AGENDA

... for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m., Tuesday, August 13, 2019 in the Council Chamber, City Hall, 800 Municipal Drive, Farmington, New Mexico...

1. Roll Call and Convening the Meeting;

2. Invocation: Pastor David Florez of The Journey Church.

3. Pledge of Allegiance:

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

5. *Approval of Minutes for:

   (a) the Regular Meeting of the City Council held July 23, 2019; and-----

   (b) the Regular Work Session of the City Council held July 16, 2019.----

6. *Approval of Bid for safety area improvements on Runways 5/23 and 7/25 at the Four Corners Regional Airport being awarded to Oldcastle SW Group, Inc. as the sole bid is deemed to be fair and reasonable and meets specifications ($3,020,887). Bids opened June 26, 2019. [Award is contingent upon approval by the Federal Aviation Administration and upon receipt of funding.]

7. *Approval of Grant Modification 3 to Award No. G18SN0010A between the City and the Office of National Drug Control Policy decreasing the award amount by $19,808 for the FY18 High Intensity Drug Trafficking Areas Program (HIDTA) (total award $332,692).

8. *Approval of Adoption of Resolution No. 2019-1722 approving the San Juan Boulevard Pavement 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.

9. *Approval for Adoption of Resolution No. 2019-1723 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.

10. *Approval of Warrants up to and including August 10, 2019.
11. **Recommendations from the Planning and Zoning Commission:**

Acceptance of Consent Agenda: The items marked with an asterisk (*) has been placed on the Planning and Zoning Commission Consent Agenda and will be voted on with one motion without discussion. If any item does not meet with approval of all Councilors or if a citizen so requests, that item will be removed from the Consent Agenda and heard in regular order.

*(1)* Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Division Action Summary to approve Petition No. ZC 19-55 from J.W. Easley requesting a zone change from the LNC, Local Neighborhood Commercial, District to the MF-L, Multi-Family Low Density, District and a variance to the street-side yard setback from 20 feet to 7 feet for an existing structure located at 706 West Apache Street, subject to the variance applying only to the existing structure. If the existing structure is removed or demolished for any reason, any new structure shall be placed at least 20 feet from the property line. (Helen Landaverde)

The recommendation of the Planning and Zoning Commission passed by a vote of 9-0 on July 25, 2019.

*(2)* Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Division Action Summary to approve Petition No. SUP 19-60 from Security Finance of New Mexico, LLC, doing business as Continental Loans, represented by Robert Dinning, requesting a Special Use Permit to allow a loan company/financial service office to be located in the LNC, Local Neighborhood Commercial, District for property located at 2222 East 20th Street, Suite B, subject to the applicant designating a minimum of eight off-street parking spaces (including ADA), pursuant to Section 5.2.11 of the Unified Development Code. The surface markings shall be visible and accessible at all times including handicapped-designated areas. (Helen Landaverde)

The recommendation of the Planning and Zoning Commission passed by a vote of 9-0 on July 25, 2019.

12. **Public Hearing to receive comments concerning the Draft 2019-2023 Consolidated Plan and 2019 Analysis of Impediments to Fair Housing Choice, as required by Housing and Urban Development (HUD) for the City’s Community Development Block Grant (CDBG) Program; and Adoption of Resolution No. 2019-1724 adopting the 2019-2023 Community Development Block Grant (CDBG) Consolidated Plan, Program Year One Action Plan and the 2019 Analysis of Impediments to Fair Housing Choice update and authorizing the Mayor to sign the grant application.**

13. **Public Hearing to receive comments and suggestions regarding the City of Farmington’s use for the FY2019 Edward Byrne Memorial Justice Assistance Grant (JAG) funds ($23,945).** (Sergeant Guy Postlewait and Captain Kyle Dowdy)
14. **New Business:**

(a) Mayor

(1) Appointment to the Animal Services Advisory Commission.

(b) Councilors

(c) City Manager

(1) **Introduction of and direction to staff** concerning the Fiscal Year 2020 capital projects and Infrastructure Capital Improvements Plan (ICIP).

(d) City Attorney

(1) **Ordinance No. 2019-1320** – Final Action

-repealing and amending certain sections of Chapter 2, Article 2, Divisions 2 and 3 of the City Code dealing with elections and campaign financing (Published July 21, 2019).

(e) City Clerk

15. **Business from the Floor:**

(1) Items removed from Consent Agenda for discussion.

(2) Any other Business from the Floor.

16. **Closed Meeting** to discuss requests for proposals for the 115kV upgrade for the Hare to Dwight Arthur Substation and the FMPO 2045 Metropolitan Transportation Plan, pursuant to Section 10-15-1H(6) NMSA 1978; and to receive advice from the City’s legal counsel regarding a matter of pending litigation (Mary Ann Randall v. City of Farmington), pursuant to Section 10-15-1H(7) NMSA 1978.

17. **Proposal:** Recommendation from the Chief Procurement Officer to award the proposal for the 115kV upgrade for the Hare to Dwight Arthur Substation to (Electric) to Probst Electric, Inc. as the top evaluated firm with all required registrations and licenses. Council previously authorized negotiations with North Houston Pole Line as the top evaluated firm but it was discovered that they were not registered with the New Mexico Department of Workforce Solutions as required by Section 13-4-13.1 NMSA 1978. Therefore, the proposal was rejected and negotiations were commenced with Probst Electric, Inc. as the next highest evaluated firm. Proposals opened May 7, 2019 with four offerors participating.
18. **Proposal:** Recommendation from the Chief Procurement Officer to award the proposal for the FMPO 2045 Metropolitan Transportation Plan (Community Development) to Bohannan Huston, Inc. as the sole proposal is deemed to be advantageous and in the best interest of the City. Proposals opened July 9, 2019.

19. **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.
TO: Mayor Duckett and City Council

FROM: Kristi Benson, CPPO, CPPB
Chief Procurement Officer

DATE: August 8, 2019

SUBJECT: Runway 5/23 and Runway 7/25 Safety Area Improvements, Bid #19-131319

USING DEPARTMENT: Airport

A bid opening was held on June 26, 2019 for Runway 5/23 and Runway 7/25 Safety Area Improvements. One (1) bidder responded.

The Central Purchasing Department concurs with the recommendation from the Airport to award the bid to Oldcastle SW Group, Inc. from Farmington, New Mexico as submitting the only responsive bid which is considered to be fair and reasonable meeting specifications for a total awarded amount of $3,020,887 plus estimated applicable taxes of $249,223.18. Due to federal funding the In-State and Veterans Preferences do not apply. The single response documentation memo is attached. Award is contingent upon approval by the Federal Aviation Administration and contingent upon receipt of said funding.

Kristi Benson (Presenter)
Consent Agenda/Council Meeting, August 13, 2019

Copy to: Teresa Emrich, Administrative Services Director
         Mike Lewis, Airport Manager
         File – Bid #19-131319
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>TOTAL BID: SCHEDULE I - RUNWAY 5/23 SAFETY AREA IMPROVEMENTS</td>
<td>$2,791,105.00</td>
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<td>TOTAL BID: SCHEDULE II - RUNWAY 7/25 SAFETY AREA IMPROVEMENTS</td>
<td>$229,782.00</td>
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<tr>
<td>TOTAL BID - SCHEDULE I AND II</td>
<td>$3,020,887.00</td>
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<tr>
<td>ESTIMATED APPLICABLE TAXES</td>
<td>$249,223.18</td>
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**BIDDER'S ESTIMATE OF TAXES FORM INITIALED:** yes  
**BID SIGNED:** yes  
**NM CONTRACTOR'S LICENSE NO.:** 89829  
**NM DEPT OF WORKFORCE SOLUTIONS - PUBLIC WORKS NO.:** 0023622220111130  
**ADDSENDA ACKNOWLEDGED:** yes  
**LIST OF SUBCONTRACTORS:** yes  
**BID BOND ENCLOSED:** yes  
**BIDDER'S QUALIFICATIONS:** yes  
**DRUG-FREE WORKPLACE CERTIFICATION:** yes  
**CONTRACTOR'S SAFETY CERTIFICATION:** yes  
**CAMPAIGN CONTRIBUTION FORM:** yes  
**EQUAL EMPLOYMENT OPPORTUNITY:** yes  
**DBE LETTER OF INTENT:** yes  
**DBE BIDDERS LIST:** yes  
**BUY AMERICAN CERTIFICATION:** yes  
**DEBARMENT CERTIFICATION:** yes  
**TRADE RESTRICTIONS CERTIFICATION:** yes
TO: Runway 5/23 and Runway 7/25 Safety Area Improvements, BID #19-131319

FROM: Jennifer Rowland, Buyer II

DATE: July 1, 2019

SUBJECT: Single Response Documentation

68 Companies were notified of this solicitation.

The following firms were contacted regarding this solicitation and requested information regarding their decision not to respond to the above bid.

Their decision was based on the following:

1. Mountain States Construction, Rob Gross: MSCI was unable to assure timely attention to this project schedule based on our current workload.

2. Andale Construction Incorporated, Pete J. Molitor: Not in our scope of work.

3. AUI, Incorporated, Julie Rodrigo: We decided not to bid that project at the time because we had other major projects on our schedule that were occupying our estimating resources. It all depends on how much work we have on our schedule and the availability of our estimators to bid the work that is currently out to bid.

xc: Kristi Benson, CPPO CPPB, Chief Procurement Officer  (Initial/Concur)
July 22, 2019

Mayor Nate Duckett
City of Farmington
800 Municipal Drive
Farmington, NM 87401-2663

Dear Mayor Duckett:

High Intensity Drug Trafficking (HIDTA) FY 18 funds have decreased by $19,808.00 as indicated on Modification 3 for the Region II HIDTA Narcotics Task Force Initiative. The enclosed grant award modification should be completed and returned to the NM HIDTA Director’s Office as soon as possible.

Detailed information is provided in a letter to you from Shannon Kelly, National HIDTA Director. In her letters she does ask that you send the signed Award Modifications to Miami; however I am asking that you return this paperwork to our office. We will forward this information to the Miami Assistance Center to ensure that we have the same records.

If you have any questions, please contact Sandra A. Russell, Finance Director at (575) 541-7503.

Sincerely,

[Signature]

Jose R. Ramirez
Acting Director, Southwest Border HIDTA-New Mexico Region

Attachments

JAR:sar
July 3, 2019

Mayor Nate Duckett
City of Farmington
800 Municipal Drive
Farmington, NM 87401-2663

Dear Mayor Duckett:

Grant number G18SN0010A has been decreased and now totals $332,692.00.

The original of Modification 3 is enclosed. If you accept this Modification, sign the Modification and return a copy to the Assistance Center in Miami. Keep the original Modification for your file.

All terms and conditions of the original award apply to the Modification. If you have any questions pertaining to this grant award, please contact Jayme Delano at (202) 395-6794.

Sincerely,

Shannon Kelly
National HIDTA Director

Enclosures
| Executive Office of the President  
<table>
<thead>
<tr>
<th>Office of National Drug Control Policy</th>
<th>AWARD Grant</th>
<th>Page 1 of 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Recipient Name and Address</td>
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<tr>
<td>Mayor Nate Duckett</td>
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<tr>
<td>City of Farmington</td>
<td></td>
<td></td>
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<tr>
<td>800 Municipal Drive</td>
<td></td>
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<tr>
<td>Farmington, NM 87401-2663</td>
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<td>2. Total Amount of the Federal Funds Obligated:</td>
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<td>3. CFDA Name and Number:</td>
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<td>High Intensity Drug Trafficking Areas Program - 95.001</td>
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<td>3A. Project Description</td>
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<td>High Intensity Drug Trafficking Areas (HIDTA) Program</td>
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<td>4. Award Number: G18SN0010A</td>
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<td>5. Grant Period: From 01/01/2018 to 12/31/2019</td>
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<td>6. Federal Award Date: 7/3/2019</td>
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<td>7. Action</td>
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<td>9. Previous Award Amount: $352,500.00</td>
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<td>10. Amount of Federal Funds Obligated by this Action: ($19,808.00)</td>
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<td>11. Total Amount of Federal Award: $332,692.00</td>
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<td>12. The above grant is approved subject to such conditions or limitation as are set forth in the original Grant.</td>
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<td>13. Statutory Authority for Grant: Public Law:115-141</td>
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<td><strong>AGENCY APPROVAL</strong></td>
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<td>14. Typed Name and Title of Approving Official</td>
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<td></td>
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<td>Shannon Kelly</td>
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<td></td>
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<td>National HIDTA Director</td>
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<tr>
<td>Office of National Drug Control Policy</td>
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<td>Nate Duckett</td>
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<tr>
<td>City of Farmington</td>
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<td>16. Signature of Approving ONDCP Official</td>
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<td>Shannon Kelly</td>
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<td>17. Signature of Authorized Recipient/Date</td>
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#### AGENCY USE ONLY

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<th>19. HIDTA AWARD</th>
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Legal Department

Agreement

By

Date

- 2.2 -
## Initiative Cash by HIDTA

**FY 2018**

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<th>Agency Name</th>
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<td>Investigation</td>
<td>G18SN0010A</td>
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**Agency Total : City of Farmington**

332,692.00

**Total**

332,692.00
## Budget Detail

**2018 - SWB - New Mexico**

Initiative - BI - Region II HIDTA Narcotics Task Force

Award Recipient - City of Farmington (G18SN0010A)

Resource Recipient - City of Bloomfield

**Indirect Cost: 0.0%**

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<td><strong>Total Overtime</strong></td>
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<td><strong>Total Budget</strong></td>
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## Budget Detail

**2018 - SWB - New Mexico**

Initiative - Region II HIDTA Narcotics Task Force  
Award Recipient - City of Farmington (G18SN0010A)  
Resource Recipient - City of Bloomfield

*Indirect Cost: 0.0%*

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<th>Current Budget (net of reprogrammed funds)</th>
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<td>($)</td>
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<tr>
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RESOLUTION NO. 2019-1722

A RESOLUTION APPROVING THE SAN JUAN BOULEVARD PAVEMENT RESTORATION PROJECT, SOUTH BUTLER AVE TO EAST MAIN STREET, AND ACCEPTING FUNDS FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION 2020 MUNICIPAL ARTERIAL PROGRAM (M.A.P.) FOR SUCH PROJECT.

WHEREAS, New Mexico Department of Transportation (NMDOT) solicited proposed projects for funding under the Municipal Arterial Program (M.A.P.) for Federal Fiscal Year 2020; and

WHEREAS, San Juan Boulevard is designated as a minor arterial, as shown on the City's Major Thoroughfare Plan, which carries approximately 13,100 vehicles per day, and provides an alternate connection between Butler Ave and East Main Street located in the center of Farmington with connections to US64 and NM516; and

WHEREAS, the San Juan Boulevard Pavement Restoration Project, South Butler Avenue to East Main Street, will include cold milling with hot-mix asphalt inlay; and

WHEREAS, the Public Works Director and the City Engineer recommended the submission of an application for the San Juan Boulevard Pavement Restoration Project, South Butler Avenue to East Main Street, for funding under the NMDOT's Municipal Arterial Program (M.A.P.) for FFY 2020; and

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

SECTION 1:
That the City Council of the City of Farmington does hereby approve the "San Juan Boulevard Pavement Restoration Project" located on San Juan Boulevard between South Butler Avenue and East Main Street in the City of Farmington.

SECTION 2:
That the City Council of the City of Farmington does further approve the total estimated cost of the San Juan Boulevard Pavement Restoration Project, South Butler Avenue to East Main Street, budgeting of the sum of One Million Five Hundred Sixty Eight Thousand One Hundred Dollars ($1,568,100) in Federal Fiscal Year 2020 for such project, with the understanding that One Hundred Thirteen Thousand Eight Hundred Sixty Nine Dollars ($113,869) shall be paid for with funds from the New Mexico Department of Transportation's Municipal Arterial Program (M.A.P.) for Federal Fiscal Year 2020 (Control No. L500381), and that Thirty Seven Thousand Nine Hundred Fifty Six Dollars ($37,956) will be the required City of Farmington share and that the City of Farmington shall pay all costs which exceed the total amount of One Hundred Fifty One Thousand Eight Hundred Twenty Five Dollars.

SECTION 3:
That the City Council of the City of Farmington does further represent that funds, equipment, labor and materials representing the total cost of the proposed project will be budgeted in Federal Fiscal Year 2020 and will be available when the agreement of such project becomes effective.

SECTION 4:
That the City Council of the City of Farmington does further authorize the Mayor of the City of Farmington to enter into appropriate contracts with the New Mexico Department of Transportation for construction of any, or all, of the project described in this resolution under the Municipal Arterial Program (M.A.P.) of the State of New Mexico.

PASSED, SIGNED, APPROVED, AND ADOPTED this 13th day of August, 2019.

Nate Duckett, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk
MUNICIPAL ARTERIAL PROGRAM
COOPERATIVE AGREEMENT

This Agreement is between the New Mexico Department of Transportation (Department) and City of Farmington (Public Entity). This Agreement is effective as of the date of the last party to sign it on the signature page below.

Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-28.2 and the State Transportation Commission Policy No. 44-12, the parties agree as follows:

1. Purpose.
The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the Planning, Design, Construction, Reconstruction, Pavement Rehabilitation, Construction Management, Drainage and Misc. Improvements. This Project will be referred to interchangeably as "Project" or "Project Control No. L500381." The Project is a joint and coordinated effort for which Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.
   a. The estimated total cost for the Project is One Hundred Fifty One Thousand Eight Hundred Twenty Five Dollars and Thirty Three Cents ($151,825) to be funded in proportional share by the parties as follows:
      1. Department's share shall be 75% $113,869
         Planning, Design, Construction, Reconstruction, Pavement Rehabilitation, Construction Management, Drainage and Misc. Improvements
      2. The Public Entity’s required proportional matching Share shall be 25% $37,956
         For purpose stated above
      3. Total Project Cost $151,825
   b. The Public Entity shall pay all Project costs, which exceed the total amount of One Hundred Fifty One Thousand Eight Hundred Twenty Five Dollars and Thirty Three Cents ($151,825)
   c. Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and are not included in the amount listed in this Section 2.
   d. If the Project is not completed by the termination date in Section 6, the Public Entity shall return any unexpended funds.
3. **The Department Shall:**  
Make disbursement(s) to the Public Entity after receipt of a cover letter requesting funds, Notice of Award/Work Order, Notice to Proceed, Estimated Summary of Costs and Quantities, and verification of available funds. All required documents must include Department Project and Control Numbers.

4. **The Public Entity Shall:**  
a. Act in the capacity of lead agency for the purpose as described in Section 1.
b. Pay all costs, perform all labor and supply all material, except as provided in Section 2, for the purpose as described in Section 1 and the construction work specified in the Project’s plans.
c. Adopt a written Resolution of support for the Project, including an assumption of ownership, liability, and maintenance responsibility for the scope, or related amenities and required funding to support the Project, which is attached as Exhibit C.
d. Initiate the preliminary engineering, survey, and all design activities, and coordinate Project construction.
e. Consider provisions for pedestrian, bicycle and equestrian facilities in the Project design in accordance with NMSA 1978, Section 67-3-62.
f. Be responsible for performing or directing the performance of all design and pre-construction activity, including, but not limited to, the following:  
   1. Utility Certification;  
   2. Drainage and storm drain design;  
   3. Geotechnical design;  
   4. Pavement design;  
   5. Traffic design;  
   6. Structural design;  
   7. Environmental and archeological clearances Certification;  
   8. Right-of-way maps and acquisition Certification;  
   9. Hazardous substance/waste site(s) contamination investigations;  
  10. Railroad Certification; and  
g. Initiate and cause to be prepared the necessary Plans, Specifications, and Estimates (PS&E) for this Project.
h. Cause all designs and PS&E’s to be performed under the direct supervision of a Registered New Mexico Professional Engineer.
i. Design the Project in accordance with Attachment A, "Minimum Design Standards", which is incorporated into this Agreement.
j. Adhere to Exhibit B, "Minimum Survey and Right of Way Acquisition Requirements", which is incorporated into this Agreement.
k. Comply with Attachment C, "Construction Phase Duties and Obligations", which is incorporated into this Agreement.
l. Make no changes in design or scope of work, unless for safety reasons and with documented approval of the Department.
m. Prior to Project construction, furnish the Department’s District 5. Office "Certification
of the Pre-Construction Contract Phase" form, which is attached as Certification No. 1.

n. Within thirty (30) days of completion, furnish the Department’s District 5. Office “Certification of Construction Phase” form, which is attached as Certification No. 2.

o. Within thirty (30) days of completion, furnish the Department’s District 5. Office the “AS BUILT Summary of Costs and Quantities” form, which is attached as Certification No. 3. The report should reflect the total cost of project as stated in “Certification of Construction Phase” form.

p. Failure to timely provide Certifications Nos. 1, 2 and 3, listed above, will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this agreement.

q. Obtain all required written agreements or permits relating to any realignment of Public Entity’s roads, when applicable, from all public and private entities.

r. Advertise, let, and supervise the construction of the Project.

s. Procure and award any contract in accordance with applicable procurement law, rules, regulations and ordinances.

t. Allow the Department to perform a final inspection of the Project to determining if the Project was constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet requirements and standards as determined by the Department will result in termination of this Agreement, for default, including without limitation its costs for funding, labor, equipment, and materials.

u. Upon completion, maintain all the Public Entity’s facilities constructed or reconstructed under this Agreement.

5. Both Parties Agree:

a. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department will be accounted for and disposed of by the Public Entity as directed by the Department.

b. Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this project reverts to the Department. These balances, if any, must be reimbursed to the Department within thirty- (30) days of project completion or expiration of this Agreement, whichever occurs first.

c. This Project is not being incorporated into the State Highway System and the Department is not assuming maintenance responsibility or liability.

d. Pursuant to NMSA 1978, Section 67-3-28.2, Local Government Road Funds granted under this provision cannot be used by the Public Entity to meet a required match under any other program.

e. That the provisions of the Local Government Road Fund Project Handbook (Current Edition), are incorporated by reference and control the contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments.

6. Term.

This Agreement becomes effective upon signature of all Parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on June 30, 2021. In the event an extension to the term is needed, the Public Entity
shall provide written notice along with detailed justification to the Department sixty (60) days prior to the expiration date to ensure timely processing of an Amendment.

7. Termination.
   a. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing thirty (30) days written notice.
   b. The Department may terminate this Agreement if the funds identified in Section 2 have not been contractually committed within one year from the effective date of this agreement.
   c. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the Public Entity.
   d. Neither party has any obligation after termination, except as stated in Sections 4u and 5.

8. Third Party Beneficiary.
It is not intended by any of the provisions of any part of this Agreement to create in the public or any member of the public a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

As between the Department and Public Entity, neither party shall be responsible for liability incurred as a result of the other party’s acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, et seq.

The Public Entity shall require contractors and subcontractors hired for the Project to have a general liability insurance policy, with limits of liability of at least $1,000,000 per occurrence. The Department is to be named as an additional insured on the contractors and subcontractor’s policy and a certificate of insurance must be provided to the Department and it must state that coverage provided under the policy is primary over any other valid insurance.

To the fullest extent permitted by law, the Public Entity shall require the contractor and subcontractors to defend, indemnify and hold harmless the Department from and against any liability, claims, damages, losses or expenses (including but not limited to attorney’s fees, court costs, and the cost of appellate proceedings) arising out of or resulting from the negligence, act, error, or omission of the contractor and subcontractor in the performance of the Project, or anyone directly or indirectly employed by the contractor or anyone for whose acts they are liable in the performance of the Project.

11. Scope of Agreement.
This Agreement incorporates all the agreements, covenants, and understandings between the parties concerning the subject matter. All such covenants, agreements, and understandings have been merged into this written Agreement. No prior Agreement or understandings, verbal or otherwise, of the parties or their agents will be valid or enforceable unless embodied in this Agreement.
12. Terms of this Agreement.
The terms of this Agreement are lawful; performance of all duties and obligations must conform with and not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

13. Legal Compliance.
The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including, but not limited to laws governing civil right, equal opportunity compliance, environmental issue, workplace safety, employer-employee relations and all other laws governing operations of the workplace. The Public Entity shall include the requirements of this Section 13 in each contract and subcontract at all tiers.

The parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States will, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age or handicap, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the parties are found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies.

15. Appropriations and Authorizations.
The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Public Entity, the Legislature of New Mexico, or the Congress of the United States if federal funds are involved, for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Public Entity, Legislature or the Congress of the United States if federal funds are involved, this Agreement will terminate upon written notice being given by one party to the other. The Department and Public Entity are expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure.

16. Accountability of Receipts and Disbursements.
There shall be strict accountability for all receipts and disbursements relating to this Agreement. The Public Entity shall maintain all records and documents relative to the Project for a minimum of five years after completion of the Project. The Public Entity shall furnish the Department and State Auditor, upon demand, any and all such records relevant to this Agreement. If an audit finding determines that specific funding was inappropriate or not related to the Project, the Public Entity shall reimburse that portion to the Department within thirty (30) days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation must be reimbursed to the Department within thirty (30) days.

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

18. Applicable Law.
The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue is proper in a New Mexico Court of competent jurisdiction in accordance with NMSA 1978, Section 38-3-1(G).

19. Amendment.
This Agreement may be altered, modified, or amended by an instrument in writing executed by the parties.
In witness whereof, each party is signing this Agreement on the date stated opposite that party’s signature.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: ____________________________ Date: ________________
   Cabinet Secretary or Designee

Approved as to form and legal sufficiency by the New Mexico Department of Transportation’s Office of General Counsel

By: ____________________________ Date: ________________
   Assistant General Counsel

City of Farmington

By: ____________________________ Date: ________________
   Nate Duckett
   Title: Mayor

Attest: __________________________ Date: ________________
   Dianne Smylie
   Title: City Clerk

Legal Department
Approved as to form
By: __________________________ Date: ________________

- 3.7 -
ATTACHMENT A
Minimum Design Standards

1. The design shall provide for all facilities as required by law (ADA compliance, bicycle paths, etc.).

2. The pavement shall be designed for a 20-year life as a minimum for new construction or reconstruction, or for a 10-year life as a minimum for rehabilitation.

3. The following documents shall be used as a minimum in the design of this Project:
   d. DEPARTMENT's Regulations for Driveway and Median Opening on Non-Access Controlled Highways, Current Update;
   e. DEPARTMENT'S Urban Drainage Design Criteria;
   f. DEPARTMENT'S Geotechnical Manual, Current Update;
   g. DEPARTMENT'S Action Plan;
   h. DEPARTMENT'S Local Government Road Fund Project Handbook; Current Edition;
   i. DEPARTMENT'S Handbook of Hazardous Waste Management, Current Edition;
   j. DEPARTMENT'S Location Study Procedures;
   l. Other design publications as outlined in the DEPARTMENT'S Local Government Road Fund Project Handbook.

m. The Public Entity may use Public Entity established local design standards if approved by the District Engineer, for each Project.
Minimum Survey and Right of Way Acquisition Requirements

1. Establish and permanently reference stations and monuments.
2. Determine and record sufficient topography to assure all relevant landmarks are shown. Include items such as buildings, sidewalks, driveways, walls, trees, etc.
3. Obtain and plot existing profile grade and cross-sections where necessary. Plot curb profiles as needed.
4. All utilities above and below ground and their owners shall be shown.
5. The surveyor shall verify, ascertain, and certify the right-of-way design plans.
6. All surveying and right-of-way mapping is to be performed in accordance with the DEPARTMENT'S Surveying Requirements, Current Edition, and Minimum Standards for Surveying, NMSA 1978, Sections 61-23-1 to 61023-32.
7. All DEPARTMENT Right of Way Handbooks, particularly Right of Way Handbook (Current Edition, Local Public Agencies), shall be adhered to for all R/W operations, including Title Search, Property Survey, Right of Way Mapping, Appraisal, Appraisal Review, Acquisition (including donations), Relocation, and Right of Way Certification. Only qualified personnel may undertake Right of Way functions. Public Entity staff or consultants may not be used to perform any R/W functions unless the Public Entity certifies that each individual is qualified to perform each individual right of way activity, such as Title search, property survey, mapping, appraisal, etc. Right of Way operations shall conform to State statutes and Federal regulations. Future Federal funding for Project shall be jeopardized if right of way operations do not conform to State statutes and Federal regulations.
8. Obtain and prepare Title Reports that meet DEPARTMENT format and standards, for all affected R/W parcels.
9. Right of Way mapping shall be done in accordance with the “Attachment 2” checklist of the DEPARTMENT’S Right of Way Mapping Development Procedures Current Update. The surveyor shall verify and certify the checklist and the Right of Way maps.
10. Appraisals shall not begin until the Public Entity has 100% complete R/W maps. Public
Entity or contracted (fee) appraisers shall not be used unless fully qualified.

11. Appraisal Reports shall be prepared in conformance with Federal and Statutes and regulations. In no event shall the appraisal review function be contracted to a consultant. One purpose of appraisal review is to assure that the appraisal meets DEPARTMENT requirements prior to the initiation of acquisition.

12. Public Entity or contracted (fee) negotiators shall not be used unless fully qualified.

13. The Public Entity shall maintain all records and documents relating to the Right of Way acquisition for a minimum of five (5) years, and shall record all transfer of ownership documents with the County Clerk. DEPARTMENT personnel shall be provided access to Project R/W files upon reasonable notice.

14. The Public Entity shall furnish the DEPARTMENT with a written certification (R/W Certification) stating that Right of Way acquisition (and relocations, if applicable) has been performed in compliance with Federal and State laws and regulations.
ATTACHMENT C

Construction Phase Duties and Obligations

1. The **Public Entity** shall be responsible for all construction engineering, including Project supervision, surveying, inspection and testing when surveying and testing are not contracting items.

2. The **Public Entity's** general conditions, standard drawings and specifications may be used if approved by the **DEPARTMENT'S** District Engineer.
CERTIFICATION NO. 1

CERTIFICATION OF THE PRE-CONSTRUCTION CONTRACT PHASE

Control No.  L500381

I, ____________________________, in my capacity as ______________________________ of
______________________________ do hereby certify with reference to the aforementioned
Project Control Number as follows:

1. That the Public Entity has complied with the terms and conditions of the pre-
construction phase requirements set forth in this Agreement.

2. That the design for this Project is in compliance with all state laws, rules, regulations, and
local ordinances and in the rules and regulations of the DEPARTMENT.

3. The Public Entity (including, but not limited to, Temporary Construction Permits and
Construction Maintenance Easements) has acquired that all necessary right(s)-of-way for
the construction or reconstruction of this Project in compliance with the
DEPARTMENT'S Right of Way Handbook (Current Edition) Local Public Agencies,
and Attachment B.

4. That all utilities within the location of this construction Project (check one or both of the
following conditions):
   ___ a. have been relocated
   ___ b. are scheduled for relocation prior to or concurrent with construction of this
       Project and have been coordinated with the appropriate utility.

5. That the Public Entity has encumbered the necessary funds to complete the Project.

6. That the Public Entity has fully complied with the requirements of NMSA 67-3-62.

7. That roadway(s) and intersection(s) shall operate at a minimum Level of Service of C or
D (LOS C or D) for the Projected 20 year design traffic volumes as specified in A Policy

8. That traffic data collection, traffic projections, and traffic impact studies on this Project
have been developed in conformance with the DEPARTMENT'S New Mexico Traffic

LGRF MAP AGREEMENT
Rev 2/2019

9. That no angle parking has been provided in this Project.

10. That the Public Entity has completed a (check, which of the following conditions exists):
    _____ a. 20 year pavement design; or
    _____ b. 10 year pavement design with provision for extending the pavement life to 20 years, and has incorporated it in the plans and specifications for this Project.

11. That the Public Entity has completed a Project drainage report, which meets the DEPARTMENT'S minimum drainage criteria as referenced in the DEPARTMENT'S Drainage Manual.

12. All drainage costs have been prorated between the DEPARTMENT and the Public Entity if applicable, according to the DEPARTMENT'S Drainage Policy and Administrative Memorandum (Current Update) and prorated calculations have been approved in writing by the DEPARTMENT'S Drainage Section.

13. That the Public Entity has completed all required Environmental Documentation and clearances for this Project using guidance contained in the DEPARTMENT'S Action Plan, (Current Edition).

14. That the Public Entity has completed all required Archaeological Documentation and clearances for this Project using guidance contained in the DEPARTMENT'S Action Plan, (Current Edition).

15. That the following attached Agreement(s) have been executed, when required, for construction or reconstruction of this Project (attach copies to this certification):
    a. Lighting;
    b. signalization;
    c. storm sewer and lift station;
    d. landscape;
    e. road exchange; and
    f. any other applicable agreements.

16. That the Public Entity has complied with and certifies compliance with all applicable provisions of Attachment A.

17. That this certification procedure has been executed prior to advertisements for contract
bids or commencement of this Project.

IN WITNESS WHEREOF, ________________________________ in his/her capacity as ________________________________ of ________________________________ does hereby certify that the aforementioned matters stated herein are true to his/her knowledge and belief and does hereby set his/her hand and seal this day and year specified below:

City of Farmington
By: ________________________________ Date: ________________________________
   Mayor

ATTEST:
By: ________________________________ Date: ________________________________
   Public Entity Clerk

When completed, send Certification No. 1 to:

District LGRF Coordinator
Department of Transportation
CERTIFICATION NO. 2
CERTIFICATION OF THE CONSTRUCTION PHASE

Control No. L500381

1. ________________________, in my capacity as __________________________ of __________________________ do hereby certify with reference to the aforementioned Project Control Number as follows:

1. That the Public Entity has complied with the terms and conditions of the construction phase requirements under this Agreement.

2. That the Public Entity has complied with and certifies that the Project plan complies with all publications identified in Attachment A.

3. That all work in Control No. L500381 was performed in accordance with the Agreement.

4. That the total Project cost of ______________________, with New Mexico Department of Transportation “DEPARTMENT” 75% share of ______________________ and the Public Entity share of ______________________ (as submitted in attached “As Built Summary of Costs and Quantities”) is accurate, legitimate, and appropriate for the Project.

5. That the construction of the Project was completed on _______ of __________, 20[#]

IN WITNESS WHEREOF, ____________________________ in his/her capacity as __________________________ of __________________________ does hereby certify the aforementioned matters stated herein are true to his/her knowledge and belief and does hereby set his/her hand and seal this day and year specified below:

City of Farmington

By: ________________________ Date: ______________

Mayor

ATTEST:

By: ________________________ Date: ______________

Public Entity Clerk

When completed, send Certification No. 2 to:

District LGRF Coordinator, Department of Transportation
EXHIBIT B

AS BUILT SUMMARY
OF COSTS AND QUANTITIES

ENTITY: ____________________________ CONTRACT No.: ____________ CN: ____________

PROJECT No.: ____________________________

TERMINI: ____________________________

SCOPE OF WORK: ____________________________

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LGRF MAP AGREEMENT
Rev 2/2019
RESOLUTION NO. 2019-1723

A RESOLUTION 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 PROGRAM (LGRF) FOR SUCH PROJECT.

WHEREAS, the New Mexico Department of Transportation (NMDOT) solicited projects for funding under the LOCAL GOVERNMENT ROAD FUND PROGRAM (LGRF) for Fiscal Year 2019/2020; and

WHEREAS, due to the deteriorated condition of the pavement on East Main Street between South Miller Avenue and North Butler Avenue, the Director of Public Works and the City Engineer recommended the East Main Street Resurfacing Project be submitted to the New Mexico Department of Transportation for funding under the LOCAL GOVERNMENT ROAD FUND PROGRAM (LGRF) for Fiscal Year 2019/2020.

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

SECTION 1:
That the City Council of the City of Farmington does hereby approve the "East Main Street Resurfacing Project" located on East Main Street from its intersection with South Miller Avenue to its intersection with North Butler Avenue in the City of Farmington.

SECTION 2:
That the City Council of the City of Farmington does further approve the total estimated cost of the East Main Street Resurfacing Project, budgeting the sum of Two Hundred Fifty One Thousand Three Hundred Twenty Dollars ($251,320) in Fiscal Year 2019/2020 for such project, with the understanding that Ninety Three Thousand Fifty Five Dollars ($93,055) shall be paid for by funds from the New Mexico Department of Transportation’s LOCAL GOVERNMENT ROAD FUND PROGRAM (LGRF) for Fiscal Year 2019/2020 (Control No. 1500370), and, that Thirty One Thousand Eighteen Dollars ($31,018) will be the required City of Farmington share and that the City of Farmington shall pay all costs which exceed the total amount of Ninety Three Thousand Fifty Five Dollars ($93,055).

SECTION 3:
That the City Council of the City of Farmington does further represent that funds, equipment, labor and materials representing the total cost of the proposed project will be budgeted in Fiscal Year 2019/2020 and will be available when the agreement for such project becomes effective.

SECTION 4:
That the City Council of the City of Farmington does further authorize the Mayor the City of Farmington to enter into appropriate contracts with the New Mexico Department of Transportation for construction of any, or all, of the project described in this resolution under the LOCAL GOVERNMENT ROAD FUND PROGRAM (LGRF) of the State of New Mexico.

PASSED, SIGNED, APPROVED, AND ADOPTED this 13th day of August, 2019.

Nate Duckett, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk
This Agreement is between the New Mexico Department of Transportation (Department) and City of Farmington (Public Entity). This Agreement is effective as of the date of the last party to sign it on the signature page below.

Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-28.2 and the State Transportation Commission Policy No. 44-12, the parties agree as follows:

1. Purpose.
The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the Reconstruction and Pavement Rehabilitation/Improvements of Various Local Street, as described in Control No. L500370, and the Public Entity’s resolution attached as Exhibit C (Project). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.
a. The estimated total cost for the Project is One Hundred Twenty Four Thousand Seventy Three Dollars and no Cents ($124,073.00) to be funded in proportional share by the parties as follows:
   1. Department’s share shall be 75%

   **Reconstruction and Pavement Rehabilitation/Improvements of Various Local Street,**

   $93,055.00

   2. The Public Entity’s required proportional matching Share shall be 25%

   For purpose stated above

   $31,018.00

   3. Total Project Cost

   $124,073.00

b. The Public Entity shall pay all Project costs, which exceed the total amount of Ninety Three Thousand Fifty Five Dollars and no Cents ($93,055.00).

c. Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and are not included in the amount listed in this Section 2.
3. **The Department Shall:**

Pay project funds as identified in Section 2, Paragraph a1, to the Public Entity in a single lump sum payment after:

a. Receipt of a Notice of Award and Notice to Proceed; and,

b. Verification of available Local Government Road Funds and Public Entity’s local matching funds identified in Section 2, Paragraph a2.

c. All required documents must include Department Project and Control Number.

4. **The Public Entity Shall:**

a. Act in the capacity of lead agency for the purpose as described in Section 1.

b. Submit an estimate of the Project, including work to be performed and cost to the District Engineer within thirty (30) days of execution of this Agreement, or as otherwise agreed to in writing by the Parties.

c. Be solely responsible for all local matching funds identified in Section 2. Certify that these matching funds have been appropriated, budget and approved for expenditure prior to execution of this Agreement.

d. Pay all costs, perform/supply or contract for labor and material, for the purpose as described in Section 1 and the Project estimate approved by the District Engineer.

e. Procure and award any contract in accordance with applicable procurement law, rules, regulations and ordinances.

f. Be responsible, for performing or directing the performance, of all pre-construction activities, including, but not limited to, the following:

1. Utility Certification,
2. Drainage and storm drain design,
3. Geotechnical design,
4. Pavement design,
5. Environmental and archaeological clearances Certification,
6. Right of way acquisition Certification,
7. Hazardous substance/waste site(s) contamination,
8. Railroad Certification,

g. Cause all designs and plans to be performed under the direct supervision of a Registered New Mexico Professional Engineer, when applicable, as determined by the Department.

h. Obtain all required written agreements or permits, when applicable, from all public and private entities.

i. Allow the Department to inspect the Project to determine that the Project is being constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the Department, will result in termination, for default, including without limitation the Public Entity’s costs for funding, labor, equipment and materials.

j. Complete the project within eighteen (18) months of approval of funding by the State Transportation Commission.

k. Within thirty (30) days of completion, provide written certification that all work under this Agreement was performed in accordance with either the New Mexico Department of Transportation’s Standard Specification, Current Edition; American Public Works
Association (APWA) Specifications; Department approved Public Entity established Specifications; or Department Specifications established for Local Government Road Fund projects, by submitting the Project Certification of Design, Construction, and Cost form, which is attached as Exhibit A.

1. Within thirty (30) days of completion, furnish the Department an AS BUILT Summary of Costs and Quantities form, which is attached as Exhibit B. The report should reflect the total cost of project as stated in Project Certification of Design, Construction, and Cost form.

m. Failure to provide the Project Certification of Design, Construction, and Cost form and an AS BUILT Summary of Costs and Quantities report within thirty (30) days of Project completion will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this agreement.

n. Upon completion, maintain all Public Entity facilities that were constructed or reconstructed under this Agreement.

5. Both Parties Agree:
   a. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department will be accounted for and disposed of by the Public Entity as directed by the Department.
   b. Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this Project reverts to the Department. These balances, if any, must be reimbursed to the Department within thirty (30) days of project completion or expiration of this Agreement, whichever occurs first.
   c. This Project is not being incorporated into the State Highway System and the Department is not assuming maintenance responsibility or liability.
   d. Pursuant to NMSA 1978, Section 67-3-28.2, Local Government Road Funds granted under this provision can not be used by the Public Entity to meet a required match under any other program.
   e. That the provisions of the Local Government Road Fund Project Handbook (Current Edition), are incorporated by reference and control the contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments.

6. Term.
This Agreement becomes effective upon signature of all Parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on December 31, 2020. In the event an extension to the term is needed, the Public Entity shall provide written notice along with detailed justification to the Department sixty (60) days prior to the expiration date to ensure timely processing of an Amendment.

7. Termination.
   a. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing thirty (30) days written notice.
b. The Department may terminate this Agreement if the funds identified in Section 2 have not been contractually committed within one year from the effective date of this agreement.

c. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the Public Entity.

d. Neither party has any obligation after termination, except as stated in Sections 4n and 5.

8. Third Party Beneficiary.
It is not intended by any of the provisions of any part of this Agreement to create in the public or any member of the public a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

As between the Department and Public Entity, neither party shall be responsible for liability incurred as a result of the other party’s acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1, et seq.

The Public Entity shall require contractors and subcontractors hired for the Project to have a general liability insurance policy, with limits of liability of at least $1,000,000 per occurrence. The Department is to be named as an additional insured on the contractors and subcontractor’s policy and a certificate of insurance must be provided to the Department and it must state that coverage provided under the policy is primary over any other valid insurance.

To the fullest extent permitted by law, the Public Entity shall require the contractor and subcontractors to defend, indemnify and hold harmless the Department from and against any liability, claims, damages, losses or expenses (including but not limited to attorney’s fees, court costs, and the cost of appellate proceedings) arising out of or resulting from the negligence, act, error, or omission of the contractor and subcontractor in the performance of the Project, or anyone directly or indirectly employed by the contractor or anyone for whose acts they are liable in the performance of the Project.

11. Scope of Agreement.
This Agreement incorporates all the agreements, covenants, and understandings between the parties concerning the subject matter. All such covenants, agreements, and understandings have been merged into this written Agreement. No prior Agreement or understandings, verbal or otherwise, of the parties or their agents will be valid or enforceable unless embodied in this Agreement.

12. Terms of this Agreement.
The terms of this Agreement are lawful; performance of all duties and obligations must conform with and not contravene any state, local, or federal statutes, regulations, rules, or ordinances.
13. Legal Compliance.
The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including, but not limited to laws governing civil right, equal opportunity compliance, environmental issue, workplace safety, employer-employee relations and all other laws governing operations of the workplace. The Public Entity shall include the requirements of this Section 13 in each contract and subcontract at all tiers.

The parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States will, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age or handicap, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the parties are found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies.

15. Appropriations and Authorizations.
The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Public Entity, the Legislature of New Mexico, or the Congress of the United States if federal funds are involved, for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Public Entity, Legislature or the Congress of the United States if federal funds are involved, this Agreement will terminate upon written notice being given by one party to the other. The Department and Public Entity are expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure.

16. Accountability of Receipts and Disbursements.
There shall be strict accountability for all receipts and disbursements relating to this Agreement. The Public Entity shall maintain all records and documents relative to the Project for a minimum of five years after completion of the Project. The Public Entity shall furnish the Department and State Auditor, upon demand, any and all such records relevant to this Agreement. If an audit finding determines that specific funding was inappropriate or not related to the Project, the Public Entity shall reimburse that portion to the Department within thirty (30) days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation must be reimbursed to the Department within thirty (30) days.

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

18. Applicable Law.
The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue is be proper in a New Mexico Court of competent jurisdiction in accordance with NMSA 1978, Section 38-3-1(G).

19. Amendment.
This Agreement may be altered, modified, or amended by an instrument in writing executed by the parties.

The remainder of this page in intentionally left blank.
In witness whereof, each party is signing this Agreement on the date stated opposite that party’s signature.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: ___________________________ Date: ______________
    Cabinet Secretary or Designee

Approved as to form and legal sufficiency by the New Mexico Department of Transportation’s Office of General Counsel

By: ___________________________ Date: ______________
    Assistant General Counsel

City of Farmington

By: ___________________________ Date: ______________
    Nate Duckett
    Title: Mayor

Attest: ____________________________
       Dianne Smylie
       City of Farmington Clerk
EXHIBIT A
PROJECT CERTIFICATION OF DESIGN, CONSTRUCTION, AND COST

TO: New Mexico Department of Transportation
District _____ LGRF Coordinator

Cooperative Agreement No. ______________________ Control No. ______________________
Joint Powers Agreement No. ______________________ Control No. ______________________

Entity: ______________________________________________________________

Scope of Work (Including Routes and Termini):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

I, the undersigned, in my capacity as __________________ of __________________ state that:

1. The design is in compliance with all state laws, rules, regulations, and local ordinances and was performed in accordance with the provisions set forth in this Agreement and in the Local Government Road Fund Project Handbook (Current Edition);

2. Construction of the project was performed in accordance with standards and specifications set forth in:

And completed on __________________, 20____; and

3. That the total project cost of __________________, with New Mexico Department of Transportation 75% share of __________________ and the Public Entity share of __________________ (as submitted in attached "As Built Summary of Costs and Quantities") is accurate, legitimate, and appropriate for the project.

_______________________________  ______________________
Name Date

_______________________________
Print Name

_______________________________
Title
## EXHIBIT B
### AS BUILT SUMMARY
#### OF COSTS AND QUANTITIES

<table>
<thead>
<tr>
<th>ENTITY:</th>
<th>CONTRACT No.:</th>
<th>CN:</th>
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<tbody>
<tr>
<td>PROJECT No.:</td>
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<td>TERMINI:</td>
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#### SCOPE OF WORK:

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>ITEM DESCRIPTION</th>
<th>UNIT</th>
<th>ESTIMATED QUANTITY</th>
<th>FINAL QUANTITY</th>
<th>UNIT COST</th>
<th>FINAL COST</th>
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</table>
Adoption of the Planning and Zoning Commission Action as contained within
the Community Development Action Summary and approval of ZC 19-55, a
request from J.W. Easley for (1) a zone change from the LNC, Local
Neighborhood Commercial District, to the MF-L, Multifamily Low Density
District, and (2) a variance to reduce the street side yard setback for the existing
structure from 20 feet to 7 feet, for property located at 706 W. Apache with the
following conditions:
• Variance to the required 20-foot street side yard setback shall apply for the
  existing structure only. If the existing structures are removed/demolish for
  any reason, they shall be replaced at 20 feet from the street side yard
  setback from the property line.
(Helen Landaverde)
Recommendation of approval by the Planning and Zoning Commission on July 25,
2019 which passed by a vote of 9-0.

Adoption of the Planning and Zoning Commission Action as contained within
the Community Development Action Summary and approval of SUP 19-60, a
request from Security Finance of New Mexico, LLC, DBA Continental Loans,
represented by Robert Dinning for a Special Use Permit to allow for the
relocation of an existing loan company/financial service office in the LNC, Local
Neighborhood Commercial District for property located at 2222 Suite B E. 20th
Street with the following condition:
• Pursuant to 5.2.11 Parking design standards The applicant is required to
clearly designate all of the minimum off-street parking spaces (8 spaces)
including ADA parking. The surface markings shall be maintained visible and
accessible at all times including handicapped designated areas.
(Helen Landaverde)
Recommendation of approval by the Planning and Zoning Commission on July 25,
2019 which passed by a vote of 9-0.
**ACTION SUMMARY**

Petition ZC 19-55 - Zone Change from the LNC, Local Neighborhood Commercial District to the MF-L, Multifamily Low Density District and variance to reduce the street side yard setback for the existing structure for property located at 706 West Apache Street  
July 25, 2019

A. STAFF REPORT

**PROJECT INFORMATION**

<table>
<thead>
<tr>
<th>Applicant</th>
<th>J.W. Easley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>J.W. Easley</td>
</tr>
<tr>
<td>Date of Application</td>
<td>June 12, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>(1) A zone change from the LNC, Local Neighborhood Commercial District to the MF-L, Multifamily Low Density District and (2) a variance to reduce the street side yard setback for the existing structure.</td>
</tr>
<tr>
<td>Location</td>
<td>706 W. Apache St. (R0025758)</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Residence</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>LNC, Local Neighborhood Commercial District</td>
</tr>
<tr>
<td>Surrounding Zoning &amp; Land Use</td>
<td></td>
</tr>
<tr>
<td>North: SF-7, Single-family Residential/Residential</td>
<td></td>
</tr>
<tr>
<td>South: GC, General Commercial/Vacant and Undeveloped</td>
<td></td>
</tr>
<tr>
<td>East: SF-7, Single-family Residential/Residential</td>
<td></td>
</tr>
<tr>
<td>West: OP, Office Professional/Offices</td>
<td></td>
</tr>
<tr>
<td>Notice</td>
<td>Publication of Notice for public hearings of the Planning and Zoning Commission and City Council appeared in the Daily Times on Sunday, July 7, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday, July 3, 2019 and a sign was posted on Friday, July 13, 2019.</td>
</tr>
<tr>
<td>Staff Planner</td>
<td>Helen Landaverde, Associate Planner</td>
</tr>
</tbody>
</table>

**STAFF ANALYSIS**

Project Description
The applicant J. W. Easley is requesting (1) a zone change from LNC, Local Neighborhood Commercial District to the MF-L, Multifamily Low Density District to allow for residential use on the property and (2) a variance request to reduce the street side yard setback for the existing structure from 20 feet to seven (7) feet to come into compliance with the Code for property located at 706 W. Apache Street.

San Juan County Tax Assessor's records show that the size of the property is 0.380 acres (18,500 ft.²) and is in the Apache Subdivision (1953); Tract B (see attachment). The subject property is a corner lot. Tax Assessor's records indicate that the existing structure is a single-family dwelling on the subject property.
This part of the City was annexed in 1947. Research shows that as early as 1976 this area was zoned residential (single-family) and there were some duplexes within this single-family residential district. On December 1976 City Council approved Petition 426 a zone change from R1-B, Single-family residential to R-2, Multi-family Low Density for property located at 503 Glade Place (see Figure 1); nearby the subject property.

The subject property had been zoned OP since 2004 until a zone change (Petition ZC 09-09) from OP, Office Professional to LNC, Local Neighborhood Commercial was approved by City Council in 2010.

The applicant stated that he recently purchased the property and is renting two (2) units as residences on the subject property. The applicant has requested a new address and another separate electric meter for one of the units.

Currently, the area where the subject property is located is surrounded by mixed uses (diverse zoning districts) commercial, office professional and residential (single-family and multi-family) (see Figure 1).

**Figure 1. City of Farmington Zoning Map**

Multifamily dwellings are permitted by right in the MF-L, Multifamily Low Density District including manufactured homes, multi-section. Multifamily dwellings and/or any other household living is not permitted in the LNC District; except upper story residential.

**Proposal**

The applicant would like to continue using the building on the subject property as a multifamily residence. At this time the applicant would like to have the current nonconforming two (2) residential units on the property. He is also requesting a variance
to reduce the street side yard setback for the existing structure from 20 feet to seven (7) feet.

The applicant stated that the two (2) residential units consist of the following:

- Unit 1 – two (2) bedrooms; and
- Unit 2 – two (2) bedrooms.

A zone change to MF-L would allow conforming household living on the property. A maximum of five (5) units (18,500 ft.\(^2\) + 3,500 ft.\(^2\)) would be allowed on the subject property if the requested zone change is approved.

**Figure 2. Subject Property.**

The property owner would have to provide sufficient off-street parking for the residential uses on the property (see Table 1). The total required off-street parking for the proposed residential use is two (2) spaces including ADA parking.

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

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwellings</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Efficiency &amp; one-bedroom</td>
<td>1.5 per dwelling unit</td>
</tr>
<tr>
<td>2-bedroom</td>
<td>1.75 per dwelling unit</td>
</tr>
<tr>
<td>3-bedroom</td>
<td>2.0 per dwelling unit</td>
</tr>
</tbody>
</table>
Additionally, the required off-street parking shall be paved pursuant to Unified Development Code Section 5.3.3A Driveways and parking lot access:

"Paving requirements. All required parking areas must be connected to a public street or alley by means of a driveway or private access easement. All driveways providing access to such parking areas shall be paved..."

The minimum driveway width for multifamily dwellings is 10 feet. Currently, there is a small semi-circular driveway partially paved (asphalt and gravel; see Figure 4) in the south street yard. The street side and rear yard area is mostly covered with gravel (see Figure 3). Pursuant to 3.9.4 District standards. District standards applicable in the MF-L, MF-M, and MF-H districts include the following:

A. To the extent practical, all parking shall be located in the side or rear yard.

Figure 3. Existing Off-street Parking (street side yard and rear yard).
If the proposed zone change is approved, the required off-street parking must be located in the side or rear yard.
Furthermore, the proposed zone change to residential use will require that street access for the subject property be directly through a local street (UDC 5.3.2A). Because West Apache Street is a minor arterial street the proposed residential use cannot take direct access to the arterial street (via West Apache Street) and must take access to San Juan Place.

Consistency with the Farmington Comprehensive Plan
The 2020 Future Land Use Plan recommends office professional for the subject property (see Figure 5).

Figure 5. 2020 Future Land Use Plan

![Figure 5. 2020 Future Land Use Plan](image)

Although the proposed zone change does not support the 2020 Future Land Use Plan, it does promote the following goals and objectives of the Comprehensive Plan:

**Land Use and Development**

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

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

**Housing**

1 Farmington Comprehensive Plan (2002). Chapter 4 Land Use and Development, pp. 4-11.
2 Farmington Comprehensive Plan (2002). Chapter 7 Housing, pp. 7-11, 12.
Goal: Promote quality, affordable, and safe housing that meets the needs of the community and assure implementation of sound standards for orderly development and growth.

“Action 7.1: Provide for a variety of housing options… to accommodate housing needs for all residents in Farmington...”

“Action 7.1.1: Revise existing zoning districts to allow for smaller lots, yards, and setback requirements to encourage new and diverse housing options.”

Variance Request
The applicant is also requesting a variance to reduce the street side yard setback for the existing structure from 20 feet to seven (7) feet to come into compliance with the Code. Currently, the existing structure’s street side yard setback is approximately 7 feet and does not meet the required street side yard setback in the MF-L District.

The required setbacks in the MF-L District are as follows:

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<tbody>
<tr>
<td>Front</td>
<td>20’</td>
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<tr>
<td>Side</td>
<td>8’</td>
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<tr>
<td>Street Side</td>
<td>20’</td>
</tr>
<tr>
<td>Rear</td>
<td>25’</td>
</tr>
</tbody>
</table>

Sec. 3.9 - Multifamily, low, medium and high density (MF-L, MF-M, and MF-H).

3.9.1 Purpose. The Multifamily Low, Medium and High Density (MF-L, MF-M and MF-H) Districts are intended to accommodate a substantial portion of the city’s residential growth over the 20-year planning horizon covered by the comprehensive plan. By allowing many residential development options (from detached houses on small lots to relatively high density apartments), the MF-L, MF-M and MF-H districts provide the widest range of housing choices for city residents. In all cases, development in the multifamily districts shall be adequately served by infrastructure. Although the MF-L, MF-M and MF-H districts allow moderate to high residential densities they are not generally appropriate for application in areas that are most appropriately suited to intensive nonresidential development. The provision of community open space, neighborhood parks, outdoor recreational areas, and pedestrian facilities is strongly encouraged.

STAFF ANALYSIS

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

The proposed zoning, MF-L, Multifamily Low Density District, is compatible with the present zoning of the area. The existing land use of the surrounding properties is mixed use (commercial, office and residential).
Although the proposed zone does not support the 2020 Future Land Use Plan, it promotes the Comprehensive Plan’s goals and objectives for Land Use and Development and Housing chapters.

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

The subject property has already been developed. The applicant is proposing to have two (2) units with two (2) bedrooms in each unit. He is also proposing to reduce the street side yard setback from 20 feet to seven (7) feet for the existing structure in order to come into compliance with the Code.

It is not anticipated that there will be adverse impacts; however, the applicant is required to mitigate adverse impacts.

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

Yes, the zone change request is MF-L, Multifamily Low Density. The applicant is proposing to have two (2) residential units on the property. Each unit will have two (2) bedrooms. A maximum of five (5) units (18,500 ft.² + 3,500 ft.²) would be allowed on the subject property. Household living is permitted in the MF-L District.

The applicant is also requesting a variance to reduce the street side yard setback for the existing structure from 20 feet to seven (7) feet to come into compliance with the Code.

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

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

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

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

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

The proposed zone change and variance request for the subject property are consistent with several goals and objectives of the Comprehensive Plan (Land Use and Development, Housing chapters). The existing land use of the surrounding properties is mixed use. The requested zone change and variance request will not be detrimental to the surrounding neighborhood and will not be a spot zone.

The proposed zone will not impose restrictions upon the surrounding lands, nor will it grant special privileges not generally associated with the MF-L District.

STAFF CONCLUSION
Staff concludes that approval of ZC 19-55 to (1) a zone change from LNC, Local Neighborhood Commercial District to the MF-L, Multifamily Low Density District to allow for residential use on the property and (2) a variance request to reduce the street side yard setback for the existing structure only from 20 feet to seven (7) feet to come into compliance with the Code for property located at 706 W. Apache Street is appropriate. The current land use for this area is mixed use and the proposed zone change and variance request is compatible with the surrounding area.

STAFF RECOMMENDATION
The Community Development Department recommends approval of Petition ZC 19-55, a request from J. W. Easley for (1) a zone change from LNC, Local Neighborhood Commercial District to the MF-L, Multifamily Low Density District to allow for residential use on the property and (2) a variance request to reduce the street side yard setback for the existing structure from 20 feet to seven (7) feet to come into compliance with the Code for property located at 706 W. Apache Street with the following condition(s):

- Variance to the required 20-foot street side yard setback shall apply for the existing structure only. If the existing structures are removed/demolish for any reason, they shall be replaced at 20 feet from the street side yard setback from the property line.

B. FINDINGS OF THE PLANNING AND ZONING COMMISSION

On July 25, 2019, the Planning and Zoning commission held a public meeting for ZC 19-55 and made the following findings:

1. The petitioner is J. W. Easley.

2. The property owner is J. W. Easley.

3. The petitioner is requesting (1) a zone change from LNC, Local Neighborhood Commercial District to the MF-L, Multifamily Low Density District to allow for residential use on the property and (2) a variance request to reduce the street
side yard setback for the existing structure from 20 feet to seven (7) feet to come into compliance with the Code for property located at 706 W. Apache Street.

4. The petitioner would like to continue using the building on the subject property as a multifamily residence; two (2), two (2) bedroom residential units.

5. This part of the City was annexed in 1947. Research shows that as early as 1976 this area was zoned residential (single-family) and there were some duplexes within this single-family residential district.

6. On December 1976 City Council approved Petition 426 a zone change from R1-B, Single-family residential to R-2, Multi-family Low Density for property located at 503 Glade Place (see Figure 1); nearby the subject property.

7. The subject property had been zoned OP since 2004 until a zone change (Petition ZC 09-09) from OP, Office Professional to LNC, Local Neighborhood Commercial was approved by City Council in 2010.

8. Pursuant to UDC 5.2.3 Minimum off-street parking requirements the proposed use requires a minimum of two (2) marked, off-street parking spaces including ADA parking.

9. Pursuant to UDC 5.3.3A Driveways and parking lot access:

"Paving requirements. All required parking areas must be connected to a public street or alley by means of a driveway or private access easement. All driveways providing access to such parking areas shall be paved..."

10. A zone change to MF-L would allow conforming household living on the property; a maximum of five (5) units (18,500 ft.² ÷ 3,500 ft.²) would be allowed on the subject property.

11. The minimum driveway width for multifamily dwellings is 10 feet.

12. Pursuant to 3.9.4A District standards. All parking shall be located in the side or rear yard.

13. The residential use will required that street access for the subject property be directly through a local street (UDC 5.3.2A); San Juan Place. West Apache Street is a minor arterial street the proposed residential use cannot take direct access to West Apache Street.

14. The petitioner is also requesting a variance to reduce the street side yard setback for the existing structure from 20 feet to seven (7) feet.

15. The proposed zone change does not support the 2020 Future Land Use Plan. The 2020 Future Land Use Plan recommends office professional for the subject property. However, it does promote the goals and objectives of the Comprehensive Plan's Land Use and Development and Housing chapters.
16. The petitioner was present at the hearing and spoke in favor of the petition.

17. No members from the neighborhood (notified/affected parties) or community (unnotified/interested parties) attended this hearing.

18. The Commission found that the request would not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor would it be substantially or permanently injurious to the neighboring property. The petition was approved with conditions.

Planning & Zoning Commission Discussion of Petition ZC 19-55 on July 25, 2019

Associate Planner Helen Landaverde presented the staff report for ZC 19-55, a request from the LNC, Local Neighborhood Commercial District, to the MF-L, Multifamily Low Density District, to allow for residential use on the property, and (2) a variance to reduce the street side yard setback for the existing structure from 20 feet to 7 feet to come into compliance, for property located at 706 W. Apache.

The property is 0.380 acres and is in the Apache Subdivision, Tract B, and is a corner lot. There is an existing single-family dwelling on the property. This part of the City was annexed in 1947. Research shows that as early as 1976 this area was zoned single-family residential and there were some duplexes within this single-family residential district.

On December 1976, City Council approved Petition 426 for a zone change from R1-B, Single-family residential to R-2, Multi-family Low Density for nearby property located at 503 Glade Place.

The property had been zoned OP since 2004 until a zone change from OP, Office Professional to LNC, Local Neighborhood Commercial was approved by City Council in 2010.

The applicant stated that he recently purchased the property and is renting two units as residences. The applicant has requested a new address and another separate electric meter for one of the units.

Currently, the area is mixed use, as there is commercial, office professional and residential in the surrounding area. Upper story residential is only permitted in the LNC District, which is why the applicant is requesting a zone change to allow for the nonconforming use.

The applicant would like to continue using the building on the subject property as a multifamily residence. The applicant would like to have two two-bedroom residential units on the property. A zone change to MF-L would allow a maximum of five units.

The property owner would have to provide sufficient off-street parking for the residential uses on the property. The total required off-street parking for the proposed residential use is two spaces, including ADA parking. Additionally, the required off-street parking
shall be paved pursuant to Unified Development Code Section 5.3.3A *Driveways and parking lot access.*

The minimum driveway width for multifamily dwellings is 10 feet. Currently, there is a small semi-circular driveway partially paved, asphalt and gravel, in the south street side yard. The street side and rear yard area is mostly covered with gravel. Pursuant to 3.9.4 *District standards,* all parking shall be located in the side or rear yard.

Furthermore, the proposed zone change to residential use will required that street access for the subject property be directly through a local street. Because West Apache Street is a minor arterial street, the proposed residential use cannot take direct access to the arterial street via West Apache Street, and must take access through San Juan Place per UDC 5.3.2A.

The 2020 Future Land Use Plan recommends Office Professional for this area; therefore, the proposal does not support the Future Land Use Plan. It does promote the Land Use and Development and Housing goals, and objectives of the Comprehensive Plan.

The applicant is also requesting a variance to reduce the street side yard setback for the existing structure from 20 feet to seven 7 feet to come into compliance with the UDC. Currently, the existing structure's street side yard setback is approximately 7 feet and does not meet the required street side yard setback in the MF-L District. If approved, it would come into compliance with the UDC.

The Community Development Department recommends approval of Petition ZC 19-55 with the following condition:

- Variance to the required 20-foot street side yard setback shall apply for the existing structure only. If the existing structures are removed/demolish for any reason, they shall be replaced at 20 feet from the street side yard setback from the property line.

James Easley, 708 W. Douglas, stated that he bought the property because his dad built the house in 1937. It has been vacant for several years and was going to be torn down. The house is an adobe house. New windows and doors have been installed. Currently, there are renters in the house. Mr. Easley said he would like to put more rentals on the property in the future.

Commissioner Langenfeld was concerned about possible spot zoning, but feels the zoning in this area varies. Chair Cardon said she has the same concerns, but feels that this is an older section of town and the new Comprehensive Plan may address these areas. Commissioner Davis said it might be a spot zone, but is conforming to the surrounding properties.

**Planning & Zoning Commission Action of Petition ZC 19-55 on July 25, 2019**

A motion was made by Commissioner Davis and seconded by Commissioner Brown to **approve** Petition ZC 19-55, a request from the LNC, Local Neighborhood Commercial District, to the MF-L, Multifamily Low Density District, and (2) a variance to reduce the
street side yard setback for the existing structure for property located at 706 W. Apache with the following conditions:

- Variance to the required 20-foot street side yard setback shall apply for the existing structure only. If the existing structures are removed/demolish for any reason, they shall be replaced at 20 feet from the street side yard setback from the property line.

AYE: Chair Cardon, Commissioners Brown, Davis, Langenfeld, Lockmiller, Mangum, Ragsdale, Sewell, and Smouse.

NAY: None

Abstained: None

Absent: Commissioners Freeman and Waldroup.

Motion passed 9-0
Photo of subject property

Existing Unit 2

Existing Unit 1

Sketch of Subject Property
REQUEST:
Petition ZC 09-09 from Wayne M. Dale for a zone change from the OP, Office and Professional District to the LNC, Local Neighborhood Commercial District for 0.38 acres located at 706 West Apache Street.

PUBLIC PARTICIPATION:
A. Publication of Notice for this public hearing appeared in the Daily Times on Wednesday, November 25, 2009. Property owners within 100 feet were sent notice by certified mail on Tuesday, November 24, 2009 and a sign was posted on Tuesday, November 24, 2009.
B. The Planning and Zoning Commission held a public hearing on Thursday, December 10, 2009. The petitioner was present at the hearing and spoke in favor of the zone change. The Community Development Department received phone calls from neighbors inquiring about the petition, though no written comment was received.

SUMMARY OF RELATED FACTS:
The Property

<table>
<thead>
<tr>
<th>Location</th>
<th>706 West Apache Street.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Characteristics</td>
<td>Converted residential building used as a commercial building, trees and vegetation.</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Vacant.</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>OP, Office and Professional District</td>
</tr>
</tbody>
</table>

Surrounding Zoning and Land Use

<table>
<thead>
<tr>
<th>North:</th>
<th>SF-7, Single-family Residential District / Residence</th>
</tr>
</thead>
<tbody>
<tr>
<td>South:</td>
<td>GC, General Commercial District /Residence</td>
</tr>
<tr>
<td>East:</td>
<td>SF-7, Single-family Residential District /Residence</td>
</tr>
<tr>
<td>West:</td>
<td>OP, Office and Professional District / Commercial and SF-7, Single-family Residential / Residence</td>
</tr>
</tbody>
</table>

Description of Proposed Activity
The petitioner is requesting a zone change from the OP, Office and Professional District to the LNC, Local Neighborhood Commercial District. The property is 0.38 acres on the northeast corner of West Apache Street and San Juan Place.

Farmington Comprehensive Plan
The Farmington Comprehensive Plan’s Future Land Use Plan shows the area designated as Office Professional. The current OP district zoning for this area is consistent with this Comprehensive Plan designation. The LNC district which the petitioner has requested allows office and professional uses, but also allows some retail and service establishments.
The property owner has inquired in the past about leasing to retail and service uses which are not allowed in the OP district. He is requesting this zone change to allow a beauty salon. This zone change will make it possible to lease to the type of tenants who are attracted to the location.

According to Section 3.12 of the City of Farmington Unified Development Code (UDC), the LNC district is intended to accommodate neighborhood oriented, low-intensity retail sales and service uses in commercial clusters and/or nodes along thoroughfares and at intersections that are readily accessible from surrounding residential areas. West Apache Street is a minor arterial on the City's Major Thoroughfare Plan and San Juan Place is a local street.

**FINDINGS:**

1. The area for this zone change is 0.38 acres located at 706 West Apache Street. The area of this zone change is legally described as Tract B of the Apache Subdivision.

2. Wayne M. Dale is the owner of the property.

3. The property for this zone change is currently zoned OP, Office and Professional District. The property owner is requesting a zone change to the LNC, Local Neighborhood Commercial District.

4. Section 3.12.2 of the UDC provides recommended location requirements for LNC districts, stating that rezoning to the LNC district may be limited to areas within 1000 feet of the intersection of a two collectors streets, areas within 1000 feet of the intersection of a collector and a local street, or as nodes on all four corners of intersections in areas that are at least one-half a mile away from another LNC district.

5. According to the City of Farmington Major Thoroughfare Plan, Apache Street is a minor arterial street and San Juan Place is a local street. Section 3.12 of the UDC does not provide a guideline for locations along arterials. The area of this zone change is across West Apache Street from another recently rezoned LNC district.

6. According to Section 3.12.1 of the UDC, the LNC district is appropriate for application in areas that are already developed with commercial uses to serve adjoining neighborhoods. Retail and service uses are located along West Apache Street adjacent to existing residential neighborhoods.

7. The City of Farmington Comprehensive Plan anticipates office professional uses for the area of this zone change. According to Table 2.3 of the UDC, the LNC district allows office and professional uses, but also allows retail and service uses not allowed in the OP district. The present zone change request to the LNC district is not consistent with the Comprehensive Plan.

8. Section 3.12 of the UDC requires that a site plan shall be approved and filed with the findings of fact and conclusions of law as part of the approval.

9. The amount of required off-street parking will be determined at the time business licenses are issued for the property.
10. Section 8.75 of the UDC states that the Planning and Zoning Commission may recommend and the City may approve reasonable conditions upon the granting of a zone change including installation of paving.

11. The area of this zone change must comply with Residential Protections stated in Section 5.10 of the UDC relating to setbacks, building height, screening, waste receptacles and outdoor lighting.

PLANNING AND ZONING COMMISSION ACTION December 10, 2009:

Motion was made by Commissioner Dennis Ivie, seconded by Commissioner Lonnie Moffett to approve Petition ZC 09-08, a zone change request from Wayne M. Dale from the OP, Office and Professional District to the LNC, Local Neighborhood Commercial District for 0.38 acres located at 706 West Apache Street on the northeast corner of West Apache Street and San Juan Place, with the condition that the petitioner shall provide an amended site plan showing the paved parking and if parking is not existing, the petitioner shall install the paved parking and access.

AYE: Chairman Shields, Commissioners Buchanan, Byrom, Ivie, Moffett and Simpson.

NAY: None

ABSTAINED: None.

ABSENT: Commissioners Bird, Cardon, Kuchera and Williams.

THE MOTION PASSED 6-0.

COUNCIL ACTION:

On January 12, 2010, the City Council adopted the Planning and Zoning Commission Action Summary and approved Petition ZC 09-09, a request from Wayne M. Dale for a zone change from the OP, Office and Professional District to the LNC, Local Neighborhood Commercial District for 0.38 acres located at 706 West Apache Street on the northeast corner of West Apache Street and San Juan Place, with the condition that the petitioner shall provide an amended site plan showing the paved parking and if parking is not existing, the petitioner shall install the paved parking and access.

Approved this 12th day of January 2010.

ATTEST:

William E. Standley, Mayor
Dianne Fuhrman, City Clerk

LEGAL DEPARTMENT
APPROVED AS TO FORM

BY: John

DATE: 1/22/10
AREA UNDER CONSIDERATION
Petition No. ZC 09-09

COMMUNITY DEVELOPMENT DEPARTMENT

1 in : 100 ft

12/10/2009
Mr. Gus Byrom, Assistant Public Works Director, explained that the Standards set forth the minimum standards that anyone wishing to do business of an aviation nature at the Airport must meet. General requirements are good moral character, financial ability, insurance coverage and a prospectus of the proposed activity. The Standards also specify standards that must be met for different types of businesses such as flight training, aircraft charter and taxi, aircraft rental and sales, fuel and oil sales, and other aviation activities. Mr. Byrom said the document is both desirable to the community and required by FAA which states that the City must establish a fair and reasonable set of Standards.

In answer to the Council, Mr. Byrom said the only business at the Airport that is not in conformity does not have a contract with the City. At the suggestion of the Council, Mr. Byrom said the Standards would be revised to be more specific in the area of requiring 24 hour availability for gasoline and oil sales.

Motion made by Councilman Culpepper, seconded by Councilman Hall, to direct the Legal Department to prepare a resolution pertaining to the Minimum Standards for Commercial Aviation Activities to be Conducted at the Farmington Municipal Airport and upon voice vote the motion carried unanimously.

(b) Approval of revision of the terminal building to include a location for incoming baggage for passengers inside the terminal building.

(c) Approval of relocating motel phones and increasing the rate charges.

(d) Approval of erection of canopies over the deplaning and enplaning areas for protection of passengers from the weather.

(e) Approval of use of the gravel area south of the parking lot for overnight parking and prohibiting overnight parking in other unmarked areas.

Mr. Byrom asked the Council to defer action as he would like time to study the proposals and make a recommendation on the feasibility and cost involved.

It was the consensus of the Council that consideration of items (b) through (e) be deferred pending a report from Staff.

**RECOMMENDATIONS FROM PLANNING AND ZONING COMMISSION:**

(a) Approval of Petition No. 426 from Lawrence A. Brewer asking for a zoning change from R-1B, Single Family, to R-2, Multiple Family, for Lots 1 and 2 of Block 2 in the Apache Subdivision to build one four-plex.

In answer to the Mayor, Mr. Scott Brown, Zoning Administrator, said there were no objections from the surrounding property owners.

Motion made by Councilman Culpepper, seconded by Councilman Hall, to approve the zoning change requested in Petition 426 as recommended by the Planning and Zoning Commission and upon voice vote the motion carried unanimously.

(b) Approval of the following R-MH Zoning District and Special Mobile Home Areas where Special Use Permits are not required:
Letter of Support

I, Sixto Campos, hereby support the proposed zone change ZC 19-55 as recommended by the City.

6.24.19
### City of Farmington Departments

<table>
<thead>
<tr>
<th>CD</th>
<th>Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD</td>
<td>Addressing – Planning Division</td>
</tr>
<tr>
<td>CD</td>
<td>Chief Building Official – D. Childers</td>
</tr>
<tr>
<td>CD</td>
<td>Long Range Planner</td>
</tr>
<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 – K. Rix</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>

### Other Entities

- No Comments for Zone Change.

However, any structural development that increases the footprint of the existing structure or any new structures may require the installation of sidewalks, adjacent to the property, along San Juan place and the update of sidewalks along Apache Ave to meet Americans with Disabilities Act (ADA) standards.
<table>
<thead>
<tr>
<th>Company/Role</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico Gas Company – R. Castillo</td>
<td>No comment</td>
</tr>
<tr>
<td>CenturyLink – D. Willato</td>
<td></td>
</tr>
<tr>
<td>Enterprise Field Services</td>
<td></td>
</tr>
<tr>
<td>Comcast Cable – M. Johnson</td>
<td></td>
</tr>
<tr>
<td>CH2M HILL OMI</td>
<td></td>
</tr>
<tr>
<td>Surface Land Negotiator for BP – M. Venzara</td>
<td></td>
</tr>
<tr>
<td>Farmington School District – C. Lyons</td>
<td></td>
</tr>
</tbody>
</table>
**Petition Application**

**Planning Division**
Community Development Department
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1117
(505) 599-1299 (Fax)

---

**Project Type**

- [x] Annexation and/or Zoning
- [ ] Preliminary Plat
- [ ] Final Plan
- [ ] Summary Plat
- [ ] Special Use Permit
- [x] Zone Change to MF-1 District
- [ ] Temporary Use Permit
- [ ] Proposed Length of Use:
- [ ] Well site equipment modification

**Information**

- **Applicant's Name:** [Full Name]
- **Address:** [Address]
- **E-Mail:** [Email]
- **Phone:** [Phone Number]
- **Relationship to Property Owner:** [Relationship]
- **Existing Use:** [Use]
- **Proposed Use:** [Use]
- **Current Zoning:** [Zoning]
- **Assessor's Parcel ID:** [Parcel ID]
- **Legal Description of Subject Property:** [Description]
- **Is Property subject to deed restrictions, covenants, or homeowners' association agreements?**
  - [ ] Yes
  - [x] No

**Representative/Contact Person (If Other Than Applicant)**

- **Name:** [Name]
- **Address:** [Address]
- **E-Mail:** [Email]

**Ownership**

- **Property Owner (Identify General Partners, Managing Partner, Corporation President and Secretary):** [Owner]
- **Mortgage Holders (If Any):**
  - **Name:** [Name]
  - **Phone:** [Phone]
  - **Address:** [Address]

**Owner Certification**

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

- **Name:** [Name]
- **Owner's Signature:** [Signature]
- **Address:** [Address]
- **Phone/Email:** [Phone]

**Received By:** [Signature]

- **Date:** [Date]
- **Fee:** [Amount]
- **Project File No.:** [File No.]
- **Date of Hearing/Meeting:** [Date]

---

**Notes:**

- [ ] Blue Line Copies of Plans
- [ ] Ownership Report (Subject and Surrounding Properties)
- [ ] Legal Description
- [ ] Detailed Statement of Proposed Use

---

**Journal 62**

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**Page 24**
Request Zone Change 706 West Apache St.

Purchase of residential property to repair and use as rental property. City of Farmington has property as commercial property. Requesting the City of Farmington to change to Multiple Family use. Need zone change to obtain second address for apartment on back side of house. With second address could apply for electric and gas meters for apartment. This would improve the use of the property.

William W. Easley
6-12-19
Notice is hereby given that the following application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico.

Petition No. ZC 19-55 - a request from J.W. Easley for (1) a zone change from the LNC, Local Neighborhood Commercial District, to the MF-L, Multifamily Low Density District, and (2) a variance to reduce the street side yard setback for the existing structure for property located at 706 W. Apache Street in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Tract 8, in Block 1, of the Apache Subdivision, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record February 13, 1950.

Otherwise located at 706 W. Apache Street

Petition No. SUP 19-60 - a request from Security Finance of New Mexico, LLC, SBA Commercial Loans, represented by Robert Dinning for a Special Use Permit to allow a loan company to do business in the LNC, Local Neighborhood Commercial District for property located at 2222 B E. 20th St., in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of Lot 2 and all of Lot 3, in Block 3 of the Huntzinger Subdivision in the City of Farmington, San Juan County, New Mexico, filed for record August 18, 1954.

Otherwise known as 2222 B E. 20th St.

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, July 25, 2019 at 7:00 p.m. in the City Council Chambers at City Hall, 300 Municipal Drive, Farmington, New Mexico. If warranted by the Commission, this petition will be considered by the City Council on Tuesday, August 13, 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 regard to the subject petition.

Karen Walker
Administrative Assistant
July 3, 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 J.W. Easley for (1) a zone change from the LNC, Local Neighborhood Commercial District, to the MF-L, Multifamily Low Density District, and (2) a variance to reduce the street side yard setback for the existing structure, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Tract B, in Block 1, of the Apache Subdivision, in the City of Farmington, San Juan County, New Mexico

Otherwise known as 706 W. Apache St.

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, July 25, 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, August 13, 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:

Tract B, in Block 1, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record February 13, 1950.

TRACT 1
James W. Easley and William W. Easley
7088 West Douglas
Farmington, NM 87401

TRACT B, in Block 1, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

Book 1627, page 96

TRACT 2
BBR, LLC
P.O. Box 2019
Farmington, NM 87499

Lots 1 and 2, in Block 1, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

Book 1467, page 631

TRACT 3
Deanna K. Schulte
507 San Juan Place
Farmington, NM 87401

Lot 3, and that part of Lots 1 and 2, in Block 1, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

Book 1360, page 959
Book 1088, page 349

TRACT 4
Christopher H. Woods
5205 Hallmark Drive
Farmington, NM 87401

Lot 4, in Block 1, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

Book 1621, page 64

TRACT 5
Robert W. Dinning Trust
7219 Driftwood Avenue
Farmington, NM 87402

Lot 5, in Block 1, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

Book 1633, page 821
Book 1192, page 352
TRACT 6
Freddie I. Hudgins and Maxine Hudgins Trust
2 County Road 2853
Aztec, NM 87410

Lot 10, in Block 1, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

Book 1139, page 951
Book 785, page 178

TRACT 7 & 9
Ruby H. Brown Trust
1805 Laguna
Farmington, NM

That part of Lot 10, in Block 1, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

AND

That part of Tract A, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

Book 1117, page 380
Book 1044, page 364
Book 978, page 33

TRACT 8
Martin A. Salazar
14686 Blue Wings Way
Colorado Springs, CO 80921

Lot 4, in Block 2, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

Book 1640, page 769
Book 1640, page 768

TRACT 10
Jeri Herrera and Zelith Overlin
505 Glade Place
Farmington, NM 87401

Lot 3, in Block 2, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

Book 1142, page 888
TRACT 11
Sixto Campos-Ramirez
704 West Apache
Farmington, NM 87401

That part of Tract A, in Block 1, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

Book 1582, page 588

TRACT 12
Kaimo Revocable Trust
1830 Boston Drive
Las Cruces, NM 88001

Lots 1 and 2, in Block 2, of the APACHE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed February 13, 1950.

Book 1414, page 750

TRACT 13 & 15
City of Farmington
800 Municipal Drive
Farmington, NM 87401

Lot 2, of the BARLOW SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed December 19, 2001.

AND

A tract of land located in the N:\NW\NW\, and the NW\NW\, of Section 16, Township 29 North, Range 13 West, N M P M, San Juan County, New Mexico.

Book 1334, page 119

AND

Book 1264, page 714

TRACT 14
Childhaven Foundation, Inc.
807 West Apache Street
Farmington, NM 87401

Lot 1, of the BARLOW SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed December 19, 2001.

Book 1625, page 582
10: May 24, 2019, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

[Signature]

By: Shayle Terry, Abstractor
A. STAFF REPORT

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Security Finance of New Mexico, LLC dba Continental Loans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Robert Dinning</td>
</tr>
<tr>
<td>Date of Application</td>
<td>June 21, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>Approval of a special use permit to allow for a loan company in the LNC, Local Neighborhood Commercial District.</td>
</tr>
<tr>
<td>Location</td>
<td>2222 Suite B, E. 20th Street (R0023879)</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Office</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>LNC, Local Neighborhood Commercial District</td>
</tr>
<tr>
<td>Notice</td>
<td>Publication of Notice for public hearings of the Planning and Zoning Commission and City Council appeared in the Daily Times on Sunday, July 7, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday, July 3, 2019 and a sign was posted on Friday, July 13, 2019.</td>
</tr>
<tr>
<td>Staff Planner</td>
<td>Helen Landaverde, Associate Planner</td>
</tr>
</tbody>
</table>

STAFF ANALYSIS

Background
The applicant Security Finance of New Mexico, LLC dba Continental Loans, represented by Robert Dinning, is requesting a Special Use Permit to allow for the relocation of an existing loan company/financial services office (Continental Loans) at 2222 Suite B, E. 20th Street in the LNC, Local Neighborhood Commercial District. Pursuant to UDC 2.3 Use Table, Loan Companies, considered to be an office use, are
permitted in the LNC District with approval of a Special Use Permit. The applicant is proposing to relocate the loan company/financial services office from 1903 E. 20th Street (GC, General Commercial District) to 2222 Suite B, E. 20th Street.

Pursuant to UDC 2.7.5 B Office.

(1) **Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

(3) **Examples.** Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; publishers; data processing; sales offices; government offices and public utilities offices; TV and radio studios; medical and dental clinics (including minor emergency centers), medical and dental labs; and blood-collection facilities.

San Juan County Tax Assessor’s records show that the size of the subject property (parcel R0023879) is 0.547 acres and is owned by D & B 20th Street LLC. The existing building measures approximately 8,098 ft.$^2$. The property is in the Huntzinger Subdivision Lot 2 and 3 in Block 3.

The surrounding area is commercial and residential.

**Figure 1. Proposed relocation for loan company/financial services office.**

![Figure 1. Proposed relocation for loan company/financial services office.](image-url)
Proposal
According to the applicant, Security Finance of New Mexico, LLC dba Continental Loans has been in business for nearly 30 years in the City of Farmington. The applicant would like to relocate the existing financial services office to 2222 Suite B, E. 20th Street within the existing commercial strip center (8,098 ft.²) and is proposing to occupy 2000 ft.² of floor area (see Figure 2).

The applicant stated that the proposed office relocation would allow for “easier parking access for customers and more office space.”

Figure 2. Proposed Floor Plan
Parking
Pursuant to the UDC 5.2.3 Minimum off-street parking requirements the proposed use requires a minimum of 1.0 parking space per 250 ft.² (see Table 1). The total minimum off-street parking spaces required are 8 marked spaces, including ADA parking. There are two existing uses in the commercial strip center, Cannon (wholesale sales office) and ASAP MVD (office). It does not appear that the proposed use will interfere with the required off-street parking for the existing uses on the subject property.

According to the applicant the Cannon wholesale sales office occupies approximately 2,000 ft.² of floor area. The minimum required off-street parking for this use is 0.6 per employee. The ASAP MVD office/service provider also occupies approximately 2,000 ft.² of floor area. The minimum required off-street parking for this use is 1.0 per 250 ft.² (8 spaces).

There are currently 12 parking spaces that are marked, but not clearly designated (see photos pages 9-10). Pursuant to UDC 5.2.11 Parking design standards.

A. Markings.
   (1) Required parking spaces shall be permanently and clearly designated for all facilities requiring five or more spaces. Each such parking space and off-street parking facility shall be identified by surface markings and shall be maintained in a manner so as to be readily visible and accessible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Marking required to be maintained in a highly visible condition include striping, directional arrows, lettering on signs and in handicapped designated areas, and field color.

The applicant is proposing to utilize the rear yard area for additional parking (see pages 11-12).

Table 1. Minimum off-street parking requirements

<table>
<thead>
<tr>
<th>UDC 5.2.3 Minimum off-street parking requirements</th>
<th>Minimum number of space required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 per 250 sq. ft.</td>
<td>8</td>
</tr>
<tr>
<td>Total minimum off-street parking</td>
<td>8</td>
</tr>
</tbody>
</table>

- 7.3 -
Hours of Operation and Procedures
The applicant is proposing to maintain the same hours of operation at 2222 Suite B, E. 20th Street; Monday to Friday 9:00 a.m. – 6:00 p.m. and Saturday by appointment only.

Consistency with the Comprehensive Plan
The 2020 Future Land Use Plan recommends commercial for the subject property. The proposed use is considered to be an office use and offices are permitted by right in the City’s commercial district, General Commercial, including loan companies/financial services office. The proposed use would promote and facilitate the City’s Economic Development Plan, core goals of the Comprehensive Plan:

"Goals.

3. Affirmative support of local business creation, retention and expansion."

Priorities.

4. Businesses and industries that produce goods or services locally, for distribution within the region to displace imported goods and services."

Figure 3. Future Land Use Plan

---

2 ibid.
Unified Development Code (UDC)

UDC 8.9A. Special Use Permits:

A. Except as provided herein or specified in the conditions of a special use permit, ownership of a special use permit is not transferrable. However, special use permits associated with nonresidential uses are transferrable.

If the SUP is approved, the approved SUP for the relocation of the loan company/financial services office would "run with the land".

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 proposed loan company/financial services office is permitted with an approved special use permit in the LNC District. It is not anticipated that the proposed use will be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor will it be injurious to the neighboring property.

   The proposed use is compatible with other local services, commercial and institutional uses along 20th Street which are also zoned LNC.

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.

   The applicant has submitted a site plan. The proposed relocation of the loan company/financial services office is compatible and is in harmony with the character of the surrounding area. The uses along 20th Street are commercial and institutional uses. The applicant is proposing to continue to provide their services in the City of Farmington.

Any future development, redevelopment, and demolition will need to meet established requirements of the zone district and off-street parking regulations.
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 subject property has already been developed. Public facilities have been provided. The applicant is proposing to relocate an existing loan company/financial services office on the subject property. The applicant is required to mitigate any adverse impacts to the area.

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

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 proposed use (loan company/financial services office) supports the Comprehensive Plan's Economic Development chapter. The 2020 Future Land Use Plan recommends commercial for the subject property. The proposed use is considered to be an office use and offices are permitted in the City's commercial district. The proposed loan company/financial services office is permitted in the LNC, Local Neighborhood Commercial District with an approved Special Use Permit. The proposed loan company/financial services office in the LNC 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.

**N/A**

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 applicant provided a site plan that conforms to the standards of Section 8.5 (see attachment).
STAFF CONCLUSION

Staff concludes approval of SUP 19-60 is appropriate. Staff has determined that the proposed relocation of a loan company/financial services office supports the goals and priorities of the Economic Development in the City’s Comprehensive Plan. Additional, the proposed use is considered to be an office use and offices are permitted in the City’s commercial districts by right or with an approved Special Use Permit. Staff does not anticipate any adverse effects on the surrounding area due to the proposed use.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition SUP 19-60, a request from Security Finance of New Mexico, LLC dba Continental Loans, represented by Robert Dinning, for a Special Use Permit to allow for the relocation of the existing loan company/financial services office (Continental Loans) at 2222 Suite B, E. 20th Street in the LNC, Local Neighborhood Commercial District and subject to the following conditions/UDC requirements:

• Pursuant to 5.2.11 Parking design standards. The applicant is required to clearly designate all of the minimum off-street parking spaces (8 spaces) including ADA parking. The surface markings shall be maintained visible and accessible at all times including handicapped designated areas.

B. FINDINGS OF THE PLANNING AND ZONING COMMISSION

On July 25, 2019, the Planning and Zoning commission held a public meeting for SUP 19-60 and made the following findings:

1. The petitioner is Security Finance of New Mexico, LLC dba Continental Loans, represented by Robert Dinning.

2. The property owner is D & B 20th Street LLC.

3. The petitioner is requesting a Special Use Permit to allow for the relocation of an existing loan company/financial services office (Continental Loans) at 2222 Suite B, E. 20th Street in the LNC, Local Neighborhood Commercial District.

4. The petitioner proposes to occupy 2000 ft.$^2$ of floor area. The petitioner provided a proposed floor plan and information on the financial services office/loan company hours of operation and procedures.

5. Pursuant to the UDC 5.2.3 Minimum off-street parking requirements the proposed use requires a minimum of 8 marked off-street parking spaces, including ADA parking.
6. The use is compatible with Farmington's Comprehensive Plan. The proposed use promotes and facilitates the City's Economic Development Plan. The proposed use (loan company) is considered to be an office use and offices are permitted by right in the City’s commercial district. A loan company is permitted in the LNC District with an approved Special Use Permit.

7. The petitioner's representative was present at the hearing and spoke in favor of the petition.

8. No members from the neighborhood (notified/affected parties) or community (unnotified/interested parties) attended this hearing.

9. The Commission found that the request would not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor would it be substantially or permanently injurious to the neighboring property. The petition was approved with conditions.

**Planning & Zoning Commission Discussion of Petition SUP 19-60 on July 25, 2019**

Associate Planner Helen Landaverde presented the staff report for SUP 19-60, a request from Security Finance of New Mexico, LLC, DBA Continental Loans, represented by Robert Dinning for a Special Use Permit to allow for the relocation of an existing loan company/financial service office in the LNC, Local Neighborhood Commercial District for property located at 2222 Suite B, E. 20th Street.

The surrounding area is commercial and residential. The applicant is proposing to relocate the office from 1903 E. 20th Street to 2222 Suite B, E. 20th Street. The UDC considers loan companies to be an office use, and office uses are permitted in the LNC District with a Special Use Permit.

San Juan County Tax Assessor's records show that the size of the subject property is 0.547 acres. The existing building measures approximately 8,098 sq. ft.

According to the applicant, Continental Loans has been in business for nearly 30 years in the City of Farmington. The applicant would like to relocate the existing financial services office to 2222 Suite B, E. 20th Street within the existing commercial strip center and is proposing to occupy 2000 sq. ft. of floor area.

The applicant stated that the proposed office relocation would allow for easier parking access for customers and more office space. The hours of operation will be Monday to Friday from 9:00 a.m. – 6:00 p.m., and by appointment only on Saturday.

Pursuant to the UDC 5.2.3 Minimum off-street parking requirements the proposed use requires a minimum of eight spaces, including ADA parking. There are two existing uses in the commercial strip center, Cannon wholesale sales office and ASAP MVD office. It does not appear that the proposed use will interfere with the existing parking at that location.
According, to the applicant the Cannon wholesale sales office occupies approximately 2,000 sq. ft. of floor area. The minimum required off-street parking for this use is 0.6 per employee. The ASAP MVD office also occupies approximately 2,000 sq. ft. of floor area. The minimum required off-street parking for this use is eight spaces.

There are currently 12 parking spaces that are marked, but not clearly designated. Pursuant to UDC 5.2.11, Parking design standards, required parking spaces shall be permanently and clearly designated for all facilities requiring five or more spaces. Each such parking space and off-street parking facility shall be identified by surface markings and shall be maintained in a manner to be readily visible and accessible at all times.

The applicant is proposing to utilize the street side and rear yard area for additional parking.

The proposed SUP is consistent with the 2020 Future Land Use Plan. It is recommended for this area to be commercial. The proposed use is considered an office use and offices are permitted by right in the City's commercial district, including loan companies. The proposed use would promote and facilitate the City's Economic Development Plan, core goals and priorities goal #3 Affirmative support of local business creation, retention and expansion, and priority #4 Businesses and industries that produce goods or services locally, for distribution within the region to displace imported goods and services.

If this SUP is approved, it will be transferrable and run with the land pursuant to UDC 8.9A Special Use Permits. SUP 19-60 meets the criteria listed in Section 8.9.4 of the UDC.

The Community Development Department recommends approval of Petition SUP 19-60 to allow for the relocation of the existing loan company subject to the following conditions/UDC requirements:

- Pursuant to 5.2.11 Parking design standards The applicant is required to clearly designate all of the minimum off-street parking spaces (8 spaces) including ADA parking. The surface markings shall be maintained visible and accessible at all times including handicapped designated areas.

Commissioner Davis asked why this type of business required an SUP. Ms. Landaverde said for loan companies, there might be a misunderstanding that a business open 24 hours would be allowed. The residential area is nearby and neighbors might not like this type of business in the area. Ms. Landaverde mentioned Payday Loans as an example that is open 24 hours. The UDC sees it as an office use and the applicant will maintain office hours. Those hours may not be maintained in the future if another type of Loan Company occupies the space.

Commissioner Langenfeld clarified that the SUP would stay with the land and even though the current applicant intends to maintain regular office hours, a future tenant could occupied the space and would be allowed to stay open 24 hours. Ms.
Landaverde said it is possible, but the SUP could be revoked if someone complains. Ms. Langenfeld asked if there was any benefit to include a condition with the approval of the SUP. Ms. Landaverde said a condition could be included.

Bob Dinning, 7219 Driftwood, said he has no concerns or questions as long as the petition is recommended for approval.

Commissioner Sewell asked the nature of Continental Loans. Mr. Dinning said they do small loans and people make payments at the office. To his knowledge, there has never been any complaints in the 30 years the company has been in Farmington.

Commissioner Brown asked if a restriction on business hours would hurt the business. Mr. Dinning said that should not be a problem, but would hate to come back to Planning & Zoning if the business decides to stay open until 7:00 p.m.

**Planning & Zoning Commission Action of Petition SUP 19-60 on July 25, 2019**

A motion was made by Commissioner Sewell and seconded by Commissioner Smouse to approve Petition SUP 19-60, a request from Security Finance of New Mexico, LLC, DBA Continental Loans, represented by Robert Dinning for a Special Use Permit to allow a loan company to do business in the LNC, Local Neighborhood Commercial District for property located at 2222 Suite B, E. 20th Street with the following condition:

- Pursuant to 5.2.11 Parking design standards. The applicant is required to clearly designate all of the minimum off-street parking spaces (8 spaces) including ADA parking. The surface markings shall be maintained visible and accessible at all times including handicapped designated areas.

AYE: Chair Cardon, Commissioners Brown, Davis, Langenfeld, Lockmiller, Mangum, Ragsdale, Sewell, and Smouse.

NAY: None

Abstained: None

Absent: Commissioners Freeman and Waldroup.

**Motion passed 9-0**
Photo of subject property
City of Farmington
SUP 19-60 2222 Suite B, E. 20th Street

Marked parking spaces not well defined
Proposed additional parking

Side street yard parking area
Rear yard parking area
# PLANNING MEMO COMMENTS SUMMARY

**SUP 19-60 2222 B E. 20TH ST.**  
**Deadline: 6/28/19**

## City of Farmington Departments

<table>
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<tr>
<th>Department</th>
<th>Comments</th>
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<tbody>
<tr>
<td>CD Director</td>
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<td>CD</td>
<td>Addressing – Planning Division</td>
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<td>CD</td>
<td>Chief Building Official – D. Childers</td>
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<td>CD</td>
<td>Long Range Planner</td>
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<td>LEGAL</td>
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<td>Code Compliance – M. Romero</td>
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<td>ORII – C. Styron</td>
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<tr>
<td>PW</td>
<td>City Engineer – N. Westerling</td>
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<td>Engineering – T. Sitta</td>
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<tr>
<td>PW</td>
<td>Streets Superintendent</td>
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<tr>
<td>PW</td>
<td>Traffic Engineer – I. BlueEyes</td>
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<tr>
<td>PW</td>
<td>Water/Waste Water – M. Tso</td>
</tr>
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## Other Entities

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<th>Entity</th>
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<tr>
<td>New Mexico Gas Company – R. Castillo</td>
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<tr>
<td>CenturyLink – D. Willato</td>
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<td>Enterprise Field Services</td>
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<td>Comcast Cable – M. Johnson</td>
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<tr>
<td>CH2MHILL OMI</td>
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<td>Surface Land Negotiator for BP – M. Venzara</td>
<td></td>
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<tr>
<td>Farmington School District – C. Lyons</td>
<td></td>
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</table>
### TITRATION APPLICATION

Incomplete applications will not be accepted. Return completed application to:

Planning Division
Community Development Department
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1317
(505) 599-1299 (fax)

**PROJECT TYPE**

- □ Annexation and/or Zoning
- □ Preliminary Plat
- □ Final Plan

**INFORMATION**

- Applicant's Name: [redacted]
- E-Mail: [redacted]
- Relationship to Property Owner: (Lease Company)
- Project Location: 2222 E. 20th St
- Existing Use: Commercial
- Proposed Use: Commercial
- Current Zoning: LC
- Assessor's Parcel I.D. and/or Tax I.D. Number: R0003879

**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

- Huntingland Subdivision
- Section 6, T. 40 N., R. 41 W., P. 1, Block 3, P.U. 7.

Is Property subject to deed restrictions, covenants, or homeowners’ association agreements? Yes □ No □

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

- Name: [redacted]
- E-Mail: [redacted]
- Phone: 505-327-3905
- Address: 1310 Driggs Road, Farmington, NM 87402

**OWNER CERTIFICATION**

- Owner's Signature: [redacted]
- Address: 219 Driggs Road, Farmington, NM 87402

- STAFF USE ONLY

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

- STAFF USE ONLY

- □ Blueline Copies of Plans
- □ Ownership Report (subject and surrounding properties)
- □ Legal Description
- □ Detailed Statement of Proposed Use
Continental Loans has been on 20th Street for nearly 30 years. We make small loans to the public. Our business is office/professional. We work Monday through Friday from 9 am to 6 pm and Saturday by appointment only. We are moving to the proposed location, about three blocks from our current location. The move is to accomplish two things—easier parking access for our customers and more office space.

The zoning at the proposed location is LC, and loan companies are an allowed use with a special use permit.
NOTICE OF PUBLIC HEARING

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

Petition No. EU 19-35 - a request from J.W. Estes for (1) a Zoning change from the LNC, Local Neighborhood Commercial District, to the MF-L, Multi-family Low Density District, and (2) a variance to reduce the street side yard setback for the existing structure for property located at 706 W. Apache Street in the City of Farmington, San Juan County, New Mexico, as described below.

LEGAL DESCRIPTION
Tract II, in Block 1, of the Apache Subdivision in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record February 12, 1950.

Petition No. SUP 19-60 - a request from Security Finance of New Mexico, LLC, DBA Continental Loans, represented by Robert Dinning for a Special Use Permit to allow a loan company to do business in the LNC, Local Neighborhood Commercial District for property located at 2222 B E. 20th St., in the City of Farmington, San Juan County, New Mexico, as described below.

LEGAL DESCRIPTION
That part of Lot 2 and all of Lot 3, in Block 3 of the Hunsinger Subdivision, in the City of Farmington, San Juan County, New Mexico, filed for record August 18, 1954.

Pursuant to the provisions of Section 9-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, July 25, 2019 at 7:00 p.m. in the City Council Chambers at City Hall, 100 Municipal Drive, Farmington, New Mexico. If not heard by the Commission, this petition will be considered by the City Council at its regularly scheduled meeting August 13, 2019 at 7:00 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
July 3, 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 Security Finance of New Mexico, LLC, DBA Continental Loans, represented by Robert Dinning for a Special Use Permit to allow a loan company to do business in the LNC, Local Neighborhood Commercial District for property located at 2222 B E. 20th Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of Lot 2 and all of Lot 3, in Block 3 of the Huntzinger Subdivision, in the City of Farmington, San Juan County, New Mexico, filed for record August 18, 1954.
Otherwise known as 2222 B E. 20th St.

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, July 25, 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, August 13, 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@frntn.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:

TRACT 1
The East 33.3 feet of Lot Two (2) and the West 30.2 feet of Lot Three (3), in Block Three (3), of the HUNTZINGER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 18, 1954.

AND

TRACT II
Lot Three (3) LESS AND EXCEPT the West 30.2 feet thereof, in Block Three (3), of the HUNTZINGER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 18, 1954.

TRACT 1
D & B 20th Street, LLC
7219 Driftwood
Farmington, NM 87402

TRACT 2
Blakes Lotaburger, LLC
1205 Richmond Drive NE
Albuquerque, NM 87108

TRACT 3 & 4
The Church of Christ of Farmington
2012 Huntzinger Avenue
Farmington, NM 87401

That part of Lot 2 and all of Lot 3, in Block 3, of the HUNTZINGER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 18, 1954.

Book 1624, page 20

Lot 1 and that part of Lot 2, in Block 3, of the HUNTZINGER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 18, 1954.

Book 1367, page 58

Lots 13 and 14, in Block 1, of the HUNTZINGER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 18, 1954.

Book 1322, page 7

AND

Lots 13 and 14, in Block 2, of the HUNTZINGER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 18, 1954.

Book 528, page 77

- 7.20 -
TRACT 5
Haddon S. Wilson and A. Kathleen Wilson Trust
2405 Catalina Court
Farmington, NM 87401
Lot 2 and that part of Lot 1, in Block 4, of the
HUNTZINGER SUBDIVISION, in the City of
Farmington, San Juan County, New Mexico, filed
for record August 18, 1954.
Book 983, page 596

TRACT 6
Murphy Development, LLC
5601 Preserve Drive
Farmington, NM 87401
That part of Lot 1, in Block 4, of the
HUNTZINGER SUBDIVISION, in the City of
Farmington, San Juan County, New Mexico, filed
for record August 18, 1954.
Book 1584, page 514

TRACT 7
United States Postal Service
2301 East 20th Street
Farmington, NM 87401
Tract 2, of the REPLAT OF TRACTS C, D, & e
REGENCY PARK SUBDIVISION, in the City of
Farmington, San Juan County, New Mexico, filed
for record April 17, 1985.
Book 1022, page 246

TO: June 12, 2019, 4:30 p.m.
LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Lorraine Babina, Abstractor
To: Mayor Duckett and Members of the City Council

From: Francisco Alvarado, CDBG Associate Planner

Date: August 13, 2019

Subject: Proposed 2019-2023 Consolidated Plan and 2019 Analysis of Impediments to Fair Housing Choice Update – Council Consideration of Adoption

Both documents are very similar to the ones adopted in 2014, and are required as part of the City's application to the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) Entitlement Funds.

Once adopted, the 2019-2023 Consolidated Plan will help guide CDBG grant expenditures for the next five years. The Analysis of Impediments to Fair Housing Choice is required as part of the City’s obligation to Affirmatively Further Fair Housing (AFFH) under the Fair Housing Act.

The public review/comment period for these two (2) document drafts was from July 14, 2019 to August 13, 2019 and was noticed in the Daily Times. In accordance with the adopted Citizen Participation Plan, the draft documents were also available online and in the City Clerk’s Office, the Community Development Department, the Reference Section of the Farmington Public Library, Sycamore Park Community Center, the Farmington Indian Center, the Bonnie Dallas Senior Center, and the San Juan Center for Independence.

The drafts have been updated to correct misspellings and grammatical errors, as well as to include the specific Public Service projects selected by the City Council on July 23, 2019.

This meeting’s public hearing was also noticed, and a resolution has been prepared for your consideration of adoption of the new documents.

As of August 6, 2019, Staff has not received any public comments on the drafts.

It is noted that HUD’s deadline for the documents and the grant application package (consisting of the SF-424, Assurances, and Certifications) is Friday, August 16, 2019 at 4:30 pm.

When/if the resolution is adopted, Community Development respectfully asks that the Mayor sign the grant application package and the resolution, and provide them to CDBG Staff as soon as possible, but no later than Wednesday, August 14, 2019 at 10:00 am, so that the documents can be delivered to HUD in Albuquerque to ensure completion of the grant application before the deadline.
RESOLUTION NO. 2019-1724

A RESOLUTION ADOPTING THE 2019-2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED PLAN, PROGRAM YEAR-ONE ACTION PLAN, AND THE 2019 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE UPDATE

WHEREAS, the City of Farmington was designated in 2003 an "Urbanized Area" and became a Metropolitan Statistical Area, thus becoming eligible for the CDBG entitlement grants; and

WHEREAS, the Department of Housing and Urban Development (HUD) requires that each entitlement city prepare and have approved by HUD a consolidated plan which includes a five-year strategic plan, the program year-one action plan, and update the analysis of impediments to fair housing choice, in order to receive entitlement grants; and

WHEREAS, the City of Farmington adopted on June 12, 2019, a Citizen Participation Plan to shape its Consolidated Plan public participation process. Additionally, the 2019-2023 Consolidated Plan, the First Year Action Plan, and the 2019 Analysis of Impediments to Fair Housing Choice Update drafts were made available for public review and comment and a public hearing was held in accordance with the Citizen Participation Plan; and

WHEREAS, City staff has networked and collaborated with numerous local agencies to develop a realistic five-year plan for addressing the most urgent needs of our community; and

WHEREAS, the City of Farmington annually certifies that it will affirmatively further fair housing goals, and the development of the 2019 Analysis of Impediments to Fair Housing Choice Update and implementing its recommended actions does affirmatively further fair housing goals; and

WHEREAS, the City of Farmington has recognized its broadened responsibilities as an entitlement city and did develop and carry out an extensive public participation program and needs assessment to identify critical needs within a wide variety of eligible program areas.

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

That the 2019-2023 Consolidated Plan, the First Year Action Plan and the 2019 Analysis of Impediments to Fair Housing Choice Update are hereby adopted, and that the Mayor is authorized to sign the grant application, certifications and assurances. Furthermore, staff is directed to submit the documents to HUD by the deadline date of August 19, 2019 and to take all steps necessary to begin plan implementation.

PASSED, APPROVED, SIGNED AND ADOPTED this 13th day of August 2019.

Nate Duckett, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk
Application for Federal Assistance SF-424

1. Type of Submission:
   - [] Preapplication
   - X Application
   - [] Changed/Corrected Application

2. Type of Application:
   - [] New
   - X Continuation
   - [] Revision

3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

   a. Legal Name:
      - City of Farmington

   b. Employer/Taxpayer Identification Number (EIN/TIN):
      - 85-60000129

   c. Organizational DUNS:
      - 08-037-8346

   d. Address:
      - Street1: 800 Municipal Drive
      - City: Farmington
      - County/Parish:
      - State: NM: New Mexico
      - Province:
      - Country: USA: UNITED STATES
      - Zip / Postal Code: 87401-2663

   e. Organizational Unit:
      - Department Name: Community Development
      - Division Name: Planning

   f. Name and contact information of person to be contacted on matters involving this application:
      - Prefix:
      - * First Name: Mary
      - Middle Name:
      - * Last Name: Holton
      - Suffix:
      - Title: CDBG Administrator
      - Organizational Affiliation: City of Farmington
      - * Telephone Number: 505-599-1392
      - Fax Number: 505-599-1295
      - *Email: mholton@fmtn.org
### Application for Federal Assistance SF-424

**9. Type of Applicant 1: Select Applicant Type:**
- C: City or Township Government

**Type of Applicant 2: Select Applicant Type:**

**Type of Applicant 3: Select Applicant Type:**

* Other (specify):

**10. Name of Federal Agency:**
- U. S. Department of Housing and Urban Development

**11. Catalog of Federal Domestic Assistance Number:**

CFDA Title:

**12. Funding Opportunity Number:**
- 14.218 Entitlement Grant

* Title:
- 2019 Annual Action Plan

**13. Competition Identification Number:**

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

**15. Descriptive Title of Applicant's Project:**
- 2019 Annual Action Plan

Attach supporting documents as specified in agency instructions
Application for Federal Assistance SF-424

16. Congressional Districts Of:
   * a Applicant [NM-003]  * b Program/Project: CDBG

Attach an additional list of Program/Project Congressional Districts if needed

17. Proposed Project:
   * a Start Date: 10/01/2019  * b End Date: 09/30/2020

18. Estimated Funding ($):
   
   * a Federal 
   * b Applicant 
   * c State 
   * d Local 
   * e Other 
   * f Program Income 
   * g TOTAL 363,255.00

19. Is Application Subject to Review By State Under Executive Order 12372 Process?
   a. This application was made available to the State under the Executive Order 12372 Process for review on
   b. Program is subject to E.O. 12372 but has not been selected by the State for review.
   c. Program is not covered by E.O. 12372.

20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)
   a. Yes  b. No

   If "Yes", provide explanation and attach

21. "By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)
   "** I AGREE

   The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix:  * First Name: Duckett
Middle Name: 
* Last Name: Duckett
Suffix: 

* Title: Mayor

* Telephone Number: 505-599-1103  Fax Number: 505-599-8430

* Email: nduckett@fmtm.org

* Signature of Authorized Representative: 

* Date Signed: 
On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2019 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.

2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.

4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.

5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.

6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

Signature of Chief Executive of the Applicant Unit of Local Government

Nate Duckett

Printed Name of Chief Executive

City of Farmington

Name of Applicant Unit of Local Government

Date of Certification

Major

Title of Chief Executive

Legal Department

Approved

By

Date

Rev. March 6, 2019

- 9.0 -
U.S. DEPARTMENT OF JUSTICE

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice ("Department") determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by 31 U.S.C. § 1352, as implemented by 28 C.F.R. Part 69, the Applicant certifies and assures (to the extent applicable) the following:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If the Applicant's request for Federal funds is in excess of $100,000, and any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal grant or cooperative agreement, the Applicant shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities" in accordance with its (and any DOJ awarding agency's) instructions; and

(c) The Applicant shall require that the language of this certification be included in the award documents for all subgrants and procurement contracts (and their subcontracts) funded with Federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

A. Pursuant to Department regulations on nonprocurement debarment and suspension implemented at 2 C.F.R. Part 2867, and to other related requirements, the Applicant certifies, with respect to prospective participants in a primary tier "covered transaction", as defined at 2 C.F.R. § 2867.20(a), that neither it nor any of its principals--

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) has within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction;

(c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and/or

(d) has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.

3. FEDERAL TAXES

A. If the Applicant is a corporation, it certifies either that (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov), unless such disclosure has already been made.

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.
4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, as implemented at 28 C.F.R. Part 83, Subpart F, for grantees, as defined at 28 C.F.R. §§ 83.620 and 83.650:

A. The Applicant certifies and assures that it will, or will continue to, provide a drug-free workplace by--

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;
(2) The Applicant's policy of maintaining a drug-free workplace;
(3) Any available drug counseling, rehabilitation, and employee assistance programs; and
(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will--

(1) Abide by the terms of the statement; and
(2) Notify the employer in writing of the employee's conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the Department, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of any such convicted employee to the Department, as follows:

For COPS award recipients - COPS Office, 145 N Street, NE, Washington, DC, 20530;

For OJP and OVW award recipients - U.S. Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected award;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

5. COORDINATION REQUIRED UNDER PUBLIC SAFETY AND COMMUNITY POLICING PROGRAMS

As required by the Public Safety Partnership and Community Policing Act of 1994, at 34 U.S.C. § 10382(c)(5), if this application is for a COPS award, the Applicant certifies that there has been appropriate coordination with all agencies that may be affected by its award. Affected agencies may include, among others, Offices of the United States Attorneys; State, local, or tribal prosecutors; or correctional agencies.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.
On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

(1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any Department decision to make an award to the Applicant based on its application.

(2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.

(3) I assure that, throughout the period of performance for the award (if any) made by the Department based on the application--

a. the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;

b. the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and

c. the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.

(4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition--

a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);

b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;

c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and

d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

(5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

(6) I assure that the Applicant will assist the Department as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).

(7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the Department based on the application.
(8) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by the Department based on the application—

a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and

b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

(9) If the Applicant applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law—including, but not limited to, the Indian Self-Determination and Education Assistance Act—seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

(10) If the Applicant applies for and receives a DOJ award under the STOP School Violence Act program, I assure as required by 34 U.S.C. § 10552(a)(3), that it will maintain and report such data, records, and information (programmatic and financial) as DOJ may reasonably require.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department’s awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Close Window
Background

Recipients' financial management systems and internal controls must meet certain requirements, including those set out in the "Part 200 Uniform Requirements" (2.C.F.R. Part 2800).

Including at a minimum, the financial management system of each OJP award recipient must provide for the following:

(1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, and the name of the Federal agency.

(2) Accurate, current, and complete disclosure of the financial results of each Federal award or program.

(3) Records that identify adequately the source and application of funds for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest, and be supported by source documentation.

(4) Effective control over, and accountability for, all funds, property, and other assets. The recipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.

(5) Comparison of expenditures with budget amounts for each Federal award.

(6) Written procedures to document the receipt and disbursement of Federal funds including procedures to minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement by the OJP recipient.

(7) Written procedures for determining the allowability of costs in accordance with both the terms and conditions of the Federal award and the cost principles to apply to the Federal award.

(8) Other important requirements related to retention requirements for records, use of open and machine readable formats in records, and certain Federal rights of access to award-related records and recipient personnel.
### AUDIT INFORMATION

9. b) Does the applicant nonprofit organization maintain offshore accounts for the purpose of avoiding paying the tax described in 26 U.S.C. 511(a)?

- Yes
- No

9. c) With respect to the most recent year in which the applicant nonprofit organization was required to file a tax return, does the applicant nonprofit organization believe (or assert) that it satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to the reasonableness of compensation of certain individuals)?

- Yes
- No

If "Yes", refer to "Additional Attachments" under "What An Application Should Include" in the OJP solicitation (or application guidance) under which the applicant is submitting its application. If the solicitation/guidance describes the "Disclosure of Process related to Executive Compensation," the applicant nonprofit organization must provide — as an attachment to its application — a disclosure that satisfies the minimum requirements as described by OJP.

For purposes of this questionnaire, an "audit" is conducted by an independent, external auditor using generally accepted auditing standards (GAAS) or Generally Governmental Auditing Standards (GAGAS), and results in an audit report with an opinion.

10. Has the applicant entity undergone any of the following types of audit(s)?

- [ ] *Single Audit* under OMB A-133 or Subpart F of 2 C.F.R. Part 200
- [ ] Financial Statement Audit
- [ ] Defense Contract Agency Audit (DCAA)
- [ ] Other Audit & Agency (list type of audit):
  - [ ] None (if none, skip to question 13)

11. Most Recent Audit Report Issued:

- [ ] Within the last 12 months
- [ ] Within the last 2 years
- [ ] Over 2 years ago
- [ ] N/A

Name of Audit Agency/Firm: **CliftonLarsonAllen, LLP**

### AUDITOR'S OPINION

12. On the most recent audit, what was the auditor's opinion?

- [ ] Unqualified Opinion
- [ ] Qualified Opinion
- [ ] Disclaimer, Going Concern
- [ ] Adverse Opinions
- [ ] N/A: No audits as described above

Enter the number of findings (if none, enter "0"): **0**

Enter the dollar amount of questioned costs (if none, enter "$0"): **$0**

Were material weaknesses noted in the report or opinion?

- Yes
- No

13. Which of the following best describes the applicant entity's accounting system:

- [ ] Manual
- [ ] Automated
- [ ] Combination of manual and automated

14. Does the applicant entity's accounting system have the capability to identify the receipt and expenditure of award funds separately for each Federal award?

- Yes
- No
- Not Sure

15. Does the applicant entity's accounting system have the capability to record expenditures for each Federal award by the budget cost categories shown in the approved budget?

- Yes
- No
- Not Sure

16. Does the applicant entity's accounting system have the capability to record cost sharing ("match") separately for each Federal award, and maintain documentation to support recorded match or cost share?

- Yes
- No
- Not Sure
17. Does the applicant entity's accounting system have the capability to accurately track employees actual time spent performing work for each federal award, and to accurately allocate charges for employee salaries and wages for each federal award, and maintain records to support the actual time spent and specific allocation of charges associated with each applicant employee?

- Yes  
- No  
- Not Sure

18. Does the applicant entity's accounting system include budgetary controls to preclude the applicant entity from incurring obligations or costs that exceed the amount of funds available under a federal award (the total amount of the award, as well as the amount available in each budget cost category)?

- Yes  
- No  
- Not Sure

19. Is applicant entity familiar with the "cost principles" that apply to recent and future federal awards, including the general and specific principles set out in 2 C.F.R Part 200?

- Yes  
- No  
- Not Sure

**PROPERTY STANDARDS AND PROCUREMENT STANDARDS**

20. Does the applicant entity’s property management system(s) maintain the following information on property purchased with federal award funds (1) a description of the property; (2) an identification number; (3) the source of funding for the property, including the award number; (4) who holds title; (5) acquisition date; (6) acquisition cost; (7) federal share of the acquisition cost; (8) location and condition of the property; (9) ultimate disposition information?

- Yes  
- No  
- Not Sure

21. Does the applicant entity maintain written policies and procedures for procurement transactions that – (1) are designed to avoid unnecessary or duplicative purchases; (2) provide for analysis of lease versus purchase alternatives; (3) set out a process for soliciting goods and services, and (4) include standards of conduct that address conflicts of interest?

- Yes  
- No  
- Not Sure

22. a) Are the applicant entity’s procurement policies and procedures designed to ensure that procurements are conducted in a manner that provides full and open competition to the extent practicable, and to avoid practices that restrict competition?

- Yes  
- No  
- Not Sure

22. b) Do the applicant entity's procurement policies and procedures require documentation of the history of a procurement, including the rationale for the method of procurement, selection of contract type, selection or rejection of contractors, and basis for the contract price?

- Yes  
- No  
- Not Sure

23. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from entering into a procurement contract under a federal award with any entity or individual that is suspended or debarred from such contracts, including provisions for checking the “Excluded Parties List” system (www.sam.gov) for suspended or debarred sub-grantees and contractors, prior to award?

- Yes  
- No  
- Not Sure

**TRAVEL POLICY**

24. Does the applicant entity:
   (a) maintain a standard travel policy?

- Yes  
- No

   (b) adhere to the Federal Travel Regulation (FTR)?

- Yes  
- No

**SUBRECIPIENT MANAGEMENT AND MONITORING**

25. Does the applicant entity have written policies, procedures, and/or guidance designed to ensure that any subawards made by the applicant entity under a federal award – (1) clearly document applicable federal requirements, (2) are appropriately monitored by the applicant, and (3) comply with the requirements in 2 CFR Part 200 (see 2 CFR 200.331)?

- Yes  
- No  
- Not Sure

- N/A - Applicant does not make subawards under any OJP awards
26. Is the applicant entity aware of the differences between subawards under federal awards and procurement contracts under federal awards, including the different roles and responsibilities associated with each?  
- Yes □  No □  Not Sure □  
N/A - Applicant does not make subawards under any OJP awards □

27. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from making a subaward under a federal award to any entity or individual is suspended or debarred from such subawards?  
- Yes □  No □  Not Sure □  
N/A - Applicant does not make subawards under any OJP awards □

DESIGNATION AS 'HIGH-RISK' BY OTHER FEDERAL AGENCIES

28. Is the applicant entity designated "high risk" by a federal grant-making agency outside of DOJ? (High risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant.)  
- Yes □  No □  Not Sure □  
If "Yes", provide the following:
(a) Name(s) of the federal awarding agency:  
(b) Date(s) the agency notified the applicant entity of the "high risk" designation:  
(c) Contact information for the "high risk" point of contact at the federal agency:  
Name:  
Phone:  
Email:  
(d) Reason for "high risk" status, as set out by the federal agency:  

CERTIFICATION ON BEHALF OF THE APPLICANT ENTITY

(Must be made by the chief executive, executive director, chief financial officer, designated authorized representative ("AOR"), or other official with the requisite knowledge and authority)

On behalf of the applicant entity, I certify to the U.S. Department of Justice that the information provided above is complete and correct to the best of my knowledge. I have the requisite authority and information to make this certification on behalf of the applicant entity.

Name: Brooke Quintana  
Date: 2019-08-01  
Title:  □ Executive Director  □ Chief Financial Officer  □ Chairman  
□ Other: Controller  
Phone: (505) 599-1210
Program Narrative Farmington Police Department

IAPro Applications and Software

The Farmington Police Department provides specialized police services to the City of Farmington, San Juan County, New Mexico. The Farmington Police Department is currently comprised of 134 sworn officers, 4 Community Service Officers (CSO), and 8 Animal Control Officers (ACO). IAPro software and upgrades will allow for early identification and intervention, peer group analysis, a variety of ranking and comparison reports, advanced visual interfaces, automatic reminders for investigators and supervisors to ensure that necessary casework is completed in a timely manner and easy to create use-of-force reports. All of these advancements will allow for the department to more accurately serve both their personnel and the community. The ease and availability of the reports will make the department more transparent with the community.

The total IAPro package includes the Blue Team Field Support Web application upgrade and the migration of the old data into the new IAPro system.

NIBRS project(s) and administrative costs

8% of the allocated grant ($2,145.00) will be set aside for NIBRS project(s) and administrative costs. These costs will be incurred by training department personnel to collect, process, and analyze the data needed by our department to report to the FBI as part of the NIBRS process. This will be accomplished by completing a training entitled “Writing Reports NIBRS Style” put on by the Police Records Management, LLC group.

The Farmington Police Department proposes to utilize a portion of the allocated JAG funds ($21,800.00) to purchase applications and software related to the IAPro software system (with the Blue Team upgrade module). It also includes the software to convert our current archaic information into the new IAPro database which is a requirement. Lastly, the department will use the remainder of the allocated JAG Grant ($2,145.00) to fulfill the requirement of setting aside at least 3 percent (our department is choosing to set aside 8%) to become compliant with NIBRS by the year 2021.

The project objectives are to identify, purchase, obtain, and issue applications, software and training related to IAPro software system.

The City of Farmington will establish a separate account from which the awarded funds may be deposited and dispersed in order to track draw-downs and account activity. All project objectives and purchases of computer software/hardware are expected to be completed within the first year of the grant period.
## Budget Category: Equipment and Personnel

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Vendor</th>
<th>Qty</th>
<th>Unit Price</th>
<th>Extended</th>
</tr>
</thead>
<tbody>
<tr>
<td>IAPro Professional Standards software</td>
<td>Software, Applications, Training</td>
<td>CI Technologies</td>
<td>1</td>
<td>$14,000.00</td>
<td>$14,000.00</td>
</tr>
<tr>
<td>Blue Team Field Support Web application</td>
<td>Software, Applications, Training</td>
<td>CI Technologies</td>
<td>1</td>
<td>$7,800.00</td>
<td>$7,800.00</td>
</tr>
<tr>
<td>IAPro migration from AIM-Data</td>
<td>Software</td>
<td>CI Technologies</td>
<td>1</td>
<td>$2,500</td>
<td>$2,500</td>
</tr>
<tr>
<td>“Writing Reports NIBRS Style” training</td>
<td>Training staff in information that will be required to collect and process data reported to the FBI for NIBRS</td>
<td>Police Records Management LLC</td>
<td>11</td>
<td>$195.00</td>
<td>$2,145.00</td>
</tr>
</tbody>
</table>

| Environmental Fee | Fees | $0.00 | $0.00 |
| Taxes            | Taxes | $6.00 | $6.00 |
| Shipping         | Shipping | $0.00 | $0.00 |

**Budget Category Total** $26,445.00
Abstract Farmington Police Department

Applicant Name: Farmington Police Department

Project Title: IAPro software application and systems

Project Identifiers: COMPUTER SOFTWARE/HARDWARE

Project Goal: The Farmington Police Department proposes the utilization of the allocated JAG funds ($26,372) for the purchase of unfunded items of computer software/hardware required to maintain operational efficiency.

These items include computer software/hardware needed to replace obsolete computer software which would enhance the Farmington Police Department’s internal affairs and use of force investigation capabilities and general overall efficiencies.

Strategy for Implementation of Grant Activities:

The items to be purchased pursuant to the program will be researched for appropriateness, feasibility, and pricing. Upon selection of appropriate equipment, valid quotes will be obtained for the equipment costs and delivery. Upon delivery of the equipment, they will be placed into service.

Benchmarks for Program Implementation:

1. Research and Identification.
2. Price and Delivery Quotes Obtained.
3. Acquisition and Issuance.

Coordination and Major Deliverable: Acquisition of the computer software/hardware will be made with the assistance of the City of Farmington Purchasing Division.
Program Narrative Farmington Police Department

IAPro Applications and Software

The Farmington Police Department provides specialized police services to the City of Farmington, San Juan County. The Farmington Police Department is currently comprised of 134 sworn officers, 4 Community Service Officers (CSO), and 8 Animal Control Officers (ACO). IAPro software and upgrades will allow for early identification and intervention, peer group analysis, and a variety of ranking and comparison reports, advanced visual interfaces, automatic reminders for investigators and supervisors ensure that necessary casework is completed in a timely manner, easy to create use-of-force reports. All of these advancements will allow for the department to more accurately serve both their personnel and the community. The ease and availability of the reports will make the department more transparent with the community.

The total IAPro package includes the Blue Team Field Support Web application upgrade and the migration of the old data into the new IAPro system.

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The project objectives are to identify, purchase, obtain, and issue applications, software and training related to IAPro software system.

The City of Farmington will establish a separate account from which the awarded funds may be deposited and dispersed in order to track draw-downs and account activity. All project objectives and purchases of computer software/hardware are expected to be completed within the first year of the grant period.
The performance measures (purchase of the equipment and training personnel) will be met once the equipment is ordered, received, and dispersed for implementation and the training is completed by department personnel.
August 9, 2019

Elaine Vanlandingham
Grant Administration Specialist
South West Region, AZ, CA, HI, NM, and NV
Bureau of Justice Assistance - Programs Office

U.S. Department of Justice
Re: GMS Application Number – 2019-H3783-NM-DJ
2019 Edward Byrne Memorial Justice Assistance Grant (JAG)
Disclosure of Pending Applications

Ms. Vanlandingham,

The City of Farmington Police Department, City of Farmington, County of San Juan, State of New Mexico, does not have pending applications submitted within the last 12 months for federally funded assistance that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.

Respectfully submitted,

Guy Postlewait
Lieutenant
Farmington Police Department
Lieutenant Sierra Tafoya  
Farmington Police Department  
Email: stafoya@fmtn.org  
Off: 1. 505.327.7701

Lieutenant Tafoya,

Thank you for your interest in our IAPro software for use by the Farmington Police Department. I have prepared the below price quote covering the costs associated with implementing IAPro at your agency. I have provided the option of adding BlueTeam and Data Migration.

If you have any questions on this, please let me know.

**IAPro Price Quote**

<table>
<thead>
<tr>
<th>Item</th>
<th>Purchase costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>IAPro Professional Standards software</td>
<td></td>
</tr>
<tr>
<td>• Unlimited number of users</td>
<td></td>
</tr>
<tr>
<td>• Installation</td>
<td></td>
</tr>
<tr>
<td>• Pre-Load of employee information</td>
<td>$ 12,000.00</td>
</tr>
<tr>
<td>2.5 Days On-Site Training</td>
<td></td>
</tr>
<tr>
<td>• IAPro User training</td>
<td></td>
</tr>
<tr>
<td>• System Configuration with core users</td>
<td>$ 2,000.00</td>
</tr>
<tr>
<td>Travel Expenses for Trainer</td>
<td>Included</td>
</tr>
<tr>
<td><strong>Total for IAPro Software and Services</strong></td>
<td>$ 14,000.00</td>
</tr>
</tbody>
</table>

**Optional Blue Team**

<table>
<thead>
<tr>
<th>Blue Team Field Support Web application</th>
<th>Purchase costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Unlimited number of users</td>
<td></td>
</tr>
<tr>
<td>• Installation</td>
<td></td>
</tr>
<tr>
<td>Note: Requires purchase of IAPro software</td>
<td>$ 6,000.00</td>
</tr>
<tr>
<td>2 Days On-Site Train the Trainer</td>
<td></td>
</tr>
<tr>
<td>• Day one with IAPro Administrators</td>
<td></td>
</tr>
<tr>
<td>• Day two consist of train the trainer sessions</td>
<td>$ 1,800.00</td>
</tr>
<tr>
<td>Travel Expenses for Trainer</td>
<td>Included</td>
</tr>
<tr>
<td><strong>Total with optional Blue Team</strong></td>
<td>$ 21,800.00</td>
</tr>
</tbody>
</table>
**Annual Maintenance Commencing the 2nd Year of Ownership**

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>IAPro</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>Blue Team</td>
<td>$1,200.00</td>
</tr>
<tr>
<td><strong>Maintenance Totals</strong></td>
<td><strong>$3,600.00</strong></td>
</tr>
</tbody>
</table>

**Data Migration**

Data Migration from AIM-Data to IAPro to be conducted off-site by CI-Technologies employees.

**Migration of 1 AIM System Database**

A copy of the database will be provided at least 1 month in advance so that development of the conversion scripts can begin.

Migrate only those data elements from currently used systems that map to existing IAPro/BlueTeam elements.

Cl Technologies has not reviewed the data needing to be migrated and would need to perform a data review prior to committing to the final migration cost.

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Data Migration</strong></td>
<td></td>
</tr>
<tr>
<td>IAPro migration from AIM-Data</td>
<td>$2,500.00</td>
</tr>
</tbody>
</table>

**Annual Maintenance**

The first year of annual maintenance is provided free of charge. Thereafter annual maintenance is provided on a year-to-year basis and can be discontinued at any time.

The agency's annual maintenance cycle will not commence until training occurs. The first twelve (12) months of annual maintenance is provided free of charge.

Unless requested otherwise by the agency, the first maintenance invoice will be prorated to bring the agency's invoice cycle up to a January thru December calendar year. Thereafter, annual maintenance is invoiced on a calendar year basis, and will be disseminated each year in January.
IAPro

THE LEADING PROFESSIONAL STANDARDS SOFTWARE. WORLDWIDE.
Annual maintenance includes all end user and technical support via our 800 # and our online support website as well as any associated technical or user documentation. Annual maintenance also includes all new versions of the IAPro software.

Important Note
The purchase of the IAPro system does not include hardware, OS licensing or SQL Server licensing. Most agencies that purchase IAPro have an existing server with existing Microsoft SQL Server licensing. IAPro can be installed on your existing hardware and within your existing SQL Server instance.

Officer Preload
CI Technologies offers a free service whereby we will import your employee information into the IAPro database, prior to installing IAPro at your agency. This is a one-time service offered at no additional cost.

Training
IAPro training is conducted by an IAPro training specialists. Each IAPro training specialist is a current or former law enforcement professional with extensive investigative experience.

IAPro training is heavily oriented towards hands-on usage. To this end, a special “training” version of IAPro is installed on each workstation used for training. This is a full-featured version of IAPro with demo/training database installed on the workstation hard drive. It is strongly recommended that there be one trainee per training workstation. An LCD projector is also needed for training.

HR Integration
If quoted in this proposal, the HR Integration process will be written as a SQL Stored procedure and will integrate data from an existing SQL Server data source containing the needed employee data elements.

*The integration process will bring in data elements that map to existing data elements within IAPro. New data elements will not be added.

See the “HR Integration Overview” document for details on this process.

Data Migration
The purchase price of IAPro and Blue Team does not include data migration of existing data. If the agency request a quote can be provided for this service.
Considerations Regarding our Solution

Four aspects of our solution are distinctive, and set us apart from our competitors. They are:

- **Unlimited use licensing** – there are no additional or hidden additional licensing costs: IAPro pricing is for unlimited use licensing in terms of both the number of users that can run the software concurrently, and the number of workstations the applications can be run on. Our pricing model ensures maximum flexibility for the customer, with all licensing costs paid at point of initial purchase. The customers will never have to purchase additional licensing based on increased or unforeseen future usage requirements. This is important since the participation of front-line personnel – especially supervisors – is crucial in upholding the integrity of the organization, and to constrain their use of the software would greatly limit, if not cripple, its effectiveness.

- **A three-day annual user’s conference is offered at no charge to our customers:** Each year since 2004, CI Technologies has hosted an Annual Users Conference for our IAPro customers. Our most recent conference saw over 500 attendees. Each conference consists of a multi-track format that includes tracks for beginner-level users, advanced users, and users with specialized interests such as designing early intervention programs. The 2019 conference will be held in Nashville TN.; please visit our website for further details.

These conferences are a key part of the support services offered to our customers, and meet the following needs:

- Training of new customer staff based on turnover - Inevitably over time our customers will experience turnover in staff, which requires that training be available on an ongoing basis.
- Advanced training - Many customers benefit from advanced training, especially in-depth coverage of features found in new releases of the software.
- Networking with peers - In order to share ideas and approaches to utilizing our software.
- Providing feedback directly to the vendor’s staff - The opportunity to provide feedback and suggestions directly to our staff is highly valuable to both our customers and our company. This ensures that we have up-to-date information on how best to improve our software and services.

- **Our Growing Customer Base:** Over 700 public safety agencies in the US, Canada, Australia and New Zealand currently run IAPro and IAPro with BlueTeam. These agencies range in size from major customers such as NYPD, Toronto Police Service, and Western Australia Police, down to one person IA Units in smaller departments. The size and breadth of our
THE LEADING PROFESSIONAL STANDARDS SOFTWARE. WORLDWIDE.
customer base reflects our leading position in the Professional Standards software marketplace.

**Purchase Orders**
Training and installation are scheduled on a first-come-first-served basis.

Due to our current sales backlog, we request to be notified as soon as possible once a purchase decision has been made. Please be sure to fax any purchase orders to us at 800.620.8504 for expeditious handling of your order.

This price quote will remain in-effect through December 2019. Please call or email if you need additional information or have any questions. Thank you again for your interest and consideration!

Best Regards,

Steve Kenney
SKenney@iapro.com
Off: 1.800.620.8504 x723
CITY COUNCIL AGENDA REQUEST

DATE: August 2, 2019
MEETING DATE: August 13, 2019

DEPARTMENT: Administration

1. ITEM/TOPIC:
FY 2020 Capital Projects and ICIP Plan

2. ACTION REQUESTED OF COUNCIL:
A list of recommended potential projects is being introduced for Council review and discussion. Of the potential project listing, a minimum of five projects must be selected and prioritized by level of importance. The five or more projects selected will comprise the City of Farmington ICIP plan submitted to the Department of Finance Local Government Division no later September 6, 2019.

The Council is asked to select and prioritize a minimum of five projects in the next Council meeting August 20, 2019. A resolution approving the project selection will be brought back to the Council at that time as well.

3. BACKGROUND/RATIONALE:
A local infrastructure capital improvement plan (ICIP) is a 5-year plan that establishes planning priorities for anticipated capital projects. The State-coordinated ICIP process encourages entities to plan for development of capital improvements so they do not find themselves in emergency situations, but can plan for, fund and develop infrastructure at a pace that sustains their activities. The projects included in the plan can be considered for State capital outlay appropriations during the legislative session.

4. INSTRUCTIONS UPON APPROVAL:
The top five or more projects will be filed in accordance with the Department of Finance Administration Local Government Division ICIP requirements no later than September 6, 2019.

5. BUDGETARY IMPACT:
No budget impact
<table>
<thead>
<tr>
<th>Priority #</th>
<th>Project Title</th>
<th>Notes</th>
<th>DRAF T</th>
<th>Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pinon Hills Bridge &amp; Extension</td>
<td>The extension of Pinon Hills Boulevard (PHB) East from NM Highway 516 South to County Road 3000 will provide a key transportation link between northeast Farmington and the rapidly-growing Crouch Mesa area. The bridge and PHB extension will significantly reduce traffic congestion on Browning Parkway and east Main St. The project includes 4 vehicle lanes, pedestrian and bicycle facilities.</td>
<td>$18,580,000</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Security Cameras in the Downtown, Park/Trail and Riverwalk Area</td>
<td>The Security Cameras in the Downtown, Park/Trail and Riverwalk area is actually a sub-project for a larger project of a Real-Time Crime Center/Fusion Center (appropriate title). The camera system does afford the Police Department the ability to monitor these areas to respond to quicker, deter, abate and resolve crimes which may occur. We are currently working toward this goal in researching and establishing a Real-Time Crime Center to mine information to disseminate to our officers through such a center with these digital capabilities and other features. Moreover, a complete center will also allow us to utilize social media platforms, internet and other resources to obtain untapped and underutilized information in addition to regular dispatch information while officers respond to calls for service to provide further safety measures and officer awareness of incidents as they evolve. The cost of such an infrastructure is unknown, but being currently researched.</td>
<td>$3,000,000</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Foothills Enhancements Phase 2 (Rinconada-Mesa Del Oso) with Bike lanes and Pedestrian Pathway</td>
<td>This project includes resurfacing the roadway, adding on street bike lanes and a separated multi-use path on the east side. Drainage issues are mitigated. Traffic Calming features include raised median at Johnson Terrace, wider striping and narrower lanes. Design is complete, right of way acquisition is underway and will require NMDOT approval of takes.</td>
<td>$2,011,365</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Station Exhaust Filter Systems</td>
<td>Industry standards have been trending to remove all possible exposures to cancer causing chemicals (diesel exhaust and off gassing turnouts) by providing these system to minimize the exposure to employee's. It has been proven that turnouts continue to off gas and release toxic fumes for weeks after a fire and even after being cleaned.</td>
<td>$400,000</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Villa View Detention Pond Phase 2</td>
<td>Main Street (NM 516). This construction addresses storm drainage improvements along Villa View Drive for capture and control of storm water that has historically resulted in major flooding at the intersection of Villa View Drive and Main Street, along Main Street to Pryor Lane and in Rancho De Animas.</td>
<td>$1,500,000</td>
<td></td>
</tr>
<tr>
<td>Priority #</td>
<td>Project Title: La Plata Highway Waterline Project</td>
<td>$ 3,843,000</td>
<td></td>
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<td>---</td>
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<tr>
<td><strong>Notes:</strong> This project is the replacement of approximately 2.0 miles of 1950’s 6” cast iron pipe with 12” waterline at the intersection of La Plata Highway and Cunningham Street to the intersection of La Plata Hwy and Pinon Hills Blvd. to the intersection of La Plata Highway and Coyote Drive. This improvement to the aging water infrastructure is one of many planned phased improvements to the City of Farmington’s ancient waterline system. Engineering is 30% complete for this project but archaeological and environmental studies needing to be completed. Construction on this $3,870,000 project could begin in summer of 2019 and be completed in 2022, this project can be broken into two phases if required. Total project time for this would take approximately 36 months at a total cost of $3,870,000. The City of Farmington has spent approximately $27,000 on this project for engineering.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Title: Lake Farmington Recreational Amenities</th>
<th>$ 5,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notes:</strong> Develop and construct recreational amenities at Lake Farmington. Amenities to include dock, restrooms, road improvements, boat house concession area, playground and day use facilities. This includes extension and operation of a water and sewer line to the lake.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Title: Gateway Park</th>
<th>$ 3,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notes:</strong> Create an iconic entry to the trail system at the Museum and 20th Street. Key amenities would incorporate the trail with a market area for local artisans, food and other activities.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Title: Runway 5-23 Improvements Construction</th>
<th>$ 3,450,000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notes:</strong> Lengthen the safety areas on the ends of runway 5-23 in order to categorize the runway as C-11.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Title: Red Apple Transit &quot;Hub&quot; Center</th>
<th>$ 3,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notes:</strong> The Orchard Plaza strip mall houses the existing transit center which was never intended to be a permanent location. The parking lot at the strip mall is used for bus arrivals and departures, which is also a potential hazard to the riders as they have to maneuver in-between the buses and cars that bring people there for shopping. Therefore, a need for a permanent transit center with its own bus parking lanes was identified. Transit centers are sheltered waiting areas for riders and dedicated parking areas for the buses. Customers converge at the center to take advantage of route-to-route transfers. The structures usually include basic amenities such as public restrooms, waiting area, a climate control lobby, ticketing counter, bicycle storage, and enhanced transit information such as next trip real time departure signs. The dedicated lanes inside the facility provide segregation between maneuvering buses and keeps riders on an island to keep them from walking in between buses. The Farmington MPO hired Huitl-Zollars, a full-service architecture and Engineering firm to prepare a feasibility study which analyzes potential locations for a new transit center within the City of Farmington. Three sites locations were carried forward in the study based on the sites being able to meet minimum space requirements necessary. Two of the locations are within the City of Farmington’s Metropolitan Redevelopment Area (MRA) and a third is at the former Family Fun Center site on Scott Ave. Based on the rankings, the downtown sites scored the highest.</td>
<td></td>
</tr>
<tr>
<td>Priority #</td>
<td>Top Ten (10) Projects</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>1</td>
<td>Project Title:</td>
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<tr>
<td></td>
<td>Notes:</td>
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<td>2</td>
<td>Project Title:</td>
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<td>Notes:</td>
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<td>Project Title:</td>
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<td>Project Title:</td>
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<tr>
<td>10</td>
<td>Project Title:</td>
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<tr>
<td></td>
<td>Notes:</td>
</tr>
</tbody>
</table>
City of Farmington
ICIP Potential Project Listing for FY2021-2025
FY2020
(Projects Listed by Department)

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parks Recreation and Cultural Affairs</strong></td>
<td></td>
</tr>
<tr>
<td>Anesi Park Trail Extension</td>
<td>$ 1,737,410</td>
</tr>
<tr>
<td>The Anesi Park Trail Extension is a critical component in the development of the Animas River Trail Network that helps create multi-modal, non-motorized transportation and recreation opportunities along the Animas River. This trail extension will help connect the proposed Gwynhaven Trail extension to the Southside River Road Trail on Road 3000. As part of the development of the Anesi Park Trail Extension there will be a pedestrian bridge that connects the proposed extension to Southside River Road Trail and there is a proposed trailhead and parking lot at the terminus of Herrera Road.</td>
<td></td>
</tr>
<tr>
<td>Possible funding sources: City, state and federal funds are desirable.</td>
<td></td>
</tr>
<tr>
<td><strong>Athletic Facilities Improvements and Renovations</strong></td>
<td>$ 5,000,000</td>
</tr>
<tr>
<td>Renovate athletic facilities at the Soccer Complex, Fairgrounds Softball Fields, Roberto Clemente Fields, Justis Fields, and Sports Complex (LaPlata). Renovations would include upgrading irrigation infrastructure, replacing fences, improvements to dugouts, renovations of concession buildings, renovation to restrooms at Fairgrounds fields, upgrade scoreboards, and add shade structures to fields where needed.</td>
<td></td>
</tr>
<tr>
<td>Possible funding sources: City, state and federal funds are desirable.</td>
<td></td>
</tr>
</tbody>
</table>
City of Farmington  
ICIP Potential Project Listing for FY2021-2025  
FY2020  
(Projects Listed by Department)

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>BMX Course</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Provides another asset for the outdoor biking community. BMX is a popular, non-traditional sport that encourages an active lifestyle. This course has the opportunity to host regional events and support the outdoor tourism industry.</td>
<td></td>
</tr>
<tr>
<td>Possible funding sources: City, state and federal funds are desirable.</td>
<td></td>
</tr>
<tr>
<td>Gateway Museum Trail</td>
<td>$2,318,723</td>
</tr>
<tr>
<td>The Gateway Museum Trail will begin at Farmington's Gateway Museum on the eastern-side of Browning Parkway go towards the proposed Anesi Park and trail. Creating the trail that begins at the Gateway Museum allows the museum to become a major hub along the Animas River Trail Network. The proposed 3/4 mile trail will include boardwalks, overlooks, and benches along an ADA accessible trail. The trail will be comprised of crushed refines and provide a bridge to access property on the opposing side of the river. Completion of the Gateway Museum Trail will connect to the proposed Gwynhaven Trail Extension and the proposed Anesi Trail and Park. Most importantly, due to access requirements, the proposed bridge will be engineered to support emergency vehicles.</td>
<td></td>
</tr>
<tr>
<td>Possible funding sources: City, state and federal funds are desirable.</td>
<td></td>
</tr>
<tr>
<td>Gateway Park</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Create an iconic entry to the trail system at the Museum and 20th Street. Key amenities would incorporate the trail with a market area for local artisans, food and other activities.</td>
<td></td>
</tr>
<tr>
<td>Possible funding sources: City, state and federal funds are desirable.</td>
<td></td>
</tr>
</tbody>
</table>
City of Farmington  
ICIP Potential Project Listing for FY2021-2025  
FY2020  
(Projects Listed by Department)

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gwynhaven Trail Extension</td>
<td>$1,582,075</td>
</tr>
</tbody>
</table>

The Gwynhaven Trail extension is a project phase that’s part of the Animas River Trail and park network. Gwynhaven Trail will help connect the proposed Gateway Museum Trail at Farmington’s Museum to the proposed Anesi Trail and Park. The approximate 3/4 mile trail will include one bridge crossing over the Animas River and the trail will comprise of crushed refines to allow for ADA access. Construction of the Gwynhaven trail will be one component of a trail and park network that helps connect the entire city along the Animas River.

Possible funding sources: City, state and federal funds are desirable.

Lake Farmington Infrastructure

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southside Phase I - Extension and operation of a water and sewer line to south side of the lake. Road paving, design, and construction of south side access.</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>North-side Phase II - Extension and operation of a water and sewer line to north-side of lake. Road paving, design, and construction of north-side access.</td>
<td></td>
</tr>
</tbody>
</table>

Possible funding sources: City, state and federal funds are desirable.
City of Farmington
ICIP Potential Project Listing for FY2021-2025
FY2020
(Projects Listed by Department)

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North River Trail Connection</td>
<td>$1,498,053</td>
</tr>
</tbody>
</table>

The North River Connection Trail begins at Gateway Museum and extends the Animas River Trail Network towards the corner of Railroad Street and Largo Street, which is the location of the proposed Anesi Park. This supplemental trail option minimizes the need for river crossing by staying on the northern bank of the Animas River and helps reduce construction cost. The proposed length of the North River Connection is approximately 2.5 miles and has a proposed cantilevered boardwalk that allows people to bike, run, or walk over a part of the river. By connecting Gateway Museum to Anesi Park, the North River Connection creates an additional amenity for the community, access to the river, and opportunities for families to recreate together.

Possible funding sources: City, state and federal funds are desirable.

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Generational Recreation Facility</td>
<td>$22,000,000</td>
</tr>
</tbody>
</table>

Develop and construct a multi-generational facility that includes adult, senior, and young adult recreational programming. This would replace the Bonnie Dallas Senior Center and Farmington Recreation Center.

Possible funding sources: City, state and federal funds are desirable.

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palmer House Renewal and Replacement</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

The historic Palmer House is across the street from the recently renovated Civic Center. The house maybe the only original adobe home in Farmington from the late 1880-1890. The house has been added on to over the life and needs to restored to celebrate the history of Farmington and reduce blight in the downtown area.

Possible funding sources: City, State, MRA Funding
City of Farmington  
ICIP Potential Project Listing for FY2021-2025  
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<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedal Bike Flow Trail</td>
<td>$1,500,000</td>
</tr>
</tbody>
</table>

This trail adds a place for new mountain bikers to become acquainted with the bike and skills required for the longer trails in the area. The smaller course satisfies a place for quick rides and skill development.

Possible funding sources: City, state and federal funds are desirable.

Piñon Hills Golf Course New Clubhouse             $4,000,000

A new clubhouse would make the world-class golf course a possibility for second tier professional tours and provide another opportunity for destination tourism. The clubhouse also improves our standing for high school and college tournaments.

Possible funding sources: City, state and federal funds are desirable.

Piñon Hills Golf Course Irrigation and Cart Paths  $3,800,000

Upgrade and replace irrigation system and upgrade cart paths.

Possible funding sources: City, state and federal funds are desirable.

Ricketts Park Bleacher Addition                   $1,800,000

Rickett's Park is the home to the Connie Mack World Series and draws amateur baseball fans from around the country to the week-long tournament. The bleacher addition would provide more room for spectator seating. These individuals would provide economic impact for the area through lodging, food & beverage sales, and other retail shopping.

Possible funding sources: City and state funds would be preferable. Additional funds may be offered by the Connie Mack World Series organization.
<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ricketts Park Artificial Turf</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Remove and replace existing natural grass with artificial turf. The addition of artificial turf will reduce the annual maintenance cost but require new carpet every 7-10 years.</td>
<td></td>
</tr>
<tr>
<td>Possible funding sources: City, Farmington Municipal Schools, and local organizations like AABC and CMWS</td>
<td></td>
</tr>
<tr>
<td>Sycamore Community Center Phase II Gym and Classrooms</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>The success of the Sycamore Park Community Center has outgrown the current capacity for residents in this area of town. The additional classrooms and gym will provide greater opportunities for active lifestyles, and enrichment activities for members of the low-income demographic and underserved area of the community.</td>
<td></td>
</tr>
<tr>
<td>Possible funding sources: City, state and federal funds are desirable.</td>
<td></td>
</tr>
<tr>
<td>Tibbetts All Abilities Park (TAP)</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>An all abilities park supports activity for anyone, regardless of age or ability. Within an enclosed perimeter, this sensory-rich environment enables individuals to develop physically, socially, and emotionally. Providing a just-right level of challenge, the Tibbetts All Ability Park Project will offer everyone opportunities to succeed. With specially-designed activity zones, all individuals can play, learn, and grow together - developing strength and skills by simply having fun! This project would also include demolition of Lions Pool in its current location and addition of a new therapeutic pool to the park.</td>
<td></td>
</tr>
<tr>
<td>Possible funding sources: City, state and federal funds are desirable.</td>
<td></td>
</tr>
<tr>
<td>Totah River Park</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>This project is for the acquisition and development of approximately 31 acres along the Animas River which is located in the MRA. This project would create a downtown green space and plaza area similar to Millennium Park in Chicago or Olympic Park in Atlanta. The project could be a catalyst to economic impact of downtown. Key elements could be a marketplace, plaza, green and amphitheater to drive events and traffic to downtown.</td>
<td></td>
</tr>
<tr>
<td>Possible funding sources: City, State, MRA Funding</td>
<td></td>
</tr>
</tbody>
</table>
City of Farmington
ICIP Potential Project Listing for FY2021-2025
FY2020
(Projects Listed by Department)

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Build new Tenant Hangars on West End</strong></td>
<td>$500,000</td>
</tr>
</tbody>
</table>

Currently, all indoor hangar space that is owned by the City of Farmington is full. We have been using parts of Hangar 9 complex as a temporary stopgap measure to store new airplanes as they come to the field. As a result of this lack of space, one of our new tenants recently completed new hangar construction for his aircraft. We do encourage hangar construction by aircraft owners with a low lease rate for the ground that the structure sits on in exchange for full ownership of the structure in 20 to 25 years. However, many aircraft owners are not in the position to front the cash for new hangar construction. Based on the current lease rates, if we build new city owned hangars, we should expect to lease them for about $2,700 per month.

Possible funding sources: City and State of New Mexico Funds

| Current City Owned Hangar Overhaul                   | $200,000 |

We have six (6) city-owned aircraft parking hangar positions that are contained in three (3) buildings. One building needs to be reskinned and new doors installed. The other two nested buildings need to be repainted and cosmetic work completed. These buildings have become rusty, unsightly and leak dust, dirt and sometimes rain and snow as it blows.

Possible funding sources: City and State of New Mexico Funds
The hangar 9 complex consists of a 20,500 square foot main hangar with an 8240 square foot smaller hangar and almost 10,000 square feet of storage and office space. The office and storage area can be easily reconfigured to fit almost any user's needs. The issue with the building complex is that during the tenure of the last tenant, Great Lakes Aviation, very little was done in the way of building maintenance or upkeep of the facilities. It is in need of having the floors painted, new garage type gas heaters, walls scrubbed and repainted, as well as being re-carpeted. In addition, many cosmetic repairs such as door and window frames cleaned and/or repainted are needed. It also has some roof leaks between the two main connected buildings that need to be repaired.

Once the refurbishment of the facility is complete, it could be marketed as a first-class manufacturing, aviation overhaul/repair facility, or flight school base, etc. The impact would be approximately $6,000 to $7,000 per month in additional lease revenues to the airport as well as jobs that could be created by the activity that would be based here.

Possible funding sources: City and State of New Mexico Funds

Self Service Aviation Fuel Facility

Having a self-service aviation fuel facility would allow the Four Corners Regional Airport the capability to advertise the lowest fuel costs in the region. It would drive more visits by transient aircraft traveling through the region. This facility would result in visits by aircraft owners and travelers from outside the community to stop in Farmington, and in some cases to remain overnight. Up-to-the-minute fuel prices are advertised on all flight planning software platforms at no cost to us. When transient aircraft is completing the flight planning process, FCRA would show up as the lowest fuel price. In addition to attracting business to the airport, we should see an increase in our fuel sales revenues. We currently receive $.06 per gallon for all fuel pumped at FCRA.

Possible funding sources: City and State of New Mexico Funds
## General Services

### General Services-Red Apple Transit

**Red Apple Transit "Hub" Center**

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-Hangers</td>
<td>$400,000</td>
</tr>
</tbody>
</table>

Current t-hangars are outdated and in a perpetual state of deterioration. Created out of scrap metal, the hangars are in need of constant maintenance for leaks, roofs and door issues.

**Possible funding sources:** City and State of New Mexico Funds- (possible condo development if interest exists)

The Orchard Plaza strip mall houses the existing transit center which was never intended to be a permanent location. The parking lot at the strip mall is used for bus arrivals and departures, which is also a potential hazard to the riders as they have to maneuver in-between the buses and cars that bring people there for shopping. Therefore, a need for a permanent transit center with its own bus parking lanes was identified. Transit centers are sheltered waiting areas for riders and dedicated parking islands for the buses. Customers converge at the center to take advantage of route-to-route transfers. The structures usually include basic amenities such as public restrooms, waiting area, a climate control lobby, ticketing counter, bicycle storage, and enhanced transit information such as next trip real time departure signs.

The dedicated lanes inside the facility provide segregation between maneuvering buses and keeps riders on an island to keep them from walking in between buses. The Farmington MPO hired Huitt-Zolliars, a full-service architecture and Engineering firm to prepare a feasibility study which analyzes potential locations for a new transit center within the City of Farmington. Three site locations were carried forward in the study based on the sites being able to meet minimum space requirements necessary. Two of the locations are within the City of Farmington's Metropolitan Redevelopment Area (MRA) and a third is at the former Family Fun Center site on Scott Ave. Based on the rankings, the downtown sites scored the highest.

**Possible funding sources:** FTA capital grants fund 83%. The remaining 17% would need to be funded from City, State or MRA Funding sources.
City of Farmington  
ICIP Potential Project Listing for FY2021-2025  
FY2020  
(Projects Listed by Department)

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily Bread/Food Service at Ojo Court</td>
<td>$400,000</td>
</tr>
</tbody>
</table>

- Relocate Daily Bread type services to a location at Ojo Court for better use by those receiving services at Totah Behavioral Health, Sobering Center and Joint Intervention facilities. Although specifically located in Farmington, the nature of these services reaches a population from the broader region.

Possible funding sources: City and State of New Mexico Funds
City of Farmington
ICIP Potential Project Listing for FY2021-2025
FY2020
(Projects Listed by Department)

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Police Department</strong></td>
<td></td>
</tr>
<tr>
<td>Security Cameras in the Downtown, Park/Trail and Riverwalk Area</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>The Security Cameras in the Downtown, Park/Trail and Riverwalk area</td>
<td></td>
</tr>
<tr>
<td>is actually a sub-project for a larger project of a Real-Time Crime</td>
<td></td>
</tr>
<tr>
<td>Center/Fusion Center(appropriate title). The camera system does</td>
<td></td>
</tr>
<tr>
<td>afford the Police Department the ability to monitor these areas to</td>
<td></td>
</tr>
<tr>
<td>respond to quicker, deter, abate and resolve crimes which may occur.</td>
<td></td>
</tr>
<tr>
<td>We are currently working toward this goal in researching and</td>
<td></td>
</tr>
<tr>
<td>establishing a Real-Time Crime Center to mine information to</td>
<td></td>
</tr>
<tr>
<td>disseminate to our officers through such a center with these digital</td>
<td></td>
</tr>
<tr>
<td>capabilities and other features. Moreover, a complete center will also</td>
<td></td>
</tr>
<tr>
<td>allow us to utilize social media platforms, internet and other resources</td>
<td></td>
</tr>
<tr>
<td>to obtain untapped and underutilized information in addition to regular</td>
<td></td>
</tr>
<tr>
<td>dispatch information while officers respond to calls for service to</td>
<td></td>
</tr>
<tr>
<td>provide further safety measures and officer awareness of incidents as</td>
<td></td>
</tr>
<tr>
<td>they evolve. The cost of such an infrastructure is unknown, but being</td>
<td></td>
</tr>
<tr>
<td>currently researched.</td>
<td></td>
</tr>
</tbody>
</table>

Possible funding sources: City and State of New Mexico Funding

<table>
<thead>
<tr>
<th>Police Station 65,000 sq. ft. Construction</th>
<th>$25,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current facility is structurally inadequate, subject to significantly</td>
<td></td>
</tr>
<tr>
<td>increasing maintenance costs, incapable of meeting requisite facilities</td>
<td></td>
</tr>
<tr>
<td>for a diversified workforce, incapable of meeting technological</td>
<td></td>
</tr>
<tr>
<td>requirements of a modern police department, and contributes to an</td>
<td></td>
</tr>
<tr>
<td>overall management inefficiency caused by forced segregation of</td>
<td></td>
</tr>
<tr>
<td>critical Divisions and Units due inadequate availability of workspace.</td>
<td></td>
</tr>
<tr>
<td>Current structure was created for a Police workforce one quarter of</td>
<td></td>
</tr>
<tr>
<td>current staffing and existing building can no longer sustain significant</td>
<td></td>
</tr>
<tr>
<td>remodeling or expansion of the footprint.</td>
<td></td>
</tr>
</tbody>
</table>

Possible funding sources: City and State of New Mexico Funding
## Fire Department

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Station #8</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>Fire Station #8 is critical infrastructure for the proposed annexation of the 64 Corridor. This station will house our reserve program and provide the organization with desperately needed storage and maintenance equipment.</td>
<td></td>
</tr>
</tbody>
</table>

**Possible funding sources:** City and State of New Mexico Funding

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apparatus Exhaust Capture System</td>
<td>$200,000</td>
</tr>
<tr>
<td>No Smoke Diesel Exhaust Removal System. Phase Two of the program to remove exhaust. Phase One was completed in 2019. This is a component of FFD's comprehensive cancer prevention program.</td>
<td></td>
</tr>
</tbody>
</table>

**Possible funding sources:** City and State of New Mexico Funding

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second Set of Turnout Gear (Personnel Protective Gear)</td>
<td>$100,000</td>
</tr>
<tr>
<td>Forty (40) sets of turnout gear are needed in order to comply with NFPA 1851 Standards on cancer prevention. This purchase will allow us to complete the ongoing department priority of providing all FFD operational personnel (84 members total) with a second set of turnouts.</td>
<td></td>
</tr>
</tbody>
</table>

**Possible funding sources:** City and State of New Mexico Funding

## Public Works

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foothills Enhancements Phase 3 (Mesa Del Oso-Chiva Court) with Bike lanes and</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>This project includes resurfacing the roadway, adding on street bike lanes and a separated multi-use path on the east side. Drainage issues are mitigated. Roundabout at Lakewood Drive, wider striping and narrower lanes to provide additional traffic calming. Design is complete, right of way map is approved, right of way acquisition can proceed with NMDOT approval of takes. Environmental certification and other certifications are in place.</td>
<td></td>
</tr>
</tbody>
</table>

**Possible funding sources:** NMDOT-MAP Program, TCSP, CMAQ. The first two phases between Holmes and Mesa del Oso were partially funded by MAP and TAP grants. This phase is currently unfunded.
City of Farmington
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(Projects Listed by Department)

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hood Arroyo Detention Pond</strong></td>
<td>$1,440,000</td>
</tr>
</tbody>
</table>

These improvements will consist of the construction of a detention pond on a 7.5 acre vacant property at Hood Arroyo, north of Crestwood Drive. The vacant property was acquired by the City of Farmington in January 2015. Floyd Hinesley plans to develop the land to the north and east of the existing Crestwood Estates Subdivision. Mr. Hinesley has agreed to contribute costs for the construction of the Culpepper Detention Pond. A contribution of $3,850 per lot, at the time of closing, is expected. Assuming 78 lots are created, a total of $300,300 is likely to be contributed to the pond construction at buildout. This construction will address storm drainage improvements near Crestwood Drive for capture and control of storm water that has historically resulted in major flooding and overtopping of roadways at Crestwood Drive, Hill-N-Dale Drive, Pinon Hills Boulevard and Hubbard Road.

Possible funding sources: Remaining funding needed for the Culpepper Detention Pond is $1,139,700 which is the total project cost of $1,440,000 less the $300,300 of developer contribution received for this project. It is anticipated that the balance will be funded through the Infrastructure Capital Improvement Plan (ICIP) and local match funds.

| La Plata Highway Waterline Project | $4,748,000 |

This project is the replacement of approximately 2.0 miles of 1950’s 6” cast iron pipe with 12” waterline at the intersection of La Plata Highway and Cunningham Street to the intersection of La Plata Hwy and Pinon Hills Blvd. to the intersection of La Plata Highway and Coyote Drive. This improvement to the aging water infrastructure is one of many planned phased improvements to the City of Farmington’s ancient waterline system. Engineering is 30% complete for this project but archaeological and environmental studies needing to be completed. Construction on this $4,775,000 project could begin in summer of 2020 and be completed in 2023, this project can be broken into two phases if required. Total project time for this would take approximately 36 months at a total cost of $4,775,000. The City of Farmington has spent approximately $27,000 on this project for engineering.

Possible funding sources: City and State of New Mexico Funding
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<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Piñon Hills Bridge &amp; Extension</td>
<td>$20,500,000</td>
</tr>
</tbody>
</table>

The extension of Pinon Hills Boulevard (PHB) East from NM Highway 516 South to County Road 3000 will provide a key transportation link between northeast Farmington and the rapidly-growing Crouch Mesa area. The bridge and PHB extension will significantly reduce traffic congestion on Browning Parkway and east Main St.. The project includes 4 vehicle lanes, pedestrian and bicycle facilities. The design is 75% complete and could be completed expeditiously. With funding we can get environmental clearances to divert the river and drill the final two test holes. The right of way has been acquired, all other clearances will need to be updated but had been received.

Possible funding sources: NMDOT; FHWA Grant; BUILD Grant
<table>
<thead>
<tr>
<th>Priority #</th>
<th>Top Ten (10) Council Approved Projects</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Project Title:</strong> Piñon Hills Bridge &amp; Extension</td>
<td>$18,580,000</td>
</tr>
<tr>
<td></td>
<td><strong>Notes:</strong> The extension of Pinon Hills Boulevard (PHB) East from NM Highway 516 South to County Road 3000 will provide a key transportation link between northeast Farmington and the rapidly-growing Crouch Mesa area. The bridge and PHB extension will significantly reduce traffic congestion on Browning Parkway and east Main St. The project includes 4 vehicle lanes, pedestrian and bicycle facilities.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td><strong>Project Title:</strong> Foothills Enhancements Phase 2 (Rinconada-Mesa Del Oso) with Bike lanes and Pedestrian Pathway</td>
<td>$2,011,365</td>
</tr>
<tr>
<td></td>
<td><strong>Notes:</strong> This project includes resurfacing the roadway, adding on street bike lanes and a separated multi-use path on the east side. Drainage issues are mitigated. Traffic Calming features include raised median at Johnson Terrace, wider striping and narrower lanes. Design is complete, right of way acquisition is underway and will require NMDOT approval of takes.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td><strong>Project Title:</strong> Station Exhaust Filter Systems</td>
<td>$400,000</td>
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<td><strong>Notes:</strong> Industry standards have been trending to remove all possible exposures to cancer causing chemicals (diesel exhaust and off gassing turnouts) by providing these system to minimize the exposure to employee's. It has been proven that turnouts continue to off gas and release toxic fumes for weeks after a fire and even after being cleaned.</td>
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<td>4</td>
<td><strong>Project Title:</strong> La Plata Highway Waterline Project</td>
<td>$3,843,000</td>
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<td><strong>Notes:</strong> This project is the replacement of approximately 2.0 miles of 1950's 6&quot; cast iron pipe with 12&quot; waterline at the intersection of La Plata Highway and Cunningham Street to the intersection of La Plata Hwy and Pinon Hills Blvd. to the intersection of La Plata Highway and Coyote Drive. This improvement to the aging water infrastructure is one of many planned phased improvements to the City of Farmington's ancient waterline system. Engineering is 30% complete for this project but archaeological and environmental studies needing to be completed. Construction on this $3,870,000 project could begin in summer of 2019 and be completed in 2022, this project can be broken into two phases if required. Total project time for this would take approximately 36 months at a total cost of $3,870,000. The City of Farmington has spent approximately $27,000 on this project for engineering.</td>
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<td>5</td>
<td><strong>Project Title:</strong> Villa View Detention Pond Phase 2</td>
<td>$1,500,000</td>
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<td><strong>Notes:</strong> Main Street (NM 516). This construction addresses storm drainage improvements along Villa View Drive for capture and control of storm water that has historically resulted in major flooding at the intersection of Villa View Drive and Main Street, along Main Street to Pryor Lane and in Rancho De Animas.</td>
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<td>6</td>
<td><strong>Project Title:</strong> Runway 5-23 Improvements Construction</td>
<td>$3,450,000</td>
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<td><strong>Notes:</strong> Lengthen the safety areas on the ends of runway 5-23 in order to categorize the runway as C-II.</td>
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<td>Priority #</td>
<td>Top Ten (10) Council Approved Projects</td>
<td></td>
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<td>-----------</td>
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<tr>
<td>7</td>
<td><strong>Project Title: Red Apple Transit &quot;Hub&quot; Center</strong>&lt;br&gt;&lt;br&gt;<em>Notes:</em> The Orchard Plaza strip mall houses the existing transit center which was never intended to be a permanent location. The parking lot at the strip mall is used for bus arrivals and departures, which is also a potential hazard to the riders as they have to maneuver in-between the buses and cars that bring people there for shopping. Therefore, a need for a permanent transit center with its own bus parking lanes was identified. Transit centers are sheltered waiting areas for riders and dedicated parking islands for the buses. Customers converge at the center to take advantage of route-to-route transfers. The structures usually include basic amenities such as public restrooms, waiting area, a climate control lobby, ticketing counter, bicycle storage, and enhanced transit information such as next trip real time departure signs.&lt;br&gt;&lt;br&gt;The dedicated lanes inside the facility provide segregation between maneuvering buses and keeps riders on an island to keep them from walking in between buses. The Farmington MPO hired Huitt-Zollars, a full-service architecture and Engineering firm to prepare a feasibility study which analyzes potential locations for a new transit center within the City of Farmington. Three site locations were carried forward in the study based on the sites being able to meet minimum space requirements necessary. Two of the locations are within the City of Farmington’s Metropolitan Redevelopment Area (MRA) and a third is at the former Family Fun Center site on Scott Ave. Based on the rankings, the downtown sites scored the highest.</td>
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<td>8</td>
<td><strong>Project Title: Security Cameras in the Downtown, Park/Trail and Riverwalk Area</strong>&lt;br&gt;&lt;br&gt;<em>Notes:</em> The Security Cameras in the Downtown, Park/Trail and Riverwalk area is actually a sub-project for a larger project of a Real-Time Crime Center/Fusion Center (appropriate title). The camera system does afford the Police Department the ability to monitor these areas to respond to quicker, deter, abate and resolve crimes which may occur. We are currently working toward this goal in researching and establishing a Real-Time Crime Center to mine information to disseminate to our officers through such a center with these digital capabilities and other features. Moreover, a complete center will also allow us to utilize social media platforms, internet and other resources to obtain untapped and underutilized information in addition to regular dispatch information while officers respond to calls for service to provide further safety measures and officer awareness of incidents as they evolve. The cost of such an infrastructure is unknown, but being currently researched.</td>
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<td>9</td>
<td><strong>Project Title: Lake Farmington Recreational Amenities</strong>&lt;br&gt;&lt;br&gt;<em>Notes:</em> Develop and construct recreational amenities at Lake Farmington. Amenities to include dock, restrooms, road improvements, boat house concession area, playground and day use facilities. This includes extension and operation of a water and sewer line to the lake.</td>
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<td>10</td>
<td><strong>Project Title: Gateway Park</strong>&lt;br&gt;&lt;br&gt;<em>Notes:</em> Create an iconic entry to the trail system at the Museum and 20th Street. Key amenities would incorporate the trail with a market area for local artisans, food and other activities.</td>
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City of Farmington  
ICIP Process  
Focus Items to select ICIP Projects  

Guidelines to select ICIP projects:-  

1. Create a new fixed asset  
2. Enhance an existing fixed asset  
3. Life expectancy of 10+ years  
4. Regional effect preferred & strongly encouraged  
5. Shovel ready project preferred  
6. May be phased  
7. Provides for economic development  
8. Provides for health / public safety benefit  
9. Aids in attracting other funding sources  
10. Grant agreements require project listed on the ICIP  

(STIP-TIP)
ORDINANCE NO. 2019-1320

AN ORDINANCE REPEALING AND AMENDING CERTAIN SECTIONS OF CHAPTER 2, ARTICLE 2, DIVISIONS 2 AND 3 OF THE CITY CODE DEALING WITH ELECTIONS AND CAMPAIGN FINANCING

WHEREAS, the Local Election Act was passed by the New Mexico Legislature in 2018 and became effective July 1, 2018; and

WHEREAS, the Local Election Act provides for the consolidation of local elections by repealing the Municipal Election Code; and

WHEREAS, the City Council voted on June 25, 2019 to Opt-In to the Regular Local Election which changes the election cycle from March of even-numbered years to November of odd-numbered years; and

WHEREAS, this action necessitates amendments to the City Code pertaining to elections and campaign financing.

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

Section 2-2-33 of the City Code pertaining to candidates be amended by deleting (b) and (c); Sections 2-2-34 through 2-2-42 pertaining to elections be deleted in their entirety; that Section 2-2-51 pertaining to the failure to file a campaign finance report be deleted in its entirety; and that that Section 2-2-49 pertaining to the filing times for campaign finance reports be amended as follows:

(1)a. The first Tuesday following candidate filing day;
(1)b. The first Monday of October;
(1)e. The second Monday of June; and
(2) During any year in which the candidate did not run in an election, a report shall be filed by 5:00 p.m. on the second Monday of each June, unless the candidate or committee neither received nor expended campaign funds since the last report was filed.

PASSED, APPROVED, SIGNED AND ADOPTED this 14th day of August, 2019.

Nate Duckett, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk
TO: Mayor Duckett and City Council
FROM: Kristi Benson, CPPO, CPPB
Chief Procurement Officer
DATE: August 8, 2019
SUBJECT: 115kV Upgrade Hare to Dwight Arthur Substation, RFP #19-131537
USING DEPARTMENT: Electric Utility

A proposal opening was held on May 7, 2019 for the 115kV Upgrade Hare to Dwight Arthur Substation. Four (4) offers were submitted.

On May 30, 2019, the Central Purchasing Department requested from Council to begin negotiations with the top evaluated firm, North Houston Pole Line, which was approved. On July 9, 2019, it was discovered that North Houston Pole Line was not registered as a Contractor, at the time of the RFP opening, with the New Mexico Department of Workforce Solutions (NMDWS) per Section 13-4-13.1 NMSA, 1978. On July 16, 2019 a letter was sent to North Houston Pole Line rejecting their proposal for not being registered with the NMDWS.

On July 23, 2019, the Central Purchasing Department began negotiations with the second highest evaluated firm, Probst Electric, Inc.

The Central Purchasing Department concurs with the recommendation from the evaluation committee to award the contract to Probst Electric, Inc. with all registrations and licenses confirmed. No Offerers qualified for the In-State or Veterans Preference.

Kristi Benson (Presenter)
Council Meeting 8/13/19 Close/Reopen

Copy to:
Teresa Emrich, Administrative Services Director
Hank Adair, Electric Utility Director
File – 19-131537

Evaluation Committee:
Ward Allies, Electric Utility
Mitchell Betonie, Electric Utility
Denver DeWees, Electric Utility
Roy Waters, Electric Utility
Lisa Hale-BlueEyes, Public Works
A proposal opening was held on July 9, 2019 for the FMPO 2045 Metropolitan Transportation Plan. One (1) offer was submitted.

The name of the business submitting the sole response is Bohannan Huston, Inc.

The Central Purchasing Department concurs with the recommendation from the evaluation committee to award the contract to Bohannan Huston, Inc. as a qualified firm submitting the only responsive proposal which is deemed to be advantageous and in the best interest of the City. The single response documentation memo is attached. Award is based on the pricing schedule for services as required. In-state and Veteran's preference was not applicable due to federal funding.

Kristi Benson (Presenter)
Council Meeting August 13, 2019 Close/Reopen

Copy to:
Teresa Emrich, Administrative Services Director
David Sypher, Public Works/Community Development Director
Mary Holton, MPO Officer
File – 19-132453

Evaluation Committee:
GloJean Todacheene, San Juan County
Virginia King, City of Farmington
John Beckstead, San Juan County
Nick Porell, San Juan County
Steven Saavedra, City of Aztec
TO: FMPO 2045 Metropolitan Transportation Plan, RFP #19-132453
FROM: Cory Marcum, Buyer II
DATE: August 8, 2019
SUBJECT: Single Response Documentation

253 Companies were notified of this solicitation.

The following firms were contacted regarding this solicitation and requested information regarding their decision not to respond to the above RFP.

Their decision was based on the following:

(1) Groundwork Studio, James Foty: Although we were excited to respond, we were unable to put together the team we were hoping to.

(2) Stantec, Art Garcia: Stantec chose not to respond to this RFP due to other commitments.

(3) Russell Planning & Engineering, Nancy Dosdall: We were excited by the opportunity to work with the MPO again and feel we are fully capable of providing a comprehensive, up-to-date, and cost effective plan for the MPO. Unfortunately, we do not have experience with the required modeling program and therefore could not provide a responsive proposal. We have since found partners with the requisite experience, please let us know if you decide to re-advertise.

xc: Kristi Benson, CPPO, CPPB, Chief Procurement Officer

(Initial/Concur)
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,
July 23, 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 Reverend Megan Cullip of
First Presbyterian Church.

Senior Center Adult Programs Manager Jack Lowery 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 July 9, 2019.

REQUEST FOR STATEWIDE FUNDING from the Aging and Long Term
Services Department for purchase and installation of kitchen
and exercise equipment at the Bonnie Dallas Senior Center in
the amount of $9,944.72.

REQUEST FOR STATEWIDE FUNDING from the Aging and Long Term
Services Department for purchase and installation of kitchen
and exercise equipment at the Bonnie Dallas Senior Center in
the amount of $23,518.75.

LETTER OF INTEREST AND ACCEPTANCE to the New Mexico Environment
Department, Constructions Program Bureau, for $2,000,000 in
loan funding from the Clean Water State Revolving Loan Fund
for the Downtown Revitalization/Stormwater Management
project.

WARRANTS PAYABLE for the time period of June 24, 2019 through
July 6, 2019, for current and prior years, in the amount of
$6,648,084.86.

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.

ENERGY TRANSITION ACT

Bill McCamley, Cabinet Secretary for the New Mexico Department of
Workforce Solutions, introduced Nadine Padilla, Deputy Cabinet Secretary
for the New Mexico Indian Affairs Department, and Fred Shepherd, Regional
Representative for the New Mexico Economic Development Department, noting that these departments have been tasked with the responsibility of developing a plan for utilizing funds authorized by the Energy Transition Act ("ETA") to assist communities and workers that will be impacted by the closure of San Juan Generating Station ("SJGS") in 2022.

Furthermore, he introduced former Farmington Mayor and state representative Tom Taylor; and former Farmington City Councilor Jason Sandel who have been appointed as conveners for Workforce Solutions and the Economic Development Department, respectively, for the purpose of appointing a Community Advisory Committee and conducting public meetings.

Utilizing a PowerPoint presentation, Secretary McCamley reported that the ETA increases the state's renewable energy portfolio standards and requires all new energy projects to have 25 percent of the workforce comprised of registered apprentices by the mid 2020's. He reported that the ETA provides a financing mechanism to lower the costs associated with closure of SJGS and allocates multiple funding sources to help the communities plan and diversify in an effort to mitigate the job losses.

Continuing with his presentation, he noted that $30 million has been allocated to Public Service Company of New Mexico ("PNM") for decommissioning of SJGS and mine restoration; $20 million to PNM for severance and training for workers directly affected; $12 million to the Department of Workforce Solutions for training of the displaced workers; $6 million to the Economic Development Department for the purpose of bolstering the economy in areas unrelated to fossil fuel use; and $2 million to the Department of Indian Affairs for the purpose of addressing specific issues on Tribal land associated with the closure. Secretary McCamley reported that the ETA also requires each state department receiving funding to hold three community meetings, but noted that they believe that it will be more beneficial to combine the meetings and have one joint advisory board that will gain public input and focus the funding on targeted areas for diversification and growth.

He explained that the Community Advisory Committee must include a representative from each municipality in the affected community (defined as "a New Mexico county located within 100 miles of a New Mexico facility producing electricity that closes, resulting in at least 40 displaced workers"); a representative from each county in the affected community; a representative from each Indian nation, pueblo, and tribe in the affected community; a representative from each land grant in the affected community; four appointees representing diverse economic and cultural perspectives of the affected community; and at least one appointee representing displaced workers in the affected community. He reported that the proposed timeline is for the three conveners be appointed in July with the Community Advisory Committee being appointed by September. He stated that the first required public meeting is being planned for October with the second meeting being scheduled for March or April 2020 and the third meeting being scheduled for September of that same year.

He reported that the money for the departments is expected to be available after the Public Regulation Commission approves the bonds sales in 2022. In closing, he noted that it is their intent to also solicit ideas for economic diversification from Four Corners Economic Development and San Juan Citizens Alliance.

Mayor Duckett thanked Secretary McCamley for his presentation and his interest in the community and stated that one area that he believes is critical for economic diversification is the construction of a railroad through the Navajo Nation.

Councilor Sharer asked what happens to the monies when Enchant Energy is successful in installing carbon sequestration technology at SJGS which will keep the plant operational for years to come. In response, Secretary McCamley explained that it is his responsibility to carry out the law as it is currently written, noting that best practices show that the success of the community requires quick and early response, cooperation from the communities and support for the efforts.

In response to inquiry from Councilor Rodgers, Secretary McCamley explained that the Community Advisory Committee is responsible for creating the agendas for the three required public meetings and are accountable to the affected community members.

Mayor Duckett asked if either convener would be interested in addressing the Council.

In response to Councilor Rodgers' question, Mr. Sandel explained that he believes that he is accountable to the people of the community and stated that his goal is to represent as many people as possible. He
also explained that if carbon sequestration is successful, then a different route will be pursued but he contended that the community must be “ready to jump” regardless of the outcome.

Mr. Taylor noted that a lot of changes could occur over the next year-and-a-half, but he pointed out that this area has lost 6,500 jobs since 2008 and stated that it is imperative for the community to focus on growing from where we are instead of trying to get back to where we were. He stated that he believes that the state legislature’s focus on this area is an opportunity that should be embraced.

PROPOSED ANNEXATION/US 64

Utilizing a map to show the Council the area that is being proposed, Public Works Director David Sypher requested permission from the Council to proceed with gathering information from San Juan County, the water association, large employers, and business and property owners to determine if they are interested in being annexed into the city limits of Farmington. He noted that the proposed area is located along the US 64 corridor between the existing city limits and County Road 350 and is primarily industrial in nature.

In response to inquiry from Councilor Sharer, Mr. Sypher explained that staff is not considering the residential area known as Wildhorse Valley because the residents previously indicated that they are not supportive of annexation.

City Manager Rob Mayes pointed out that this process was initiated several years ago when the City extended the sewer line to McGee Park, noting that those property owners who tapped into the sewer line have signed an agreement in support of annexation. Furthermore, he emphasized that this area would serve as a ready-made industrial site and would help increase the City’s gross receipts tax revenues.

Noting that she is the Chief Financial Officer for PESCO which is located within the proposed annexation area, Councilor Rodgers announced that she will be abstaining from any vote on the matter.

Following further consideration, a motion was made by Councilor Sharer, seconded by Councilor Jakino to direct staff to proceed with gathering information from the affected parties to determine the feasibility for annexing the area proposed. The roll was called with the following result:

Those voting aye: Sean E. Sharer, Jeanine Bingham-Kelly, Janis Jakino

Those voting nay: None

Those abstaining: Linda G. Rodgers

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

INTRODUCTION OF PLANNING MANAGER BETH ESCOBAR

Public Works Director David Sypher proudly introduced newly-hired Planning Manager Beth Escobar, noting that she has 15 years of experience and is certified by the American Institute of Certified Planners.

APPOINTMENTS TO THE NORTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS

Mayor Duckett asked the Council’s consideration of the appointment of Councilor Rodgers as the regular member (term ending June, 2020), and the appointment of Assistant City Manager Julie Baird as the alternate member (indefinite term) to the Northwest New Mexico Council of Governments Board of Directors.

Thereupon, a motion was made by Councilor Jakino, seconded by Councilor Sharer to confirm the appointment of Councilor Rodgers as the regular member, and Julie Baird as the alternate member to the Northwest New Mexico Council of Governments Board of Directors, as recommended by the Mayor, and upon voice vote the motion carried unanimously.
REAPPOINTMENT TO THE LODGERS’ TAX ADVISORY BOARD

Mayor Duckett asked the Council’s consideration of the reappointment of Addie Betancourt as a member of the Lodgers’ Tax Advisory Board (term to July, 2021).

Thereupon, a motion was made by Councilor Jakino, seconded by Councilor Sharer to confirm the reappointment of Addie Betancourt as a member of the Lodgers’ Tax Advisory Board, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Commendation of Emergency Medical Services Personnel

Mayor Duckett read in full a letter that he received from Sally Bramhall commending the professionalism of the paramedics and firefighters who assisted in lifting and transporting her injured son.

Mountain Bike Trail Signs

Councilor Rodgers announced that she has received positive feedback about the mountain bike trail signs recently installed in the Foothills area.

Bisti Bay at Brookside Park

Mayor Duckett stated that he believes that the new waterpark, Bisti Bay at Brookside Park, is a true success, noting that there were more than 700 visitors throughout the day on Sunday.

CITY MANAGER BUSINESS

2019 Most Improved Airport Award

City Manager Rob Mayes proudly reported that Four Corners Regional Airport received the 2019 Most Improved Airport award from the New Mexico Manager’s Association and he recognized Airport Manager Mike Lewis, Administrative Aide Jody Carmen and Airport Maintenance Worker John Guinta for their hard work and dedicated service.

Mr. Lewis proudly reported that the airport received a flawless audit from the Federal Aviation Administration and he commended the Fire Chief for the superb manner in which the department is operated at the airport. The presentation was concluded with a hearty round of applause.

Light Up Navajo Nation Initiative/Certificates of Appreciation

City Manager Rob Mayes proudly presented Certificates of Appreciation given to the City of Farmington and the Farmington Electric Utility System ("FEUS") during the 2019 American Public Power Association National Conference for their participation in the Light Up the Navajo Nation initiative. The conference was held in Austin, Texas on June 7 through 12, 2019 and he stated that FEUS helped raise the standard of life for 233 Navajo families by bringing power to their homes for the first time.

Electric Utility Director Hank Adair reported that his crews traveled to worksites to help build power lines across the 27,000 square miles of the Navajo Nation. He introduced crew members Dennis Nosker, Dalon Myers, Lucas Morgan and Marlon Begay and the presentation was concluded with a hearty round of applause.

Pickleball Courts/Direct to Staff

Parks, Recreation & Cultural Affairs Director Shana Reeves reported that the tennis courts at Brookside Park could be converted into eight pickleball courts at a cost of $68,735 and asked for permission to proceed with the project utilizing funds from the Community Transformation and Economic Diversification (“CTED”) Fund. She noted that the fencing between the courts is not included in the cost estimate and will be paid for by the Parks Department.

Councilor Sharer suggested that staff also consider renovating the tennis courts located near the senior center.
Following brief consideration, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to direct staff to proceed with converting the tennis courts at Brookside Park into eight pickleball courts utilizing CTED funds, and upon voice vote the motion carried unanimously.

Resolution No. 2019-1721/FY19 Final Budget Revision

City Manager Rob Mayes presented and read by title Resolution No. 2019-1721 approving the final revision to the FY19 budget. The title of such resolution being:

A RESOLUTION APPROVING THE SIXTH AND FINAL REVISION TO THE FY19 BUDGET AND REQUESTING STATE APPROVAL.

Newly-appointed Administrative Services Director Teresa Emrich provided a brief explanation of the proposed revisions.

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to pass and adopt Resolution No. 2019-1721, as presented. The roll was called with the following result:

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

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2019-1721 was duly passed and adopted.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented for discussion a proposed ordinance dealing with elections and campaign financing. The title of such proposed ordinance being:

AN ORDINANCE REPEALING AND AMENDING CERTAIN SECTIONS OF CHAPTER 2, ARTICLE 2, DIVISIONS 2 AND 3 OF THE CITY CODE DEALING WITH ELECTIONS AND CAMPAIGN FINANCING.

There being no discussion, Ms. Breakell announced that the proposed ordinance will be presented for final action at the August 13, 2019 regular City Council meeting.

Ms. Breakell also presented an ordinance dealing with sanitation rates and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978 Compilation. She recommended the ordinance, if adopted, be given the number 2019-1319. The title of the ordinance being:

AN ORDINANCE AMENDING SECTION 23-2-7 OF THE CITY CODE PROVIDING FOR AN INCREASE IN RESIDENTIAL AND COMMERCIAL CHARGES FOR SANITATION SERVICE.

There being no discussion, a motion was made by Councilor Jakino, seconded by Councilor Sharer that Ordinance No. 2019-1319 be passed and adopted as presented. The roll was called with the following result:

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

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2019-1319 was duly passed and adopted.
CLOSED MEETING

A motion was made by Councilor Rodgers, seconded by Councilor Sharer to close the meeting to discuss a request for proposals for the Community Development Block Grant (CDBG) 2019 Annual Action Plan for public service projects, 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 7:18 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 Rodgers, seconded by Councilor Sharer to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 7:28 p.m. with all members of the Council being present.

REQUEST FOR PROPOSALS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2019 ANNUAL ACTION PLAN PUBLIC SERVICE PROJECTS

Chief Procurement Officer Kristi Benson announced that proposals for the Community Development Block Grant ("CDBG") 2019 Annual Action Plan for public service projects opened on June 25, 2019 with six offerors participating and noted that presentations were held before the Council on July 16, 2019. She reported that there is $54,207 available to fund public service contracts and pointed out that the service providers have requested a total of $78,500.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to award $8,000 to Big Brothers Big Sisters; $8,500 to Navajo United Methodist Center; $15,000 to People Assisting the Homeless (PATH); $2,707 to Identity, Inc.; $5,000 to Masada House, Inc.; and $15,000 to San Juan County Partnership, Inc., 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 7:32 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 13th day of August, 2019.

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

Nate Duckett, Mayor

ATTEST:

Dianne Smylie, City Clerk
Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, July 16, 2019 at 9:00 a.m. in the Council Chamber at City Hall, 800 Municipal Drive, Farmington, New Mexico, in full conformity with the rules, regulations and ordinances of the municipality.

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

MAYOR
Nate Duckett

COUNCILORS
Linda G. Rodgers
Jeanine Bingham-Kelly
Janis Jakino

ABSENT
Sean E. Sharer, Councilor

constituting all the members of the Governing Body.

Also present were:

ASSISTANT CITY MANAGER
Julie Baird

CITY ATTORNEY
Jennifer Breakell

CITY CLERK
Dianne Smylie

DEPUTY CITY CLERK
Andrea Jones

APPOINTMENT OF ACTING MAYOR PRO TEM

Noting that Mayor Pro Tem Sharer is absent from today’s meeting, Mayor Duckett announced that he must leave today’s meeting early due to a scheduled conference call and he appointed Councilor Rodgers as Acting Mayor Pro Tem.

PUBLIC SERVICE PROJECT PRESENTATIONS/COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2019 ANNUAL ACTION PLAN

Contracts Administrator Rosalyn Potter explained that the purpose for today’s presentations is to give the Council an opportunity to hear and evaluate the proposals that were received in response to the request for proposals for the Community Development Block Grant (“CDBG”) 2019 Annual Action Plan public service projects. She announced that the presentations will be given in alphabetical order.

Big Brothers Big Sisters in San Juan County

Utilizing a PowerPoint presentation, Neilson Francisco, Site Manager for Big Brothers Big Sisters in San Juan County (“BBBS”), discussed their national rebranding campaign and he reported that their mission is to create and support one-to-one mentoring relationships that ignite the power and promise of youth. He pointed out that 62% of the children participating in BBBS programs in Farmington are from single parent or no-parent households and he stated that they are requesting $10,000 to increase the number of children served by 15 and increase the match duration lengths.

Identity, Inc.

Referring to a PowerPoint presentation, Donald Stage, volunteer and board member of Identity, Inc., reported that the adolescent support group has been ongoing for the past three years and noted that the gay, lesbian, bi-sexual, transsexual and questioning (“LGBTQ”) population is often at-risk for depression and suicide due to a lack of social acceptance and discrimination. He stated that they are requesting $5,000 from the CDBG program for the purpose of funding therapy sessions for any participant in a crisis that cannot afford the services otherwise.

Masada House, Inc.

Utilizing a PowerPoint presentation, Executive Director Jessica Stopani reported that Masada House provides transitional sober living for up to eight women at a time and she stated that they measure success by the number of participants who remain sober and gain employment or go back to school. She announced that they are seeking funding assistance
in the amount of $20,000 to pay for case management, housing, food handler certifications and administrative fees.

Navajo United Methodist Center

Referring to a PowerPoint presentation, Melissa Tarazon and Laurie Gruel reported that Navajo United Methodist Center is requesting $11,990 for the purpose of continuing their New Beginnings Program that provides transitional housing and support to domestic violence and sexual assault survivors and their families. They reported that the funding will help pay for utilities, maintenance, appliances and administrative costs and they noted that the program can support approximately 25 clients at one time, including children. Ms. Gruel stated that the organization's overall budget is $309,184 and she discussed their various funding sources.

People Assisting the Homeless (PATH)

Utilizing a PowerPoint presentation, Executive Director Jonna Sharpe reported that for the past 35 years, People Assisting the Homeless ("PATH") has provided shelter, information, guidance, support and approximately 50,000 meals annually. She noted that the services provided by PATH meet the national objective of HUD and the City's Consolidated Plan since they benefit low-to-moderate income persons. She reviewed the financial pro formas for the shelter and soup kitchen and reported that they are requesting $18,500 which will be used to pay a portion of utilities for both facilities.

San Juan County Partnership

Referring to a PowerPoint presentation, Lynn Love, San Juan County Partnership Housing Assistance Program Manager, reported that San Juan County Partnership is requesting $15,000 for the housing assistance program which provides qualified families with the money necessary for security and utility deposits and the first month's rent which allows them to move immediately out of homelessness. He stated that the CDBG funds help those families who slightly exceed the maximum income and he noted that the program meets the national objective of HUD and the City's Consolidated Plan since it benefits low-to-moderate income persons.

There being no further presentations, Mayor Duckett announced that $54,207 is available for award and stated that award of the funding is scheduled for the July 23, 2019 regular City Council meeting.

PRESENTATION/CARBON SEQUESTRATION TECHNOLOGY/SAN JUAN GENERATING STATION

Providing opening remarks, Mayor Duckett announced that today's presentation is for information only and City Attorney Jennifer Breakell introduced Jason Selch and Larry Heller of Enchant Energy.

Utilizing a PowerPoint presentation, Mr. Selch reported that retrofitting San Juan Generating Station ("SJGS") with carbon capture, utilization and storage ("CCUS") technology is an extremely feasible project as indicated by the recently released study from Sargent & Lundy ("S&L").

Mayor Duckett emphasized that protecting the City and not increasing its liabilities is a critical component of the current negotiations with Enchant Energy and he announced for the record that the City's current intent is to retain five percent ownership in SJGS with the possibility of an additional five percent ownership and zero participation in the CCUS component at SJGS.

Mayor Duckett left the meeting at 9:57 a.m.

Continuing with the presentation, Mr. Selch explained that he and Mr. Heller formed Enchant Energy in early 2019 for the purpose of enabling continued operation of SJGS and retrofitting it with CCUS and he stated that in May of 2019 Enchant Energy applied for a U.S. Department of Energy grant to fund a frontend engineering design ("FEED") along with various associated studies. He discussed the schematic of the project, noting that Kinder Morgan's Cortez pipeline is only 20 miles away from SJGS and he pointed out that SJGS has redundant infrastructure and is a low cost power source for CCUS. Mr. Selch reported that S&L's feasibility study indicated that the cost of carbon capture is estimated
at $39-43 per metric ton and that operation and maintenance costs are estimated at $16 per metric ton. Additionally, he stated that CCUS will reduce SJGS’s carbon emissions from 2,200 pounds to 220 pounds per megawatt and that it is estimated that 6 million metric tons of carbon will be captured annually. Mr. Selch announced that the CCUS project will generate approximately $2.5 billion in federal 45Q tax credits over a 12-year period which in turn will support tax equity financing that will fund 100 percent of the capital costs of the project and he stated that the sale of the captured carbon will cover the annual operating costs. He noted that the captured carbon will be sold to buyers in the Permian Basin and he pointed out that the current supply of captured carbon from Kinder Morgan’s McElmo Dome is not able to meet the current demand. Concluding the presentation, Mr. Selch discussed the advantages and challenges associated with CCUS at the SJGS site and he provided an estimated timetable for the CCUS project.

In response to Acting Mayor Pro Tem Rodgers’s various questions, Mr. Selch confirmed that the S&L feasibility study indicates that the CCUS project is economical; emphasized that SJGS will not be burdened by any additional costs due to the CCUS project; pointed out that studies have shown that 99.99 percent of the carbon reintroduced into the ground remains underground; assured the Council that there is a demand for SJGS’s future “low emissions” power although buyers have not been secured at this stage of the project; and Mr. Heller explained how purchasers utilize carbon in the Permian Basin.

Responding to Councilor Jakino’s inquiry, Mr. Selch stated that power produced at SJGS after the CCUS project has been completed will be classified as “low emissions” power which increases its marketability especially in southern California.

BID/LED STREET LIGHTING

Chief Procurement Officer Kristi Benson reported that bids for LED street lighting (Public Works) opened on July 9, 2019 with three bidders participating. She recommended that the bid be awarded to Western United Electric on its low bid meeting specifications after application of five percent in-state preference of $84,245.

Thereupon, a motion was made by Councilor Jakino, seconded by Councilor Bingham-Kelly to award the bid for LED street lighting to Western United Electric, as recommended, and upon voice vote the motion carried unanimously.

PROPOSED ORDINANCE REPEALING AND AMENDING CERTAIN SECTIONS OF CHAPTER 2, ARTICLE 2, DIVISIONS 2 AND 3 OF THE CITY CODE DEALING WITH ELECTIONS AND CAMPAIGN FINANCING

City Clerk Dianne Smylie requested permission to publish notice of intent to consider adoption of a proposed ordinance amending certain sections of the City Code dealing with elections and campaign financing in an effort to comply with the Regular Local Election cycle.

Following brief consideration, a motion was made by Councilor Jakino, seconded by Councilor Bingham-Kelly to direct staff to publish notice of intent to consider adoption of a proposed ordinance in accordance with State Statutes. The roll was called with the following result:

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

Those voting nay: None

Those absent: Sean E. Sharer

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

Cancellation of the August 27, 2019 regular City Council meeting

Assistant City Manager Julie Baird requested that the August 27, 2019 regular City Council meeting be canceled due to the New Mexico Municipal League’s annual conference.

Thereupon, a motion was made by Councilor Bingham-Kelly, seconded by Councilor Jakino to cancel the August 27, 2019 regular City Council meeting, and upon voice vote the motion carried unanimously.

Voting Delegate and Alternate for the 2019 New Mexico Municipal League Annual Business Meeting

A motion was made by Councilor Bingham-Kelly, seconded by Councilor Rodgers to designate Mayor Duckett as the voting delegate and Councilor Rodgers as the alternate voting delegate to represent the City of Farmington at the New Mexico Municipal League Annual Business Meeting to be held in Las Cruces, New Mexico on August 29, 2019, and upon voice vote the motion carried unanimously.

Assistant City Manager Julie Baird informed the Council that the City of Farmington will host the New Mexico Municipal League’s annual conference in 2022, noting that the recent renovations to the Civic Center made the space large enough to accommodate the conference.

APPOINTMENTS TO THE NORTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS

Acting Mayor Pro Tem Rodgers announced that this item will be rescheduled to the July 23, 2019 regular City Council meeting.

CLOSED MEETING

A motion was made by Councilor Jakino, seconded by Councilor Bingham-Kelly to close the meeting to discuss request for proposals for a cost of service study for the water and wastewater utilities, pursuant to Section 10-15-1H(6) NMSA 1978, and to discuss the acquisition of real property for recreational purposes, pursuant to Section 10-15-1H(8) NMSA 1978. The roll was called with the following result:

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

Those voting nay: None

Those absent: Sean E. Sharer

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

The Acting Mayor Pro Tem convened the closed meeting at 10:39 a.m. with Councilors Rodgers, Bingham-Kelly and Jakino being present.

Following the closed meeting, during which meeting the matters discussed were limited only to those specified in the motion for closure, a motion was made by Councilor Jakino, seconded by Councilor Bingham-Kelly to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Acting Mayor Pro Tem at 10:44 a.m. with Councilors Rodgers, Bingham-Kelly and Jakino being present.

REQUEST FOR PROPOSALS/COST OF SERVICE STUDY FOR THE WATER AND WASTEWATER UTILITIES

Contracts Administrator Rosalyn Potter announced that proposals for a cost of service study for the water and wastewater utilities (Public Works) opened on June 25, 2019 with six offerors participating. She recommended that negotiations be commenced with NewGen Strategies and Solutions, LLC as the top evaluated firm after application of the in-state and Veterans preferences.
Thereupon, a motion was made by Councilor Jakino, seconded by Councilor Bingham-Kelly to direct staff to commence negotiations with NewGen Strategies and Solutions, LLC, as recommended by the Contracts Administrator, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, a motion was made by Councilor Jakino, seconded by Councilor Bingham-Kelly to adjourn the meeting at 10:46 a.m., and upon voice vote the motion carried unanimously.

APPROVED this 13th day of August, 2019.

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Nate Duckett, Mayor

SEAL

ATTEST:

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Dianne Smylie, City Clerk