AGENDA

... for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m.,
Tuesday, March 26, 2019 in the Council Chamber, City Hall, 800 Municipal Drive,
Farmington, New Mexico ...

1. **Roll Call and Convening the Meeting:**

2. **Invocation:** Minister Nathan Wheeler of Eastside Church of Christ.

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 the Regular Meeting of the City Council held March 12,
2019. ................................................................. 10

6. *Approval of Second Amendment to Agreement between the City and Operations
Management International, Inc. ("OMI") for operation and maintenance of
the City's water and wastewater plants, collection and distribution systems
and maintenance of selected storm water and irrigation system
components. .............................................................. 1

7. *Approval of Purchase Agreement between the City and San Juan Regional
Medical Center, Inc. for purchase by the City of 11.926 acres of land
located in the Robinson Subdivision (Tracts I and II) for future utility
purposes (purchase price $955,000). ........................................ 2

8. *Approval for Adoption of Resolution No. 2019-1703 granting a waiver to the North
Allen Events Center allowing the dispensing of alcoholic beverages within
300 feet of a church (San Juan Unitarian Universalist Fellowship). ............. 3


10. **Recommendation from the Planning and Zoning Commission:** .................... 4

Acceptance of Consent Agenda: The item marked with an asterisk (*) has been
placed on the Planning and Zoning Commission Consent Agenda and will be
voted on without discussion. If the 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 approve Petition No. SUP 19-08 from Thatcher
Company, represented by Nathan Bergal, requesting a Special Use Permit
for outside storage of hazardous materials for property located at 3111
Bloomfield Highway in the IND, Industrial, District, subject to:

(a) the applicant submitting a summary plat application for building
permits;
(b) the applicant submitting building plans that are consistent with all
City building and fire standards and/or other agency permits prior to
construction of the hazardous storage area;
(c) all required federal, state and local permits and approvals being
obtained by the applicant and submitted to the City prior to any
construction or commencement of any work. Any required
alteration to the proposal as a result of state or federal agency
review must be submitted as a revision to applicable City-issued
permits and be reviewed by the Community Development
Department. The following minor amendments shall be reviewed
and approved:

(1) Changes that result in a decrease or intensity for the
storage of hazardous materials;
(2) Change in the designation/location of the hazardous
storage area on the subject property;
(3) Change in major infrastructure (e.g. roads/access, sewer, water, storm drainage) for the subject
property.
(d) All other proposed amendments not specifically addressed above
shall be considered major amendments and must be processed in
accordance with the procedures and requirements of Section 8.9.3
of the Unified Development Code pertaining to the special use
application process.

As a contingency to acquire and maintain the Special Use Permit, the Fire
Department sets forth the following requirements as outlined in the 2003
hazardous materials are stored or used, the following shall occur:

(e) provide engineered plans for review and approval to include:

(1) site layout with all control areas;
(2) control area identifying all chemicals and the
amounts stored or used,
(3) scalable distances for each control area from all lot
lines, buildings and other control areas;
(4) code analysis being conducted by a fire protection or
chemical engineer to ensure compliance with the
International Building Code (IBC) and the
International Fire Code (IFC);
(5) all Material Data Sheets, including all mixtures, being
available;
(6) all chemicals being identified by their hazard class as
outlined in the IFC;
(7) all chemicals being identified as meeting the Mass
Allowable Quantity (MAQ), or exceeding the MAQ as
outlined in the IFC; and
(8) detailed construction plans for all needed permits.

(f) The development of an Emergency Action Plan (EAP); 

(g) a detailed description of all processes and storage and intended use of all chemicals being provided;

(h) the following chapters in the 2003 IFC being met:
   (1) Hazardous Materials General Provisions; 
   (2) Corrosive Materials; 
   (3) Flammable and Combustible; 
   (4) Flammable Solids; 
   (5) Highly Toxic and Toxic Materials; and 

(i) all requirements being met for the addition of any new chemicals, the use of chemicals, control areas or buildings and an updated EAP being submitted.

The following conditions are requirements of the Public Works Engineering Division:

(j) compliance with the Environmental Protection Agency’s (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Industrial Uses which requires Halliburton to seek coverage pursuant to Part 8, Subpart I, Sector I of the MSGP;

(k) the petitioner submitting evidence of compliance with the EPA’s NPDES MSGP permit for protection of the City’s Municipal Separate Storm Sewer System (MS4) and associated surface waters within the city limits;

(l) a copy of the Notice of Intent (NOI) for coverage submitted to the EPA and a copy of the required Drainage Area Site Map, to include storm water discharge points from the property, Potential Pollutant Sources, and Erosion and Sediment Controls being submitted to the City for our records;

(m) the petitioner meeting all additional requirements of EPA’s NPDES MSGP permitting process;

(n) the petitioner maintaining the National Pollutant Discharge Elimination System (NPDES) Multi Use General Permit.

The following recommended operational conditions shall be required for the life of the project:

(o) the special use permit remaining in effect, provided that the use meets the conditions imposed by the subject petition and Thatcher Chemical maintains a valid City of Farmington business registration;

(p) any contamination/leaks/releases that occur on the property being immediately reported to the Police and Fire Departments, the Building Inspection Division of the Community Development Department and to all relevant local, state and federal authorities;

(q) the City reserving the right to revoke the special use permit, by future action of the City Council, if the operations pose detrimental health impacts to the surrounding area or environment; and
(r) the special use permit being revoked if any of the above conditions are not met.

The recommendation of the Planning and Zoning Commission passed by a vote of 5-0 on March 14, 2019. (Helen Landaverde)

11. **New Business:**

(a) Mayor

(1) Appointment to the Lodgers’ Tax Advisory Board.

(b) Councilors

(c) City Manager

(1) Consideration of terminating the Stage 1 – Water Shortage Advisory.

(2) **Resolution No. 2019-1704**
   -approving the fourth revision to the FY19 budget and requesting State approval. (Teresa Emrich)

(d) City Attorney

(1) **Resolution No. 2019-1705**
   -providing for the annual determination (in a public meeting) of reasonable notice of public meetings of the City of Farmington as required by Section 10-15-1 et seq. NMSA 1978 Compilation, and readopting, ratifying and affirming the provisions of Resolution No. 2013-1466 providing for notice of public meetings.

(2) **Proposed Ordinance – Permission to Publish**
   -amending Chapter 22 of the City Code by adding a new Article 8 entitled “Wireless Communication Facilities”; providing definitions; providing for permits; and providing for severability. (Final Action April 23, 2019)

(e) City Clerk

12. **Business from the Floor:**

(1) Items removed from Consent Agenda for discussion.

(2) Any other Business from the Floor.

13. **Closed Meeting** to discuss requests for qualification-based proposals for substation apparatus testing and professional engineering services for water treatment plant improvements, pursuant to Section 10-15-1H(6) NMSA 1978.
14. **Proposal**: Recommendation from the Chief Procurement Officer to award the qualification-based proposal for substation apparatus testing (Electric) to Eaton Corporation as the top evaluated firm based on the pricing schedule for services. Proposals opened November 13, 2018 with six offerors participating.-----------------------------------------------8

15. **Proposal**: Recommendation from the Contracts Administrator to award the qualification-based proposal for professional engineering services for water treatment plant improvements (Public Works) to Jacobs Engineering Group, Inc. as the top evaluated firm after application of five percent in-state preference. Proposals opened January 9, 2019 with four offerors participating.-----------------------------------------------9

16. **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.
1. ITEM/TOPIC

AGREEMENT FOR OPERATION AND MAINTENANCE OF THE CITY OF FARMINGTON’S WATER AND WASTEWATER PLANTS, COLLECTION AND DISTRIBUTION SYSTEMS, AND MAINTENANCE OF SELECTED STORM WATER AND IRRIGATION SYSTEM COMPONENTS

SECOND AMENDMENT

2. ACTION REQUESTED OF COUNCIL:

APPROVAL OF SECOND AMENDMENT TO THE O&M CONTRACT

3. BACKGROUND/RATIONALE:

TO ENHANCE SCOPE OF WORK WHILE PROVING GREATER EFFICIENCY WITH THE CITY’S O&M CONTRACTOR. PUC UNANIMOUSLY RECOMMENDED COUNCIL APPROVAL AT THEIR MARCH 13, 2019 MEETING

4. STAFF RECOMMENDATION:

FOR COUNCIL APPROVAL TO AUTHORIZE THE MAYOR TO SIGN THE ATTACHED AMENDED AGREEMENT

5. INSTRUCTIONS UPON APPROVAL:

FORWARD TO CITY CLERK UPON EXECUTION OF AMENDMENT AGREEMENT

6. BUDGETARY IMPACT:

ORIGINAL CONTRACT AMOUNT: $7,363,299.00
PROPOSED CONTRACT WITH FIRST AMENDMENT AMOUNT: $7,363,299.00
CONTRACT INCREASE $ 0

7. ARE AUDIO/VISUAL DEVICES NECESSARY FOR THE PRESENTATION? IF YES, PROVIDE AN EXPLANATION OF WHAT IS NEEDED.

NO
AGREEMENT FOR OPERATION AND MAINTENANCE
OF THE CITY OF FARMINGTON’S WATER AND WASTEWATER PLANTS, COLLECTION AND DISTRIBUTION
SYSTEMS, AND MAINTENANCE OF SELECTED STORM WATER AND IRRIGATION SYSTEM COMPONENTS

SECOND AMENDMENT

This Second Amendment to the Agreement for Operations and Maintenance of the City of Farmington’s Water and Wastewater Plants, Collection and Distribution Systems, and Maintenance of Selected Storm Water and Irrigation System Components dated September 22, 2015 ("Agreement") is made and entered into this ___ day of __________, 2019 between the City of Farmington, New Mexico (the "City"), and Operations Management International, Inc. ("Company").

This Second Amendment is issued to modify the Agreement for contract year January 1, 2019 – December 31, 2019.

Now therefore, City and Company agree to amend the Agreement as follows:

1. Section 7.02 (D) (8) (d), Water Distribution Valve Abandonment is deleted in its entirety.

2. Section 7.02 (D) (13) (b) is deleted in its entirety and replaced with the following:

   Section 7.02 (D) (13) (b) – Uni-Directional Flushing (UDF)
   The Company shall perform uni-directional flushing (UDF) of the City’s distribution system every 3 years in accordance with the City of Farmington Uni-Directional Flushing Plan published March 2018 and including unidirectional flushing methods and appropriate equipment as per described in the plan. Additionally, the Company shall provide a NO-DES unidirectional flushing truck to treat and return the flushed water back into the distribution system. Approximately one-third or 33.3% of the flushing zones will be flushed annually. Records of this maintenance shall also be provided by the Company on a monthly basis and an annual report shall be submitted in December in Excel format to the Public Works Department.

3. Section 7.02 (F) (6) (f) is modified to reduce the video inspections from 100 to 6 indexed and reduce the linear feet from 22,500 feet to 2,000 feet as follows:

   Section 7.02 (F) (6) (f) Upon request by the City’s authorized representative, inspect the wastewater collection system using video techniques for identification of problems including, but not limited to, slip lining-related problems, street settlement over the main lines, and sections where blockages have occurred in the system. Up to six (6) indexed and cataloged with summary sheets cleaning and video inspections, not exceeding a cumulative length of 2,000 linear feet shall be provided each year at no additional cost to the City. Additional City requests for video inspection shall be charged according to Section 8.02. Records of this video inspections shall also be provided by the Company on a monthly basis and an annual report shall be submitted in December in Excel format to the Public Works Department.

4. Section 8.01 (B.1) is hereby deleted and replaced with the following:

   (B.1) Base Fee
   The City shall pay the Company as a Base Fee for the services performed January 1, 2019 through December 31, 2019 as described in Section 7, Scope of Services, of this Agreement, the sum of

   - 1.1 -
Seven Million Three Hundred Sixty-Three Thousand Two Hundred Ninety-Nine Dollars ($7,363,299). This revised base fee represents the following:

- Adjusted base fee applying a 2.875% increase: $6,833,299
- Additional scope noted in Section 7.02 (D) (13) (b): $98,503*
- Reduction in scope noted in Sections 7.02 (D) (8) (d) and 7.02 (F) (6) (f): $(98,503)*
- Maintenance and repair included in Section 8.02 (8): $530,000
- Revised Base Fee: $7,363,299

*Scope changes effective March 1, 2019

Monthly payments for base fee and maintenance and repair will be Six Hundred Thirteen Thousand Six Hundred Eight Dollars and Twenty-Five Cents ($613,608.25.) with additional compensation adjustments as specified herein and hereinafter. Monthly payments will be due and payable in accordance with Section 8.04.

All other terms and conditions of the original Agreement referenced in this Amendment shall remain in effect in accordance with said original Agreement.

The parties indicate their approval of this Amendment by their signatures below.

OPERATIONS MANAGEMENT INTERNATIONAL, INC.

By: _____________________________
Title: ___________________________
Date: ____________________________

CITY OF FARMINGTON, NEW MEXICO

By: Nate Duckett
Title: Mayor
Date: ____________________________
2/5/2019

Mr. David Sypher
Public Works Director
City of Farmington
800 Municipal Drive
Farmington, NM 87401

Subject: Letter Agreement for 2019 Compensation Adjustment Agreement for Operation and Maintenance of the City of Farmington’s Water and Wastewater Plants, Collection and Distribution Systems, and Maintenance of Selected Storm Water and Irrigation System Components dated September 22, 2015 (the “Agreement”)

Dear Mr. Sypher:

This letter serves as the annual notice for change in compensation pursuant to Sections 8.01(A), (B) and (C) and 8.02(B) of the Agreement.

In accordance with Sections 8.01(A), (B) and (C), the adjustment percent applied to the OMI base fee for the period of January 1, 2019 through December 31, 2019 is 2.875%, for a total new annual base fee of Six Million Eight Hundred Thirty Three Thousand Two Hundred Ninety Nine Dollars ($6,833,299), excluding rebateable maintenance and repairs. In accordance with Section 8.02(B), we are proposing a revised amount of Five Hundred Thirty Thousand Dollars ($530,000) for the annual rebateable maintenance and repairs allowance. The grand total annual contract value for the 2019 calendar year is Seven Million Three Hundred Sixty Three Thousand Two Hundred Ninety Nine Dollars ($7,363,299) payable in monthly installments of Six Hundred Thirteen Thousand Six Hundred Eight Dollars and Twenty Five Cents ($613,608.25).

This Letter Agreement together with the Agreement constitutes the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Letter Agreement nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

Sincerely,

Ron Rosen
Project Director

Cc: Wendy Allan
Samantha Hudson
David Sohns
Jeff J Smaka

The City of Farmington indicates its approval to the terms outlined in this letter by the signature of its authorized representative, below:
CITY OF FARMINGTON, NEW MEXICO

Name: Nate Duckett  
Title: Mayor  
Date: 

Legal Department  
Approved  
By  
Date  

- 1.4 -
PURCHASE AGREEMENT

THIS AGREEMENT is made and entered into this ___ day of _________ 2019, by and
between San Juan Regional Medical Center, Inc., 801 W. Maple St., Farmington, NM 87401,
("Seller") and the City of Farmington, a New Mexico municipal corporation, whose address is
800 Municipal Drive, Farmington, New Mexico, 87401 ("Purchaser").

WHEREAS, Seller is the owner of certain properties adjacent to the City of Farmington
Wastewater Treatment facility in Farmington, New Mexico set forth in the legal descriptions
below; and

WHEREAS, in consideration of long range planning, it is prudent to explore the purchase
of the land while it is vacant and available; and

WHEREAS, Public Works proposed the land purchase with the City Council and Public
Utility Commission during capital expenditure discussions on April 11, 2018 and February 12
2019; and

WHEREAS, Seller is willing to sell and the Purchaser is willing to purchase the real
property herein described; and

WHEREAS, Seller has approved the sale pending final approval by the City Council.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein
contained, and other good and valuable consideration, the receipt and sufficiency of which are
hereby acknowledged, the parties mutually agree as follows:

1. Seller, in consideration of the covenants and agreements on the part of the Purchaser,
agrees to sell and convey, and Purchaser agrees to purchase, on terms and conditions hereinafter
stated, a total of 11.926 acres of land, more or less, situate in the city of Farmington, the County
of San Juan, State of New Mexico, which is more particularly described as follows, to-wit:

Tract I of the ROBINSON SUBDIVISION – SUMMARY PLAT, in the City of
Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision

AND

Tract II of the ROBINSON SUBDIVISION – SUMMARY PLAT, in the City of
Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision

2. The purchase price shall be a cash payment to the Seller in the amount of Nine
Hundred and Fifty-Five Thousand Dollars and No Cents ($955,000.00).
3. Seller shall convey the property to Purchaser by good and sufficient warranty deed in proper form for recording so as to convey to Purchaser good and merchantable record title to the land affected by this agreement free and clear of all liens and encumbrances, other than any easements or restrictions in existence or of record.

4. Seller agrees to furnish Purchaser a good and sufficient title insurance policy binder in the form of the American Land Title Association, Form B, without exception, except as herein set forth, for the full purchase consideration hereof guaranteeing good and merchantable title to be vested in the Purchaser subject only to the conditions of this agreement. Should defects appear upon title for any reason, Seller shall have a reasonable time within which to cure any defect which affects merchantability of title.

5. Property taxes shall be prorated to date of closing. Seller warrants that all taxes and assessments against the premises prior to such time have been or will be paid.

6. Easements, restrictions, zoning and patent easements, if any, are to be assumed by the Purchaser unless otherwise addressed herein.

7. This agreement shall be closed at the offices of San Juan County Abstract & Title Company, 111 N. Orchard Avenue, Farmington, New Mexico, on or before June 30, 2019, unless the time is extended by mutual agreement of the parties. San Juan County Abstract & Title Company, is hereby designated, constituted, and appointed as Escrow Agent to act between the parties. The Escrow Agent is authorized to prepare and have executed the deed to the property referenced above, upon payment by Purchaser to Seller the sum referenced in Paragraph 2 above, and shall deliver said deed to Purchaser after completion of the terms of this agreement at closing and recording of the deed with the County Clerk. The Escrow Agent shall not assume responsibility for the performance of, or the enforcement of, any of the covenants of this agreement, and shall not be required to act in any manner not specifically directed herein, and the parties hereto jointly and severally agree to indemnify and hold harmless said Escrow Agent from and against all costs, damages, judgements, attorney fees, expenses, and liabilities of every kind which in good faith and without negligence it may incur and suffer in connection with or arising from this escrow.

8. Seller agrees to give possession of the property to Purchaser upon closing.

9. Time of performance under this contract is of the essence.

10. Expenses related to this transaction shall be paid by the parties as follows:

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<tr>
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<th>Purchaser</th>
<th>Seller</th>
</tr>
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<tbody>
<tr>
<td>Title Insurance:</td>
<td>X</td>
<td></td>
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<tr>
<td>Deed Recording:</td>
<td>X</td>
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<td>Abstracting:</td>
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<td>Closing:</td>
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<td>Other:</td>
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11. Purchaser agrees to buy and Seller agrees to sell the premises herein described according to the terms and conditions set out above. If either party refuses or fails to consummate the purchase, the other party shall have the option of terminating this agreement or enforcing the same.

12. This agreement, and all of its terms and conditions, shall be kept confidential between the parties. None of its terms and conditions shall be disclosed, either in printed, written or oral form to anyone not a party to this agreement, except as may be necessary to carry out the agreement, prior to the release of the agreement, approximately five days before the regularly scheduled City Council meeting at which the agreement is scheduled for consideration.

13. This instrument comprises the entire understanding and agreement of the parties hereto on the subject matter herein contained and shall be binding alike upon and inure to the benefit of the parties, their heirs, personal representatives, successors, and assigns.

In witness whereof the Seller has signed and sealed this agreement and Purchaser has caused this agreement to be executed on its behalf by its duly authorized representative the day and year first above written.

Signatures are on the following page.
SELLER:
SAN JUAN REGIONAL MEDICAL CENTER, INC.

By:

ATTEST:

Dianne Smylie, City Clerk

Purchaser:
CITY OF FARMINGTON

By: Nate Duckett, Mayor

Legal Department
Approved as to form
By:
Date:

The foregoing instrument was acknowledged before me this ___ day of ________,
2019 by ____________, ____________, San Juan Regional Medical Center, Inc., by and
on behalf of said corporation.

Notary Public
My Commission Expires:

State of New Mexico )
) ss
County of San Juan )

The foregoing instrument was acknowledged before me this ___ day of ________,
2019 by Nate Duckett, Mayor, City of Farmington, a Municipal Corporation, by and on behalf of
said Municipal Corporation.

Notary Public
My Commission Expires:
RESOLUTION NO. 2019-1703

A RESOLUTION GRANTING A WAIVER TO THE NORTH ALLEN EVENT CENTER ALLOWING THE DISPENSING OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A CHURCH

WHEREAS, the North Allen Event Center, located at 206 North Allen Avenue, is the venue for a number of cultural and artistic performances that qualify as public celebrations and allow for the issuance of permits for the temporary sale of alcoholic beverages; and

WHEREAS, state law provides that such permits will not be granted if the location is within 300 feet of an established church or school; and

WHEREAS, the San Juan Unitarian Universalist Fellowship is located within 300 feet of the North Allen Event Center; and

WHEREAS, a representative of the church has indicated that they are not opposed to the sale of alcohol at special cultural or artistic events at the event center.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City of Farmington, that a waiver of the 300 foot separation requirement is hereby granted to the North Allen Event Center, 206 North Allen Avenue, for all events which otherwise meet state and city requirements.

PASSED, APPROVED, SIGNED AND ADOPTED this 26th day of March, 2019.

Nate Duckett, Mayor

SEAL

ATTEST:

Dionne Smylie, City Clerk
Re: Alcohol at the North Allen Events Center
1 message

Isabelle Montoya <iszymontoya@gmail.com> Wed, Mar 13, 2019 at 8:07 PM
To: "Smylie, Dianne" <dsmylie@fmtn.org>
Cc: Andrea Jones <ajones@fmtn.org>

Yes! We don't have a problem with it.

On Wed, Mar 13, 2019, 4:20 PM Smylie, Dianne <dsmylie@fmtn.org> wrote:
  Isabelle,

Thank you so much for sending this email. Just for clarification purposes, are you okay with all vendors being allowed to serve alcohol at the North Allen Event Center?

This is the location that we are most concerned about.

Thank you.

Dianne Smylie, MMC
City Clerk

City of Farmington
800 Municipal Drive
Farmington NM 87401
505/599-1106 (phone)
505/599-1113 (fax)
dsmylie@fmtn.org

Farmington--where outdoor lovers and active families thrive!

Notice: New Mexico law requires government agencies to disclose to the public, upon request, most written communications, including those in electronic form. Persons communicating with City officials or employees should expect that any communications could be released to the public and that this disclosure could include the email addresses of those communicating with City officials or employees.
Dear City Council,

The San Juan Unitarian Universalist Fellowship located at 219 N. Orchard has no objection to Wines of the San Juan's request to serve alcohol at upcoming events scheduled in the Farmington downtown area in the Journey Church.

Sincerely,

Isabelle Montoya
President
San Juan UU Fellowship
Adoption of the Planning and Zoning Commission Action as contained within the Community Development Action Summary and approval of Petition SUP 19-08, a request from Joel Hunt with Thatcher Company, represented by Nathan Bergal, for outside storage of hazardous materials in the IND, Industrial district, for property located at 3111 Bloomfield Highway with the following conditions:

1. The applicant will be required to submit a summary plat application for building permits, if the applicant proposes to expand the existing footprint, build, and/or place additional structures on the property.

2. Prior to any construction for the storage of hazardous material, the applicant shall submit building plans that are consistent with all of the City's current building and fire standards and/or other agency permits for review and approval prior to site work.

3. All required federal, state and local permits and approvals shall be obtained by the applicant and submitted to the City of Farmington prior to any construction or commencement of any work. Any alteration to the proposal that may be required as a result of state or federal agency review must be submitted as a revision to applicable City-issued permits and be reviewed by the Community Development Director.

4. The following minor amendments shall be reviewed and approved by the director:
   (1) Changes that result in a decrease or intensity for the storage of hazardous materials.
   (2) Change in the designation/location of the storage of hazardous materials on the subject property.
   (3) Change in major infrastructure features (e.g. roads/access, sewer, water, storm drainage) for the subject property.

5. Major amendments. All other proposed amendments not specifically addressed above shall be considered major amendments and must be processed in accordance with the procedures and requirements of Section 8.9.3 Special use application process.

The following conditions are requirements of the Fire Department, which shall be responsible for determining compliance with these conditions:

As a contingency to acquire and maintain the Special Use Permit, the City of Farmington Fire Department sets forth the requirements outlined in the 2003 International Fire Code (IFC) to meet and maintain the minimum requirements of Hazardous Material Storage and Use. (IFC 2003 - 105.1.2, 2003 IFC - 105.2)

Before any hazardous materials can be stored or used the following shall occur:

1. Provide engineered plans for review and approval to include:
   a. Site Layout with all control areas
   b. Each control area shall identify all chemicals and amounts stored or used in each control area.
c. Scalable with all distances for each control area from all lot lines, buildings and other control areas.

d. Code analysis following the International Building Code (IBC) and the IFC conducted by a Fire Protection Engineer, or Chemical Engineer.

e. All Material Data Sheets, including all mixtures.

f. All chemicals shall be identified by their hazard classes as outlined in the IFC.

g. All chemicals shall be identified as meeting the Mass Allowable Quantity (MAQ), or exceeding the MAQ as outlined in the IFC.

h. Detailed construction plans for all needed permits.

2. Develop an Emergency Action Plan (EAP).

3. Provide a detailed description of all processes and storage and intended use of all chemicals.

4. Follow the following requirements in the 2003 IFC
   b. Corrosive Material for all corrosive materials chapter
   c. Flammable and Combustible Liquid chapter
   d. Flammable Solids chapter
   e. Highly Toxic and Toxic Materials chapter
   f. Water Reactive Solids and Liquids chapter

5. The addition of any new chemicals, use of chemicals, control areas or buildings shall require the following before the storage, use or addition of buildings or products:
   a. Same requirements as in #1.
   b. An updated EAP.

The following conditions are requirements of the Public Works - Engineering Division:

1. According to the EPA's National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Industrial Uses, Thatcher is required to seek coverage under this permit per Part 8, Subpart I, Sector I of the MSGP.

2. The City requires the Petitioner to submit evidence of compliance with the EPA's NPDES MSGP permit for the protection of the City's Municipal Separate Storm Sewer System (MS4) and associated surface waters within the City limits.

3. A copy of the Notice of Intent (NOI) for coverage under this permit, submitted to the EPA and a copy of the required Drainage Area Site Map, to include stormwater discharge points from the property, Potential Pollutant Sources, and Erosion and Sediment Controls is required to be submitted to the City for our records.

4. This City does not administer the EPA's NPDES MSGP permit. It is the responsibility of the Petitioner to still meet all additional requirements for this permit for the EPA.

5. Maintain the National Pollutant Discharge Elimination System (NPDES) Multi Use General Permit.
The following recommended Operational Conditions shall be required for the life of the project:

1. If approved, the special use permit shall remain in effect provided that the use meets the conditions imposed by Petition SUP 18-100 and maintains a valid City of Farmington business license.

2. Any contamination/leaks/releases that occur on the property shall be reported immediately to the City’s Police Department, Fire Department, Community Development - Building Inspection Division and to all relevant local, state and federal authorities.

3. The City of Farmington reserves the right to revoke this special use permit approval, by future action of the City Council, if the operations pose detrimental health impacts to the surrounding area or environment.

4. Additionally, this Special Use Permit can be revoked if any of the above conditions are not met.

(Helen Landaverde)

Recommendation of approval by the Planning and Zoning Commission on March 14, 2019 which passed by a vote of 5-0.
A. STAFF REPORT

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Thatcher Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Nathan Bergal</td>
</tr>
<tr>
<td>Date of Application</td>
<td>January 31, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>Special Use Permit for the Storage of Hazardous Materials</td>
</tr>
<tr>
<td>Location</td>
<td>3111 Bloomfield Highway (R0035290)</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Industrial</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>IND Industrial</td>
</tr>
</tbody>
</table>

Surrounding Zoning & Land Use

- **North**: IND Industrial/Commercial
- **South**: IND Industrial/Commercial and SF-7 SMHAO, Single-family Special Mobile Home Area Overlay District/Residential
- **East**: IND Industrial/Commercial and SF-7 SMHAO, Single-family Special Mobile Home Area Overlay District/Residential
- **West**: IND Industrial/Commercial

Notice

Publication of Notice for public hearings of the Planning and Zoning Commission and City Council appeared in the Farmington Daily Times on Sunday, February 24, 2019. Property owners within 100 feet were sent notice by certified mail Wednesday, February 20, 2019 and a sign was posted on Friday, March 1, 2019.

Staff Planner

Helen Landaverde, Associate Planner

1. STAFF ANALYSIS

Project Description

The applicant, represented by Nathan Bergal, is requesting a special use permit for the storage of hazardous materials for property located at 3111 Bloomfield Highway, previously Baker Hughes Process and Pipeline Services, in the IND Industrial District.

Pursuant to Table 2.3 of the Unified Development Code (UDC) the storage of hazardous materials is only permitted in the IND district with an approved special use permit. The storage of hazardous materials shall comply with the following standards (UDC 2.4.53):
A. Screening shall be provided in accordance with the requirements of section \[5.5.7\], screening standards; and \[section 5.10\], residential protection standards, if applicable.

B. Hazardous materials use generation and disposition shall be operated in accordance with the requirements of \[section 5.11\], operational performance standards (noise, smoke and particulate matter, odorous matter, fire and explosive hazard material).

C. The site shall be kept in an orderly manner, free of litter and debris.

D. Storage of explosives shall be prohibited, unless stored in accordance with the applicable fire code.

E. Flammable liquids or gases in quantities greater than 660 gallons shall be stored underground, unless otherwise permitted by the city.

F. Hazardous materials shall not be allowed in regulatory floodplain. (See section 5.6.2).

**Surrounding Properties**

The surrounding properties are zoned IND, Industrial District. The following businesses previously operated at 3111 Bloomfield Highway:

- Baker Hughes Process and Pipeline Services (not registered with the City).

This part of the City was annexed in 1984 after the original subdivision regulations were adopted (June 22, 1971). The oldest deed found for the subject property is from 1972 (see attached deed). The subject property is not a lot of record and is considered to be a nonconforming lot. A summary plat will be required for building permits if the applicant proposes to expand the existing footprint, build, and/or place additional structures on the property.

There are no adjacent household dwellings. The closest dwellings are approximately 369 - 644 feet southwest of the subject property (see Figure 2) and in the SF-7 SMHAO, Single-family Special Mobile Home Area Overlay District (see Figure 3. City of Farmington Zoning Map).

**Consistency with the Comprehensive Plan**

The Comprehensive Plan, 2020 Future Land Use Plan, calls for this area to be Light Industrial. A Special Use Permit for the storage of hazardous materials in the IND District is consistent with the UDC and the Comprehensive Plan.
Figure 1. 2020 Future Land Use Plan

Figure 2. Household living near proposed use
The applicant, Thatcher Company, recently purchased the subject property and would like to relocate their operations and inventory from Aztec, New Mexico to 3111 Bloomfield Highway in phases; possibly two (2) phases (see Site Proposal). The property is approximately 2.940 acres. Thatcher Company intends to store chemicals and distribute materials to customers in and around Farmington. Therefore, the applicant is requesting a special use permit for the storage of various hazardous materials, such as Hydrochloric Acid, on the subject property (see Figure 4 and List of Products):
Figure 4. Project Description (Phase I)

Products and Materials

A map of our chemical storage areas is provided as part of our SUP request.

Primary storage of hazardous material products will be outdoors in IBC (Intermediate Bulk Container) Totes within IFC-compliant containment control areas. Products will be loaded and unloaded from flatbed and van trucks via a forklift to service customers in the local area.

Thatcher will store limited quantities of non-flammable raw materials and finished products in drums, bags and boxes per customer specifications in our warehouse.

Our operation will also include 1 - 21,000-gallon, mobile frac tank within an IFC-compliant containment area for 28% Hydrochloric Acid storage. We will pump load bulk tanker trucks with this product. Loading operations will be conducted in a closed-loop circuit manner with an integrated air recovery scrubber unit.

We will also have 4 - 21,000-gallon mobile frac tanks for storage of a non-hazardous liquid. We will pump load bulk tanker trucks with this product.

Raw materials and finished products will be brought into and out of the facility using local trucking carriers, as well as Thatcher of Farmington, NM employees.

All products have Safety Data Sheets available.

Figure 5. Layout of subject property.
Figure 6. Proposed chemical storage.
Site Security

The subject property's perimeter is fenced with a 6-foot to 8-foot tall chain link fence. The proposed storage of hazardous chemicals will be located within the fenced area of the subject property and the yard area will be locked during non-operation hours and will be monitored continuously during operation hours.

Staff Issues:

Community Director – M. Holton: 599-1285 and mholton@fmtn.org
The petitioner must work closely with the Fire Marshal and Building Inspections on this petition.

Chief Building Official – D. Childers: 599-1305 and dchilders@fmtn.org
Building permits will be required for all remodeled and new control areas.

Fire Marshall – Brandy Vega: 599-1439 and bvega@firenet.org
As a contingency to acquire and maintain the Special Use Permit, the City of Farmington Fire Department sets forth the requirements outlined in the 2003 International Fire Code (IFC) to meet and maintain the minimum requirements of Hazardous Material Storage and Use.

(IFC 2003 - 105.1.2, 2003 IFC - 105.2)
Before any hazardous materials can be stored or used the following shall occur:

1. Provide engineered plans for review and approval to include:
   a. Site Layout with all control areas
   b. Each control area shall identify all chemicals and amounts stored or used in each control area.
   c. Scalable with all distances for each control area from all lot lines, buildings and other control areas.
   d. Code analysis following the International Building Code (IBC) and the IFC conducted by a Fire Protection Engineer, or Chemical Engineer.
   e. All Material Data Sheets, including all mixtures.
   f. All chemicals shall be identified by their hazard classes as outlined in the IFC.
   g. All chemicals shall be identified as meeting the Mass Allowable Quantity (MAQ), or exceeding the MAQ as outlined in the IFC.
   h. Detailed construction plans for all needed permits.

2. Develop an Emergency Action Plan (EAP).

3. Provide a detailed description of all processes and storage and intended use of all chemicals.

4. Follow the following requirements in the 2003 IFC
   b. Corrosive Material for all corrosive materials chapter
   c. Flammable and Combustible Liquid chapter
   d. Flammable Solids chapter
   e. Highly Toxic and Toxic Materials chapter
   f. Water Reactive Solids and Liquids chapter

5. The addition of any new chemicals, use of chemicals, control areas or buildings shall require the following before the storage, use or addition of buildings or products:
   a. Same requirements as in #1.
   b. An updated EAP.

**Code Compliance – M. Romero: 599-1318 and mromero@fmtn.org**
A valid City of Farmington business license must be obtained before any business can be conducted.

**Engineering – T. Sitta: 505-599-1399 and tsitta@fmtn.org**
Please provide proof of coverage under the National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Industrial uses. A copy of the Notice of Intent (NOI) and Site Map showing structures, storage areas, and stormwater discharge points needs to be submitted to the City for review.
Special Use Permit Criteria – Section 8.9.4 of the UDC

Section 8.9.4 of the UDC sets forth the criteria for review of a special use permit. The section states that an SUP may be approved where it is reasonably determined that there will be no significant negative impact upon residents of surrounding property or upon the public. Criteria are listed as follows:

A. **Effect on environment:** The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, not be substantially or permanently injurious to the neighboring property.

The surrounding properties are zoned IND and the storage of hazardous material is permitted with an approved special use permit. The storage of hazardous materials is compatible with the industrial uses of this area.

The size of the subject property is approximately 2.940 acres and should be sufficient for the storage of hazardous chemicals. Additionally, there are no adjacent household dwellings. The nearest dwellings are approximately 369 - 644 feet southwest of the subject property.

Best management practices need to be implemented as well as adherence to the City’s building, fire, and engineering standards. In addition, adherence to conditions associated with City and/or other agency permits must be implemented.

The subject property is suitable for the continuation of industrial use as proposed by the applicant with proposed conditions for this Special Use Permit petition. It is not expected for the proposed use to cause significant detriment or injury to the public, adjacent properties, or surrounding area.

All operating characteristics will remain the same and should not affect the surrounding neighborhood or the neighboring property.

B. **Compatible with surrounding area:** The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with relationship to scale, height, landscaping and screening and density.

Most of the surrounding properties are zoned IND District, and the storage of hazardous chemicals is an allowed use with the approval of a Special Use Permit in IND District.

The applicant has submitted a site plan showing the proposed location of the hazardous materials. The subject property is fenced with a 6-foot to 8-foot tall chain link fence. The proposed storage of hazardous chemicals will be located within the fenced area of the subject property.
The proposed storage of hazardous chemicals on the subject property is compatible with the surrounding area and is in harmony with the industrial character of this area.

C. **External impacts minimized:** The proposed use shall not have negative impacts on existing uses in the area and in the city through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to the impacts.

The applicant and/or new property owner is required to mitigate any adverse impacts to the area. Improvements and/or development on the subject property will require submission of building plans that are consistent with all of the City's current building and fire standards and/or other agency permits for review and approval prior to site improvements and/or development.

D. **Infrastructure impacts minimized:** The proposed use shall not have negative impacts on existing uses in the area and in the city through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

The proposed use will not have a negative impact on existing uses in the area and/or negative impacts on public infrastructure. Adequate facilities and services are currently provided.

E. **Consistent with the UDC and Comprehensive Plan:** The proposed use will be consistent with purposes of this UDC, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

The Comprehensive Plan, 2020 Future Land Use Plan, calls for this area to be Light Industrial. A Special Use Permit for the storage of hazardous materials in the IND District is consistent with the UDC and the Comprehensive Plan.

F. **Parcel size:** The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

The subject property has already been developed. The request is for light industrial and should not generate more traffic than what is associated with industrial uses in the IND District.

Any future demolition and redevelopment will need to meet the established requirements of the zoning district.

G. **Site Plan:** The proposed use shall be required to comply with the site plan review procedures and standards of Section 8.5, site plan review, as specified.
The petitioner provided a site plan that conforms to the standards of Section 8.5 (see attachment).

STAFF CONCLUSION
Staff concludes that approval of Petition SUP 19-08 is appropriate with conditions. The applicant needs to mitigate impacts to the area. Improvements and/or development on the subject property will require submission of building plans, which are consistent with all of the City's current building and fire standards and/or other agency permits, for review and approval prior to any site improvements and/or development. Adhering to best management practices will minimize any potential negative impacts on existing uses in the area.

STAFF RECOMMENDATION
The Community Development Department recommends approval of Petition SUP 19-08, a request from Thatcher Company, represented by Nathan Bergal, for the storage of hazardous materials for property located at 3111 Bloomfield Highway in the IND, Industrial District, with conditions:

1. The applicant will be required to submit a summary plat application for building permits, if the applicant proposes to expand the existing footprint, build, and/or place additional structures on the property.

2. Prior to any construction for the storage of hazardous material, the applicant shall submit building plans that are consistent with all of the City's current building and fire standards and/or other agency permits for review and approval prior to site work.

3. All required federal, state and local permits and approvals shall be obtained by the applicant and submitted to the City of Farmington prior to any construction or commencement of any work. Any alteration to the proposal that may be required as a result of state or federal agency review must be submitted as a revision to applicable City-issued permits and be reviewed by the Community Development Director.

4. The following minor amendments shall be reviewed and approved by the director:
   
   (1) Changes that result in a decrease or intensity for the storage of hazardous materials.
   
   (2) Change in the designation/location of the storage of hazardous materials on the subject property.
   
   (3) Change in major infrastructure features (e.g. roads/access, sewer, water, storm drainage) for the subject property.

5. Major amendments. All other proposed amendments not specifically addressed above shall be considered major amendments and must be processed in accordance with the procedures and requirements of Section 8.9.3 Special use application process.
The following conditions are requirements of the Fire Department, which shall be responsible for determining compliance with these conditions:

As a contingency to acquire and maintain the Special Use Permit, the City of Farmington Fire Department sets forth the requirements outlined in the 2003 International Fire Code (IFC) to meet and maintain the minimum requirements of Hazardous Material Storage and Use.

(IFC 2003 - 105.1.2, 2003 IFC - 105.2)

Before any hazardous materials can be stored or used the following shall occur:

1. Provide engineered plans for review and approval to include:
   a. Site Layout with all control areas.
   b. Each control area shall identify all chemicals and amounts stored or used in each control area.
   c. Scalable (map) with all distances for each control area from all lot lines, buildings and other control areas.
   d. Code analysis following the International Building Code (IBC) and the IFC conducted by a Fire Protection Engineer, or Chemical Engineer.
   e. All Material Data Sheets, including all mixtures.
   f. All chemicals shall be identified by their hazard classes as outlined in the IFC.
   g. All chemicals shall be identified as meeting the Mass Allowable Quantity (MAQ), or exceeding the MAQ as outlined in the IFC.
   h. Detailed construction plans for all needed permits.

2. Develop an Emergency Action Plan (EAP).

3. Provide a detailed description of all processes and storage and intended use of all chemicals.

4. Follow the following requirements in the 2003 IFC
   b. Corrosive Material for all corrosive materials chapter
   c. Flammable and Combustible Liquid chapter
   d. Flammable Solids chapter
   e. Highly Toxic and Toxic Materials chapter
   f. Water Reactive Solids and Liquids chapter

5. The addition of any new chemicals, use of chemicals, control areas or buildings shall require the following before the storage, use or addition of buildings or products:
   a. Same requirements as in #1.
   b. An updated EAP.
The following conditions are requirements of the Public Works - Engineering Division:

1. According to the EPA's National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Industrial Uses, Thatcher Company is required to seek coverage under this permit per Part 8, Subpart I, Sector I of the MSGP.

2. The City requires the Petitioner to submit evidence of compliance with the EPA's NPDES MSGP permit for the protection of the City's Municipal Separate Storm Sewer System (MS4) and associated surface waters within the City limits.

3. A copy of the Notice of Intent (NOI) for coverage under this permit, submitted to the EPA and a copy of the required Drainage Area Site Map, to include stormwater discharge points from the property, Potential Pollutant Sources, and Erosion and Sediment Controls is required to be submitted to the City for our records.

4. This City does not administer the EPA's NPDES MSGP permit. It is the responsibility of the Petitioner to still meet all additional requirements for this permit for the EPA.

5. Maintain the National Pollutant Discharge Elimination System (NPDES) Multi Use General Permit.

The following recommended Operational Conditions shall be required for the life of the project:

1. If approved, the special use permit shall remain in effect provided that the use meets the conditions imposed by Petition SUP 19-08 and maintains a valid City of Farmington business license.

2. Any contamination/leaks/releases that occur on the property shall be reported immediately to the City's Police Department, Fire Department, Community Development - Building Inspection Division and to all relevant local, state and federal authorities.

3. The City of Farmington reserves the right to revoke this special use permit approval, by future action of the City Council, if the operations pose detrimental health impacts to the surrounding area or environment.

4. Additionally, this Special Use Permit can be revoked if any of the above conditions are not met.
Planning Manager Gary Leikness presented the staff report for SUP 19-08, a request from Joel Hunt with Thatcher Company, represented by Nathan Bergal, for outside storage of hazardous materials for property in the IND, Industrial District located at 3111 Bloomfield Highway.

Mr. Leikness said the storage of hazardous materials is only allowed in the IND District with a Special Use Permit. The Comprehensive Plan designates the subject property as IND.

Housing is approximately 369 - 644 feet southwest of the subject property. Those are the closest residents.

Mr. Leikness noted a map of the Comprehensive Plan on page 4 of the Planning & Zoning Agenda Book.

The applicant, Thatcher Company, would like to relocate their operations and inventory from Aztec to 3111 Bloomfield Highway. Thatcher Company intends to store chemicals and distribute materials to customers.

Site security is a big issue and the property is fenced with a 6-foot to 8-foot tall chain link fence around the property. The yard area will be locked during non-operation hours and will be monitored during operation hours.

An analysis of the criteria is provided on page 9 of the Agenda Book. As for the effect on the environment, Thatcher Company needs to adhere to the City building codes, fire codes, and engineering standards, as well as other agencies. It is not expected that the proposed use will cause detriment or injury to the public or adjacent properties in the surrounding area. On page 10 of the Agenda Book, under ‘External impacts minimized’, if conditions are followed, there should not be a problem.

Under ‘Consistency with the UDC and Comprehensive Plan’, the subject property is designated as Light Industrial.

Staff concludes that the required submission of building plans, which are consistent with all of the City’s current building and fire agency permits, for review and approval prior to any site improvements, and adhering to best management practices will minimize any potential negative impacts on existing uses in the area.

Staff recommends approval of Petition SUP 19-08, a request from Thatcher Company, represented by Nathan Bergal, for the storage of hazardous materials for property located at 3111 Bloomfield Highway in the IND, Industrial District, with conditions listed in the Agenda Book.

Commissioner Mangum asked what the history was for the subject property. Mr. Leikness said it was IND and was used for chemical storage in the past.
Commissioner Freeman asked if the property has changed owners. Mr. Leikness said it was previously owned by Baker Hughes Process and Pipeline Services.

Commissioner Waldroup asked if the engineering plans in the Agenda Book have been approved by an engineer. Mr. Leikness said the plans must be submitted with the building permit. He did not know if the plans have been finalized.

Nathan Bergal, 1811 NM 170, represents Thatcher Company. The company is a family owned chemical company from Salt Lake City, UT. It has been in Aztec for the last 4 years. The company needs more space and would like to move from Aztec to the location on Bloomfield Highway. Currently, only offices are located at the Bloomfield Highway location, said Mr. Bergal.

Vice Chair Freeman asked if Thatcher Company has had any reports from the EPA, Environmental Protection Agency. Mr. Bergal said there have not been any reports.

Mr. Bergal said an engineering group in Salt Lake City has reviewed the conditions and they do not foresee any problems. Mr. Bergal said the company stores hazardous corrosive, and flammable materials, but all chemicals are in proper containers. The company wishes to be good stewards and good neighbors, said Mr. Bergal.

Commissioner Brown asked if any other security measure will be used. Mr. Bergal said the fence has wire on top and the company has discussed using cameras in the future.

**Planning & Zoning Commission Action of Petition SUP 19-08 on March 14, 2019**

A motion was made by Commissioner Waldroup and seconded by Commissioner Mangum to approve Petition SUP 19-08, a request from Joel Hunt with Thatcher Company, represented by Nathan Bergal, for outside storage of hazardous materials for property in the IND, Industrial District located at 3111 Bloomfield Highway with the following conditions:

1. The applicant will be required to submit a summary plat application for building permits, if the applicant proposes to expand the existing footprint, build, and/or place additional structures on the property.

2. Prior to any construction for the storage of hazardous material, the applicant shall submit building plans that are consistent with all of the City’s current building and fire standards and/or other agency permits for review and approval prior to site work.

3. All required federal, state and local permits and approvals shall be obtained by the applicant and submitted to the City of Farmington prior to any construction or commencement of any work. Any alteration to the proposal that may be required as a result of state or federal agency review must be submitted as a revision to applicable City-issued permits and be reviewed by the Community Development Director.

4. The following minor amendments shall be reviewed and approved by the director:
(1) Changes that result in a decrease or intensity for the storage of hazardous materials.
(2) Change in the designation/location of the storage of hazardous materials on the subject property.
(3) Change in major infrastructure features (e.g. roads/access, sewer, water, storm drainage) for the subject property.

5. Major amendments. All other proposed amendments not specifically addressed above shall be considered major amendments and must be processed in accordance with the procedures and requirements of Section 8.9.3 Special use application process.

The following conditions are requirements of the Fire Department, which shall be responsible for determining compliance with these conditions:

As a contingency to acquire and maintain the Special Use Permit, the City of Farmington Fire Department sets forth the requirements outlined in the 2003 International Fire Code (IFC) to meet and maintain the minimum requirements of Hazardous Material Storage and Use.

(IFC 2003 - 105.1.2, 2003 IFC - 105.2)

Before any hazardous materials can be stored or used the following shall occur:

1. Provide engineered plans for review and approval to include:
   a. Site Layout with all control areas.
   b. Each control area shall identify all chemicals and amounts stored or used in each control area.
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   d. Code analysis following the International Building Code (IBC) and the IFC conducted by a Fire Protection Engineer, or Chemical Engineer.
   e. All Material Data Sheets, including all mixtures.
   f. All chemicals shall be identified by their hazard classes as outlined in the IFC.
   g. All chemicals shall be identified as meeting the Mass Allowable Quantity (MAQ), or exceeding the MAQ as outlined in the IFC.
   h. Detailed construction plans for all needed permits.

2. Develop an Emergency Action Plan (EAP).

3. Provide a detailed description of all processes and storage and intended use of all chemicals.

4. Follow the following requirements in the 2003 IFC
   b. Corrosive Material for all corrosive materials chapter
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   d. Flammable Solids chapter
   e. Highly Toxic and Toxic Materials chapter
   f. Water Reactive Solids and Liquids chapter
5. The addition of any new chemicals, use of chemicals, control areas or buildings shall require the following before the storage, use or addition of buildings or products:
   a. Same requirements as in #1.
   b. An updated EAP.

The following conditions are requirements of the Public Works - Engineering Division:
1. According to the EPA's National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Industrial Uses, Thatcher Company is required to seek coverage under this permit per Part 8, Subpart I, Sector I of the MSGP.

2. The City requires the Petitioner to submit evidence of compliance with the EPA's NPDES MSGP permit for the protection of the City's Municipal Separate Storm Sewer System (MS4) and associated surface waters within the City limits.

3. A copy of the Notice of Intent (NOI) for coverage under this permit, submitted to the EPA and a copy of the required Drainage Area Site Map, to include stormwater discharge points from the property, Potential Pollutant Sources, and Erosion and Sediment Controls is required to be submitted to the City for our records.

4. This City does not administer the EPA's NPDES MSGP permit. It is the responsibility of the Petitioner to still meet all additional requirements for this permit for the EPA.

5. Maintain the National Pollutant Discharge Elimination System (NPDES) Multi Use General Permit.

The following recommended Operational Conditions shall be required for the life of the project:
1. If approved, the special use permit shall remain in effect provided that the use meets the conditions imposed by Petition SUP 19-08 and maintains a valid City of Farmington business license.

2. Any contamination/leaks/releases that occur on the property shall be reported immediately to the City's Police Department, Fire Department, Community Development - Building Inspection Division and to all relevant local, state and federal authorities.

3. The City of Farmington reserves the right to revoke this special use permit approval, by future action of the City Council, if the operations pose detrimental health impacts to the surrounding area or environment.

4. Additionally, this Special Use Permit can be revoked if any of the above conditions are not met.
AYE: Vice Chair Freeman, Commissioners Brown, Langenfeld, Mangum, and Waldroup.

NAY: None

Abstained: None

Absent: Chair Cardon, Commissioners Davis, Lockmiller, Ragsdale and Sewell.

Motion passed 5-0
3.044 acres, more or less, in the Northeast Quarter of the Northeast Quarter (NE1/4) of Section Twenty-Three (23) in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., described as follows:

BEGINNING at a point in the South line of State Highway No. 17, which point is South 89°47' East 1866.4 feet and thence South 40 feet from the Northeast corner of the 25% of said Section 23;

Thence South 89°47' East 208.2 feet along the said South line of State Highway No. 17;

Thence South 623 feet;

Thence South 82°33' West 209.8 feet;

Thence North 651 feet to the point of beginning;

EXCEPT, HOWEVER, that part conveyed to the State Highway Commission of New Mexico as recorded in Book 589, page 196 of the Records of said County, more particularly described as follows:

BEGINNING at a point for the Northeast corner of the property of the Grantor, a point on the present (1964) Southerly right of way line of State Road 17, from which point the Northeast corner of Section 23 bears North 87°06'43" East a distance of 568.49 feet;

Thence Westerly along the present (1964) Southerly right of way line of State Road 17 a distance of 210.43 feet to the Northwest corner of the property of the Grantor;

Thence Southerly along the Westerly line of said property a distance of 19.96 feet to a point on the Southerly right of way line of NNP-033-2(6), San Juan County, New Mexico;

Thence South 89°02' East 210.3 feet to a point on the Easterly line of the property of the Grantor;

Thence Easterly along said Easterly property line a distance of 19.48 feet to the point and place of beginning;

SUBJECT to taxes for the year 1972 and thereafter; reservation and/or conveyance of all oil, gas and other mineral interests hereafter made; easements filed for record with warranty covenants.

witness: the hand - and seal - this 12th day of October, 1972

(Sal) Mitchell Construction Company, Inc. (Sal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
On the foregoing instrument was acknowledged before me this 12th day of October, 1972,

Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
On the foregoing instrument was acknowledged before me this 12th day of October, 1972,

the corporation of Mitchell Construction Co., Inc.
by: J. L. Mitchell
(Title or Officer)

My commission expires:
City of Farmington Departments

<table>
<thead>
<tr>
<th>CD</th>
<th>Director – M. Holton</th>
<th>The petitioner must work closely with the Fire Marshal and Building Inspections on this petition.</th>
</tr>
</thead>
</table>
| CD | Addressing – Planning Division | 1- Before any hazardous materials can be stored.  
A - Provide engineered plans for review and approval for each control area to include:  
1- Code analysis (IFC, IBC) for each control area with the chemicals stored there.  
2- Site layout with new and existing control areas.  
3- Material data sheets.  
4- Construction plans if a building permit is needed.  
B- Provide a copy of the National Pollutant Discharge Elimination System (NPDES) Multi Use General Permit for review.  
C- Develop a Master Emergency Action Plan with the City of Farmington Fire Department. |
| CD | Chief Building Official – D. Childers | 2- Any new hazardous material stored or addition of a new control areas.  
A - Provide engineered plans for review and approval for each new control area to include:  
1- Code analysis for each control area with the chemicals stored there.  
2- Site layout with new and existing control areas.  
3- Material data sheets.  
4- Construction plans if a building permit is needed.  
B- Provide a code analysis for the control area that any new hazardous materials are stored in.  
3- Maintain the National Pollutant Discharge Elimination System (NPDES) Multi Use General Permit.  
4- Maintain the current City of Farmington adopted International Fire Code, hazardous materials storage requirements.  
5- Maintain the Master Emergency Action Plan.  
5- If the City of Farmington Fire Department implements a Hazardous Material Storage Permit, you will be required to obtain a permit and maintain it.  
6- This Special Use Permit can be revoked if any of the above conditions are not met. |

- 4.23 -
<table>
<thead>
<tr>
<th>CD</th>
<th>Long Range Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD</td>
<td>MPO</td>
</tr>
<tr>
<td>CD</td>
<td>Oil &amp; Gas Inspector – L. Simms</td>
</tr>
<tr>
<td>CITY</td>
<td>City Manager’s Office – J. Baird</td>
</tr>
<tr>
<td>ELEC</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>
</tr>
<tr>
<td>LEGAL</td>
<td>City Attorney – J. Breakell</td>
</tr>
<tr>
<td>LEGAL</td>
<td>Deputy City Attorney – E. Wayne</td>
</tr>
<tr>
<td>POLICE</td>
<td>Code Compliance – M. Romero</td>
</tr>
<tr>
<td>POLICE</td>
<td>Sergeant – P. Flores</td>
</tr>
<tr>
<td>PRCA</td>
<td>S. Reeves/ R. Crosby</td>
</tr>
<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>PW</td>
<td>Streets Superintendent</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>
</table>

**As discussed before, these types of facilities take a substantial amount of time to sort through due to the number of chemicals. We are working on that process but will not likely be complete by the 8th of February.**

A valid City of Farmington business license must be obtained before any business can be conducted.

Please provide proof of coverage under the National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Industrial uses. A copy of the Notice of Intent (NOI) and Site Map showing structures, storage areas, and stormwater discharge points needs to be submitted to the City for review.

**Other Entities**

- New Mexico Gas Company – R. Castillo
- CenturyLink – D. Willato
- Enterprise Field Services
- Comcast Cable – M. Johnson
- CH2MHILL OMI
- Surface Land Negotiator for BP – M. Venzara
- Farmington School District – C. Lyons
Farmington Fire Department
Requirements for facilities storing and using Hazardous Materials

As a contingency to acquire and maintain the Special Use Permit, the City of Farmington Fire Department sets forth the requirements outlined in the 2003 International Fire Code (IFC) to meet and maintain the minimum requirements of Hazardous Material Storage and Use. (IFC 2003 - 105.1.2, 2003 IFC - 105.2)

Before any hazardous materials can be stored or used the following shall occur:

1. Provide engineered plans for review and approval to include:
   a. Site Layout with all control areas
   b. Each control area shall identify all chemicals and amounts stored or used in each control area.
   c. Scalable with all distances for each control area from all lot lines, buildings and other control areas.
   d. Code analysis following the International Building Code (IBC) and the IFC conducted by a Fire Protection Engineer, or Chemical Engineer.
   e. All Material Data Sheets, including all mixtures.
   f. All chemicals shall be identified by their hazard classes as outlined in the IFC.
   g. All chemicals shall be identified as meeting the Mass Allowable Quantity (MAQ), or exceeding the MAQ as outlined in the IFC.
   h. Detailed construction plans for all needed permits.

2. Develop an Emergency Action Plan (EAP).

3. Provide a detailed description of all processes and storage and intended use of all chemicals.

4. Follow the following requirements in the 2003 IFC
   b. Corrosive Material for all corrosive materials chapter
   c. Flammable and Combustible Liquid chapter
   d. Flammable Solids chapter
   e. Highly Toxic and Toxic Materials chapter
   f. Water Reactive Solids and Liquids chapter

5. The addition of any new chemicals, use of chemicals, control areas or buildings shall require the following before the storage, use or addition of buildings or products:
   a. Same requirements as in #1
   b. An updated EAP.
**INFORMATION**

<table>
<thead>
<tr>
<th>Applicant's Name:</th>
<th>Joel Hunt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>311 Bloomfield Hwy</td>
</tr>
<tr>
<td>E-Mail:</td>
<td>Joel_hunter18m.com</td>
</tr>
<tr>
<td>Telephone:</td>
<td>801-645-6682</td>
</tr>
<tr>
<td>Relationship to Property Owner:</td>
<td></td>
</tr>
<tr>
<td>Employer / Project Engineer:</td>
<td></td>
</tr>
</tbody>
</table>

**Legal Description of Subject Property:**

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

If Yes, please provide copy with application.

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

<table>
<thead>
<tr>
<th>Name:</th>
<th>Nathan</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-Mail:</td>
<td><a href="mailto:nathan_derecal2@gmail.com">nathan_derecal2@gmail.com</a></td>
</tr>
<tr>
<td>Address:</td>
<td>311 Bloomfield Hwy</td>
</tr>
</tbody>
</table>

**OWNERSHIP**

<table>
<thead>
<tr>
<th>Name:</th>
<th></th>
</tr>
</thead>
</table>

**MORTGAGE HOLDERS (if any)**

**OWNER CERTIFICATION**

I certify that I am the owner and the information and exhibits herewith are true and correct to the best of my knowledge. 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.

<table>
<thead>
<tr>
<th>Owner's Signature:</th>
<th></th>
</tr>
</thead>
</table>

**STAFF USE ONLY**

- BLUERPRINT COPIES OF PLANS
- OWNERSHIP REPORT (SUBJECT AND SURROUNDING PROPERTIES)
- LEGAL DESCRIPTION
- DETAILED STATEMENT OF PROPOSED USE

Received By: [Signature]  Date: 1/1/19

Fee Received: [Signature]  Date: 1/1/19

Project File No: SUP 19-08  Hauler

Date of Hearing/Meeting: 2/14/19  3/24/19

- 4.26 -
**PETITION APPLICATION**

Incomplete applications will not be accepted.

Return completed application to:

<table>
<thead>
<tr>
<th>Planning Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Development Department</td>
</tr>
<tr>
<td>City of Farmington</td>
</tr>
<tr>
<td>800 Municipal Drive</td>
</tr>
<tr>
<td>Farmington, NM 87401</td>
</tr>
<tr>
<td>(505) 599-1317</td>
</tr>
<tr>
<td>(505) 599-1299 (fax)</td>
</tr>
</tbody>
</table>

**PROJECT TYPE (Check Those Applicable)**

- □ Annexation and/or Zoning
- □ Preliminary Plat
- □ Final Plan
- □ Zone Change to District
- □ Temporary Use Permit
- □ Proposed Length of Use:
- □ Well site equipment modification

**INFORMATION**

**Applicant's Name:** Thatcher Company, Inc.

**Project Location:** 3111 Bloomfield Hwy., Farmington, NM 87401

**Address:** 3111 Bloomfield Hwy., Farmington, NM 87401

**E-Mail:** Joel.hunt@tchem.com

**Telephone:** (801) 645-6682

**Relationship to Property Owner:** Employee / Project Manager

**Existing Use:** Truck yard

**Proposed Use:** Chemical storage

**Current Zoning:** Industrial Zone

**Assessor's Parcel I.D. and/or Tax I.D. Number:**

**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:** Nathan Bergal

**E-Mail:** nathan.bergal@tchem.com

**Phone:** (505) 386-9189

**Address:** 3111 Bloomfield Hwy., Farmington, NM 87401

**OWNERSHIP**

**PROPERTY OWNER (Identify General Partners, Managing Person, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase):**

**MORTGAGE HOLDERS (if any):**

**Name:** Thatcher Company, Inc.

**Phone:** (801) 972-4587

**Name:**

**Phone:**

**Address:** P. O. Box 27407, Salt Lake City, UT 84127-0407

**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 due without the consent of all persons in interest the requested action cannot lawfully be accomplished. I grant my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. The City's application will generally be reviewed by City Council at their next regular session following the P&Z review.

**Name:** Craig N. Thatcher

**Address:** P. O. Box 27407, Salt Lake City, UT 84127-0407

**Owner's Signature:**

**Owner's Email:** craig.thatcher@tchem.com

**Phone / Email:** (801) 972-4587

**STAFF USE ONLY ****

- □ Blueline Copies of Plans
- □ Ownership Report (subject and surrounding properties)
- □ Legal Description
- □ Detailed Statement of Proposed Use

Received By

Fee Received

Project File No.

Date of Hearing/Meeting:
Thatcher Company

Special Use Permit Application

Section D: Project Description

Thatcher Company requests a Special Use Permit to conduct our business of chemical storage and distribution to customers in and around Farmington, NM. We provide a valuable service to industry and to our community.

Values

Thatcher Company has core values that underscore all our business and community decisions. Please refer to our Statement of Values, herein attached.

Products and Materials

A map of our chemical storage areas is provided as part of our SUP request.

Primary storage of hazardous material products will be outdoors in IBC (Intermediate Bulk Container) Totes within IFC-compliant containment control areas. Products will be loaded and unloaded from flatbed and van trucks via a forklift to service customers in the local area.

Thatcher will store limited quantities of non-flammable raw materials and finished products in drums, bags and boxes per customer specifications in our warehouse.

Our operation will also include 1 - 21,000-gallon, mobile frac tank within an IFC-compliant containment area for 28% Hydrochloric Acid storage. We will pump load bulk tanker trucks with this product. Loading operations will be conducted in a closed-loop circuit manner with an integrated air recovery scrubber unit.

We will also have 4 - 21,000-gallon mobile frac tanks for storage of a non-hazardous liquid. We will pump load bulk tanker trucks with this product.

Raw materials and finished products will be brought into and out of the facility using local trucking carriers, as well as Thatcher of Farmington, NM employees.

All products have Safety Data Sheets available.

Employee Facilities

Adjacent to our warehouse facility is our branch office for personnel to utilize office space, eating and meeting areas, and common use areas. These areas include 1 reception area, 4 personnel office spaces, a common lunch room, two unisex bathrooms, and a driver’s common area. Parking is provided for within our facility.
IFC Code was interpreted to classify, store, located, and contain approx. 61 different materials on the Farmington New Mexico address 3111 Bloomfield Highway. This informal letter is to describe the steps taken to interpret and implement IFC code.

Each material planned to be on the mentioned site was classified as Flammable, Toxic, Highly Toxic, or Non-Hazardous.

**Flammable Materials**

According to IFC (Chapter 2) flammables are classified according to their flash and boiling point temperatures, shown in the table below.

<table>
<thead>
<tr>
<th>IFC Classification system (chapter 2 general def)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class II</td>
</tr>
<tr>
<td>Class IIIA</td>
</tr>
<tr>
<td>Class IIIB</td>
</tr>
</tbody>
</table>

Flammable Liquid Classification

| Class IA | Liquids having a flash point below 73F and a boiling point below 100F |
| Class IB | Liquids having a flash point below 73F and a boiling point above 100F |
| Class IC | Liquids having a flash point at or above 73F and a boiling point below 100F |

Storage Requirements for the corresponding classified materials were given in table 5704.4.2 and is shown below.

<table>
<thead>
<tr>
<th>Storage Requirements 5704.4.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (gal)</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Height (ft)</td>
</tr>
<tr>
<td>Minimum Distance between piles (ft)</td>
</tr>
<tr>
<td>Minimum Distance to property line (ft)</td>
</tr>
<tr>
<td>Minimum Distance to street or public way (ft)</td>
</tr>
</tbody>
</table>

**Toxic Materials**

According to IFC (Chapter 2 under toxic) Toxic materials are classified according to timed animal exposure. In order to classify a material as toxic it must fall within 1 or more of the 3 guidelines.

1. Has a median lethal dose (LD50) of more than 50mg/kg, but not more than 500 mg/kg, by body weight of rat (orally administered).
2. A median lethal concentration (LC50) in air of more than 200ppm, not more than 2000ppm, of gas vapor, or more than 2mg/L, but not more than 20mg/L of mist, fume or dust, with continuous inhalation for 1hr for rats.
3. A median lethal dose (LD50) of more than 200mg/kg, but not more than 1000mg/kg, of body weight with continuous skin contact for 24hrs for rabbits.

**Highly Toxic Materials**

According to IFC (Chapter 2 under highly toxic) Highly Toxic materials are classified according to timed animal exposure. In order to classify a material as Highly Toxic it must fall within 1 or more of the 3 guidelines.

1. Has a median lethal dose (LD50) of more than 50mg/kg, or less by body weight of rat (orally administered).
2. A median lethal concentration (LC50) in air of more than 200ppm or less of gas vapor, or more than 2mg/L or less of mist, fume or dust, with continuous inhalation for 1hr for rats
3. A median lethal dose (LD50) of more than 200mg/kg or less of body weight with continuous skin contact for 24hrs for rabbits.

**Outdoor Storage in amounts exceeding the maximum allowable quantity per pile**

5004.2 Spill control and secondary containment for liquid and solid hazardous waste. Rooms, buildings or areas used for storage of liquid or solid shall be provided with spill control and secondary containment in accordance with 5004.2.1-5004.2.3

5004.2.1. Spill control for hazardous material liquids. Rooms, buildings or areas used for the storage of hazardous material liquids in individual vessels having a capacity of more than 55 gallons, or in which the aggregate capacity of multiple vessels exceeds 1000 gallons shall be provided with spill control to prevent the flow of liquids to adjoining areas.

Floors in indoor locations and similar surfaces in outdoor location shall be constructed to contain a spill for the largest single vessel by one of the following methods.

1. Liquid tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid tight floors in indoor locations or similar areas in outdoor locations provided with liquid tight raised or recessed sills or dikes
3. Sumps and collection systems
4. Other approved engineered systems

5004.2.2.4. Outdoor design. Secondary containment for outdoor storage areas shall be designed to contain a spill from the largest individual vessel. If the area is open to rainfall, secondary containment shall be designed to include the volume of a 24 hour rainfall as determined by a 25 year storm and provisions shall be made to accumulations of groundwater and rain water.

5004.2.2.5. Monitoring. An approved monitoring method shall be provided to detect hazardous materials in the secondary containment system. the monitoring method is allowed to be visual inspection of the primary or secondary containment, or other approved means. Where secondary containment is the subject to the intrusion of water, a monitoring method for detecting water shall be provided.
Containment calculation

Class 1 A-total of 2200 gallon storage
12' x 12' x 4" containment with 2 piles with 1100 gallons storage separated by at least 5'

Class 1 B-total of 8500 gallon storage
15' x 32' x 4" containment with 4 piles with 2200 gallons storage each separated by at least 5'

Class 1 C-total of 8800 gallon storage
15' x 32' x 4" containment with 2 piles with 4400 gallons storage separated by at least 5'

Class 2-total of 8800 gallon storage
12' x 20' x 4" containment with 1 pile with 3500 gallons storage

Class 3-total of 8250 gallon storage
12' x 30' x 4" containment with 1 pile with 8250 gallons storage

Corrosives-total of 27,500 gallon storage
20' x 50' x 4" containment with 1 pile with 100 totes

28% HCL storage in Lined Frac Tank (21000 gal)
55' x 55' x 1' leveled area lined/welded with HDPE to fully contain tank (22,627 gal)
<table>
<thead>
<tr>
<th>Product Name</th>
<th>Volume (V)</th>
<th>Quantity (Q)</th>
<th>Working Vol (W)</th>
<th>Mass Flow Rate (G)</th>
<th>Flash Point (f)</th>
<th>Boiling Point (F)</th>
<th>Flammable Classification</th>
<th>Toxicity Class (T)</th>
<th>Quantity of UCLs</th>
<th>IPC Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>41 Sodium Nitrate</td>
<td>1833</td>
<td>8.971</td>
<td>151</td>
<td>0.02 V</td>
<td>3.00 V</td>
<td>0.05 V</td>
<td>Not Toxic</td>
<td>Class A</td>
<td>0.5</td>
<td>Class IA</td>
</tr>
<tr>
<td>31 Sodium Thiosulfate</td>
<td>8636</td>
<td>8.876</td>
<td>1151</td>
<td>0.02 V</td>
<td>2.00 V</td>
<td>0.05 V</td>
<td>Toxic</td>
<td>Class IA</td>
<td>1.0</td>
<td>Class IA</td>
</tr>
<tr>
<td>32 Sodium Trichloroacetate</td>
<td>8636</td>
<td>8.876</td>
<td>1151</td>
<td>0.02 V</td>
<td>2.00 V</td>
<td>0.05 V</td>
<td>Toxic</td>
<td>Class IA</td>
<td>1.0</td>
<td>Class IA</td>
</tr>
<tr>
<td>33 Sodium Chlorate</td>
<td>8636</td>
<td>8.876</td>
<td>1151</td>
<td>0.02 V</td>
<td>2.00 V</td>
<td>0.05 V</td>
<td>Toxic</td>
<td>Class IA</td>
<td>1.0</td>
<td>Class IA</td>
</tr>
<tr>
<td>34 Sodium Hypochlorite</td>
<td>8636</td>
<td>8.876</td>
<td>1151</td>
<td>0.02 V</td>
<td>2.00 V</td>
<td>0.05 V</td>
<td>Toxic</td>
<td>Class IA</td>
<td>1.0</td>
<td>Class IA</td>
</tr>
<tr>
<td>35 Sodium Hypochlorite</td>
<td>8636</td>
<td>8.876</td>
<td>1151</td>
<td>0.02 V</td>
<td>2.00 V</td>
<td>0.05 V</td>
<td>Toxic</td>
<td>Class IA</td>
<td>1.0</td>
<td>Class IA</td>
</tr>
<tr>
<td>36 Sodium Hypochlorite</td>
<td>8636</td>
<td>8.876</td>
<td>1151</td>
<td>0.02 V</td>
<td>2.00 V</td>
<td>0.05 V</td>
<td>Toxic</td>
<td>Class IA</td>
<td>1.0</td>
<td>Class IA</td>
</tr>
<tr>
<td>37 Sodium Hypochlorite</td>
<td>8636</td>
<td>8.876</td>
<td>1151</td>
<td>0.02 V</td>
<td>2.00 V</td>
<td>0.05 V</td>
<td>Toxic</td>
<td>Class IA</td>
<td>1.0</td>
<td>Class IA</td>
</tr>
<tr>
<td>38 Sodium Hypochlorite</td>
<td>8636</td>
<td>8.876</td>
<td>1151</td>
<td>0.02 V</td>
<td>2.00 V</td>
<td>0.05 V</td>
<td>Toxic</td>
<td>Class IA</td>
<td>1.0</td>
<td>Class IA</td>
</tr>
<tr>
<td>39 Sodium Hypochlorite</td>
<td>8636</td>
<td>8.876</td>
<td>1151</td>
<td>0.02 V</td>
<td>2.00 V</td>
<td>0.05 V</td>
<td>Toxic</td>
<td>Class IA</td>
<td>1.0</td>
<td>Class IA</td>
</tr>
<tr>
<td>40 Sodium Hypochlorite</td>
<td>8636</td>
<td>8.876</td>
<td>1151</td>
<td>0.02 V</td>
<td>2.00 V</td>
<td>0.05 V</td>
<td>Toxic</td>
<td>Class IA</td>
<td>1.0</td>
<td>Class IA</td>
</tr>
</tbody>
</table>
Process Description – 3111 Bloomfield Hwy, Farmington, New Mexico

The HCl transloading process in Farmington, New Mexico will be comprised of the following safety and loading equipment:

- Thatcher HCl transloading facility:

  Thatcher is planning to install a containment structure for storage of two (2) HCl storage tanks and two - four (2-4) solvent tanks. Product will be transferred from tank trailers to the storage tanks using the best available technology (BAT). Material from the storage tanks will be loaded along with additives as required by our customers on a case by case basis. The permanent secondary containment structure will be designed to hold 110% of the largest tank.

  The containment structure will also contain one or more HCl pumps, solvent pumps, level controllers and alarms, a scrubber for collection of fugitive emissions, an air compressor and air dryer, lighting, catwalk and loading platforms.

- Recirculation / Recovery Scrubber unit

  The recirculation / recovery scrubber unit selected for our HCl transloading process will collect and return product to a scrubber sump tank using either a high energy venturi or packed bed scrubber. This unit increases the process efficiency by enhancing process conversion and reducing waste. The recovery unit operation is integrated with that of the sump tank to capture fugitive emissions during the transloading of HCl.

  For our initial start-up activity (5-6 months while permanent structure is built), we will use a 21,000-gal lined acid tank for storage of HCl, along with an integrated loadout/scrubber transloader, both placed upon containment pads.
- Truck scale

Thatcher will employ a truck scale to measure for trade all finished products, HCL, solvents and raw materials. The scale will be installed and maintained per local regulations. All trucks will be scaled in and out upon arrival and after loading. A tare, gross and net weight will be kept for each transaction.

- UL-142 Solvents

Thatcher will install the solvent tanks within regulations as listed in the UL-142 code employing grounding and loading provisions therein. All tanks, piping and loading / unloading facilities for solvent tanks will be properly grounded.

- Warehousing facilities

Thatcher will store and warehouse raw materials and finished products in drums and totes as required to manufacture and provide customer sales. All products will have SDS available and be stored in provisions as required by code.

- Polymer Transloading

Thatcher will be storing and transloading polymer at this facility...bulk loads in and bulk loads out. We will likely have 5-21,000 gal Frac tanks in use for this nonhazardous material.
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. SUP 19-08 - a request from Joel Hunt with Thatcher Chemical, represented by Nathan Bergal, for outside storage of hazardous materials in the IND, Industrial District for property located at 3111 Bloomfield Highway, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the NE/4SE/4 of Section 23, Township 29 North, Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico, Book 163, page 196. Otherwise located at 3111 Bloomfield Highway

Petition No. SUP 19-12 - a request from Francisco Gutierrez for a zone change from GC, General Commercial, to MU, Mixed Use, to allow for new residential construction for property located at 814 W. Murray Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the SE/4SE/4SW/4 of Section 15, in Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico, Otherwise known as 814 E. Murray Drive

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, March 14, 2019 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, March 26, 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. SUP 19-08

February 20, 2019

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 Joel Hunt with Thatcher Chemical, represented by Nathan Bergal, for outside storage of hazardous materials for property located at 3111 Bloomfield Highway, in the IND, Industrial District, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the NE/4NE/4 of Section 23, Township 29 North, Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico, Book 1638, page 196.

Otherwise known as 3111 Bloomfield Highway

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, March 14, 2019 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, March 26, 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 Northeast Quarter of the Northeast Quarter (NE\4NE\4) of Section Twenty-Three (23) 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 a point in the South line of State Highway No. 17, which point is South 89°47' East 1866.4 feet and South 40 feet from the Northwest corner of the NE\4 of said Section 23;

THENCE South 89°47' East 208.2 feet along the said South line of State Highway No. 17;

THENCE South 62°33' feet;

THENCE South 82°33' West 209.8 feet;

THENCE North 65°1 feet to the point of beginning;

EXCEPT, HOWEVER, the part conveyed to the State Highway Commission of New Mexico as recorded in Book 589, page 196 of the Records of said County, described as follows:

BEGINNING at a point for the northeast corner of the property of the Grantor, a point on the present (1964) Southerly right of way line of State Road 17, from which point the northeast corner of Section 23 bears North 87°06'43" East a distance of 568.49 feet;

THENCE Westerly along the present (1964) Southerly right of way line of State Road 17 a distance of 210.43 feet to the Northwest corner of the property of Grantor;

THENCE Southerly along the Westerly line of said property a distance of 19.96 feet to a point on the Southerly right of way line of NMP F-073-2(6) San Juan County, New Mexico;

THENCE South 89°02' East along said Southerly right of way line 210.3 feet to a point on the Easterly line of the property of the Grantor;

THENCE Northerly along said Easterly property line 19.48 feet to the point of beginning.

TRACT 1

Thatcher Company, Inc
1905 Fortune Road
Salt Lake City, UT 84104

That part of the NE\4NE\4 of Section 23, Township 29 North, Range 13 West, N. M. P. M., San Juan County, New Mexico.

Book 1638, page 196

TRACT 2

William F. Clark
P.O. Box 1979
Farmington, NM 87400

That part of the NE\4NE\4 of Section 23, Township 29 North, Range 13 West, N. M. P. M., San Juan County, New Mexico.

Book 1549, page 426

TRACT 3

GO International Inc.
Assessed as Geerhart Industries Inc.
P.O. Drawer 1431
Duncan, OK 73536

That part of the SE\4SE\4 of Section 14, Township 29 North, Range 13 West, N. M. P. M., San Juan County, New Mexico.

Book 720, page 551
TRACT 4
San Juan College
4601 College Boulevard
Farmington, NM 87401

TRACT 5
James Tabet
10110 East Paradise Drive
Scottsdale, AZ 85260

TO: January 18, 2019, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

[Signature]
By Lorraine Austin, Abstractor
RESOLUTION NO. 2019-1704

A RESOLUTION APPROVING THE FOURTH REVISION TO THE FY2019 BUDGET
AND REQUESTING STATE APPROVAL

WHEREAS, the City Council of the City of Farmington hereby finds
that it is necessary and proper to make this fourth revision to the
City's FY2019 budget due to various revenue and expense budget
adjustments; and

WHEREAS, revenue will be increased by $116,334 for a total revenue
budget of $232,124,698 and expenditures will increase by $759,305 for a
total expenditure budget of $281,803,330; and

WHEREAS, the City has sufficient financial resources to fund this
revision; and

WHEREAS, it is necessary to submit these budget adjustments to the
New Mexico Department of Finance and Administration for review and
approval.

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

That the attached fourth revision to the City of Farmington's
FY2019 Budget is hereby approved; and

That a copy of this Resolution and the approved budget revision
shall be forwarded to the Department of Finance and Administration for
state review and approval.

PASSED, SIGNED, APPROVED AND ADOPTED this 26th day of March, 2019.

Nate Duckett, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk
<table>
<thead>
<tr>
<th>FUND TITLE</th>
<th>UNAUDITED BEGINNING</th>
<th>BUDGETED REVENUES</th>
<th>BUDGETED TRANSFERS</th>
<th>BUDGETED EXPENDITURES</th>
<th>ESTIMATED ENDING FUND CASH BALANCE</th>
<th>LOCAL RESERVES UNAVAILABLE FOR BUDGETING</th>
<th>ADJUSTED ENDING CASH RESERVES</th>
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<tr>
<td>General Fund</td>
<td>101</td>
<td>10,028,351</td>
<td>54,677,972</td>
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<td>GRT-Streets</td>
<td>201</td>
<td>2,366,116</td>
<td>8,338,151</td>
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<td>GRT-Parks</td>
<td>202</td>
<td>610,361</td>
<td>2,626,239</td>
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<td>Community Transformation and Economic Diversification</td>
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<td>-</td>
<td>1,596,257</td>
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<td>Library Gifts and Grants</td>
<td>213</td>
<td>290,251</td>
<td>147,582</td>
<td>-</td>
<td>362,397</td>
<td>75,436</td>
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<td>Parks/Rec Gifts and Grants</td>
<td>214</td>
<td>294,925</td>
<td>62,624</td>
<td>(41,970)</td>
<td>141,604</td>
<td>174,035</td>
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<td>Museum Gifts and Grants</td>
<td>217</td>
<td>223,036</td>
<td>90,200</td>
<td>-</td>
<td>121,500</td>
<td>191,736</td>
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<td>Red Apple Transit</td>
<td>221</td>
<td>48,861</td>
<td>1,248,497</td>
<td>418,536</td>
<td>1,703,389</td>
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<td>General Gouv'n Grants</td>
<td>222</td>
<td>(56,714)</td>
<td>638,726</td>
<td>60,114</td>
<td>642,126</td>
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<td>CDBG Grants</td>
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<td>91,543</td>
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<td>Convention Center Fees</td>
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<td>287,283</td>
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<td>126,500</td>
<td>237,139</td>
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<td>-</td>
<td>136,684</td>
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<td>Region II Narcotics</td>
<td>246</td>
<td>(29,249)</td>
<td>436,502</td>
<td>30,000</td>
<td>437,252</td>
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<td>COPS Grant</td>
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<td>62,267</td>
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<td>Law Enforcement Block Grant</td>
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<td>73,035</td>
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<td>73,035</td>
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<td>State Fire</td>
<td>250</td>
<td>123,334</td>
<td>1,145,194</td>
<td>(125,455)</td>
<td>1,143,073</td>
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<td>Penalty Assessment</td>
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<td>9,229</td>
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<td>155,100</td>
<td>9,229</td>
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<td>Public Works Capital Grants</td>
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<td>413,304</td>
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<td>GRT 2017/2018 Capital Bond Proj</td>
<td>403</td>
<td>13,960,034</td>
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<td>-</td>
<td>13,876,377</td>
<td>83,656</td>
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<td>General Gouv'n Fund 408</td>
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<td>-</td>
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<td>534,190</td>
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<td>Airport Grants</td>
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<td>(859,490)</td>
<td>2,368,740</td>
<td>90,750</td>
<td>1,600,000</td>
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<td>MRA</td>
<td>411</td>
<td>407,539</td>
<td>51,000</td>
<td>(8,840)</td>
<td>450,999</td>
<td>11,000</td>
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<td>Parks Development Fees</td>
<td>412</td>
<td>147,329</td>
<td>8,000</td>
<td>28,776</td>
<td>173,029</td>
<td>9,076</td>
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<td>Convention Center Capital Project</td>
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<td>-</td>
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<td>Sales Tax Bond Retirement</td>
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<td>201,322</td>
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<td>Electric Enterprise</td>
<td>601</td>
<td>64,139,914</td>
<td>98,456,366</td>
<td>(4,714,148)</td>
<td>109,501,004</td>
<td>48,381,128</td>
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<td>Water Enterprise</td>
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<td>19,171,313</td>
<td>27,276,618</td>
<td>(1,195,231)</td>
<td>31,471,876</td>
<td>13,780,824</td>
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<tr>
<td>Wastewater Enterprise</td>
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<td>12,916,984</td>
<td>12,145,148</td>
<td>(521,846)</td>
<td>18,063,525</td>
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<td>Sanitation Enterprise</td>
<td>604</td>
<td>821,652</td>
<td>6,058,000</td>
<td>(600,000)</td>
<td>5,752,879</td>
<td>556,773</td>
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<td>Health Insurance</td>
<td>701</td>
<td>2,806,200</td>
<td>9,804,000</td>
<td>-</td>
<td>10,681,204</td>
<td>1,926,266</td>
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</table>

| Page Total                                     | 134,924,612        | 232,124,698       | -                | 281,803,330          | 85,245,960                       | 22,762,037                               | 62,483,343                         |
## FY2019 Budget Revision #4

### Program/Project Details

<table>
<thead>
<tr>
<th>#</th>
<th>Fund</th>
<th>Program/Project</th>
<th>Dept/Division</th>
<th>Account #</th>
<th>Revenue</th>
<th>Expenditures</th>
<th>DFA Fund</th>
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<tbody>
<tr>
<td>1</td>
<td>204</td>
<td>Lake Farmington Shade Structures, Marketing Material and Message Boards (Approved by Council on 2/19/19)</td>
<td>Community Transformation and Economic Diversification GRT Fund</td>
<td>204-3512-453.70-70</td>
<td>375,548</td>
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<td>299</td>
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</tbody>
</table>

Budget Council approved projects for the Community Transformation and Economic Diversification GRT Fund.

<table>
<thead>
<tr>
<th>#</th>
<th>Fund</th>
<th>Program/Project</th>
<th>Dept/Division</th>
<th>Account #</th>
<th>Revenue</th>
<th>Expenditures</th>
<th>DFA Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>213</td>
<td>Library Strategic Plan</td>
<td>Library Gifts and Grants Fund</td>
<td>213-1515-412.30-11</td>
<td>50,878</td>
<td>-</td>
<td>299</td>
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</table>

Budget Civic Center and Library projects from designated funding sources.

- Fire Department Grant Revenue (NMDOT, Running Horse Pipeline, Insert 101 Receivable MZ Ways)
- Fire Department Grant Expenditure - Training reimbursement

- General Fund
- General Fund

- 101
- 101

Grant award and donation/gift adjust to actual.
RESOLUTION NO. 2019-1705


WHEREAS, Sections 10-15-1 through 10-15-4 NMSA 1978 Compilation require that affected public bodies determine annually in a public meeting, the notice which shall be given of public meetings and the reasonableness thereof; and

WHEREAS, the Farmington City Council has considered annually in a public meeting, as required by such statutes, what notice shall be reasonable when applied to meetings of the City of Farmington City Council and its boards, commissions, or policy making bodies and has further determined that procedures heretofore established under Resolution No. 2013-1466, for notice of public meetings should be continued in effect.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON:

1. That the City of Farmington City Council does hereby find and determine that the procedures established for giving notice of public meetings in Resolution No. 2013-1466, as ratified, heretofore passed, approved, and adopted by the City Council of the City of Farmington, constitute reasonable notice of public meetings for the formation of public policy within the intent, purpose, and meaning of Sections 10-15-1 through 10-15-4 NMSA 1978 Compilation.

2. That the City of Farmington City Council does hereby establish, ratify, and confirm the provisions of Resolution No. 2013-1466, as the manner and method for giving reasonable notice of public meetings for the City Council of the City of Farmington and for each of its boards, commissions, committees, or policy making bodies.

3. That Resolution No. 2013-1466 of the City of Farmington, heretofore adopted on April 23, 2013, be, and the same hereby is readopted, passed, and approved as though here set forth verbatim and effective on the date hereof, as the proper manner, method, and procedure for giving notice of public meetings of the City of Farmington.

4. That all notices given and meetings held heretofore under the provisions of Resolution No. 2013-1466 be, and the same hereby are, ratified and approved.

PASSED, APPROVED, SIGNED AND ADOPTED this 26th day of March, 2019.

Nate Duckett, Mayor

Dianne Smylie, City Clerk
A RESOLUTION ESTABLISHING THE PROCEDURES TO BE FOLLOWED AND
NOTICE TO BE GIVEN IN REGARD TO PUBLIC MEETINGS OF THE CITY
OF FARMINGTON PERSUASANT TO THE PROVISIONS OF THE OPEN
MEETINGS ACT AND REPEALING PRIOR INCONSISTENT RESOLUTIONS
PENDING TO OPEN MEETINGS IN THE CITY OF FARMINGTON.

WHEREAS, the New Mexico Legislature enacted Laws 1974, Chapter 91,
commonly referred to as the Open Meetings Act and codified in our present
statutes at Section 10-15-1 NMSA 1978 et seq.; and

WHEREAS, the City Council of the City of Farmington, pursuant to
said law, has adopted Resolution No. 753, Resolution No. 75-101,
Resolution No. 84-781 and Resolution 96-844, in addition to other
resolutions establishing appropriate notice of public meetings; and

WHEREAS, it is necessary to update such resolutions and incorporate
in a resolution some of the changes that have occurred in regard to the
Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF
FARMINGTON;

SECTION 1. Declarations.

A. The City Council of the City of Farmington hereby declares
and determines that notice, and the provisions for giving of notice as
herein provided, are reasonable within the intent and purpose of the Open
Meetings Act (Section 10-15-1 NMSA 1978) to insure that the discussion of
public policy and the conduct of City business shall be conducted in
meetings open to the public.

B. The City Council further declares and directs that the
procedures contained in this resolution shall apply to the City Council
of the City of Farmington and to each board, commission, committee or
other policy-making body of the City of Farmington which falls within the
provisions of such Open Meetings Act in order to provide clarity and
uniformity in the transaction of City business.

C. Pursuant to the provisions of the Open Meetings Act, the City
Council shall determine at least annually in a public meeting what notice
of public meetings shall be reasonable when applied to the City and its
policy-making bodies. One of the purposes of this resolution is to
establish the annual determination of notice required for public meetings
of the City and its policy-making bodies for the upcoming year. Future
determinations shall be made by annual resolution.

SECTION 2. Notice of Regular Meetings - Minimum Standards.

A. Establishment of Regular Meeting Dates, Time and Places.

The City Council and each board, commission, committee or other
public body of the City shall, not less than once each year, at a regular
meeting of such body, notice of which shall have been given in accordance
with the provisions of this resolution, establish a regular meeting day,
time and place.

B. Preparation and Review of List or Schedule of Regular
Meetings.

1. The City Attorney, with the advice and assistance of the City
Clerk, shall annually prepare a list of all boards, commissions,
committees and policy-making bodies of the City of Farmington which come
within the provisions of the Open Meetings Act and shall provide such
list to the City Clerk who shall post a copy as provided in Paragraph C
below.

2. The list or schedule so prepared by the City Attorney shall
include the name of each public body, the day, time, and place of the
regularly scheduled meeting of each such body and the place at which a
copy of the agenda of each regular meeting of each such body may be
inspected at least seventy-two (72) hours in advance of such meeting by
any interested person.
3. The City Attorney shall revise such schedule or list from
time to time as may be necessary by addition, deletion or change in order
that it shall be kept current at all times and shall properly reflect the
regularly scheduled meetings of all affected public bodies of the City.
Notice of any such addition, deletion or change of a regularly scheduled
meeting shall be posted as provided below and published in a newspaper of
general circulation in San Juan County, New Mexico.

C. Posting of Schedule of Regular Meetings.

1. The City Clerk shall permanently post the schedule of regular
meetings on the bulletin board at the entrance to the council City
Council Chambers in the Municipal Building, 800 Municipal Drive,
Farmington, New Mexico, so that it shall be available for inspection by
members of the public during regular City business hours. The City
Attorney shall also publish such schedule not less than once each year in
a newspaper of general circulation in San Juan County, New Mexico. The
schedule of regular meetings will also be posted on the City's internet
web site.

2. The posting of such schedule shall constitute reasonable
notice of the regular meetings of each public body named therein for the
purpose of the Open Meetings Act.

D. Regular Meeting Agendas.

Agendas containing a list of specific items of business to be
discussed or transacted at the meeting shall be prepared for each and
every regular public meeting held by the City's public bodies covered by
this resolution. Such agendas shall be available for public inspection
and use at least seventy-two (72) hours in advance of each regular
meeting of such public bodies at the place shown on the list or schedule
of regular meetings posted pursuant to paragraph C above. No action
will be taken on any item not on the agenda unless such action pertains to an
emergency as defined in the Open Meetings Act.

SECTION 3. Notice of Special Meetings - Minimum Standards.

A. Notice of a special meeting of any board, commission,
committee or other public body of the City which falls within the
provisions of the Open Meetings Act shall be given by posting a notice of
such special meeting on the bulletin board described in Section 2,
Paragraph C above, by faxing or emailing the notice to all newspapers of
general circulation in the City of Farmington and to all commercial
broadcasting stations with offices within the City limits of the City of
Farmington, and by posting such notice on the City's internet web site
not less than seventy-two (72) hours prior to the commencement of such
special meeting. Where time allows, notice of such special meetings
shall also be given by publication in a newspaper of general circulation
on or before the date of the meeting.

B. Any such notice of a special meeting shall specify the name
of the body affected, and shall contain the date, time, and place of such
meeting, and shall specify that the meeting is a special meeting of such
body.

C. Notice given as aforesaid shall constitute reasonable notice
of the special meeting of such body for the purpose of the Open Meetings
Act.

D. Agendas for special meetings shall be available at the place
shown on the list or schedule of regular meetings described in Section 2
above and posted on the City's internet web site at least seventy-two (72)
hours in advance of the special meeting.

SECTION 4. Recessed Meetings - Notice Thereof.

In the event any regular or special meeting of the City Council or
any board, commission, committee or other public body of the City of
Farmington subject to the Open Meetings Act is recessed, notice of the
date, time, and place for the reconvention of such meeting shall be
posted on or near the door of the place where the original meeting was
held and on the bulletin board described in Section 2, Paragraph C above.
SECTION 5. Additional Notice.

Nothing herein shall prevent the use of means or methods of giving notice of regular or special meetings in addition to any means or methods provided by Sections 2, 3 or 4 of this resolution.


A. Except as provided in Paragraph B below, notice of an emergency meeting of any board, commission, committee or other public body of the City which falls within the provisions of the Open Meetings Act shall be given by posting a notice of such emergency meeting on the bulletin board described in Section 2, Paragraph C above, posting a notice on the City's internet web site, by faxing or emailing the notice to all newspapers of general circulation in the City of Farmington and by faxing or emailing the notice to all commercial broadcasting stations with offices within the City limits of the City of Farmington not less than twenty-four (24) hours prior to the scheduled commencement of such emergency meeting. Any such notice of an emergency meeting shall specify the name of the body affected, and shall contain the date, time, and place of such meeting, and shall specify that the meeting is an emergency meeting of such body. Notice given as aforesaid shall constitute reasonable notice of the special meeting of such body for the purpose of the Open Meetings Act.

B. No resolution, rule, regulation or formal action adopted or taken by the City Council, at any public meeting of the City Council dealing with an emergency declared by the mayor, mayor pro-tem, or acting mayor of the City of Farmington, New Mexico, to be an emergency, is required to comply with the foregoing notice requirements of this resolution. As used herein, "emergency" refers to unforeseen circumstances that, if not addressed immediately, will likely result in injury or damage to persons or property or substantial financial loss to the City. Reasonable public notice as to any resolution, rule or regulation, or formal action adopted or taken by the City Council dealing with such emergency shall be deemed to be given by the declaration of the emergency by the mayor, mayor pro-tem, or acting mayor, which declaration shall constitute part of the minutes of the meeting at which the resolution, rule, regulation or formal action dealing with the emergency is adopted or undertaken by the City Council. No further notice shall be required for action on any resolution, rule, regulation or formal action dealing with an emergency as described in this paragraph. If any such action as described in this paragraph is taken, such action and the circumstances creating the emergency shall be reported to the attorney general of the state of New Mexico within ten (10) days of such action as required by the Open Meetings Act.

SECTION 7. Minutes.

Pursuant to the requirements of the Open Meetings Act, the City Council and any board, commission, committee or other policy-making body of the City shall keep written minutes of all of its meetings. The minutes shall include at a minimum the date, time, and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered, and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten (10) working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policy-making body.

SECTION 8. Closed Meetings.

A. Meetings of the City Council or any board, commission, committee or other policy-making body may be closed pursuant to the provisions of the Open Meetings Act upon a finding that the matter to be discussed is within one of the exceptions to the Open Meetings Act allowing meetings to be closed.

B. If any meeting is closed pursuant to this section, such closure shall be made in accordance with the provisions of the Open Meetings Act. No matter may be discussed during any closed meeting unless such matter falls under one of the exceptions to public meetings as provided in the Open Meetings Act.
C. Notice of closed meetings shall be given in the same manner as those for regular or special meetings of such public bodies as provided in this resolution. No closed meeting of any public, policy-making body of the City of Farmington shall be conducted or held without such notice except in the event of an emergency as described in Section 6 above.

SECTION 9. Relationship to State Law.

In the event of any conflict between the language of this resolution and the language of the New Mexico Open Meetings Act as described herein, the provisions of the Open Meetings Act shall be paramount and shall supersede.

SECTION 10. Repealer.

This section supersedes and repeals Resolution No. 753, Resolution No. 79-101, Resolution No. 94-781, Resolution No. 96-844 and all other resolutions dealing specifically with notice to be given for meetings of the City Council and other policy-making bodies of the City which are inconsistent with this resolution. All by-laws, orders and resolutions, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any by-law, order or resolution or parts thereof, heretofore repealed.

PASSED, APPROVED, SIGNED AND ADOPTED this 23rd day of April, 2013.

[Signature]
Tommy Roberts, Mayor

SEAL

ATTEST:

[Signature]
Dianne Fuhrman, City Clerk

- 6.4 -
ORDINANCE NO. 2019-

AN ORDINANCE AMENDING CHAPTER 22, BY ADDING A NEW ARTICLE 8, ENTITLED "WIRELESS COMMUNICATION FACILITIES"; PROVIDING DEFINITIONS; PROVIDING FOR PERMITS; AND PROVIDING FOR SEVERABILITY

WHEREAS, the City of Farmington ("City") desires to encourage wireless infrastructure investment by providing a fair and predictable process for the deployment of small wireless facilities, while enabling the City to promote the management of the rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the City recognizes that small wireless facilities are critical to delivering wireless access to advanced technology, broadband and 9-1-1 services to homes, businesses and schools within the City; and

WHEREAS, the City acknowledges that small wireless facilities, including facilities commonly referred to as small cells, often may be deployed most effectively in the public rights-of-way; and

WHEREAS, the City intends to fully comply with State and federal law; and

WHEREAS, federal laws and regulations, wireless technology and consumer usage have reshaped the environment within which wireless communication facilities are permitted and regulated.

NOW, THEREFORE, BE IT ORDAINED by the City of Farmington, New Mexico that Chapter 22, shall be amended by adding Article 8, Wireless Communication Facilities as follows:

Sec. 22-8-1 Purpose.

(a) To establish policies and procedures for the placement of small wireless facilities in rights-of-way within the City, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City rights-of-way and the City as a whole;

(b) To prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;

(c) To prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;

(d) To prevent interference with the facilities and operations of facilities lawfully located in rights-of-way;

(e) To preserve the character of the neighborhoods in which facilities are installed;

(f) To facilitate rapid deployment of small wireless facilities to provide the benefits of advanced wireless services;

(g) To ensure City zoning regulations are applied consistently with federal and State telecommunications laws, rules and regulations of the Federal Communications Commission and controlling court decisions; and

(h) To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (1) prohibit or effectively prohibit the provision of personal wireless services, (2) unreasonably discriminate among functionally equivalent service providers, or (3) regulate wireless communication facilities and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the FCC.

Sec. 22-8-2 Definitions. As used in this Ordinance, the following terms shall have the meanings set forth below:
(a) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals and that is used to provide wireless services.

(b) "Antenna array" means a single or group of antenna elements, not including small wireless facilities, and associated mounting hardware, transmission lines, remote radio units, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving wireless communication signals.

(c) "Applicable codes" means uniform building, fire, electrical, plumbing or mechanical codes adopted by a recognized national code organization and enacted by the City, including the local amendments to those codes enacted by the City solely to address imminent threats of destruction of property or injury to persons, to the extent that those amendments are consistent with the Wireless Consumer Advanced Infrastructure Investment Act ("Act").

(d) "Applicant" means a wireless provider that submits an application.

(e) "Application" means a request submitted by an applicant to the City for a permit to collocate one or more small wireless facilities or to approve the installation, modification or replacement of a utility pole or wireless support structure.

(f) "City" means the City of Farmington.

(g) "City utility pole" means a utility pole, owned or operated by the City, in a right-of-way.

(h) "Collocate" or "collocation" means to install, mount, maintain, modify, operate or replace one or more wireless facilities on, in or adjacent to a building, wireless support structure or utility pole for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(i) "Design district" means an area zoned or otherwise designated by municipal ordinance and for which a municipality maintains and uniformly enforces unique design and aesthetic standards.

(j) "Distributed Antenna System" or "DAS" means a network consisting of equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

(k) "FAA" means the Federal Aviation Administration.

(l) "FCC" means the Federal Communications Commission.

(m) "Fee" means a one-time charge.

(n) "Historic district" means a group of buildings, properties or sites that fall within the category defined in 47 C.F.R. 1.1307(a)(4) and are: (a) listed in the national register of historic places or formally determined eligible for listing in that register by the keeper of the register with the nationwide programmatic agreement found in 47 C.F.R. Part 1, Appendix C; or (b) designated as a historic district in accordance with the Historic District and Landmark Act.

(o) "Law" means federal, state or local law.

(p) "Permit" means the written permission of the City for a wireless provider to install, mount, maintain, modify, operate or replace a utility pole or to collocate a small wireless facility on a utility pole or wireless support structure.

(q) "Person" means an individual, corporation, limited liability company, partnership, association, trust or other entity or organization and includes the City.
"Rate" means a recurring charge.

"Right-of-way" means the area on, below or above a public roadway, highway, street, sidewalk, alley or utility easement. Right-of-way does not include the area on, below or above a federal interstate highway, a state highway or route under the jurisdiction of the department of transportation, a private easement or a utility easement that does not authorize the deployment sought by a wireless provider.

"Small wireless facility" or "small wireless facilities" mean(s) a wireless facility that:

1. is mounted on structures fifty (50) feet or less in height including their antennas; or
2. is mounted on structures no more than ten percent (10%) taller than other adjacent structures; or
3. does not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10%), whichever is greater;
4. has antennas that are, or could fit, inside an enclosure no more than three (3) cubic feet in volume; and
5. has other ground- or pole-mounted wireless equipment and any pre-existing associated equipment on the structure, not including the following, that are twenty-eight (28) or fewer cubic feet in volume:
   1. electric meter;
   2. concealment elements;
   3. telecommunications demarcation box;
   4. grounding equipment;
   5. power transfer switch;
   6. cutoff switch;
   7. vertical cable runs for the connection of power and other services; and
   8. design elements required by the City.
6. the facilities do not require antenna structure registration under federal law;
7. the facilities are not located on Tribal land as defined under federal law; and
8. the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified under federal law.

"Stealth design" means a design that minimizes the visual impact of wireless communication facilities by camouflaging, disguising, screening or blending into the surrounding environment. Examples of stealth design include, but are not limited to, facilities disguised as trees (monopines), flagpoles, utility and light poles, bell towers, clock towers, ball field lights and architecturally screened roof-mounted antennas or flush-mounted antennas that are either painted to match or enclosed in an architecturally-applicable box.

"Tower" means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public
safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(w) "Utility pole" means a pole or similar structure used in whole or in part for communications services, electricity distribution, lighting or traffic signals. Utility pole does not include a wireless support structure or electric transmission structure.

(x) "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications: radio transceivers, antennas, coaxial or fiber-optic cables, regular and backup power supplies and comparable equipment, regardless of technological configuration; and includes a small wireless facility. Wireless facility does not include:

1. the structure or improvements on, under or within which the equipment is collocated;
2. a wireline backhaul facility, coaxial cable or fiber-optic cable between wireless support structures or utility poles; or
3. coaxial or fiber-optic cable otherwise not immediately adjacent to, or directly associated with, an antenna.

(y) "Wireless infrastructure provider" means a person, other than a wireless services provider, that may provide telecommunications service in New Mexico and that builds or installs wireless communications transmission equipment, wireless facilities' utility poles or wireless support structures.

(z) "Wireless provider" means a wireless infrastructure provider or wireless services provider.

(aa) "Wireless services" means services provided to the public that use licensed or unlicensed spectrum, either mobile or at a fixed location, through wireless facilities.

(bb) "Wireless services provider" means a person that provides wireless services.

(cc) "Wireless support structure" means a freestanding structure, including a monopole or guyed or self-supporting tower, but not including a utility pole.

(dd) "Wireline backhaul facility" means a facility used to transport services by wire from a wireless facility to a network.

Sec. 22-8-3 Exempt Facilities. The following are exempt:

(a) FCC licensed amateur (ham) radio facilities;
(b) Satellite earth stations, dishes or antennas used for private television reception not exceeding one (1) meter in diameter; and
(c) A temporary, commercial wireless communication facility installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City. The facility shall be exempt from the provisions of this Article for up to one week before and after the duration of the special event.

Sec. 22-8-4 Permitted Use; Application and Fees.

(a) Permitted Use. Collocation of a small wireless facility or a new or modified utility pole for the collocation of a small wireless facility shall be a permitted use subject to the other requirements of this Article.
(b) Permit Required. No person shall place a small wireless facility in the rights-of-way, without first filing a small wireless facility application and obtaining a permit therefore.

(c) Permit Application. All small wireless facility applications for permits filed pursuant to this Article shall be on a form, paper or electronic, provided by the City.

(d) Application Requirements. The small wireless facility permit application shall be made by the wireless provider or its duly authorized representative and shall contain the following:

1. The applicant’s name, address, telephone number, and email address;

2. The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;

3. A general description of the proposed work and the purposes and intent of the small wireless facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;

4. A small wireless facility shall comply with all applicable codes.

(e) Routine Maintenance and Replacement. The City may not require an application, approval or permit or impose a fee, rate or other charge for the routine maintenance of a small wireless facility or the replacement of a small wireless facility with one that is similar in size to, the same size as or smaller than it as long as the wireless provider notifies the City of the replacement at least ten (10) days before the replacement. The City may require a permit for routine maintenance or replacement of a small wireless facility in the rights-of-way that affect traffic patterns or require lane closures.

(f) Application Fees. The City may charge an applicant an application fee in the amount of one hundred dollars ($100) for each of up to five (5) small wireless facilities and fifty dollars ($50) for each additional small wireless facility whose collocation is requested in a single application.

Sec. 22-8-5 Application Review.

(a) Review of Small Wireless Facility Applications.

1. The City shall review the application for a small wireless facility permit in light of its conformity with applicable regulations of this Article, and other applicable local ordinances, and shall issue a permit on nondiscriminatory terms and conditions subject to the following requirements:

1. Within ten (10) days of receiving an application for a small wireless facility, the City must determine and notify the applicant whether the application is complete. If an application is incomplete, the City must specifically identify the missing information in writing. Upon resubmission by the applicant, the City has ten (10) days to notify the applicant again of an incomplete application and the shot clock will reset. Thereafter, the shot clock will be tolled only by mutual agreement between the City and the applicant, or in cases where the City determines upon a resubmission that the application is incomplete. The processing deadline is then
tolled from the date the City sends the notice of incompleteness to the date the applicant provides the missing information. The application is deemed complete if the applicant is not notified within the 10-day period subject to resetting the shot clock or tolling.

(ii) Make its final decision to approve or deny the application within sixty (60) days of receipt of an application for placement of small wireless facilities on an existing structure (subject to the resetting of the shot clock under federal law) and within ninety (90) days of receipt of an application for the placement of small wireless facilities on a new structure (subject to the resetting of the shot clock under federal law), and subject to the tolling provisions herein; and

(iii) Advise the applicant in writing of its final decision, and in the final decision document the basis for a denial, if any, including specific code provisions on which the denial was based, and send the documentation to the applicant. In the sixty (60) or ninety (90) days, as applicable, after the City receives an application to collocate a small wireless facility on an existing structure or a new structure, the City may provide public notice of the application and an opportunity for written public comment on the application, submit the written public comment to the applicant and request that the applicant respond to it. If the City determines that applicable codes or laws require that a utility pole or wireless support structure be replaced before an application for collocation is approved, the City may condition approval of the application on that replacement. The applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The City shall approve or deny the revised application within thirty (30) days of receipt of the amended application. The subsequent review by the City shall be limited to the deficiencies cited in the original denial. The City may require the applicant to certify that the small wireless facilities to be collocated conform with the FCC’s regulations concerning radio frequency emissions.

(2) If the City fails to act on an application within the sixty (60) or ninety (90) day review period, as applicable, subject to resetting the shot clock once and tolling, the application is deemed approved. The City may also request an extension of the sixty (60) or ninety (90) day period, and the City and the applicant may agree to extend that period. An applicant shall not unreasonably deny a City’s request to extend the period.

(3) The City may only deny a completed application to collocate small wireless facilities if the application does not conform with applicable codes or local laws concerning:

(i) public safety;

(ii) design for utility poles to the extent that the standards are objective;

(iii) stealth and concealment but only to the extent that the restrictions are reasonable; and
(iv) the spacing of ground-mounted equipment in a right-of-way; or
(v) if there is non-conformance with design district or historic district requirements.

(4) An applicant seeking to collocate small wireless facilities may, at the applicant’s discretion, file a consolidated application and receive a single permit for multiple small wireless facilities. Provided, that the City’s denial of one or more small wireless facilities in a consolidated application shall not delay the processing of any other small wireless facilities submitted in the same application.

(5) The City may require an applicant to obtain one or more permits to collocate a small wireless facility in a right-of-way if the requirement is of general applicability to users of the right-of-way. An applicant seeking to collocate within the City up to twenty-five (25) small wireless facilities, all of which are substantially the same type, on substantially the same types of structures, may file a consolidated application for the collocation of the facilities. An applicant shall not file with the City more than one consolidated application in any five-business-day period. The applicant shall include in a consolidated application an attestation that, unless a delay in collocation is caused by the lack of commercial power or fiber at the site, the collocation will begin within one hundred eighty (180) days after the permit issuance date. The City and provider may subsequently agree to extend that period.

Sec. 22-8-6 Small Wireless Facilities in the ROW; Maximum Height; Other Requirements.

(a) Maximum Size of Permitted Use. Small wireless facilities, and new or modified utility poles for the collocation of small wireless facilities, may be placed in the rights-of-way as a permitted use contingent upon the approval of an application by the City and subject to the following requirements:

(1) A new replacement or modified utility pole associated with the collocation of a small wireless facility in the right-of-way is not subject to zoning review and approval, except for that which pertains to under-grounding prohibitions, unless the utility pole is higher than whichever of the following is greater: ten (10) feet plus the height in feet of the tallest existing utility pole excluding a utility pole supporting wireless facilities that is in place on the effective date of the Act, located within five hundred (500) feet of the new, replacement or modified utility pole, in the same right-of-way, and fifty (50) or fewer feet above ground level or fifty (50) feet.

(2) New small wireless facilities in the rights-of-way may not extend:

(i) More than ten (10) feet above an existing utility pole in the rights-of-way in place as of the effective date of this Article; or
(ii) More than ten (10) feet above the height for a new utility pole.

(3) A small wireless facility collocated on a utility pole or wireless support structure that extends ten (10) or fewer feet above the pole or structure in a right-of-way in any zone is classified as a permitted use and is not subject to zoning review or approval.

(b) Application Required for a Utility Pole. An application for the installation of a new, replacement or modified utility pole for the collocation of a small wireless facility in the
right-of-way is required. The application shall be approved unless the installation does not conform with:

1. Applicable codes or laws regarding public safety, design, or under-grounding prohibitions if those regulations require under-grounding by a date certain within one (1) year after the application, include a waiver of zoning or other processes and allow the replacement of utility poles;

2. Federal or state standards for pedestrian access or movement;

3. Design or historic district requirements;

4. Contractual requirements between the City and a private property owner concerning the design of utility poles in the right-of-way; or

5. The City’s laws concerning public safety and reasonable minimum spacing requirements for new utility poles in the rights-of-way.

(c) Application Processing. An application for a permit to install a new, replacement or modified utility pole for the collocation of a small wireless facility shall be processed within ninety (90) days after receipt of the application. If the City fails to act on the application within that time period, subject to resetting the shot clock once and tolling, the application is deemed approved. The application fee shall be seven hundred fifty dollars ($750). Installation, modification or replacement shall begin within one hundred eighty (180) days after the permit issuance unless the City and wireless provider agree to extend that time or a delay is caused by a lack of commercial power or fiber at the site. The new, modified or replacement utility pole may be maintained for ten (10) years and the permit will be renewed for one ten (10) year period unless the utility pole does not conform with applicable codes or local laws. At the expiration of the permit renewal/extension, the permit shall lapse and a new application will be required.

(d) Zoning. Any wireless provider that seeks to install, modify, operate or replace a utility pole in the rights-of-way that exceeds the height or size limits contained in this Article shall be subject to applicable zoning requirements.

(e) Decorative Poles: A wireless provider shall be permitted to replace a decorative pole when necessary to collocate a small wireless facility, but any replacement pole shall reasonably conform to the design aesthetics of the decorative pole being replaced and shall be subject to local approval, which shall not be unreasonably denied.

(f) Underground District. In areas designated solely for underground or buried cable and utility facilities, the City shall allow replacement of City poles in the designated area. The wireless provider is permitted to seek a waiver of the undergrounding requirements for the placement of a new utility pole to support small wireless facilities.

(g) Historic and Design Districts. The City may require, as they pertain to small wireless facilities located in districts in design districts or historic districts reasonable, technically feasible, non-discriminatory and technologically neutral design or concealment measures and reasonable measures for conforming to the design aesthetics of design districts or historic districts. Any such measures may not have the effect of prohibiting a wireless provider’s technology.

Sec. 22-8-7 Effect of Permit.

(a) Authority Granted. A permit from the City authorizes an applicant to undertake only certain activities in accordance with this Article and does not create a property right or
grant authority to the applicant to impinge upon the rights of others who may already have an interest in the rights-of-way.

(b) Permit Duration. Work described in a permit granted pursuant to this Article shall be completed within one hundred eighty (180) days of the permit issuance date unless the City and applicant agree to extend this period due to delay caused by the lack of commercial power or communications facilities. Subject to applicable relocation requirements and the applicant’s right to terminate collocation at any time, the permit is valid for a period of ten (10) years, and will be renewed for one ten-year term unless the City finds that the small wireless facility does not conform with applicable codes and local laws. At the expiration of the permit renewal/extension, the permit shall lapse and a new application will be required.

Sec. 22-8-8 Removal, Relocation or Modification of Small Wireless Facilities in the ROW.

(a) Notice. Within ninety (90) days following written notice from the City, a wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities within the rights-of-way whenever the City has determined that such removal, relocation, change or alteration is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way.

(b) Emergency Removal. The City retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the wireless provider and provide the wireless provider an opportunity to move its own facilities prior to cutting or removing a facility and shall notify the wireless provider after cutting or removing a small wireless facility.

(c) Abandonment of Facilities. Upon abandonment of a small wireless facility or utility pole within the rights-of-way of the City, the wireless provider shall notify the City in writing of its intention to discontinue use of a small wireless facility or utility pole. The notice shall inform the City of the time and the way in which the small wireless facility or utility pole will be removed. The wireless provider is responsible for the costs of the removal. The City may require the wireless provider to return the property to its pre-installation condition according to the City’s reasonable and nondiscriminatory requirements and specifications. If the wireless provider does not complete the removal within forty-five (45) days after notice, the City may complete the removal and assess the costs of removal against the wireless provider. The permit for the small wireless facility or utility pole expires upon removal.

(d) Damage and Repair. The City may require a wireless provider or the provider’s contractor to repair all damage to the City’s property or rights-of-way caused by the activities of the wireless provider or contractor and return the property and rights-of-way to their pre-damage condition according to the City’s requirements and specifications upon written notice of the requirements to the provider. If the wireless provider fails to make the repairs within a reasonable period after receiving the notice, the City may effectuate those repairs and charge the provider the reasonable, documented cost of such repairs.

Sec. 22-8-9 Rates.

(a) Annual Rate for Use of Right-of-Way. The City may charge a wireless provider for the provider’s use of the right-of-way
in constructing, installing, maintaining, modifying, operating or replacing a utility pole or in collocating a small wireless facility in the right-of-way an annual rate of two hundred fifty dollars ($250) multiplied by the number of small wireless facilities placed by the wireless provider in the City’s right-of-way.

(b) Annual Rate Increase for Use of Right-of-Way. To the extent allowed by law, the City may adjust the annual rate, but no more often than once a year and by no more than an amount equal to one-half the annual change, if any, in the most recent Consumer Price Index for all urban consumers for New Mexico, as published by the United States Department of Labor. The City shall notify all wireless providers charged the pre-adjusted rate of the prospective adjustment and shall make the adjustment effective sixty (60) days or more following that notice.

(c) Annual Rate for Use of City Utility Poles. The rate for collocation of a small wireless facility on a City utility pole in the right-of-way shall be twenty dollars ($20) per year.

Sec. 22-8-10 Attachment to or Utility Poles in the Right-of-Way.

(a) Placement of Small Wireless Facilities and Poles. Subject to the approval of an application by the City, a wireless provider may collocate small wireless facilities and construct, install, modify, mount, maintain, operate and replace utility poles associated with the collocation of a small wireless facility along, across, on or under City right-of-way. The City shall not enter into an exclusive agreement with a wireless provider for the use of a right-of-way in constructing, installing, maintaining, modifying, operating or replacing a utility pole or collocating a small wireless facility on a utility pole or wireless support structure.

(b) Review of Applications. The City shall process an application for approval to collocate a small wireless facility on a City utility pole in accordance with this Article. The City may condition the issuance of a permit on the wireless provider’s replacement of the City utility pole if applicable codes or local laws concerning public safety require that replacement. The City shall process an application for a permit to install a replacement City pole in accordance with this Article. The City shall retain ownership of the replacement utility pole.

Sec. 22-8-11 Proper Placement.

(a) A wireless provider that deploys a utility pole or small wireless facility in a right-of-way shall construct, maintain and locate it so as not to obstruct travel, endanger the public or interfere with another utility facility in the right-of-way. The wireless provider’s operation of a small wireless facility in the right-of-way shall not interfere with the City’s public safety communications. The wireless provider shall comply with the National Electric Safety Code and all applicable laws. The City may, through its Public Works Department, adopt reasonable regulations concerning the separation of the wireless provider’s utility poles and small wireless facilities from other utility facilities in the right-of-way.

(b) If the City determines that a utility pole or the wireless support structure of a wireless provider must be relocated to accommodate a public project, the provider shall assume the cost of relocating the wireless facility deployed on the pole or structure.

(c) Without the City’s written consent, a wireless provider shall not install a new utility pole in a right-of-way adjacent to a street or thoroughfare that is fifty (50) feet wide or less and adjacent to single family residential lots or other
multifamily residences or to undeveloped land designated for residential use by zoning or deed restrictions.

(d) Exempt From Zoning Review.

(1) Small wireless facilities, DAS and other similar networks on poles in public rights-of-way, on City-owned property, on private property, or on other structures, including stealth facilities, monopoles or replacement poles under fifty (50) feet that are located in the public rights-of-way for placement of small wireless facilities, DAS and other similar networks, are exempt from zoning review and shall be subject only to encroachment or building permits by administrative review.

(2) Notwithstanding any other provision of this Article, the City may not require an applicant or provider to submit an application or pay a rate for:

(i) routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;

(ii) replacing or upgrading a small wireless facility, DAS, or other similar network with a facility that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;

(iii) temporary small wireless facilities, DAS or communications facilities placed for a period of not more than:

(a) twenty-one (21) days for temporary uses related to special events;

(b) ninety (90) days for temporary uses related to repair of facilities; or

(c) not more than ninety (90) days at any location within the City after declaration of an emergency or a disaster by the Governor of New Mexico.

(3) For purposes of the foregoing exemptions, a small wireless facility, DAS, other similar network, or pole is considered to be "substantially similar" if:

(i) the new or upgraded facility, including the antenna or other equipment element, will not be more than ten (10) percent larger on a one-time basis than the existing facility, provided that the increase may not result in the facilities exceeding the size limitations provided elsewhere in this Article;

(ii) the new or upgraded pole will not be higher than the existing pole;

(iii) the replacement or upgrade does not include replacement of an existing service pole;

(iv) the replacement or upgrade does not defeat existing concealment elements of the existing pole; and

(v) The determination of whether a replacement or upgrade is substantially similar is made by measuring from the dimensions of the small wireless facility or pole as approved by the City.

(e) Collocation. Support structures for small wireless facilities or similar networks shall be capable of accommodating the collocation of other service providers.
(f) **Signage.** Signs located at the small wireless facilities, DAS, and similar networks shall be limited to ownership and contact information, FCC Antenna registration number (if required) and any other information as required by an applicable governmental authority. Commercial advertising is strictly prohibited.

(g) **Accessory Equipment.** Accessory equipment, including any buildings, cabinets or shelters, shall be used only to house equipment in support of the operation of the small wireless facility or its support structure. Any equipment not used in direct support of such operation shall not be stored on the site.

Sec. 22-8-12 General Requirements for Towers and Poles.

(a) **Inventory of Existing Sites.** Each applicant for a pole or tower exceeding the height limitation of the affected zoning district shall provide to the Planning Division an inventory of its existing poles or towers that are either within the jurisdiction of the City or within one (1) mile of the border thereof, including specific information about the location, height, and design of each pole or tower. The applicant shall only be required to provide this information in its first application following implementation of this Article, and not thereafter. The Planning Division may share such information with other applicants applying for permits under this Article or other organizations seeking to locate poles or towers within the jurisdiction of the City, provided, however, that the Planning Division is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(b) **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(c) **State or Federal Requirements.** All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Article shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

(d) **Building Codes; Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable industry standards for towers, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower at the owner's expense.

(e) **Visual Impact.** All towers, poles and small wireless facilities, including equipment enclosures, shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the structure or equipment. Such equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such enclosures shall also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be
compatible with the built environment, through matching and complimentary existing structures and specific design considerations such as architectural designs, height, scale, color and texture or be consistent with other uses and improvements permitted in the relevant zone.

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(f) Use of Stealth Design. Concealment techniques in design districts and historic districts must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings, so as to be visually unobtrusive.

(g) Building-mounted Equipment.

(1) All transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be proportional to the existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture as the existing underlying structure.

(2) All roof-mounted transmission equipment shall be set back from all roof edges to the maximum extent feasible consistent with the need for "line-of-sight" transmission and reception of signals.

(3) Antenna arrays and supporting transmission equipment shall be installed so as to camouflage, disguise or conceal them to make them closely compatible with and blend into the setting or host structure.

(h) Pole-mounted or Tower-mounted Transmission Equipment. All pole-mounted or tower-mounted transmission equipment shall be mounted as close as possible to the pole or tower so as to reduce the overall visual profile to the maximum extent feasible consistent with safety standards.

(i) Concealment of Pole-mounted Equipment. All pole-mounted equipment must be reasonably concealed to the extent technically feasible in a manner that minimizes the visual impact of the pole-mounted equipment. The concealment method and materials must receive prior written approval from the City, not to be unreasonably withheld. Antenna size limitations are exclusive of any concealment materials or fabrication. Concealment materials shall have a color and finish consistent and appropriate with the pole on which they are mounted.

(j) Accessory Equipment. All accessory equipment located at the base of a small wireless facility shall be located or placed (at the applicant’s choice) in an existing building, underground, or in an equipment shelter that is a designed to blend in with existing surroundings, using architecturally
compatible construction and colors; and (b) be located so as to be unobtrusive as possible consistent with the proper functioning of the small wireless facility.

(k) Site Design Flexibility. Individual small wireless facility sites vary in the location of adjacent buildings, existing trees, topography and other local variables. By mandating certain design standards, there may result a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site. Therefore, the small wireless facility and supporting equipment may be installed so as to best camouflage, disguise them, or conceal them, to make them more closely compatible with and blend into the setting or host structure.

(l) Structural Assessment. The owner of a proposed tower shall have a structural assessment of the tower conducted by a professional engineer, licensed in the State of New Mexico, which shall be submitted with the application for a permit.

(m) Radio Frequency Emissions Compliance Report. A Radio Frequency ("RF") emissions compliance report will be prepared, signed and sealed by a New Mexico-licensed professional engineer or a competent employee of the applicant, which assesses whether the proposed small wireless facility demonstrates compliance with the exposure limits established by the FCC. The employee of the applicant must be qualified in the field of RF emissions and provide satisfactory evidence of his/her qualifications to the City.

(n) Residential Provisions.

(1) All small wireless facilities on residentially zoned property are encouraged to either be painted or treated the same color as the primary structure or the surface to which the facilities are attached.

(2) Screening or painting of roof-mounted structures is required on all sides of the residential property in which a small wireless facility is to be or is placed.

(o) Screening of Ground-mounted Equipment. Ground equipment and equipment enclosures outside of the right-of-way shall be screened by a screen wall, painted, and/or landscaped.

(1) Screening and equipment enclosures shall blend with or enhance the surrounding area in terms of scale, form, texture, materials, and color. Equipment shall be concealed as much as possible by blending into the natural and/or physical environment. All screening shall be at the reasonable discretion of the City.

(2) When trees, bushes, rocks, and other forms of landscaping are used for screening, such landscaping must match the predominant landscaping form and species within one block of the facilities.

(p) Additional Screening Requirements. Any new, modified, or replacement poles installed in the right-of-way in conjunction with the installation of a small wireless facility, including any ground mounted equipment, electrical service meter, and screening shall:

(1) Be designed to blend in with the surrounding streetscape with minimal visual impact;

(2) Satisfy all required Americans with Disabilities Act requirements;

(3) Not impair or interfere with line of sight visibility; and

(4) Not block or obstruct existing roadway or commercial signage.
Sec. 22-8-13 Preferred Tower Locations

(a) New small wireless facilities must, to the maximum extent feasible, be collocated on existing towers or other structures of a similar height to avoid construction of new towers.

(b) The City encourages all applicants for new towers to follow siting priorities, from most-preferred (1) to least-preferred (8):

1. City-owned or operated property or facilities, not including rights-of-way;
2. commercial and industrial zones;
3. office zones;
4. other non-residential zones;
5. City rights-of-way in non-residential zones;
6. City rights-of-way in residential zones;
7. parcels of land in residential zones;
8. designated design or historic districts.

(c) Collocation Consent. A written statement will be signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed small wireless facility whenever technically and economically feasible and aesthetically desirable.

(d) Documentation. Applications submitted under this Article for small wireless facilities shall include the following materials:

1. A color visual analysis that includes to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view.

2. A written analysis that explains how the proposed design complies with the applicable design standards under this Article to the maximum extent feasible. A design justification must identify all applicable design standards under this Article and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.

3. A noise study, if requested by the City.

4. A scaled site plan clearly indicating the location, type, height and width of the proposed small wireless facilities, on-site land uses and zoning, adjacent land uses and zoning, separation distances, adjacent roadways, a depiction of all proposed transmission equipment, proposed means of access, setbacks from property lines, elevation drawings of the proposed small wireless facilities and any other structures, topography and utility runs.

5. The setback distance between the proposed small wireless facility and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

6. The separation distance from other poles and towers within one (1) mile of the subject pole or tower, shall be shown on an updated site plan or map.
(7) If applicable, the method of camouflage and illumination.

(8) A written statement of purpose which shall minimally include: (1) a description of the objective to be achieved; (2) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and (3) full-color signal propagation maps with objective units of signal strength measurement that show the applicant’s current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. These materials shall be reviewed and signed by a New Mexico-licensed professional engineer or a qualified employee of the applicant. The qualified employee of the applicant shall submit his or her qualifications with the application.

Sec. 22-8-14 Independent Technical and Legal Review. Although the City intends for City staff to review administrative matters to the extent feasible, the City may retain the services of independent experts of its choice to provide technical and legal evaluations of permit applications for small wireless facilities, towers and poles. The expert’s review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed small wireless facilities comply with the applicable approval criteria set forth in this Article. The applicant shall pay the actual, direct and reasonable cost for any independent consultant fees through a deposit, paid within ten (10) days of the City’s request. When the City requests such payment, the application shall be deemed incomplete for purposes of application processing timelines until the deposit is received. In the event that such costs and fees do not exceed the deposit amount, the City shall refund any unused portion within thirty (30) days after the final permit is released or, if no final permit is released, within thirty (30) days after the City receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City.

Sec. 22-8-15 Safety Review. (a) For the period beginning on the date a permit is issued and ending on the date the permitted work is accepted, the City may perform a safety review of construction, reconstruction or installation of all small wireless facilities and poles as it deems necessary to ensure compliance with this Article and the Municipal Code. All City plans, reviews, inspections, standards, and other rights and actions related to the wireless provider’s improvements are for the City’s sole and exclusive benefit and neither the wireless provider nor any other person may rely on the City’s safety reviews or have any rights related to the reviews. The preceding sentence does not prevent the wireless provider from relying on consents, permits, or approvals the City may grant based on the City’s plans, reviews, and inspections. As a condition of obtaining the permits authorized by this Article, the wireless provider grants the City the right to access the wireless provider’s small wireless facilities and poles. Except for emergencies, this right of access is limited to dates and times agreed to by the parties.

(b) To the extent allowed by law, the City may recover the City’s costs incurred to perform such safety reviews.

Sec. 22-8-16 Final Inspection. (a) A certificate of completion will only be granted upon satisfactory evidence that the small wireless facilities were installed in substantial compliance with the approved plans.

(b) If it is found that the small wireless facilities installation does not substantially comply with the approved
plans, the applicant shall make any and all such changes required to bring the facilities into compliance promptly and in any event prior to putting the facilities in operation.

Sec. 22-8-17 Compliance.

(a) All small wireless facilities must comply with all standards and regulations of the FCC and any State or other federal government agency with the authority to regulate those facilities.

(b) The site and small wireless facilities, including all landscaping, fencing and related transmission equipment, must be maintained at all times in a neat and clean manner.

(c) If any FCC, State or other governmental license or any other governmental approval to provide communication services is ever revoked as to any site permitted or authorized by the City, the permittee must inform the City of the revocation within thirty (30) days of receiving notice of such revocation.

Sec. 22-8-18 Indemnification. Each permit issued for small wireless facilities located in City right-of-way or on other City property shall be deemed to have as a condition of the permit a requirement that the wireless provider defend, indemnify and hold harmless the City and its officers, agents, employees, volunteers, and contractors from any and all liability, damages, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, actions or causes of action as a result of the construction, performance, operation, maintenance, repair, replacement, removal, or restoration of the small wireless facilities.

Sec. 22-8-19 Laws, Rules and Regulations. This Ordinance shall be subject to all applicable laws, rules and regulations now or hereafter enacted.

Sec. 22-8-20 Severability. The various parts, sentences, paragraphs, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Sec. 22-8-21 Conflicts. In the event of a conflict between the provisions of this Article, federal laws, rules, regulations, FCC Orders or the Act, the more restrictive shall control. Any ordinance or parts thereof or other provisions of the Municipal Code in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PASSED, SIGNED, APPROVED AND ADOPTED this 23rd day of April, 2019.

Nate Duckett, Mayor

Dianne Smylie, City Clerk
CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Duckett and City Council

FROM: Kristi Benson, CPP, CPPB
Chief Procurement Officer

DATE: March 12, 2019

SUBJECT: Request for Qualification-based Proposals for Substation Apparatus Testing, RFQP 
#19-128921

USING DEPARTMENT: Electric Utility

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Qualification-based proposals opened on November 13, 2018, with public presentations conducted on December 12, 2018, for professional services for the Substation Apparatus Testing. Six (6) offers were submitted.

Negotiations were conducted with the top evaluated firm, Eaton Corporation.

The Central Purchasing Department concurs with the recommendation from the evaluation committee to award the contract to Eaton Corporation, the top evaluated firm. Award is based on the pricing schedule for services as required. The final rankings are listed below:

- Eaton Corporation – Albuquerque, NM
- Magna IV Engineering, Inc. – Englewood, CO
- Electrical Reliability Services – Albuquerque, NM
- Southwest Energy Systems – Phoenix, AZ
- Electric Power Systems – Albuquerque, NM
- GSW Integrated Services – Castle Rock, CO

Kristi Benson (Presenter)
Council Meeting 3/26/19 Close/Reopen

xc: Teresa Emrich, Administrative Services Director (Acting)
Hank Adair, Electric Utility Director
John Armenta, Electric Engineering Manager
File – 19-128921

Evaluation Committee:
- Dan Anglin, Electric Utility
- Drake Dalton, Public Works
- Denver Dewees, Electric Utility
- Chuck Johnson, Electric Utility
- Shawn Weiss, Electric Utility

- 8.0 -
CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Duckett and City Council

FROM: Rosalyn Potter, CPPB
Contracts Administrator

DATE: March 21, 2019

SUBJECT: Request for Qualification-based Proposals for Professional Engineering Services for Water Treatment Plant Improvements, RFQP #19-129703

USING DEPARTMENT: Public Works

Qualification-based proposals opened on January 9, 2019, for professional services for the Professional Engineering Services for Water Treatment Plant Improvements. Four (4) offers were submitted.

 Negotiations were conducted with the top evaluated firm, Jacobs Engineering Group, Inc.

The Central Purchasing Department concurs with the recommendation from the evaluation committee to award the contract to Jacobs Engineering Group, Inc., the top evaluated firm. Award is based on the pricing schedule for services as required. The In-State preference was given to qualified bidders. The final rankings are listed below:

Jacobs Engineering Group, Inc.
AECOM Technical Services, Inc.
HDR Engineering, Inc.
Valdes Engineering Company

Rosalyn Potter (Presenter)
Council Meeting March 26, 2019 Close/Reopen

xc: Teresa Emrich, Acting Administrative Services Director
David Sypher, Public Works Director
Jeff Smaka, WWWW Administrator
File - 19-129703

Evaluation Committee:
Jeff Smaka, Public Works
Drake Dalton, Public Works
Nica Westerling, Public Works
Renee Hurst, IT
Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 6:00 p.m. on Tuesday, March 12, 2019. The open regular session was held in full conformity with the laws and ordinances and rules of the Municipality.

Upon roll call, the following were found to be present, constituting a quorum:

MAYOR
Nate Duckett

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

constituting all members of said Governing Body.

Also present were:

CITY MANAGER
Rob Mayes

ASSISTANT CITY MANAGER
Julie Baird

CITY ATTORNEY
Jennifer Breakell

CITY CLERK
Dianne Smylie

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

INVOCATION: The invocation was offered by Pastor Dan Mauldin of Grace Baptist Church.

Parks, Recreation & Cultural Affairs Director Shana Reeves 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 February 26, 2019 and the minutes of the Regular Work Session of the City Council held February 19, 2019.

*BID: The Contracts Administrator recommended that the bid for phase two of the east sanitary sewer interceptor rehabilitation project (Public Works) be awarded to AUI, Inc. on its low bid after application of five percent in-state preference of $2,998,068. Bids opened February 19, 2019 with two bidders participating.

*MEMORANDUM OF AGREEMENT between the City and NECK, LLC for donation to the City of six parcels of property (approximately 80 acres) for the purpose of providing non-motorized recreation, education and open space with connectivity to Lake Farmington and the bicycle trails located on Bureau of Land Management property. (Section 18, Township 30 North, Range 12 West)

*LAND EXCHANGE AGREEMENT between the City and William D. and Judith M. Anglin for exchange of property located at 765 South Miller Avenue (from William & Judith Anglin to the City) and property located at 1903-2009 Southside River Road (from the City to William & Judith Anglin).

*ADOPTION OF RESOLUTION NO. 2019-1699 urging the House and Senate leadership and the Governor of the State of New Mexico to approve three project proposals for improvements to the Bonnie Dallas Senior Center as detailed in the 2020 Capital Outlay application.

- 10.0 -
ADOPTION OF RESOLUTION NO. 2019-1700 approving the San Juan Boulevard Restoration Project (South Butler Avenue to East Main Street) and accepting funds from the New Mexico Department of Transportation 2020 Municipal Arterial Program (M.A.P) for such project.

ADOPTION OF RESOLUTION NO. 2019-1701 approving the East Main Street Resurfacing Project (South Miller Avenue to North Butler Avenue) and accepting funds from the New Mexico Department of Transportation’s 2019/2020 Local Government Road Fund (LGRF) for such project.

ADOPTION OF RESOLUTION NO. 2019-1702 accepting and approving the Fiscal Year 2018 Audit.

RECOMMENDATION FROM THE LIQUOR HEARING OFFICER for approval of Application No. 1105393 for transfer of ownership of inter-local Dispenser Liquor License No. 2775 (on premise consumption only with patio service) from Farmington Hotel Assets, LLC formerly doing business as Courtyard at Marriott Farmington, 560 Scott Avenue, Farmington, New Mexico to D Farm, LLC doing business as Courtyard by Marriott Farmington, 560 Scott Avenue, Farmington, New Mexico. (Hearing held February 28, 2019)

WARRANTS PAYABLE for the time period of February 24, 2019 through March 9, 2019, for current and prior years, in the amount of $6,576,174.15.

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

RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Public Works/Acting Community Development Director David Sypher requested that the Planning and Zoning Commission recommendation marked with an asterisk (*) be placed on the Planning and Zoning Commission Consent Agenda and voted on without discussion. He asked that if the item proposed did not meet with approval of all Councilors or if a citizen so requested, the item would 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 approve Petition No. ZC 19-06 from the City of Farmington, represented by Assistant City Manager Julie Baird, requesting a zone change from the RE-20, Residential Estates, District to the GC, General Commercial, District for property located south of West Main Street and north of the intersection of West Apache Street and Westland Park Drive.

There being no requests to remove the item, a motion was made by Councilor Sharer, seconded by Councilor Jakino to approve the Planning and Zoning Commission Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Recognition of City Manager Rob Mayes/San Juan Generating Station

Mayor Duckett sincerely thanked City Manager Rob Mayes for his tireless efforts in trying to save San Juan Generating Station and engage the legislators in the process.

Echoing his comments, Councilor Rodgers also recognized the efforts of Mayor Duckett, Electric Utility Director Hank Adair and City Attorney Jennifer Breakell, stating that she has received good feedback from her constituents with regard to staff’s efforts.

Pothole Repair

In response to inquiry from Councilor Sharer, Public Works Director David Sypher reported that staff has repaired approximately 20,000 potholes this winter season. He also happily reported that the New
Mexico Department of Transportation is ensuring that potholes on state roadways are repaired within 24 hours of notification.

CLOSED MEETING

A motion was made by Councilor Sharer, seconded by Councilor Rodgers to close the meeting to discuss a request for qualification-based proposals for professional surveying services, 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 6:09 p.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 Sharer, seconded by Councilor Rodgers to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 6:12 p.m. with all members of the Council being present.

REQUEST FOR QUALIFICATION-BASED PROPOSALS/PROFESSIONAL SURVEYING SERVICES

Chief Procurement Officer Kristi Benson reported that qualification-based proposals for professional surveying services (Electric) opened on January 8, 2019 with eight offerors participating. She recommended that the proposal be awarded to Souder, Miller & Associates as the top evaluated firm after application of five percent in-state preference.

Thereupon, a motion was made by Councilor Jakino, seconded by Councilor Sharer to award the qualification-based proposal for professional surveying services to Souder, Miller & Associates, 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 Sharer, seconded by Councilor Rodgers to adjourn the meeting at 6:14 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 26th day of March, 2019.

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

Nate Duckett, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk