joint Intervention Program and Sobering Program. This Amendment outlines the additional scope of work and associated costs for the operations of a winter shelter in conjunction with the Sobering Center from February 15, 2019 through March 31, 2019. Another Amendment for the start-up and operation of the 2019-2020 winter shelter season will be brought back at a later time.

The transition of winter shelter services will take place during the entire month of February. Beginning on February 1, 2019, individuals seeking shelter will be encouraged to use and be transferred to the sobering center shelter. The Roof will remain in operation for overnight stays through February 14, 2019. Starting February 15, 2019, overnight shelter services will only be at the Sobering Center shelter on Ojo Court. From February 15 through February 28, 2019, the Roof will cease sheltering individuals overnight but will remain manned and able to transfer individuals to the Sobering Center shelter.
AGREEMENT TRANSFERRENG BACK A PARCEL OF LAND ON OJO COURT TO THE CITY OF FARMINGTON, NEW MEXICO

WHEREAS, the City of Farmington, New Mexico, previously transferred a tract of land located on Ojo Court, the legal description of which is attached hereto as Exhibit A, to San Juan County, New Mexico; and

WHEREAS, the purchase of the transfer was to facilitate the construction of the Sobering Center by San Juan Regional Medical Center on said property; and

WHEREAS, the City of Farmington, San Juan County, and Presbyterian Medical Center previously entered into an Agreement dated February 1, 2018, for the operation of the Behavioral Health Services Joint Intervention Program and Sobering Program on Ojo Court; and

WHEREAS, the City of Farmington desires to construct its wet shelter, currently known as “The Roof” on vacant property adjacent to the other programs operated on Ojo Court.

NOW, THEREFORE, it is agreed as follows:

1. San Juan County shall, by quitclaim deed, quitclaim the property described on Exhibit A attached hereto to the City of Farmington. The City of Farmington may, at its sole expense, require an updated Phase I environmental study or an updated title report on the subject property. Should the City of Farmington elect to waive either of those requirements, it shall notify the County in writing of its intention to waive those requirements, and the County shall forthwith deliver the quitclaim deed to the City of Farmington.

2. City agrees that it shall assume the responsibilities of County in preparing a separate facility use agreement as set forth in Paragraph 1.A. of the Intergovernmental Agreement for Behavioral Health Services Joint Intervention Program and Sobering Program. Upon acceptance of the quitclaim deed, County shall have no further obligations to San Juan Regional Medical Center or Presbyterian Medical Services for the maintenance of the Sobering facility.

3. County agrees that it shall continue its responsibility for payment of a portion of the cost of the Sobering program as set forth in Paragraph 1.A.2.a. of the Sobering Center expenses and will further continue its obligation to ensure that its law enforcement personnel and emergency medical services personnel receive training and comply with the Sobering Center eligibility criteria and/or field screening checklist established by PMS.

4. San Juan Regional Medical Center has indicated its concurrence to the transfer and has requested an amendment to the Intergovernmental Agreement, a copy of which will be executed simultaneously with this Agreement.
5. This Agreement contains the entire agreement between the parties, and no amendment hereof shall be valid unless executed by both parties by person having authority to execute amendments to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement this ______ day of ________________, 2019.

SAN JUAN COUNTY, NEW MEXICO

By: ________________________________
Printed Name: ________________________
Title: ________________________________

CITY OF FARMINGTON, NEW MEXICO

By: ________________________________
Printed Name: Nate Duckett
Title: Mayor

APPROVED AS TO FORM
SAN JUAN COUNTY ATTORNEY

By: ________________________________

Approved as to Form
City of Farmington
Legal Department

By: ________________________________

1/3/19
EXHIBIT “A”

A parcel of land in the Southwest Quarter of the Southeast Quarter (SW ¼-SE ¼) of Section 17, Township twenty-nine (29) North, Range thirteen (13) West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico, being more particularly described as follows:

Beginning at a point from whence the Southwest Corner of said Section 17, being a 1984 BLM Aluminum marker, bears S85°40'24"W, a distance of 1303.66 feet; Thence N00°35'19"E for a distance of 439.38 feet along the Westerly line of the SE ¼ of said Section 17 to the Point of Beginning.

Thence N00°35'19"E for a distance of 239.07 feet along the Westerly line of the SE ¼ of said Section 17;

Thence N90°00'00"E for a distance of 321.16 feet;

Thence S00°16'33"W for a distance of 178.90 feet;

Thence N89°23'17"W for a distance of 11.83 feet;

Thence through a curve to the left for a distance of 128.97 feet, said curve having a delta angle of 164°12'44", a radius of 45.00 feet and a chord bearing of S47°26'54"W with a length of 89.15 feet;

Thence N90°00'00"W for a distance of 245.25 feet to the Point of Beginning.

The above described parcel having a total area of 1.64 acres, more or less.
WHEREAS, the City of Farmington desires to obtain ownership of all of the real property described on Exhibit A attached hereto from San Juan County, including the building currently known as the Sobering Center; and

WHEREAS, San Juan County and San Juan Regional Medical Center do transfer said land and building to the City of Farmington, as the City of Farmington had previously transferred said property to the County to assist in construction of the Sobering Center.

NOW, THEREFORE, it is agreed as follows:

1. All of the land described on Exhibit A attached hereto as well as the building currently known as the Sobering Center are transferred to the City of Farmington. The transfer is made by both the County and San Juan Regional Medical Center without any warranty whatsoever. City agrees that it is relying on its own familiarity with the building to acquire an ownership interest in said building.

2. City agrees that it will enter into a Facilities Use Agreement with Presbyterian Medical Services for the operation of the Sobering Center and that upon execution of the same, San Juan County is relieved from any obligations for maintenance of said facility.

3. San Juan Regional Medical Center is additionally transferring miscellaneous property to the City of Farmington having a book value of $23,734.45.

4. This Agreement shall operate as a Bill of Sale for any San Juan Regional property located within the Sobering Center.

5. All other provisions of the Intergovernmental Agreement for Behavioral Health Services Joint Intervention Program and Sobering Program shall remain unchanged.

IN WITNESS WHEREOF, the parties have caused this Amendment to be signed by their duly authorized representatives.

SAN JUAN COUNTY, NEW MEXICO

CITY OF FARMINGTON, NEW MEXICO

By: ____________________________
    Nate Duckett, Mayor

1

- 3.0 -
APPROVED AS TO FORM
SAN JUAN COUNTY ATTORNEY
By: ________________________

City of Farmington Legal Department
Approved as to form
By: ________________________ 1/3/19

SAN JUAN REGIONAL MEDICAL CENTER
By: ________________________
Jeff Bourgeois, President/CEO

PRESBYTERIAN MEDICAL SERVICES
By: ________________________
Steven C. Hansen, CEO & President
EXHIBIT "A"

A parcel of land in the Southwest Quarter of the Southeast Quarter (SW ¼-SE ¼) of Section 17, Township twenty-nine (29) North, Range thirteen (13) West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico, being more particularly described as follows:

Beginning at a point from whence the Southwest Corner of said Section 17, being a 1984 BLM Aluminum marker, bears S85°40'24"W, a distance of 1303.66 feet; Thence N00°35'19"E for a distance of 439.38 feet along the Westerly line of the SE ¼ of said Section 17 to the Point of Beginning.

Thence N00°35'19"E for a distance of 239.07 feet along the Westerly line of the SE ¼ of said Section 17;

Thence N90°00'00"E for a distance of 321.16 feet;

Thence S00°16'33"W for a distance of 178.90 feet;

Thence N89°23′17″W for a distance of 11.83 feet;

Thence through a curve to the left for a distance of 128.97 feet, said curve having a delta angle of 164°12′44″, a radius of 45.00 feet and a chord bearing of S47°26'54"W with a length of 89.15 feet;

Thence N90°00′00″W for a distance of 245.25 feet to the Point of Beginning.

The above described parcel having a total area of 1.64 acres, more or less.
SECOND AMENDMENT
TO
INTERGOVERNMENTAL AGREEMENT FOR BEHAVIORAL HEALTH SERVICES
JOINT INTERVENTION PROGRAM AND SOBERING PROGRAM

This Second Amendment to Intergovernmental Agreement for Behavioral Health Services Joint Intervention Program and Sobering Program ("Second Amendment") is entered into this ___ day of January, 2019 by and between the City of Farmington, New Mexico (the "City"), San Juan Regional Medical Center, a New Mexico non-profit corporation ("SJRMC"), and Presbyterian Medical Services, a New Mexico non-profit corporation ("PMS"), collectively with SJRMC, the County and the City (the "Parties").

WHEREAS, the Parties entered into that certain Intergovernmental Agreement for Behavioral Health Services Joint Intervention Program and Sobering Program dated February 1, 2018 (the "Agreement"); and

WHEREAS, the City desires to expand services of the Agreement to include winter shelter services with the Sobering Program; and

WHEREAS, PMS is a Federally Qualified Health Center ("FQHC") with experience in providing behavioral health, substance abuse services and primary care services in New Mexico, and is willing to provide these services.

NOW THEREFORE, the Parties agree as follows:

1. **Term of Agreement.** This Second Amendment shall be effective as of February 15, 2019 and shall continue until March 31, 2019. This Second Amendment may, at the City's discretion, be extended from month to month depending on the weather. Any extension of this Second Amendment shall be subject to the same terms, rates, and conditions as herein stated and it shall be pro-rated as necessary.

2. **Basic Services.** PMS shall provide winter shelter services to anyone over the age of eighteen (18), including homeless people who may or may not be inebriated, requesting assistance and shelter from the winter elements. Persons seeking this shelter shall abide by the operating procedures of the facility and direction provided by PMS' staff.

3. **City Responsibilities.** The City will provide a facility for the winter shelter operation throughout the period of this Second Amendment.

   The City shall pay SJRMC, as the fiscal agent for the governmental agencies, $36,000 for PMS to operate the winter shelter from February 15, 2019 through March 31, 2019.
4. **PMS Scope of Services.** The dates of operation will be from February 15, 2019 through March 31, 2019 depending on weather conditions. The hours of operation shall be from 8:00 p.m. to 8:00 a.m. seven days a week.

In the event of an unseasonable, cold period after March 31, 2019 the City may request services remain in place to provide shelter. If this occurs, PMS will be paid an additional contract amount on a pro-rata basis based on the awarded contract amount and the length (number of days) of the contract.

PMS staff shall evaluate anyone meeting the criteria set forth in paragraph 2 **Basic Services** to determine if they are eligible for the winter shelter or the Sobering Program.

PMS shall keep the premises of the winter shelter in a clean and habitable condition.

5. **Other Terms and Conditions.** Except as may be expressly modified in this Second Amendment, all other terms and conditions of the Agreement shall remain in full force and effect for the remainder of the term of the Agreement.

IN WITNESS WHEREOF, the Parties have caused this Second Amendment to be signed by their duly authorized representatives.

**SAN JUAN COUNTY**  
**NEW MEXICO**

By: ____________________________  
*  
Approved as to form  
San Juan County Attorney

By: ____________________________  
Date: ____________________________

**SAN JUAN REGIONAL MEDICAL CENTER**

By: ____________________________  
*  

**CITY OF FARMINGTON**  
**NEW MEXICO**

By: ____________________________  
Nate Duckett, Mayor

Approved as to form  
City of Farmington Legal Department

By: ____________________________  
Date: 1/3/19

**PRESBYTERIAN MEDICAL SERVICES**

By: ____________________________  
*
City of Farmington Outdoor Recreation Industry Initiative

Memorandum

TO: Mayor and City Council
FROM: Cory Styron, Director of Parks, Recreation, and Cultural Affairs
DATE: January 4, 2019
SUBJECT: Real Estate purchase

The purpose of this memorandum is to provide additional information regarding the purchase agreement for property located at 205 E Corcorran Drive in the Animas District of Farmington, New Mexico.

This property was brought before the Council in closed session on November 13, 2018 with the request to enter into negotiations. Council directed staff to move forward.

A real estate appraisal was commissioned for the property. Based on the appraisal value from the report an offer of $57,000 plus closing cost were submitted and accepted by the property owner. This property resides in the Animas District and is across the street to the west of recently purchased parcel on the corner of Miller and Pinon.

Staff recommendation is to purchase this property in the Animas District using the Community Transformation and Economic Development funds.
The San Juan County Assessor's Office assumes no liability for the accuracy of the information provided and it is not intended to be used as a survey.

The data contained herein was derived from the most current information available at the time of publishing. While the San Juan County Assessor's Office makes every effort to provide accurate and complete information, the data contained on this map is subject to change.

The San Juan County Assessor’s Office provides no warranty, expressed or implied, as to the accuracy, reliability or completeness of the furnished data.

San Juan County
Assessor's Office
100 S. Oliver Dr.
Aztec, NM 87410
505-334-6157

Date: 11/5/2018

140 70 0 140 Feet
* Adoption of the Planning and Zoning Commission Action as contained within the Community Development Action Summary and denial of ZC 18-86, a request from El Rancho Holdings, LLC, represented by Mike Atchison, for a zone change from the GC, General Commercial District to the MU, Mixed Use District, to allow for household living and mixed uses on properties located at 2000 W. Main Street and 103 Gower Road. (Gary Leikness)

Recommendation of denial by the Planning and Zoning Commission on December 13, 2018 which passed by a vote of 5-0.

* Adoption of the Planning and Zoning Commission Action as contained within the Community Development Action Summary and approval of ZC 18-89, a request from Doug Hunt, represented by Teresa Hunt, for a zone change from the MF-L SMHAO, Multi-family Low Density Special Mobile Home Area Overlay District, to GC, General Commercial, to allow for commercial use on property located at 1105 Schofield Lane. (Helen Landaverde)

Recommendation of approval by the Planning and Zoning Commission on December 13, 2018 which passed by a vote of 5-0.
A. STAFF REPORT, December 13, 2018

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>El Rancho Holdings, LLC.</th>
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</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Mike Atchison</td>
</tr>
<tr>
<td>Date of Application</td>
<td>November 06, 2018</td>
</tr>
<tr>
<td>Requested Action</td>
<td>Zone change from the GC, General Commercial District to MU, Mixed Use District</td>
</tr>
<tr>
<td>Location</td>
<td>2000 W Main St, and 103 Gower Rd, henceforth referred to as “subject properties” as they are contiguous to one another.</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>2000 W Main, Vacant Commercial</td>
</tr>
<tr>
<td></td>
<td>103 Gower, Vacant Land</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>GC, General Commercial</td>
</tr>
<tr>
<td>Surrounding Zoning &amp; Land Use</td>
<td>North: GC, General Commercial/vacant land, with some non-conforming single family residences in the vicinity, along Gower Rd.</td>
</tr>
<tr>
<td></td>
<td>South: MU, Mixed Use/ Navajo Ministries</td>
</tr>
<tr>
<td></td>
<td>East: GC, General Commercial/ Commercial</td>
</tr>
<tr>
<td></td>
<td>West: GC, General Commercial/ Commercial</td>
</tr>
<tr>
<td>Notice</td>
<td>Publication of Notice for public hearing of the Planning and Zoning Commission and City Council appeared in the Farmington Daily Times on Sunday, November 25, 2018. Property owners within 100 feet were sent notice by certified mail on Wednesday, November 21, 2018 and a sign was posted at the site on Friday, November 30, 2018.</td>
</tr>
<tr>
<td>Staff Planner</td>
<td>Gary Leikness, AICP, CFM Planning Manager</td>
</tr>
</tbody>
</table>

STAFF ANALYSIS

Project Description
The petitioner is requesting a zone change, for the subject properties, from the GC, General Commercial District to the MU, Mixed Use District. The petitioner is proposing the zone change to allow for him to use the existing structure on 2000 W. Main St, as a single family home, with the option to “run an at-home business.” The Gower property is currently vacant with no immediate plans for development.
The petitioner is interested in making the subject property, “more appealing and reduce vacancy,” which he has determined will reduce, “devaluation and expense.” The petitioner states that the building has been vacant for five years. He also states that he owns other properties and that, “vacancy has brought about problems and devaluation including becoming a dumping site for trash, loitering of the homeless, and vandalism.” These issues, the petitioner asserts, could be resolved by changing the subject property to the MU zoning.

San Juan County Tax Assessor’s records list the size of the 2000 W. Main Street property as 0.14 acres (6382.93 ft.²), while the 103 Gower Rd property is listed as 0.201 acres (8759.83 ft.²). On the 2000 Main St. property, there is one commercial structure that is approximately 1500 sq. ft. At 103 Gower Dr., the property is currently vacant. Research shows that the subject properties were platted in 1952 and 2011.

The Code directs, “All residential uses take direct access to local streets.” Furthermore, “No single-family residential use shall take direct access to arterial streets.”

Ground floor single family dwellings are not permitted in the GC District, which is largely the reason the applicant is requesting a zone change to MU, to allow for the land use.

The MU, Mixed Use Zone is “…Intended to accommodate low-intensity mixed uses with a strong residential character. The MU district provides specific standards for the development of limited business, office, or service uses in existing residential structures, or in new structures within residential areas.”

An analysis of the City’s Unified Development Code (UDC) shows how the MU zoning may or may not allow more land uses than GC, broken down by Residential, Commercial, and Industrial. Using only the Permitted Use Table of Section 2.3, for this analysis, the following comparisons are made:

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Mixed Use Zone</th>
<th>General Commercial Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>16</td>
<td>7</td>
</tr>
<tr>
<td>Commercial</td>
<td>41</td>
<td>73</td>
</tr>
<tr>
<td>Industrial</td>
<td>3</td>
<td>19</td>
</tr>
<tr>
<td>Total</td>
<td>60</td>
<td>99</td>
</tr>
</tbody>
</table>

The comparison shows that the MU Zone allows more residential types of land uses, and less commercial and industrial land uses. While the GC Zone has fewer residential land use options, but more commercial and industrial opportunities.

1 Unified Development Code Section. 5.3.2 (A)
2 Unified Development Code Table 2.3 “Upper Story Residential,” is a permitted use in GC and MU zoning.
3 Unified Development Code Section. 3.11.1
Figure 1. Aerial of subject properties.

Figure 2. Zoning Map of General Vicinity.
Proposal
The applicant is proposing to rezone the subject property to MU, Mixed Use to allow a single family home and to allow other possible land uses that he feels would benefit the area.

A zone change to MU would allow a single family home, as well as duplexes, and multi-family.

Consistency with the Farmington Comprehensive Plan
The 2020 Future Land Use Plan Map indicates that this area is to remain as GC, therefore the request is not supported the Map. The area in red on Figure 3 is designated as Commercial.

Figure 3. Comprehensive Plan, Land Use Map
The following Content from the Comprehensive Plan, with goals and objectives, are applicable to this requested change in zoning:

**Land Use and Development**

Goal: Plan and facilitate land use and development that is consistent, orderly, functional, in harmony with the natural environment, and promotes a progressive, vibrant, scenic, and safe community.

"Objective 4.1: Assure the provision of a variety of different land use types in suitable locations, densities, and patterns while avoiding mixing of incompatible uses in close proximity to each other."

"Objective 4.1.3: Create new or amend existing zoning districts to allow smaller lots for starter homes, senior living, and cluster homes."

"Objective 4.1.4: Amend commercial districts to allow for residential use to be interspersed with commercial uses in areas of mixed use."

**Housing**

Goal: Promote quality, affordable, and safe housing that meets the needs of the community and assure implementation of sound standards for orderly development and growth.

"Action 7.1.2 Encourage mixed use developments in appropriate locations throughout the City, including downtown and south of Broadway, through reviewing and updating the Zoning Ordinance and maps."

"Objective 7.4 Support the rehabilitation and restoration of residential areas in the City."

**Compatibility with the Surrounding Area**

The property to the north is zoned GC, and contains vacant land and some non-conforming residential uses. The property to the south is zoned MU, but has W Main St acting as a physical buffer for any potential incompatibility issues. The properties to the east and west are zoned GC, and contain vacant land, commercial, and some non-conforming single family and mobile home residences.

Single family is being proposed, however, this petition should be largely based on whether or not MU zoning is an appropriate designation for the area.

---

4 Farmington Comprehensive Plan (2002). *Chapter 4 Land Use and Development*, pp. 4-11 – 4-12.
STAFF ANALYSIS

A. Is the proposed zoning consistent with the Farmington Comprehensive Plan?

The zone change request is for MU, Mixed Use6 zoning is general consistent with the provided sections of the Comprehensive Plan, goals and objectives listed previously in this report. However, the request is not consistent with the Comprehensive Plan Map, in that the request is seeking MU Zoning, where the Comprehensive Plan designates future land uses as Commercial. There are other areas designated as Mixed Use, primarily the Civic Center, and South of Broadway. This criterion is not met.

B. Is the proposed zoning and land use(s) compatible with the present zoning and conforming uses of nearby property and the character of the neighborhood?

The properties to the north are zoned as GC, some are vacant lands as well as some non-conforming single family residences, which might be compatible with the MU Zone, as it has similarities in allowable land uses. The properties to the South are zoned as MU, but is separated by W Main St (100 ft. right of way), so it will be unlikely that any land uses in MU would be incompatible with that neighborhood. The property to the east is zoned as GC, with some commercial and non-conforming single family residences, including single-wide non-conforming mobile homes, which might be compatible with the MU Zone, as it has similarities in allowable land uses, except that, MU prohibits single-wide manufactured homes, just as GC does. The properties to the west are zoned GC, and contain commercial uses, which might be compatible with the MU Zone, as it has similarities in allowable land uses.

The proposed zoning for this subject properties is generally compatible with the present zoning and character of the neighborhood. However, the proposed zoning may place limits on adjacent commercial in the future, due to nuisances such as noise, odor, and other negative externalities. This may disallow some commercial uses from being able to take advantage of their designated GC zoning. This criterion is not met.

C. Will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?

There may be some incompatibility between a single family home and an auto repair center, for example. adverse impacts; future development on the subject

---

6 The term “mixed use” is defined in the Comprehensive Plan as, “Combinations of business and residential uses in areas of older structures or vacant land that may include new types of housing residential/commercial conversions, infill development, starter homes, cluster homes, and senior living developments.” Farmington Comprehensive Plan (2002). Chapter 4 Land Use and Development, pg. 4-9
property and surrounding properties will follow all applicable codes, which are intended to ensure Life/Safety.

However, the proposed zoning may place limits on adjacent commercial in the future, due to nuisances such as noise, odor, and other negative externalities. This may disallow some commercial uses from being able to take advantage of their designated GC zoning. So, there are some adverse impacts that may result from commercial land uses abutting an MU zone, which allows single family home and other residential uses. This criterion is not met.

D. **Is the proposed density and intensity of use permitted in the proposed zoning district?**

The zone change request MU permits single family homes. Presently, the subject property would meet the setbacks for a single family home in the proposed MU zone. This criterion is met.

E. **Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended by the applicant? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?**

The subject properties have been developed in the past. Public services have been provided and City services such as Police and Fire would be able to serve existing and new developments to this area.

Water, Sewer, and Electric are available at the subject property. Future developments may necessitate the need for upgrade infrastructure. However, that will depend on future proposed land uses. The applicant will have to manage his costs for future development, as he works with the City through the development process.

This criterion is met

F. **Does the proposed change constitute "spot zoning" as defined in Article 11, definitions?**

Article 11 defines "spot zoning" as "where a particular tract within a larger area is specifically zoned so as to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of the Comprehensive Plan." The proposed zone change for the subject property allows residential uses, but in turn is limited with commercial and industrial land use options.
The proposal would place upon the subject property, “restrictions not imposed upon the surrounding lands.” Furthermore, the same rezone would, “grant to it special privileges not granted generally.” Restrictions resulting from a change from MU zoning to GC zoning would be a limiting of commercial and industrial land uses on the subject property. An example of “special privileges” not granted generally would be the increase options for housing types within the MU zone.

The proposed zone change would constitute spot zoning. This criterion is not met.

STAFF COMMENTS
Community Development Director- “The 2020 Future Land Use Plan recommends commercial for the subject tract, which is immediately adjacent to US Highway 64 near its intersection with the Murray Drive By-Pass. The area had recent development activity by fast food chains, and can be characterized as having both industrial and commercial uses.

The proposal to rezone to MU will likely be considered a request for a spot zoning, which staff cannot support. It is recommended that the petitioner consider withdrawing the request and consider other options, including developing a retail center and possibly utilizing upper-story residential uses, permitted by right in GC District.”

PW Engineering- “All residential uses shall take direct access to local streets (Gower). No single family residential use shall take direct access to arterial streets (Main St). UDC 5.3.2 Street Access.”

STAFF CONCLUSION
Staff concludes that the requested ZC 18-86 fails to meet four of the six required criteria for approval.

STAFF RECOMMENDATION
The Community Development Department recommends denial of Petition ZC 18-86, a requested zone change from the GC, General Commercial to MU, Mixed Use District, for not meeting four of the six required criteria.

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7 The concept of “spot zoning” is addressed in the definition section, UDC:12, “Where a particular tract within a larger area is specifically zoned so as to impose on it restrictions not imposed upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of the Comprehensive Plan.”
B. **FINDINGS OF FACT**

On December 13, 2018, the Planning and Zoning Commission held a public hearing for ZC 18-86 and made the following findings.

1. The petitioner is El Rancho Holdings, LLC., represented by Mike Atchison.
2. The subject properties are located at 2000 W Main St, and 103 Gower Dr, in the General Commercial District, and in the General Commercial of the Comprehensive Plan.
3. A notice was published.
4. San Juan County Tax Assessor's records list the size of the 2000 W. Main Street property as 0.14 acres (6382.93 ft.²), while the 103 Gower Rd property is listed as 0.201 acres (8759.83 ft.²). On the 2000 Main St. property, there is one commercial structure that is approximately 1500 sq. ft. At 103 Gower Dr., the property is currently vacant. Research shows that the subject properties were platted in 1952 and 2011.
5. The petitioner is requesting a zone change from GC, General Commercial, to MU, Mixed Use.
6. The Comprehensive Plan Land Use Map designates the subject properties as General Commercial.
7. Staff recommended that the zone change request be denied.
8. The petitioner's representative Mike Atchison was present at the Planning and Zoning Commission hearing and provided testimony.
9. The request is not consistent with the Comprehensive Plan Map, in that the request is seeking MU Zoning, where the Comprehensive Plan designates future land uses as Commercial.
10. Table shows the Commercial/Residential relationship of the GC Zone to that of the MU Zone. That is, in the GC Zone, more commercial land uses are allowed than in the MU Zone. In General Commercial there are less Residential land use options than MU.
11. A zone change may place limits on adjacent commercial in the future, due to nuisances such as noise, odor, and other negative externalities. This may disallow some commercial uses from being able to take advantage of their designated GC zoning.
12. Water, Sewer, and Electric are available at the subject properties.
13. The proposal would place upon the subject property, "restrictions not imposed upon the surrounding lands." Furthermore, the same rezone would, "grant to it special privileges not granted generally." The proposed zone change would constitute spot zoning.
14. An adjacent property owner Shelly Kelly (2012 N Fairway Ave) attended the meeting and provided support for the zone change.
15. The Planning and Zoning Commission recommended denial, of the requested zone change, consistent with Staff's recommendation to deny the petition.
Planning & Zoning Commission Discussion of Petition ZC 18-86 on December 13, 2018

Planning Manager Gary Leikness presented the staff report for ZC 18-86, a request from El Rancho Holdings, LLC, represented by Mike Atchison, for a zone change from the GC, General Commercial District to the MU, Mixed-Use District, to allow for household living and mixed uses on properties located at 2000 W. Main St. and 103 Gower Road.

Zoning to the north is GC, General Commercial with some nonconforming single family residences along Gower Road. To the south is MU, Mixed Use. East and West is GC.

The petitioner is proposing the zone change to allow for the use of the existing structure on 2000 W. Main Street as a single family home with the option to “run an at-home business.” The Gower property is currently vacant with no immediate plans for development.

Pursuant to UDC 5.3.2(A), “All residential uses take direct access to local streets.” Furthermore, “No single-family residential use shall take direct access to arterial streets. Ground floor single family dwellings are not permitted in the GC District according to UDC Table 2.3. Therefore, the structure cannot be used as a single family home with the current zoning.

Pursuant to UDC 3.11.1 MU is “…intended to accommodate low-intensity mixed uses with a strong residential character. The MU district provides specific standards for the development of limited business, office, or service uses in existing residential structures, or in new structures within residential areas.”

An analysis of the UDC, said Mr. Leikness, shows how the MU zoning may or may not allow more land uses than GC. The comparison shows that the MU zone allows more residential types of land uses, and less commercial and industrial land uses. While the GC zone has fewer residential land use options, but more commercial and industrial opportunities.

Mr. Leikness presented various maps and aerials to determine the area in question.

The zone change request is for MU, which is generally consistent with the goals and objectives in the Comprehensive Plan. However, it is not consistent with the 2020 Future Land Use Map, stated Mr. Leikness. The 2020 Future Land Use Plan Map indicates that this area is to remain as GC. The proposed zoning may place limits on adjacent commercial properties in the future.

Spot zoning is where a particular tract within a larger area is specifically zoned so as to impose upon it restrictions not imposed upon the surrounding lands or grant to it special privileges not granted generally. The proposed zone change allows residential uses, but is limited with commercial and industrial land use options.
Mr. Leikness said the Community Development Director had concerns about a MU zoning due to the activity by fast food chains and the industrial and commercial characterization of the area.

Public Works Engineering had comments regarding access limited to Gower if used as a residence.

Staff concludes that the requested zone change fails to meet four of the six criteria for approval. Community Development recommends denial.

Mike Atchison, 2000 W. Main, representative of El Rancho Holdings, said he was asking for the zone change so he could do something with the empty building on the property. He said there has not been very much development in that area recently. Mr. Atchison said he wanted to put a small apartment in the current structure. Mr. Atchison said the property could always be rezoned back to Commercial. Mr. Atchison said he did not receive a copy of the Planning & Zoning Agenda and staff did not talk with him about the denial prior to this meeting.

Sheryl Kelly, 2012 N. Fairview Avenue, owns the property next to Mr. Atchison and would also like a zone change to MU. She said she is having trouble selling her property with the current zoning.

Tyrell Atchison, 13B Road 5481, Mike Atchison's son, said there are several properties in the area that are zoned GC but are used as residential because they are grandfathered in. Mr. Atchison asked how MU could affect future businesses. Ms. Cardon explained that residences should not be in that area based on the Future Land Use Plan. Ms. Cardon discussed commercial uses in an area that would inhibit residential uses.

Mr. Atchison said that MU would allow an at-home business that would blend in with the commercial businesses that are currently there. Gary Leikness noted criteria C in the Planning & Zoning agenda Book on page 6 concerning adverse impacts that says, "There may be some incompatibility between a single family home and an auto repair center, for example, adverse impacts: future development on the subject property and surrounding properties will follow all applicable codes, which are intended to ensure Life/Safety."

Mr. Leikness mentioned the possibility of a Special Use Permit to allow two uses next to each other that might not normally be compatible. However, in this situation, said Mr. Leikness, a commercial business could produce noise, odor, or other adverse effects. Mr. Leikness also referenced page 5 of the agenda book.

Commissioner Davis commented that he was concerned that the applicant was not consulted about the denial before going through the entire process. Chair Cardon voiced the same concern.
Planning & Zoning Commission Action of Petition ZC 18-86 on December 13, 2018

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to deny Petition ZC 18-86, a request from El Rancho Holdings, LLC, represented by Mike Atchison, for a zone change from the GC, General Commercial district to the MU, Mixed-Use District, to allow for household living and mixed uses on properties located at 2000 W. Main St. and 103 Gower Road.

AYE: Chair Cardon, Commissioners Brown, Davis, Ragsdale, and Waldroup

NAY: None

Abstained: None

Absent: Commissioners, Freeman, Langenfeld, and Sewell.

Motion passed 5-0
**PLANNING MEMO COMMENTS SUMMARY**

**ZC 18-86 103 GOWER AVE**

**Deadline: 11/14/18**

<table>
<thead>
<tr>
<th>City of Farmington Departments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CD</strong> Director – M. Holton</td>
</tr>
<tr>
<td>The 2020 Future Land Use Plan recommends commercial for the subject tract, which is immediately adjacent to US Highway 64 near its intersection with the Murray Drive By-Pass. The area had recent development activity by fast food chains, and can be characterized as having both industrial and commercial uses.</td>
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<tr>
<td>The proposal to rezone to MU will likely be considered a request for a spot zoning, which staff cannot support. It is recommended that the petitioner consider withdrawing the request and consider other options, including developing a retail center and possibly utilizing upper-story residential uses, permitted by right in GC District.</td>
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<tr>
<th>CD</th>
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<tr>
<td>CD</td>
<td>Chief Building Official – D. Childers</td>
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<td>CD</td>
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<td>CD</td>
<td>MPO</td>
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<td>Oil &amp; Gas Inspector – L. Simms</td>
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<tr>
<td>CITY</td>
<td>City Manager’s Office – J. Baird</td>
</tr>
<tr>
<td>ELEC</td>
<td>Customer Care Manager – L. Richardson</td>
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<td>Electrical Engineering – L Algarbes</td>
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<td>T &amp; D – R. Romero</td>
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<td>FIRE</td>
<td>Fire Captain – D. Doudy</td>
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<td>FIRE</td>
<td>Fire Marshall – B. Vega</td>
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<tr>
<td>LEGAL</td>
<td>City Attorney – J. Breakell</td>
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<td>LEGAL</td>
<td>Deputy City Attorney –</td>
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<tr>
<td>POLICE</td>
<td>Code Compliance – M. Romero</td>
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<td>POLICE</td>
<td>Sergeant – P. Flores</td>
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<tr>
<td>PRCA</td>
<td>S. Reeves/ R. Crosby</td>
</tr>
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<td>PRCA</td>
<td>ORl – C. Styron</td>
</tr>
<tr>
<td>PW</td>
<td>City Engineer – N. Westerling</td>
</tr>
<tr>
<td>PW</td>
<td>Engineering – T. Sitta</td>
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<td>PW</td>
<td>Streets Superintendent</td>
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- All residential uses shall take direct access to local streets (Gower). No single family residential use shall take direct access to arterial streets (Main St). UDC 5.3.2 Street Access.
<table>
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<tr>
<th>PW</th>
<th>Traffic Engineer - I. BlueEyes</th>
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<tbody>
<tr>
<td>PW</td>
<td>Water/Waste Water - M. Tso</td>
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**Other Entities**

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<td>New Mexico Gas Company - R. Castillo</td>
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<tr>
<td>CenturyLink - D. Willato</td>
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<tr>
<td>Enterprise Field Services</td>
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<tr>
<td>Comcast Cable - M. Johnson</td>
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<tr>
<td>CH2MILL OMI</td>
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<tr>
<td>Surface Land Negotiator for BP - R. Mora</td>
<td></td>
</tr>
<tr>
<td>Farmington School District - C. Lyons</td>
<td></td>
</tr>
</tbody>
</table>
**Petition Application**

**Incomplete applications will not be accepted.**

Return completed application.

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**PROJECT TYPE (Check Those Applicable)**

- [ ] Annexation and / or Zoning
- [ ] Preliminary Plat
- [ ] Final Plan
- [ ] Summary Plat
- [ ] Special Use Permit
- [ ] Variance (ARB)
- [ ] Zone Change to GC District
- [ ] Temporary Use Permit
- [ ] Proposed Length of Use: 
- [ ] Well site equipment modification

---

**INFORMATION**

**Applicant's Name:** Mike Albrecht

**Address:** PO Box 537, Blanca, NM 87412

**E-Mail:** sabitmanagement.com

**Telephone:** 505-320-8407

**Relationship to Property Owner:** Owner

**Legal Description of Subject Property:** West Apache Subdivision Lot 27, fair of lot 16, Tr. 23

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? **Yes [ ] No [ ]**

**If Yes, please provide copy with application.**

---

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

**Name:**

**E-Mail:**

**Phone:**

**Address:**

---

**OWNERSHIP**

**Property Owner (Identify General Partner, Managing Partner, Corporation President and Secretary, Specify type of ownership interest, Fee, Real Estate Contract, Option to Purchase):**

**Name:** Mike Albrecht

**Phone:** 505-320-8407

**Address:** PO Box 537, Blanca, NM 87412

---

**MORTGAGE HOLDERS (If any):**

**Name:** None

**Phone:**

**Address:**

---

**OWNER CERTIFICATION**

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

**Name:** Mike Albrecht

**Owner's Signature:**

**Address:** PO Box 537, Blanca, NM 87412

**Phone / Email:** 505-320-8407

---

**STAFF USE ONLY**

- [ ] BlueLine Copies of Plans
- [ ] Ownership Report (subject and surrounding properties)
- [ ] Legal Description
- [ ] Detailed Statement of Proposed Use

---

**Received By:**

**Date:**

**Fee Received:**

**Project File No.:**

**Date of Hearing/Meeting:**
Dear City of Farmington,

The proposed zoning variance on 2000 W. Main and the adjoining piece of land on Gower St. would be Multi-use. As shown in the binder from the title company, the neighboring properties are currently residential and the properties directly across main are zoned Multi-use.

With the large number of vacant commercial properties available and a growing demand for residential housing we feel that the best use for the building would be to renovate it for use as a home with the option to run an at-home business. The option to use this property in multiple ways makes it more appealing and reduce vacancy; therefore, reducing devaluation and expense.

2000 W. Main has been vacant for over 5 years without a prospective tenant. As with other properties I own, vacancy has brought about problems and devaluation including becoming a dumping site for trash, loitering of the homeless, and vandalism.

Thank you for your consideration,
Mike Atchison
Owner

El Rancho Holdings
PO Box 537
Blanco, NM 87412
NOTICE OF PUBLIC HEARING

Notice is hereby given that the following application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico.

Petition No. ZC 18-86 - a request from El Rancho Holdings, LLC, represented by Mike Atchison, for a zone change from GC, General Commercial to MU, Mixed Use, to allow for household living and mixed uses on property located at 2000 W. Main St. and 103 Gower Rd., in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Lot 6, in Block 2, of the West Apache Division, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 103 Gower Ave.

Petition No. ZC 18-89 - a request from Doug Hunt, for a zone change from MF-1 SMHAD, Multifamily Low Density Special Mobile Home Area Overlay District, to the GC, General Commercial District, to allow for an office and garage for property located at 1105 Schofield Lane, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the SW1/4SW1/4NW1/4 of Section 11, in Township 29 North of Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 1105 Schofield Lane

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, December 13, 2018 at 6:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, January 8, 2019 at 6:00 p.m. in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Karen Walker
Administrative Assistant

NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 18-86

November 21, 2018

Dear Property Owner

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from El Rancho Holdings, LLC., represented by Mike Atkinson, for a zone change from GC, General Commercial to MU, Mixed Use, to allow for household living and mixed uses on properties located at 2000 W. Main Street and 103 Guwer Road, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Lot 6, in Block 2, of the West Apache Division, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record March 25, 1961.
Otherwise known as 103 Guwer Avenue

Pursuant to the provisions of Section 3-21-6, New Mexico statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by the Planning and Zoning Commission of the City of Farmington on Thursday, December 13, 2018 at 3:00 p.m., in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on Tuesday, January 8, 2019 at 6:00 p.m., in the City Council Chambers. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons of interest and citizens are invited to attend said hearing.

You are receiving this letter because you own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearing noted above or submit written comments prior to the meeting to the Community Development Department - Planning Division at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that all submitted comments will become public record and that there is the possibility that any petition may be withdrawn before the hearing date.

If you have any questions or would like additional information regarding this notice or the petition, please contact Gary Leikness at 505-599-1303 or gpleikness@fwnm.org.

Sincerely,

Karen Walker
Administrative Assistant
Names and Tax Roll Addresses of Owners Within One Hundred (100) Feet (excluding roadways and easements) of the Following Described Property Referenced as TRACT 1:

1 of Six (6), in Block Two (2), of the WEST APACHE DIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record March 25, 1954.

TRACT 1
El Rancho Holdings L.L.C
P.O. Box 397
Bloom, NM 537

Lot 6, in Block 2, of the WEST APACHE DIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 5, 1952 and re-filed March 25, 1954.

Book 1027, page 391

AND

Lot 7 and that part of Lot 8, in Block 2, of the WEST APACHE DIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 5, 1952 and re-filed March 25, 1954.

Book 1027, page 391

TRACT 2
Four Corners Tacos, Inc.
2236 East Main Street
Farmington, NM 87401

Lot 1-A of the LEEPER SUBDIVISION, REPLAT "A", in the City of Farmington, San Juan County, New Mexico, filed for record December 19, 2012.

Book 1350, page 1641

TRACT 3
Dwight and Vincenzo Jacobson Trust
P.O. Box 7139
Farmington, NM 87499

Lot 1-A of the LEEPER SUBDIVISION, REPLAT "A", in the City of Farmington, San Juan County, New Mexico, filed for record December 19, 2012.

Book 1350, page 1641

TRACT 4
Tewhghan Family Living Trust
C/O Alex DeGado and Annette Delgado
Crews Road
Farmington, NM 87401

Lot 4, in Block 2, of the WEST APACHE DIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 5, 1952 and re-filed March 25, 1954.

Book 1579, page 550
TRACT 5
Cheryl Kelly
2012 North Fairview Avenue
Farmington, NM 87401
Lot 5, in Block 2, of the WEST APACHE DIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 5, 1952 and re-filed March 25, 1954.
Book 1221, page 828

TRACT 6
Sherman Kenneth Coates
134 Gower Avenue
Farmington, NM 87401
Lot 3 and 4, in Block 1 of the WEST APACHE DIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 5, 1952 and re-filed March 25, 1954.
Book 1048, page 548

TRACT 7
Jimmy John McKenney
1928 Standpipe Road
Carlsbad, NM 88220
Lot 5, in Block 1 of the WEST APACHE DIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 5, 1952 and re-filed March 25, 1954.
Book 1519, page 767

TRACT 8
D & G Partnership
P.O. Box 2665
Durango, CO 81302
Lot 6, 7 and that part of Lot 8, in Block 1 of the WEST APACHE DIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 5, 1952 and re-filed March 25, 1954.
Book 1612, page 826

TRACT 9
William A. and Jean L. Donohue Living Trust
1916 North Wagner
Farmington, NM 87401
Lot 11 and that part of Lot 10, in Block 1, of the WEST APACHE DIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record March 8, 1955.
Book 1513, page 411

TRACT 10
Navajo Missions, Inc.
P.O. Box 1230
Farmington, NM 87499
Lot 11, in Block 2, of the WEST APACHE DIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record March 8, 1955.
Book 544, page 208
TRACT 11
C Ann C Real Estate LLC
1237 North Chaco Avenue
Farmington, NM 87401

Lot 9 and 10, in Block 2, of the WEST APACHE DIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 5, 1952 and re-filed March 25, 1954.

Book 1524, page 259

TRACT 12
Navajo Missions Inc.
P.O. Box 1230
Farmington, NM 87499

That part of the NW/4 of Section 17, Township 29 North, Range 13 West, in the City of Farmington, San Juan County, New Mexico.

Book 1240, page 847
Book 506, page 118

TO: October 26, 2018, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Lorraine Austin, Abstractor
ACTION SUMMARY
Petition ZC 18-89 Zone Change from the MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay District to the GC, General Commercial District for property located at 1105 Schofield Lane
December 13, 2018

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Doug Hunt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Teresa Hunt</td>
</tr>
<tr>
<td>Date of Application</td>
<td>November 13, 2018</td>
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<tr>
<td>Requested Action</td>
<td>Zone change from the MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay District to the GC, General Commercial District</td>
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<tr>
<td>Location</td>
<td>1105 Schofield Lane (R0024921)</td>
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<tr>
<td>Existing Land Use</td>
<td>Residential</td>
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<tr>
<td>Existing Zoning</td>
<td>MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay</td>
</tr>
</tbody>
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Surrounding Zoning & Land Use

- **North:** MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay & GC, General Commercial/residential and commercial
- **South:** MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay/residential
- **East:** GC, General Commercial/ commercial
- **West:** MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay/residential

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<tr>
<th>Notice</th>
<th>Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, November 25, 2018. Property owners within 100 feet were sent notice by certified mail on Wednesday, November 21, 2018 and a sign was posted on Friday, November 30, 2018.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Planner</td>
<td>Helen Landaverde, Associate Planner</td>
</tr>
</tbody>
</table>

STAFF ANALYSIS

Project Description
The applicant Doug Hunt with Hard Rock Builders, Inc., represented by Teresa Hunt, is requesting a zone change from the MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay District to the GC, General Commercial District to allow for commercial use for property located at 1105 Schofield Lane. The applicant is proposing to construct an office and a garage for company vehicles on the subject property.

San Juan County Tax Assessor’s records show that the size of the subject property is 1.009 acres. There is a residence and a detached storage building on the property.
The properties to the north are zoned as MF-L SMHAO and GC. The properties to the west and south are zoned as MF-L SMHAO and the property to the east is zoned as GC (see Figure 1). There are some residential uses along Schofield Lane; however, most of the land use on Schofield Lane is commercial and it is zoned as GC (see Figure 1).

Proposal
The applicant would like to construct a 40' x 50' (2,000 ft.$^2$) office building for commercial use and a 30' x 80' (2,400 ft.$^2$) garage to store company vehicles (see Proposal). According to the applicant, Hard Rock Builders, Inc., a concrete construction business, has been experiencing burglaries at their existing location and they would like to use the subject property for a new location or for the relocation of the company. Commercial uses and offices are not permitted in the MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay District.

A zone change to GC would allow commercial and/or office use on the property. The property owner would have to provide sufficient off-street parking for commercial and/or office uses (see Table 1). The applicant is proposing to have 14 off-street parking spaces. The minimum required off-street parking for office use is eight (8) spaces. The minimum required off-street parking for retail sales and services will vary depending on the proposed use. The applicant will need to meet the established requirements of the zone district and off-street parking regulations when the subject property is redeveloped.

Table 1. UDC 5.2.3A - Minimum off-street parking

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>1.0 per 250 sq. ft.</td>
</tr>
<tr>
<td>Retail Sales &amp; Services</td>
<td>1.0 per 200 - 400 sq. ft.</td>
</tr>
</tbody>
</table>

Figure 1. Zoning Districts of Surrounding Properties.
Consistency with the Farmington Comprehensive Plan
The 2020 Future Land Use Plan recommends commercial use for the subject property. The proposed zone change supports the Land Use and Development objectives in the Comprehensive Plan:

Land Use and Development¹

“Objective 4.5: Support the development of vibrant and viable commercial areas with a variety of uses.”

“Objective 4.5.2: Locate new commercial developments near existing commercial areas and buffer from residential uses.”

“Objective 4.5.3: Ensure appropriate zoning to support the viability of old as well as new commercial development.”

Figure 2. 2020 Future Land Use Plan

General Commercial (UDC Sec. 3.13)
The general commercial (GC) district is intended to accommodate commercial uses. The GC district is not a neighborhood-oriented district and is not generally appropriate for application within residential areas.

It is intended to be used to accommodate existing commercial uses along thoroughfares. It may also be used to accommodate new development proposals. In

¹ Farmington Comprehensive Plan (2002). Chapter 4 Land Use and Development, pp. 4-11.
all cases, new development in the GC district should be adequately served by infrastructure.

The GC district is intended to implement the planning policies of the comprehensive plan's "Commercial" land use designation.

**STAFF ANALYSIS**

A. Is the proposed zoning and land use(s) compatible with the present zoning and conforming uses of nearby property and the character of the neighborhood?

The proposed zoning, General Commercial District, is compatible with the present zoning of the area and the existing uses of the neighborhood. The existing land use of the surrounding properties is commercial, office, and residential. Also, most of the land use along Schofield Lane is commercial and it is zoned GC (see Figure 1).

The Comprehensive Plan encourages commercial use for the subject property.

B. Will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?

There should be no adverse impacts. The applicant is required to mitigate adverse impacts.

C. Is the proposed density and intensity of use permitted in the proposed zoning district?

Yes, the zone change request is GC, General Commercial. Commercial uses and offices are permitted in the GC District.

Any future demolition and redevelopment will need to meet established requirements of the zone district and off-street parking regulations.

D. Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended by the applicant? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?

The subject property has already been developed. Public facilities have been provided. Any future demolition and redevelopment will need to meet established requirements of the district.

E. Does the proposed change constitute "spot zoning" as defined in Article 11, definitions?

Article 11 defines “spot zoning” as “where a particular tract within a larger area is specifically zoned so as to impose upon it restrictions not imposed
upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of the Comprehensive Plan."

The proposed zone change for the subject property is consistent with several objectives of the Comprehensive Plan (Land Use and Development chapter). The existing land use of the surrounding properties is commercial, office, and residential. Most of the land use along Schofield Lane is zoned GC and it is commercial.

The requested zone change will not be detrimental to the surrounding neighborhood. The proposed zone change will not be a spot zone.

**STAFF CONCLUSION**
Staff concludes that approval of ZC 18-89 to the GC, General Commercial District is appropriate. The 2020 Future Land Use Plan in the Comprehensive Plan recommends commercial uses for the subject property. A zone change to GC would be appropriate for the subject property.

**STAFF RECOMMENDATION**
The Community Development Department recommends approval of Petition ZC 18-89, a request from Doug Hunt, represented by Teresa Hunt, for a zone change from the MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay District to the GC, General Commercial District for property located at 1105 Schofield Lane.

**B. FINDINGS OF THE PLANNING AND ZONING COMMISSION**
On December 13, 2018, the Planning and Zoning commission held a public meeting for ZC 18-89 and made the following findings:

1. The petitioner is Doug Hunt with Hard Rock Builders, Inc., represented by Teresa Hunt.

2. The subject property is located at 1105 Schofield Lane in the MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay District.

3. A notice was published in the Farmington Daily Times on Sunday, November 25, 2018. Property owners within 100 feet were sent notice by certified mail on Wednesday, November 21, 2018 and a sign was posted on Friday, November 30, 2018.

4. San Juan County Tax Assessor’s records show that the size of the property is 1.009 acres. There is a residence and a detached storage building on the property.

5. The petitioner is requesting a zone change from the MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay District to the GC, General Commercial District to allow for commercial use on the subject property.
6. The Comprehensive Plan recommends commercial use for the subject property.

7. Staff recommended a zone change to GC, General Commercial for subject property.

8. The petitioner, Doug Hunt was present at the Planning and Zoning Commission hearing and was agreeable to the proposed zone change.

9. One member from the neighborhood (notified/affected parties) or community (unnotified/interested parties) attended this hearing and opposed the petition.

10. The Planning and Zoning Commission found that the request would be compatible with the present zoning of the neighborhood and is consistent with the Comprehensive Plan’s 2020 Future Land Use Plan.

11. The Planning and Zoning Commission recommended for approval of staff’s recommendation for a zone change to GC, General Commercial for property located at 1105 Schofield Lane.

Planning & Zoning Commission Discussion of Petition ZC 18-89 on December 13, 2018

Associate Planner Helen Landaverde presented the staff report for ZC 18-89, a request from Doug Hunt, represented by Teresa Hunt, for a zone change from the MF-L SMHAO, Multi-family Low Density Special Mobile Home Area Overlay District, to GC, General Commercial, to allow for commercial use on property located at 1105 Schofield Lane.

San Juan County Tax Assessor’s records show that the size of the subject property is 1.009 acres. There is a residence and a detached storage building on the property.

Ms. Landaverde stated the properties to the north are zoned MF-L SMHAO and GC, General Commercial. The properties to the west and south are zoned as MF-L SMHAO and the property to the east is zoned as GC. There are some residential uses along Schofield Lane; however, most of the land use on Schofield Lane is commercial and it is zoned as GC.

The applicant would like to construct a 2,000 ft.² office building for commercial use and a 2,400 ft.² garage to store company vehicles on the property. According to the applicant, Hard Rock Builders, Inc., a concrete construction business, has been experiencing burglaries at their existing location and they would like to use the subject property for a new location or for the relocation of the company. Commercial uses and offices are not permitted in the MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay District. A zone change to GC would allow commercial and/or office use on the property, said Ms. Landaverde.

The property owner would have to provide sufficient off-street parking for commercial and/or office use. The applicant is proposing to have 14 off-street parking spaces. The minimum required off-street parking for office use is eight spaces. The minimum
required off-street parking for retail sales and services will vary depending on the proposed use. Parking could vary depending on the use of the retail space.

The General Commercial District is intended to accommodate commercial uses, stated Ms. Landaverde. It may also be used to accommodate new development proposals. The GC district is intended to implement the planning policies of the Comprehensive Plan's "Commercial" land use designation.

The 2020 Future Land Use Plan recommends commercial use for the subject property. The proposed zone change supports the Land Use and Development objectives in the Comprehensive Plan. The proposed zone change will not be a spot zone.

The Community Development Department recommends approval.

Commissioner Davis questioned the existing zoning adjacent to the property. Ms. Landaverde said there are two zoning districts to the north, GC and MF-L SMHAO. To the south is MF-L SMHAO. To the east is GC, but there are residential uses that are legal nonconforming and are grandfathered in. The zoning district along Schofield is GC.

Doug Hunt, 4103 Old Mission Road, said he has owned the property for 13 years as a single family residence, and would like to turn it into commercial suites. Currently, it is a rental property.

Shawn Carlson, 1815 E. 11th Street, said the petitioner's property backs up to her property. She said there is enough traffic and noise in the area and is concerned about another business going in to the neighborhood. Currently there is a lot of trash and debris. Ms. Carlson said the property and a 10-foot utility easement have not been maintained. She said a garage would not be acceptable next to her property. She was concerned that another business would lower property values for the residences. Ms. Carlson said she is against the zone change.

Commissioner Ragsdale asked Ms. Carlson how long she has owned her property. Ms. Carlson said she has owned the property for two years and bought it because it was a quiet neighborhood.

Mr. Hunt said if the property is developed, there will be a 6-foot privacy fence and the property will be cleaned up. He said he is aware that the property has not been maintained.

Commissioner Brown asked Mr. Hunt what he intended to use the garage for. Mr. Hunt said the garage would be used to store equipment and trucks. It will not be a mechanic shop.

Ms. Landaverde noted that a vehicle repair shop would not be allowed that close to the residences. Noise levels would have to follow City code and would be enforced by Code Compliance.
Planning & Zoning Commission Action of Petition ZC 18-89 on December 13, 2018

A motion was made by Commissioner Brown and seconded by Commissioner Ragsdale to approve Petition ZC 18-89, a request from Doug Hunt, represented by Teresa Hunt, for a zone change from the MF-L SMHAO, Multi-family Low Density Special Mobile Home Area Overlay District, to GC, General Commercial District, to allow for commercial uses on property located at 1105 Schofield Lane.

AYE: Chair Cardon, Commissioners Brown, Davis, Ragsdale, and Waldroup

NAY: None

Abstained: None

Absent: Commissioners, Freeman, Langenfeld, and Sewell.

Motion passed 5-0
<table>
<thead>
<tr>
<th>Department</th>
<th>Role/Comment</th>
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<tr>
<td>CITY</td>
<td>City Manager's Office – J. Baird</td>
</tr>
<tr>
<td>POLICE</td>
<td>Code Compliance – M. Romero</td>
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<tr>
<td>POLICE</td>
<td>Sergeant – P. Flores</td>
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<tr>
<td>PRCA</td>
<td>S. Reeves/ R. Crosby</td>
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<tr>
<td>PRCA</td>
<td>ORII – C. Styron</td>
</tr>
<tr>
<td>PW</td>
<td>City Engineer – N. Westerling</td>
</tr>
<tr>
<td>PW</td>
<td>Engineering – T. Sitta</td>
</tr>
<tr>
<td>CD</td>
<td>Addressing – Planning Division</td>
</tr>
<tr>
<td>CD</td>
<td>Chief Building Official – D. Childers</td>
</tr>
<tr>
<td>CD</td>
<td>Long Range Planner</td>
</tr>
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<td>CD</td>
<td>MPO</td>
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<td>CD</td>
<td>Oil &amp; Gas Inspector – L. Simms</td>
</tr>
<tr>
<td>CITY</td>
<td>Customer Care Manager – L. Richardson</td>
</tr>
<tr>
<td>ELEC</td>
<td>Electrical Engineering – L Aligarbes</td>
</tr>
<tr>
<td>ELEC</td>
<td>T &amp; D – R. Romero</td>
</tr>
<tr>
<td>FIRE</td>
<td>Fire Captain – D. Doudy</td>
</tr>
<tr>
<td>FIRE</td>
<td>Fire Marshall – B. Vega</td>
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<tr>
<td>LEGAL</td>
<td>City Attorney – J. Breakell</td>
</tr>
<tr>
<td>LEGAL</td>
<td>Deputy City Attorney –</td>
</tr>
<tr>
<td>POLICE</td>
<td>1. What type of business do they intend to conduct?</td>
</tr>
<tr>
<td>POLICE</td>
<td>2. At this time do they only have one access point for the vehicles?</td>
</tr>
<tr>
<td>POLICE</td>
<td>3. This property is surrounded by residential areas, which could cause a noise issue with the business.</td>
</tr>
<tr>
<td>City of Farmington Departments</td>
<td>Deadline: 11/21/18</td>
</tr>
<tr>
<td>Subject site is located directly across from an existing GC District.</td>
<td></td>
</tr>
<tr>
<td>Please confirm that redevelopment of the site is planned.</td>
<td></td>
</tr>
<tr>
<td>Please confirm that the site will no longer be in the SMHAO once rezoned.</td>
<td></td>
</tr>
<tr>
<td>The petitioner needs to be aware that once the site has been zoned to GC that residential use can only exist in the upper stories.</td>
<td></td>
</tr>
<tr>
<td>Please explain the comment in the review packet regarding relocating because of robberies.</td>
<td></td>
</tr>
<tr>
<td>Will the 30’ x 80’ building be used to store company vehicles?</td>
<td></td>
</tr>
<tr>
<td>PW</td>
<td>Streets Superintendent</td>
</tr>
<tr>
<td>------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>PW</td>
<td>Traffic Engineer – I. BlueEyes</td>
</tr>
<tr>
<td>PW</td>
<td>Water/Waste Water – M. Tso</td>
</tr>
</tbody>
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**Other Entities**

<table>
<thead>
<tr>
<th>Entity</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico Gas Company – R. Castillo</td>
<td>No comment</td>
</tr>
<tr>
<td>CenturyLink – D. Willato</td>
<td>No comment</td>
</tr>
<tr>
<td>Enterprise Field Services</td>
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<tr>
<td>Comcast Cable – M. Johnson</td>
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<tr>
<td>CH2MHILL OMI</td>
<td></td>
</tr>
<tr>
<td>Surface Land Negotiator for BP – R. Mora</td>
<td></td>
</tr>
<tr>
<td>Farmington School District – C. Lyons</td>
<td></td>
</tr>
</tbody>
</table>
# PETITION APPLICATION

Incomplete applications will not be accepted.

Return completed application to:

## PROJECT TYPE (Check Those Applicable)

- [ ] Annexion and / or Zoning
- [ ] Preliminary Plat
- [ ] Final Plan
- [ ] Summary Plat
- [ ] Special Use Permit
- [ ] Temporary Use Permit
- [ ] Variance (ARB)
- [ ] Zone Change to C2 District
- [ ] Proposed Length of Use:
- [ ] Well site equipment modification

## INFORMATION

**Applicant's Name:** Luisa Hunt  
**Address:** 1105 Schofield Lane  
**E-Mail:** lhunt108712@msn.com  
**Telephone:** 505-572-2509  
**Relationship to Property Owner:** Co-Owner  
**Legal Description of Subject Property:**  

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes [ ] No [ ]  
If Yes, please provide copy with application.

**Representative / Contact Person (if other than applicant):**  
**Name:** Teresa Hunt  
**E-Mail:** thehunt108712@msn.com  
**Phone:** 505-572-7859  
**Address:** 4103 Old Mission Rd  87401

**Ownership**  
**Property Owner:** Sammy Brigham  
**Mortgage Holders:**  
**Address:** 30 Glade Rd  87401

**Owner Certification**  
(Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

**Name:** Doug Hunt  
**Address:** 4103 Old Mission Rd  87401  
**Phone:** 505-572-2509  
**Email:** lhunt1208712@msn.com

**Staff Use Only**:  
- Blueline Copies of Plans  
- Ownership Report (subject and surrounding properties)  
- Legal Description  
- Detailed Statement of Proposed Use
Notice is hereby given that the following application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico.

Petition No. ZC 18-86 - a request from El Rancho Holdings, LLC, represented by Mike Atchison, for a zone change from GC, General Commercial to MU, Mixed Use, to allow for household living and mixed uses on property located at 2000 W. Main St. and 103 Gower Rd., in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Lot 6, in Block 2, of the West Apache Division, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 103 Gower Ave.

Petition No. ZC 18-89 - a request from Doug Hunt, for a zone change from MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay District, to the GC, General Commercial District, to allow for an office and garage for property located at 1105 Schofield Lane, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the SW1/4SW1/4NW1/4 of Section 11, in Township 29 North of Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 1105 Schofield Lane.

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, December 13, 2018 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, January 8, 2019 at 6:00 p.m. in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Karen Walker
Administrative Assistant

Legal No. 1269272 published in The Daily Times
on Nov. 25, 2018.
November 21, 2018

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Doug Hunt for a zone change from the MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay District, to the GC, General Commercial District, to allow for an office and garage for property located at 1105 Schofield Lane, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the SW1/4SW1/4NW1/4 of Section 11, in Township 29 North of Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Otherwise known as 1105 Schofield Lane

Pursuant to the provisions of Section 3-21-6, New Mexico statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by the Planning and Zoning Commission of the City of Farmington on Thursday, December 13, 2018 at 3:00 p.m., in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on Tuesday, January 8, 2019 at 6:00 p.m., in the City Council Chambers. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons of interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearing noted above or submit written comments prior to the meeting to the Community Development Department – Planning Division at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that all submitted comments will become public record and that there is the possibility that any petition may be withdrawn before the hearing date.

If you have any questions or would like additional information regarding this notice or the petition, please contact Helen Landaverde at 505-599-1282 or hlandaverde@fmtn.org.

Sincerely,

Karen Walker
Administrative Assistant
Names and Tax-Roll Addresses of Owners Within One Hundred (100) Feet
(excluding roadways and easements) of the Following Described Property
Referenced as TRACT 1:

That part of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter
(SW1/4SW1/4NW1/4) of Section Eleven (11), in Township Twenty-Nine (29) North of Range Thirteen
(13) West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico, described as follows:
BEGINNING at the West Quarter corner of said Section 11;
THENCE South 89°52' East 330.00 feet;
THENCE North 00°21' East 132.00 feet to the point of beginning of the tract described;
THENCE South 89°52' East 332.80 feet;
THENCE South 00°21' West 132.00 feet;
THENCE North 89°52' West 332.80 feet to the beginning of the tract described.

TRACT 1
Sammy Bingham, Donna Bingham,
Doug Hunt and Teresa Hunt
2300 Glade Road
Farmington, NM 87401

TRACT 2
Peter Aaron Kemp
1041 Schofield Lane
Farmington, NM 87401

TRACT 3
Mariposa Properties, Inc.
P.O. Box 3086
Farmington, NM 87499

TRACT 4
Sammy J. Bingham and Donna M Bingham
2300 Glade Road
Farmington, NM 87401

TRACT 5
Jack H McQuitty and Janelle K. McQuitty
2104 Cochiti
Farmington, NM 87401

That part of the SW/4SW/4NW/4 of Section 11,
in Township 29 North of Range 13 West,
N.M.P.M., San Juan County, New Mexico.

Book 1398, page 106

That part of the SW/4SW/4NW/4 of Section 11,
in Township 29 North of Range 13 West,
N.M.P.M., San Juan County, New Mexico.

Book 1546, page 792

That part of the SW/4SW/4NW/4 of Section 11,
in Township 29 North of Range 13 West,
N.M.P.M., San Juan County, New Mexico.

Book 1479, page 302

That part of the SW/4SW/4NW/4 of Section 11,
in Township 29 North of Range 13 West,
N.M.P.M., San Juan County, New Mexico.

Book 1119, page 171

Lots 3, 4, 5 and 6 of the WATERS
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, filed for record May
16, 1960.

Book 739, page 561
TRACT 6
Shawn Carlson
1815 East 11th Street
Farmington, NM 87401

TRACT 7
Leldon W. Hawkins and Doris A. Hawkins
1817 East 11th Street
Farmington, NM 87401

TRACT 8
Theresa L. Van Riper
1113 Schofield Lane
Farmington, NM 87401

TRACT 9
Edgar Mann
894 Road 3000
Aztec, NM 87410

TRACT 10
Laura Sullivan and Arthur Gallegos
600 Camino Espanol NW
Albuquerque, NM 87107

TRACT 11
Russell Fay Williams and Zachary F. Williams
117 East 35th Street
Farmington, NM 87401

Lot 7 and that 10 foot wide strip adjacent to the South side thereof, of the WATERS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record May 16, 1960.

Book 1631, page 506

Lot 8 and that 10 foot wide strip adjacent to the South side thereof, of the WATERS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record May 16, 1960.

Book 1451, page 397

Lot 9, of the WATERS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record May 16, 1960.

Book 1620, page 888

Lot 3, in Block 3, of the COMMERCIAL WAY SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record November 12, 1958.

Book 1506, page 250

That part of the South 330 feet of the E2/SW/NW of Section 11, in Township 29 North of Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1573, page 461

That part of the SE/4SW/4NW/4 of Section 11, in Township 29 North of Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1477, page 322
Book 1345, page 102
<table>
<thead>
<tr>
<th>TRACT 12</th>
<th>That part of the SE/4SW/4NW/4 of Section 11, in Township 29 North of Range 13 West, N.M.P.M., San Juan County, New Mexico.</th>
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</thead>
<tbody>
<tr>
<td>Russel Fay Williams and Katherine Christine Anderson</td>
<td>Book 1499, page 269</td>
</tr>
<tr>
<td>1044 Schofield Lane</td>
<td>Book 1621, page 785</td>
</tr>
<tr>
<td>Farmington, NM 87401</td>
<td></td>
</tr>
<tr>
<td>TRACT 13</td>
<td>That part of the SE/4SW/4NW/4 of Section 11, in Township 29 North of Range 13 West, N.M.P.M., San Juan County, New Mexico.</td>
</tr>
<tr>
<td>Mark E. Stephenson and Sue Anne Stephenson</td>
<td>Book 1269, page 47</td>
</tr>
<tr>
<td>1040 Schofield Lane</td>
<td></td>
</tr>
<tr>
<td>Farmington, NM 87401</td>
<td></td>
</tr>
</tbody>
</table>

TO: October 30, 218, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

[Signature]

By: Lorraine Austin, Abstractor
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, December 11, 2018. 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
COUNCILORS
ABSENT

Nate Duckett
Linda G. Rodgers
Jeanine Bingham-Kelly
Janis Jakino
Sean E. Sharer, Councilor

constituting all members of said Governing Body.

Also present were:

CITY MANAGER
ASSISTANT CITY MANAGER
CITY ATTORNEY
CITY CLERK

Rob Mayes
Julie Baird
Jennifer Breakell
Dianne Smylie

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

INVOCATION: The invocation was offered by Preacher Nathan Wheeler of Eastside Church of Christ.

Airport Manager Mike Lewis 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 November 27, 2018.

*DECLARATION OF SURPLUS PROPERTY: The Chief Procurement Officer recommended that a worn-out, unusable or obsolete Holz-Her sliding table saw (General Services) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

*BID: The Chief Procurement Officer recommended that the bid for purchase of pole-mounted transformers (Electric) be awarded to Stuart C. Irby on its low bid after application of five percent in-state preference of $314,117.60. Bids opened November 13, 2018 with five bidders participating.

*BID: The Chief Procurement Officer recommended that the bid for purchase of 500 MCM cable for Cottonwood Substation (Electric) be awarded to Western United on its low bid after application of five percent in-state preference of $526,627.20. Bids opened December 4, 2018 with four bidders participating.

*INTERGOVERNMENTAL AGREEMENT between the cities of Farmington, Aztec and Bloomfield, San Juan County and San Juan County Crime Stoppers, Inc. regarding the operation of a county-wide crime prevention program.

*GRANT AGREEMENT between the City and the New Mexico Department of Transportation for funding for the following projects: 1) End Driving While Impaired (No. 19-AL-64-035) in the amount
of $79,000; 2) Buckle Up/Click It or Ticket (No. 19-OP-RF-035) in the amount of $12,660; and 3) Selective Traffic Enforcement Program/100 Days and Nights of Summer (No. 19-ST-02-035) in the amount of $31,000. Project terms expire September 30, 2019.

*GRANT MODIFICATION 2 TO AWARD NO. GISNP0010A between the City and the Office of National Drug Control Policy increasing the award amount by $87,414 for the High Intensity Drug Trafficking Areas Program (HIDTA) (total award $352,500).

*WAIVER TO SECTION 8-15-3 OF THE CITY CODE to allow a tattoo establishment (Jake’s Tattoo and Flash) to be operated at 2501 East 20th Street, Suite 15, within 300 feet of a church (United Pentecostal Church).

*ADOPTION OF RESOLUTION NO. 2018-1692 designating the retention and destruction schedule for the City of Farmington and superseding Resolution No. 94-783.

*WARRANTS PAYABLE for the time period of November 25, 2018 through December 8, 2018, for current and prior years, in the amount of $8,081,583.97.

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

RECOGNITION OF HERELDA ANDERSON/COMMUNITY RELATIONS COMMISSION

Mayor Duckett recognized Herelda Anderson for her three years of dedicated service to the Community Relations Commission. The Mayor presented Ms. Anderson with a plaque and the presentation was concluded with a hearty round of applause.

PRESENTATION OF THE MAYOR’S CITIZENSHIP AWARD TO STEVE KINSEY

Mayor Duckett proudly announced that Steve Kinsey has been nominated for the Mayor’s Citizenship Award by Shelby & Mally Edmiston and Matthew & Amanda Clugston for his tireless dedication to the youth soccer program. As a result of these two letters, Mayor Duckett reported that staff submitted the information to an online website (extramileamerica.org) and announced that they are also featuring Mr. Kinsey as an Extra Mile Hero. Mayor Duckett requested that two videos be played in honor of Mr. Kinsey, one from a former student and one from his son who is deployed overseas in the U.S. Navy. The presentation was concluded with a hearty round of applause.

PUBLIC HEARING CONCERNING THE 2017 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT AND ADOPTION OF RESOLUTION NO. 2018-1693

The Mayor convened the Public Hearing concerning the Community Development Block Grant (“CDBG”) 2017 Consolidated Annual Performance Evaluation Report (“CAPER”).

Directing the Council’s attention to a handout explaining the status of all CDBG projects from 2004 to present, Community Development Director Mary Holton reported that the draft 2017 CAPER has been available for public review and comment since November 12, 2018. She requested adoption of Resolution No. 2018-1693 approving the Community Development Block Grant 2017 Consolidated Annual Performance Report.

There being no response to the Mayor’s call for public comment, the hearing was closed.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to adopt Resolution No. 2018-1693 approving the Community Development Block Grant 2017 Consolidated Annual Performance Evaluation Report as presented. The roll was called with the following result:

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

Those voting nay:
None
The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2018-1693 was duly passed and adopted.

SMALL PURCHASE FOR PROFESSIONAL SERVICES/MARKET ANALYSIS OF AERIAL ADVENTURES AT THE ANIMAS RIVER

Outdoor Recreation Industry Initiative ("ORII") Director Cory Styron reported that the Council previously approved an agreement with Groundwork Studio to perform a feasibility and marketing analysis for aerial adventures at Lake Farmington. He explained that during the public meeting process, there was significant discussion about also offering aerial adventures along the Animas River corridor, specifically near the area southwest of Willett Ditch and Berg Park East. Based on the enthusiasm for this project, he reported that Groundwork Studio was asked to provide pricing for the added study area and noted that the monies will be provided by the Community Transformation and Economic Development Fund (CTED).

Mayor Duckett expressed his support for including aerial adventures along the Animas River but stated that he believes it is important to preserve the wildlife areas near and around the Nature Center.

In response to inquiry from Councilor Rodgers, Mr. Styron reported that there is a possibility that this project could result in a public/private partnership.

Following the presentation, Chief Procurement Officer Kristi Benson reported that staff is recommending that the purchase order for professional services for marketing analysis and conceptual design of aerial adventures at the Animas River (ORII) be awarded to Groundwork Studio as its proposal of $22,500 as it is deemed to be fair and reasonable and in the best interest of the City based on Section 13-1-125B NMSA 1978 (Small purchases for professional services).

Thereupon, a motion was made by Councilor Jakino, seconded by Councilor Rodgers to award the purchase order contract for professional services for market analysis and conceptual design of aerial adventures at the Animas River to Groundwork Studio, as recommended by the Chief Procurement Officer, and upon voice vote the motion carried unanimously.

Recognition of newly-hired Deputy Fire Chief

Mayor Duckett recognized newly-hired Deputy Fire Chief Glen Bahde who was present in the audience and welcomed him to Farmington.

Recognition of Chevel Shephard

Mayor Duckett congratulated Chevel Shephard for her rendition of LeAnn Rimes' "Blue" during last night's semi-finals on "The Voice." Councilor Rodgers also expressed her delight for the performance, noting that Ms. Rimes congratulated Ms. Shephard via Facebook.

Employee Appreciation Banquet

Mayor Duckett thanked Employee Council President Joanna Oliver and the rest of the staff members responsible for this year's Employee Appreciation Banquet, stating that it was "incredibly fun."

Recognition of the Bisti Badlands

Mayor Duckett proudly reported that National Geographic has listed the Bisti Badlands as number 13 on the 2019 list of places to visit and noted that New Mexico True listed the Bisti Badlands as number 9 and Shiprock as number 10 for the top travel sites in New Mexico.

APPOINTMENTS TO THE ANIMAL SERVICES ADVISORY COMMISSION

Mayor Duckett asked the Council's consideration of the appointments of Corinne Wright (moving from 2nd Alternate) (term to August, 2021) and Cheryl Ragdale (1st Alternate) (term to August, 2020) as members of the Animal Services Advisory Commission.
Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Bingham-Kelly to confirm the appointments of Corinne Wright and Cheryl Ragsdale (1st Alternate) as members of the Animal Services Advisory Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Request for Update on Street Projects

In response to inquiry from Councilor Rodgers, Public Works Director David Sypher reported that the following street repair projects will be completed by Christmas: 1) West Broadway from Miller Street to Auburn Avenue; 2) West Broadway from Schwartz Street to Lake Street; 3) East Main Street at Pinon Hills Boulevard; 4) 30th Street near Dustin Avenue; and 5) McCormick School Road near Hydro Plant Road. Furthermore, he noted that the 2P waterline project will continue throughout the winter months and that the West Main Street and Sullivan Street (20th Street to 30th Street) projects will begin in the spring. In response to inquiry from Mayor Duckett, Mr. Sypher reported that staff is working to develop an interactive map for the City’s website that will show the projects being scheduled along with the start and completion dates and the cost. Lastly, Mr. Sypher reported that staff is working to install the wayfinding signage by April 30.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented a proposed ordinance dealing with the transferability of special use permits and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978 Compilation. She recommended the ordinance, if adopted, be given the number 2018-1314. The title of the ordinance being:

AN ORDINANCE AMENDING SECTION 8.9 OF THE UNIFIED DEVELOPMENT CODE DEALING WITH SPECIAL USE PERMITS.

After consideration of Ordinance No. 2018-1314, a motion was made by Councilor Rodgers, seconded by Councilor Jakino that said ordinance be passed and adopted as presented. The roll was called with the following result:

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

Those voting nay: None

Those absent: Sean E. Sharer

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2018-1314 was duly passed and adopted.

CLOSED MEETING

A motion was made by Councilor Rodgers, seconded by Councilor Jakino to close the meeting to discuss request for proposals for consulting services for marketing, analysis and branding of the Outdoor Recreation Industry Initiative (ORII), pursuant to Section 10-15-1H(6) NMSA 1978. The roll was called with the following result:

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

Those voting nay: None

Those absent: Sean E. Sharer

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

The Mayor convened the closed meeting at 6:42 p.m. with Councilors Rodgers, Bingham-Kelly and Jakino being present.
Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 6:50 p.m. with Councilors Rodgers, Bingham-Kelly and Jakino being present.

REQUEST FOR PROPOSALS/CONSULTING SERVICES FOR MARKETING, ANALYSIS AND BRANDING OF THE OUTDOOR RECREATION INDUSTRY INITIATIVE (ORII)

Contracts Administrator Rosalyn Potter reported that proposals for consulting services for marketing, analysis and branding of the Outdoor Recreation Industry Initiative (ORII) opened on November 14, 2018 with four offerors participating. She recommended that the proposal be awarded to Once A Day Marketing, LLC as the top evaluated firm based on the pricing schedule for services after application of the five percent in-state and Veterans preferences.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to award the proposal for consulting services for marketing, analysis and branding of the Outdoor Recreation Industry Initiative (ORII) to Once A Day Marketing, LLC, as recommended by the Contracts Administrator, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, a motion was made by Councilor Rodgers, seconded by Councilor Bingham-Kelly to adjourn the meeting at 6:52 p.m., and upon voice vote the motion carried unanimously.

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

Approved this 8th day of January, 2019.

Entered in the permanent record book this day of , 2019.

Nate Duckett, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk
Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, December 18, 2018 at 9:00 a.m. in the Executive Conference Room at City Hall, 800 Municipal Drive, Farmington, New Mexico, in full conformity with the rules, regulations and ordinances of the municipality.

At such meeting the following were present, constituting a quorum:

**MAYOR**  Nate Duckett

**COUNCILORS**  Linda G. Rodgers
                     Sean E. Sharer
                     Jeanine Bingham-Kelly
                     Janis Jakino

consisting all the members of the Governing Body.

Also present were:

**CITY MANAGER**  Rob Mayes

**CITY ATTORNEY**  Jennifer Breakell

**CITY CLERK**  Dianne Smylie

**DEPUTY CITY CLERK**  Andrea Jones

Mayor Duckett announced that this is the last City Council meeting of 2018 and he wished everyone a merry Christmas and a happy New Year.

PRESENTATION/DRAFT METROPOLITAN REDEVELOPMENT AREA (MRA) PLAN UPDATE

Providing opening remarks, Community Development Director Mary Holton introduced Planner Liza Miller of Architectural Research Consultants, Inc. and noted that the contract for the City’s Metropolitan Redevelopment Area (“MRA”) Plan update was awarded in June 2018.

Utilizing a PowerPoint presentation, Ms. Miller stated that the draft plan was distributed to the Council last week and she reviewed the process involved with its update, noting that the plan will include recommendations and possible funding sources for improvements. She pointed out that the update was community-driven with a successful design charrette and she outlined the next steps in the process. Ms. Miller announced that the vision of the plan includes an integrated community with a focus on the Animas River, improved downtown resiliency to support community development and the downtown becoming a destination and she reported that the plan is a detailed “roadmap” to help realize this vision. She discussed the strategies and policy recommendations included in the plan and she provided a prioritized listing of private investment opportunities. She stated that the updated plan includes four neighborhoods (The Animas, Downtown Mainstreet, Civic Center Neighborhood and Healthcare Hub) and she provided a map illustrating their boundaries. Ms. Miller reported that the vision for The Animas neighborhood is the development of mixed-uses focusing on outdoor recreation, arts, light manufacturing and complementary retail and entertainment and she presented illustrations of an anchor park (Totah Park) and a proposed walking trail (North/South Connection) to connect the neighborhood to the Animas River. In regards to the vision of the Downtown Mainstreet neighborhood, she stated that it is important to build on the Complete Streets project to attract additional businesses and she noted that it is recommended to redevelop Orchard Park and Broadway in the future. Ms. Miller announced that the vision for the Civic Center district emphasizes it as a neighborhood and she pointed out that the focus should be on revitalizing the residential neighborhoods and addressing the current zoning codes. She explained that the vision for the Healthcare Hub is to encourage other compatible medical-related uses and complementary housing and to integrate it into the MRA.

Responding to Councillor Sharer’s inquiries, Ms. Miller reported that the key differences of the updated MRA Plan are the inclusion of specific development project recommendations and highlighting more of the public’s role and she pointed out that the land use section of the plan includes ideas on how to develop neighborhoods with different types of characteristics.

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In response to Councilor Rodgers’ questions, Ms. Miller explained that an example of light manufacturing in The Animas neighborhood would be a business that makes candles in the rear of the facility and has a retail space in the front and she confirmed that several public events and focus group meetings were well attended by existing businesses and residents. In addition, Ms. Holton announced that the draft MRA Plan update is available on the City’s website for public review and comment.

Mayor Duckett pointed out that funding the MRA Fund is important in order to provide incentives for development and he asked Ms. Miller for clarification on several aspects of the draft plan.

At the Mayor’s request, Metropolitan Redevelopment Agency Commission member Dr. John McNeill contended that the draft plan does not include the necessary level of detail to provide a clear path to follow with definite steps. Mayor Duckett opined that it is the duty of the Council and the Metropolitan Redevelopment Agency Commission to utilize the updated MRA Plan as a tool to help “direct the ship” toward the desired vision.

REALLOCATION/COMMUNITY DEVELOPMENT BLOCK GRANT 2015 AND 2018 ANNUAL ACTION PLAN CAPITAL PROJECT FUNDS

Planning Manager Gary Leikness reported that staff is recommending reallocation of the Community Development Block Grant (“CDBG”) 2018 Action Plan capital funds ($130,000) because they are currently allocated to the Homeless Person Overnight Shelter (The Roof) which is now being funded with other funding sources. He also stated that the remaining funds from the CDBG 2015 Action Plan capital funds ($1,625.45) for the Parks, Recreation and Cultural Affairs ADA (Americans with Disabilities Act) Improvements project also need to be reallocated. Noting that there is a total of $131,625.45 available, he reported that staff from the Parks, Recreation and Cultural Affairs (“PRCA”) will be making a presentation for Council consideration. In closing, he reported that once the Council has selected the capital project(s), staff will initiate the public input process required for a substantial amendment with final action being scheduled for February 2018.

Utilizing a PowerPoint Presentation, Park Planner Rachelle Crosby reported that PRCA is requesting a total of $133,862 for ADA (American with Disabilities Act) parking and exterior accessibility improvements at the following locations: Recreation Center ($33,825); Civitan Park North ($54,200); and Sycamore Park Community Center ($45,837). She explained in detail the work being proposed and requested the Council’s consideration for reallocating the 2015 and 2018 CDBG capital funding to the park facilities.

Following brief discussion, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to direct staff to proceed with a substantial amendment to the 2015 and 2018 CDBG Annual Action plans for the purpose of reallocating $130,000 from the Homeless Person Overnight Shelter (The Roof) and $1,625.45 from the PRCA ADA Improvements project to the PRCA ADA Improvements project, as presented, and upon voice vote the motion carried unanimously.

BISTI BAY WATERPARK/DESIGN OPTIONS

Assistant City Manager Julie Baird distributed several packets of information and she announced that the purpose for today’s presentation is to provide direction to staff regarding design options for Bisti Bay Waterpark. At Ms. Baird’s request, Outdoor Recreation Industry Initiative (“ORII”) Director Cory Styron provided a brief history of the project and reminded the Council that the original budget of $6 million was increased to $8.3 million due to construction bids being 20 percent higher than estimated and noted that the project is being funded through refinanced bond proceeds. In addition, City Manager Rob Mayes reminded the Council that $1 million was reallocated from the trail system project with the understanding that the remaining balance was likely to come from cash reserves. He pointed out, however, that the newly-created Community Transformation and Economic Diversification (“CTED”) Fund is a possible funding source that would alleviate the need to use cash reserves. Mr. Styron reported that several value engineering contingency items were removed from the project due to cost, including a water heating system ($89,000). He announced that construction started in late May and the facility is 40 percent complete with $3.3 million expended to-date.
Mayor Duckett stated that he believes that a water heating system is a critical component of the project and is a nonnegotiable expense.

Utilizing a PowerPoint presentation, Ms. Baird provided several images of the design of the facility along with a site plan layout and she reviewed some of the additional features of the waterpark. She directed the Council’s attention to the items being displayed at the eastern side of the room and stated that these are design elements to be included throughout the facility. Ms. Baird presented three options for the play structure and reported that Option 1 fits within the current budget minus the dinosaur head on the slide; Option 2 is an additional cost of $100,000 and doubles the amount of water play features; and Option 3 is an additional cost of $250,000 and does not include a slide. Additionally, she stated that it is urgent that the Council decide which option to proceed with since delays will impact the completion date.

Following lengthy discussion regarding the play structure and theming, it was the consensus of the Council to direct staff to 1) proceed with Option 2 for the play structure that is an additional $100,000; 2) include the water heating system at an additional cost of $89,000; 3) proceed with the fossil/bone theme; 4) utilize the CTED Fund for the additional expenses of the play structure, water heaters and the unbudgeted $1 million; and 5) proceed with obtaining pricing information for additional unique design and theming features such as hoodoos.

BID/RECYCLED HOT MIX ASPHALT PATCHING

Contracts Administrator Rosalyn Potter reported that bids for recycled hot mix asphalt patching (Public Works) opened on December 12, 2018 with two bidders participating. She recommended that the bid be awarded to XL Asphalt and Recycling, LLC on its low bid meeting specifications after application of five percent in-state preference of $216,010.

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to award the bid for recycled hot mix asphalt patching to XL Asphalt and Recycling, LLC, as recommended by the Contracts Administrator, and upon voice vote the motion carried unanimously.

APPOINTMENT TO THE METROPOLITAN PLANNING ORGANIZATION POLICY COMMITTEE

Mayor Duckett asked the Council’s consideration of the appointment of Councilor Bingham-Kelly as the City’s third representative to the Metropolitan Planning Organization Policy Committee. Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to confirm the appointment of Councilor Bingham-Kelly as the City’s third representative to the Metropolitan Planning Organization Policy Committee, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENTS TO THE METROPOLITAN REDEVELOPMENT AGENCY COMMISSION

Mayor Duckett asked the Council’s consideration of the appointments of Greg Mills (term to September 2019) and Elizabeth McNally (term to September 2023) to the Metropolitan Redevelopment Agency Commission. Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to confirm the appointments of Greg Mills and Elizabeth McNally to the Metropolitan Redevelopment Agency Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENT TO THE PLANNING AND ZONING COMMISSION

Mayor Duckett asked the Council’s consideration of the appointment of Wayne Mangum (term to May 2019) to the Planning and Zoning Commission. Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to confirm the appointment of Wayne Mangum to the Planning and Zoning Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.
REAPPOINTMENTS TO THE ELECTRICAL CODE ADVISORY COMMITTEE

Mayor Duckett asked the Council’s consideration of the reappointments of Alex Norvelle and Daniel Martinez (terms to December 2021) to the Electrical Code Advisory Committee.

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to confirm the reappointments of Alex Norvelle and Daniel Martinez to the Electrical Code Advisory Committee, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

CLOSED MEETING

A motion was made by Councilor Rodgers, seconded by Councilor Sharer to close the meeting to discuss request for qualification-based proposals for substation apparatus testing, pursuant to Section 10-15-1H(6) NMSA 1978. 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 Mayor convened the closed meeting at 10:40 a.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 10:44 a.m. with all members of the Council being present.

QUALIFICATION-BASED PROPOSAL/COMMENCE NEGOTIATIONS/SUBSTATION APPARATUS TESTING

Chief Procurement Officer Kristi Benson announced that qualification-based proposals for substation apparatus testing (Electric) opened on November 13, 2018 with six offerors participating and noted that presentations with the top two evaluated firms were held on December 12, 2018. She recommended that negotiations be commenced with Eaton Corporation as the top evaluated firm.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to direct staff to commence negotiations with Eaton Corporation as the top evaluated firm, as recommended by the Chief Procurement Officer, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to adjourn the meeting at 10:45 a.m., and upon voice vote the motion carried unanimously.

APPROVED this 8th day of January, 2019.

Nate Duckett, Mayor

Seal

ATTEST:

Dianne Smylie, City Clerk