

A G E N D A
CITY OF AZTEC
CITY COMMISSION WORKSHOP
April 12, 2016
201 W. Chaco, City Hall
5:30 p.m.

5:30-6:00

A. Commercial Use on Public Property

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 334-7600 prior to the meeting so that arrangements can be made.

Note: A final agenda will be posted 24 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410

Staff Summary Report

MEETING DATE:	April 12, 2016
AGENDA ITEM:	Commission Workshop
AGENDA TITLE:	Commercial Use on Public Property

ACTION REQUESTED BY:	Staff
ACTION REQUESTED:	Discussion of Commercial Use on Public Property
SUMMARY BY:	Delain George

PROJECT DESCRIPTION / FACTS

Discussion Items for Workshop:

1. Do you want to allow Commercial Use in City Parks and Rights-of Ways?

If so, would you like to see Food Only Vendors or allow retail vendors along with food vendors? What about Yoga in the Park or other type of classes held in parks that charge a fee to participate?
2. First come, first serve basis. This first year will start with 10-12 spaces throughout the City.
3. Hours of operations – Dusk to Dawn
4. Permit Length – Annual Permit – review after first year.
5. Business License Fee/permit fee \$50 for Mobile Vendors
The same application and regulations that is currently in place under business licensing, with a few minor changes, to allow use of City Parks and Rights of Ways.
6. After first year ending December 31, 2016, or before the year end, if needed, conduct a year in review to see what worked, what didn't work, make any necessary changes etc...
7. We are also proposing that vendors be allowed on Main Avenue and be allowed to park in a parking space provided that the space is 100 feet from a similar establishment.
8. Mobile Food Service Units include mobile push carts. All food handling regulations that pertain to a mobile truck are the same for a mobile pushcart.
9. City Code – Chapters 11, Article IX Food Vending and Mobile Units, Chapter 22, Section 22-513 will need to be amended to reflect changes to allow permitting for Commercial Use.
10. The Intent to Adopt Ordinances are placed on the Commission Agenda for the April 12th meeting to allow for public input. If able to move forward, final approval of ordinance will take place before Memorial Day.

Process for permitting Food and vending on Public Property

1. Food Vendor applies for a Food Catering, Food/Vending and Mobile Service Unit Business License.
2. After review and approval of application and requirements for a food vendor such as; food inspection, valid vehicle insurance, registration and driver's license. A license/permit will be issued.
3. License will show vendor is permitted for commercial use.
4. Vendor will be required to notify City if they are no longer operating during the year.
5. Because we will start with 10-12 spaces – if necessary, a wait list will be established to contact vendors, when a vendor terminates their permit.
6. Application will also state that the City has the right to revoke license if the vendor is not following regulations or there are health and safety issues.
7. License expires December 31st of each year. Vendor must reapply for a new license each year.
8. Maps of City Complex, Florence Park, Riverside Park, and Tiger Park indicate recommended sites. VP is noted on map of the proposed sites. VP = Vendor Parking.

A G E N D A
City of Aztec
CITY COMMISSION MEETING
April 12, 2016
201 W. Chaco, City Hall
6:00 p.m.

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. AGENDA APPROVAL

VI. CITIZEN RECOGNITION

VII. EMPLOYEE RECOGNITION

VIII. CONSENT AGENDA

- A. Commission Workshop Meeting Minutes, March 22, 2016
- B. Commission Meeting Minutes, March 22, 2016
- C. Travel Requests
- D. Northwest New Mexico Council of Governments Membership Agreement and Board of Directors Appointment
- E. Resolution 2016-995 Surplus
- F. Animal Care & Control Document Destruction
- G. Aztec Baseball Association Agreement
- H. Four Corners Fast Pitch Association Agreement
- I. Resolution 2016-996 Amending Golf Course Fees

Items placed on the Consent Agenda will be voted on with one motion. If any item proposed does not meet the approval of all Commissioners, a Commissioner may request that the item be heard under "Items from Consent Agenda"

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IX. ITEMS FROM CONSENT AGENDA

X. CITIZENS INPUT (3 Minutes Maximum)

(Citizens who wish to speak will sign up prior to the meeting – this section is for items not otherwise listed on the agenda)

XI. BUSINESS ITEMS

- A. Intent to Adopt Ordinance 2016-450 Amending Chapter 22 Section 22-513 Commercial Use of Public Property
- B. Intent to Adopt Ordinance 2016-451 Amending Chapter 11, Article IX Food Catering, Food Vending and Mobile Vending Units

XII. LAND USE HEARINGS

- A. 2016-025 Variance 1815 W. Aztec Blvd

XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

XIV. DEPARTMENT REPORTS

(When this item is announced, all Department Heads who wish to give a report will move to the podium)

XV. ADJOURNMENT

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CITY OF AZTEC
COMMISSION WORKSHOP MINUTES
March 22, 2016

I. CALL TO ORDER

Mayor Burbridge called the meeting in to order at 5:30pm at the Aztec City Commission Room City hall 201 W. Chaco, Aztec NM.

MEMBERS PRESENT: Mayor, Sally Burbridge; Mayor Pro-Tem Sipe; Commissioner, Sheri Rogers; Commissioner, Austin Randall

MEMBERS ABSENT: Commissioner, Katee McClure

OTHERS PRESENT: General Services Director, Steve Mueller; Administrative Assistant, Sherlynn Morgan; Project Manager, Ed Kotyk

A. Parks and Recreation Plan

General Services Director mentioned that this is an update to the current plan that was adopted in 2012. Steve mentioned that Section 7 is what is being upgraded. Steve mentioned that YCC will be working on updating Cap Walls Park this summer. Steve mentioned that he has added ball field lights to be updated. Staff and Commission reviewed the following proposed updates in the plan:

- River Accesses
- Redo Rose Garden
- Minium Park-Shade Structures around Picnic Tables
- New Park Area at North Main Extension (Potential YCC Project)
- Tiger Park Possible Playground Equipment and Dog Park Area
- Street Corridors
- Trails
- Riverside Park

Ed Kotyk, Project Manager mentioned that this plan will be presented to Commission for approval possibly next month via resolution.

II. Adjournment

Mayor Burbridge adjourned the Workshop at 5:58 pm.

Mayor, Sally Burbridge

ATTEST:

Karla Sayler, City Clerk

MINUTES PREPARED BY:

Karla Sayler, City Clerk

DRAFT

CITY OF AZTEC
COMMISSION MEETING MINUTES
March 22, 2016

I. CALL TO ORDER

Mayor Burbridge called the Meeting to order at 6:01pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

II. INVOCATION

The Invocation was led by City Attorney, Larry Thrower

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Austin Randall

IV. ROLL CALL

Members Present: Mayor Sally Burbridge; Mayor Pro-Tem Sherri Sipe; Commissioner Sheri Rogers; Commissioner Austin Randall

Members Absent: Commissioner Katee McClure

Others Present: City Attorney Larry Thrower; Administrative Assistant Sherlynn Morgan; Project Manager Ed Kotyk (see attendance sheet)

V. AGENDA APPROVAL

MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Randall to Approve the Agenda as Presented

VI. PRESENTATION

A. Boys & Girls Club-Mike Patch

Mike Patch, Director of Aztec Boys and Girls Club presented Commission with a power point on the following:

- Mission
- Members
- Attendance
- Summer Programs
- Aztec Teams

- Community Outreach, Participation & Cooperation
- Academic Enhancement Programs

Mr. Patch thanked Commission for all their support.

B. San Juan County Annual Historical Society Report-Zang Wood

Zang Wood presented commission with a book on The Settlements by Stephen Lane Wood. He also gave an annual report to commission on the Historical Society. Zang mentioned the projects that were completed in 2015, the number of visitors the hours of operation, and an ongoing project that they are working on. He mentioned the views the Historical Society has had on Social Media, mentioned that the total income for 2015 was \$8,428.40 and expenses were \$9,435.00. The Historical Society currently has 72 members. To become a member you can go to facebook and obtain an application. He thanked Commission and the City of Aztec Staff for all that the City does for the Historical Society with their support and mentioned that without this support they can continue the service to the public.

VII. CITIZEN RECOGNITION

None

VIII. EMPLOYEE RECOGNITION

None

IX. CONSENT AGENDA

MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Randall to Approve the Consent Agenda With The Exception of Item E

- A. Commission Workshop Meeting Minutes, March 8, 2016
- B. Commission Meeting Minutes, March 8, 2016
- C. Travel
- D. Volunteer Firefighters Annual Reporting
- E. FY2016 Street Maintenance- Crack Sealing-PULLED
- F. Re-Bid 2015-418 Aztec Remote SCADA Project Change Order #3 River Pump
- G. Resolution #2016-991 Library Surplus
- H. Resolution #2016-992 Authorizing Signatures for City Accounts
- I. Resolution #2016-993 Authorizing Signatures for Municipal Court Bond Checking Account
- J. Resolution #2016-994 Authorizing signatures on Motor Vehicle Department Checking Account
- K. FY17 Municipal Fire Protection Fund Distribution Application

X. ITEMS FROM CONSENT AGENDA

E. FY16 Street Maintenance-Crack Sealing

Mayor Burbridge pulled the item with a question on what street plan this is. Bill Watson, City Engineer mentioned that the street plan is posted to the website. Bill mentioned that this plan will complete crack sealing maintenance operation city-wide for 3 to 4 years. All streets shown as needing this maintenance on the crack seal map of the 10-year road plan will be completed. He mentioned that it will take approximately 2 weeks and will be complete before June 1, 2016.

MOVED by Commissioner Randall, SECONDED by Mayor Pro-Tem Sipe to Approve the FY2016 Crack Sealing Maintenance to Dismuke Construction In The Amount Of \$216,832 Including GRT And Authorize The City Manager To Execute The Ensuing Construction Agreement

XI. CITIZENS INPUT

None

XII. BUSINESS ITEM

A. Aztec Municipal Golf Course Clubhouse Contract

Steve Mueller mentioned to commission that before them is a RFP for operations of the Golf Course, Clubhouse and Snack Bar. He mentioned that there were 2 RFP's received and that the other person did not meet the deadline so they accepted this proposal. If approved by the commission the contract will go into effect April 1, 2016. Commission and Staff reviewed the figures on the staff summary.

MOVED by Commissioner Rogers, SECONDED by Mayor Pro-Tem Sipe to Approve The Contract With Ruby In The Valley Represented By Randy Hodge, To Operate The Clubhouse And Snack Bar At The Aztec Municipal Golf Course

XIII. LAND USE HEARINGS

Mayor Burbridge opened the Land Use Hearing for 2016-018 Zone Change at 119 W. Chuska St. From O-1 Office Institutions to C-1 Commercial-Limited and 2016-013-Conditional Use 401 NE Aztec Boulevard. Mayor Burbridge stated that this hearing would be conducted under Procedures mandated by the New Mexico Court of Appeals in Battershell versus the City of Albuquerque, which were intended to protect the due process rights of our parties. Mayor Burbridge subsequently identified the parties and City Staff. Mayor Burbridge then asked Commission if they would accept the parties and they did. She reviewed the procedures and then asked if any members of the Commission had a conflict of interest, bias, or engaged in ex parte communication,

there were none. Mayor Burbridge then swore in the parties and reviewed the Order of Presentation.

A. 2016-018 Zone Change at 119 Chuska St. From O-1 Office-Institutions to C-1 Commercial-Limited

Bil Homka, Community Development Director reviewed the staff summary with Commission.

Bil has requested to withdraw this application considering the rezoning of 119 S. Church Ave. from O-1 Offices-Institutions to C-1 Commercial Limited for the property at either 119. S Church Ave. or 119. E. Chuska St.

B. 2016-013 Conditional Use 407 NE Aztec Boulevard

Bil mentioned that this is for a conditional use application for a daycare at 407 NE Aztec Boulevard. Bil mentioned that the correct address for this is 401 NE Aztec Blvd.

MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Randall to Approve 2016-013 An Application For A Conditional Use Permit To Operate A Daycare/Preschool At 401 NE Aztec Blvd. For The 6 Reasons Listed In The Findings Of Fact

A Roll Call Was Taken: All Voted Aye Motion Passed Five-Zero

XIV. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

Mayor Burbridge mentioned that she will be attending the NMML District Meeting in Grants in the morning.

Mayor Pro-Tem Sipe mentioned that she missed the EDAB meeting on Thursday.

Commissioner Rogers mentioned that she attended the San Juan Safe Communities meeting. She thanked the Mayor for the opportunity to attend the Mayor's Ball.

Commissioner Randall mentioned that he attended the Lodger's Tax Advisory Board meeting and mentioned that they approved funding for the Alien Run and the Blues Festival. He mentioned that he attended the New Elected Officials Institute in Las Cruces.

XV. DEPARTMENT REPORTS

Cindy Iacovetto mentioned that we have hired a cook and mentioned that the center will be closed Friday due to resignation from the Secretary and that Zumba will be coming back to the Center she will more details to come on that.

XVI. ADJOURNMENT

Moved by Mayor Burbridge, SECONDED by Mayor Pro-Tem Sipe to adjourn the meeting at 7:34 pm.

Sally Burbridge, Mayor

ATTEST:

Karla Sayler, City Clerk

MINUTES PREPARED BY:

Karla Sayler, City Clerk

DRAFT

Staff Summary Report

MEETING DATE: April 12, 2016
AGENDA ITEM: VIII. CONSENT AGENDA (C)
AGENDA TITLE: Travel Requests

ACTION REQUESTED BY: Public Works, Electric and Courts
ACTION REQUESTED: Approval of Employee/Public Official Travel Requests
SUMMARY BY: Cheryl Franklin

PROJECT DESCRIPTION / FACTS (Leading Department)

- Resolution 2003-603 identifies the requirement for employee/public official travel requests to be pre-approved by the commission. All travel requests will be submitted to the commission for approval prior to the travel occurring except in unusual circumstances when the City Manager may approve as provided in resolution 2003-603.
- The attached log is sorted by dates of travel and then by department. Four requests for travel had already occurred and the Public Works and Electric is requesting approval for travel on the date of this meeting; however, the remaining request is dated for future.
- If travel/training is to be reimbursed or some of the costs will be paid by another entity, those notes have been included on the log.

FISCAL INPUT (Finance Department)

- All departments requesting travel have sufficient funds budgeted within their travel/training budgets

SUPPORT DOCUMENTS: Travel Log April 12, 2016

DEPARTMENT'S RECOMMENDED MOTION: Approve Employee/Public Official Travel Requests

**EMPLOYEE/PUBLIC OFFICIAL TRAVEL REQUESTS FOR COMMISSION APPROVAL
MEETING DATE: APRIL 12, 2016**

Dates of Travel	Department	Purpose of Travel/Location	Over-night	Out of State	Costs	Explanation of Cost	FY16 Budget Available
03/15-16/16	Public Works	FHWA & DOT Meeting Aztec Arterial Sec 2 Santa Fe, NM.	Yes	No	44.10 28.42 150.35	Actual Meals & Gratuity Actual Cost for Fuel Actual Cost for Lodging	Yes
04/04-08/16	Electric	Distribution Overhead & Underground Design & Staking Workshop Lone Tree, CO.	Yes	Yes	252.60 845.00 120.00 920.00	Meal & Gratuity Allowance Registration Estimate Cost for Fuel Lodging	Yes
04/11-15/16	Public Works	NM Floodplain Managers Assoc. Spring Workshop & Exam Buffalo Thunder, Santa Fe, NM.	Yes	No	180.00 225.00 75.00 527.75	Meal & Gratuity Allowance Registration Estimate Cost for Fuel Lodging	Yes
04/11-15/16	Public Works	NM Floodplain Managers Assoc. Spring Workshop & Exam Buffalo Thunder, Santa Fe, NM.	Yes	No	180.00 200.00 75.00 386.56	Meal & Gratuity Allowance Registration Estimate Cost for Fuel Lodging	Yes
05/03-06/16	Courts	State Judges Conference Albuquerque, NM.	Yes	No	108.00 60.00 300.00	Meal & Gratuity Allowance Estimate Cost for Fuel Lodging	Yes

Staff Summary Report

MEETING DATE: April, 12, 2016
AGENDA ITEM: VIII. CONSENT AGENDA (D)
AGENDA TITLE: Northwest New Mexico Council of Governments
Membership Agreement and Board of Directors
Appointment

ACTION REQUESTED BY: City Manager's Office
ACTION REQUESTED: Approval of NWNM COG Agreement
SUMMARY BY: Sherlynn Morgan

PROJECT DESCRIPTION / FACTS

MEMBERSHIP AGREEMENT

- Northwest New Mexico Council of Governments (NWNM COG) has prepared a Membership Agreement for Fiscal Year 2016.
- No changes to the agreement from last year.

BOARD OF DIRECTORS APPOINTMENT

- During the March 8, 2016 Commission meeting, City Manager, Joshua Ray was appointed as the City's representative on the NWNM COG Board. Appointed alternate is Commissioner, Austin Randall.

This agreement is for the current 2016 fiscal year. Typically the Council of Governments sends us the agreement in June to complete for the upcoming year. However, this year, there was some confusion on their end concerning the document.

The City has been paying the COG dues for the entire year.

We expect the agreement to be received for FY17 by June 2016.

SUPPORT DOCUMENTS: NWNM COG Membership Agreement (as submitted by NWNM COG)

DEPARTMENT'S RECOMMENDED MOTION: Approve the NWNM COG Membership Agreement

NORTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS

MEMBERSHIP AGREEMENT

with

CITY OF AZTEC

Fiscal Year 2016

This Agreement is entered into by and between Northwest New Mexico Council of Governments (hereinafter "COG") and City of Aztec (hereinafter "MEMBER"), pursuant to the following conditions and terms:

1. COG agrees to provide for the following:
 - a. Performance of professional work in service to the MEMBER, including specific assignments as requested and mutually concurred by the MEMBER and COG throughout the course of this Agreement, drawn from the COG's Menu of Services (attached hereto); such service to include assignment of professional staff to direct Member Services, in alignment with the Member Dues & Services policy adopted by the COG Board of Directors (attached hereto).
 - b. Continued leadership and performance in local and regional development activities, as supported by local, state, federal and philanthropic grants and contracts.
 - c. Competent management and stewardship of the COG's resources and responsibilities, on behalf of its Members.
2. MEMBER agrees to provide for the following:
 - a. To remain a voting member on the COG's Board of Directors, to consist of one (1) representative to the Board and one (1) alternate, and to participate in the COG's governance, policy development and administrative oversight.
 - b. To pay annual dues into the treasury of the COG in the amount of **\$5,000** per annum, such payment to be rendered in quarterly increments for the annual period July 1, 2015 through June 30, 2016.
3. It is mutually understood and agreed that:
 - a. A portion of the Membership dues shall be committed to the support of the COG organization as a whole and to its general operating and overhead expenses, including matching funds as required for certain state and federal grants;
 - b. A portion of the dues shall be available for direct communications with and services to the MEMBER, including specific assignments as requested and mutually concurred by the MEMBER and the COG; and
 - c. For significant tasks and assignments requiring staffing above and beyond the levels specified herein, the COG may negotiate for and/or assist in securing additional funds to supplement this agreement.

NORTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS

CITY OF AZTEC

Date: _____
Billy Moore, Board Chairman

Date: _____
Sally Burbridge, Mayor

ATTEST: _____
Jeff Kiely, Executive Director

ATTEST: _____
Karla Sayler, City Clerk

NORTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS

Board of Directors Appointment Form/FY 2016

Member Government: City of Aztec **Date:** _____

1. The governing body of The City of Aztec (hereinafter Member) has designated

_____ as its official Representative to the Board of Directors of the Northwest New Mexico Council of Governments (NWNMCOG), the organization established by State Statute as New Mexico Planning & Development District I and by the US Department of Commerce as Economic Development District 1.

2. It is understood that the responsibilities of Board representatives include, but are not necessarily limited to:

- Attendance at four (4) quarterly meetings of the Board of Directors as scheduled and, as needed and feasible, such special meetings as may be called by the Board Chair. Generally, regular meetings are held within the NWNMCOG planning district, rotated county-to-county among Cibola, McKinley and San Juan Counties [one (1) of which is the annual meeting];

[NOTE: Per the NWNMCOG Articles of Agreement: "Should the representative and/or alternate miss three (3) consecutive meetings, the governing body of the respective member shall be asked to appoint another representative to the Board."]

- Voting on Board motions and resolutions;
- Serving on and meeting with such committees or task forces as appointed by the Chairman of the Board and/or as volunteered;
- Serving as Board officer as nominated and elected;
- Representing issues, needs and perspectives of the Member within the Council of Governments forum as applicable and appropriate;
- Staying up-to-date on NWNMCOG issues, primarily (a) as represented in the packet of informational materials prepared by staff for each Board agenda and (b) with respect to direct services performed for the Member;
- Communicating with and reporting to the governing body of the Member regarding NWNMCOG issues, priorities and activities; and
- Assisting in advocating for local and regional issues and projects throughout the year.

3. The governing body has also designated _____ as Board Alternate, whose responsibilities are to assume the duties and authorities of the Representative, including voting on Board motions and resolutions, in the absence of and as delegated by the Representative.

SIGNED: _____ **DATE:** _____

NAME: _____ **TITLE:** _____

Staff Summary Report

MEETING DATE:	April 12, 2016
AGENDA ITEM:	VIII. CONSENT AGENDA (E)
AGENDA TITLE:	Resolution 2016-995 Surplus

ACTION REQUESTED BY:	Library, General Services, Public Works, Police
ACTION REQUESTED:	Approval
SUMMARY BY:	Kathy Lamb

PROJECT DESCRIPTION / FACTS

- General Services, Police Department and Public Works have identified items no longer necessary to daily operations. Approved surplus items will be listed on the Public Surplus website.
- The Library, during the normal course of operations, reviews circulation of all materials. Materials which are not circulating or are out of date are pulled from the shelves and become surplus material. These items would have been purchased with city or state library funds or donated to the library. Materials pulled include a large collection of adult and youth books, several DVDs and music CDs.
- Approved library surplus items will be disposed of in a variety of ways to best serve the library and the community. Materials which may have use to Good Sam's, local pre-schools, and/or veteran's programs will be donated. Materials which may have public interest will be packaged and available for sale at the library. Other materials may be packaged and sent to book outlets at no cost to the city. The Public Surplus website has not resulted in interest library materials, although it will continue to be utilized as well.
- If the items are not sold they will be donated or disposed of according to NM Statute Section 3-54-2 and Procurement Statute 13-6-1. Disposition of obsolete, worn-out or unusable tangible personal property.

FISCAL INPUT / FINANCE DEPARTMENT

- Revenues from auction to be applied to General Fund / Joint Utility Fund

SUPPORT DOCUMENTS:	Resolution 2016-995 Surplus List
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DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2016-995 Declaring Certain Municipal Property Not Essential For Municipal Purpose and Directing It Be Sold or Disposed.

CITY OF AZTEC RESOLUTION 2016-995

A RESOLUTION DECLARING CERTAIN MUNICIPAL PROPERTY NOT ESSENTIAL FOR MUNICIPAL PURPOSE AND DIRECTING IT BE SOLD, OR IF THE PROPERTY HAS NO VALUE, DONATE THE PROPERTY TO ANY ORGANIZATION DESCRIBED IN SECTION 501(c)3 OF THE INTERNAL REVENUE CODE OF 1986 OR DISPOSED.

WHEREAS, Sections 3-54-2 and 13-6-1 of NMSA, 1978 Compilation authorizes municipalities to sell personal property which is not essential for a municipal purpose or if the property has no value, donate the property to any organization described in Section 501(c)3 of the Internal Revenue Code of 1986; and

WHEREAS, the City of Aztec owns certain personal property which is obsolete and/or surplus and no longer needed or useful to the City; and

WHEREAS, the Governing Body wishes to declare this property not essential for a municipal purpose so that it can be sold or donated according to statute.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City of Aztec, New Mexico that the personal property below described which is owned by the City is surplus and not essential for a municipal purpose.

PASSED, APPROVED AND SIGNED this 12th day of April, 2016.

MAYOR SALLY BURBRIDGE

ATTEST:

CITY CLERK KARLA SAYLER

**RESOLUTION 2016-995
LIBRARY SURPLUS LIST**

Easy Fiction

Sophie's busy day	Sirett, Dawn
Cars look & find	
Pinkalicious	Kann, Victoria
Bad Kitty	Bruel, Nick
The wild Christmas reindeer	Brett, Jan
Fritz and the beautiful horses	Brett, Jan
Little santa	Agee, Jon
Finklehopper frog	Livingston, Irene
Minnie Pretty in Pink	
Ten black dots	Crews, Donald
Best of Bikini Bottom stories ever	
Hello Red Fox	Carle, Eric

Junior Nonfiction

Ripley's believe it or not! Planet Eccentric!

Dragonology

Wizardology

Optical illusions

Star wars the ultimate visual guide

Star wars the clone wars visual guide

Kingdom Hearts #2

Kingdom Hearts #3

YA Fiction

Infernal devices	Reeve, Philip
Predator's gold	Reeve, Philip
Mortal engines	Reeve, Philip
A darkling plain	Reeve, Philip
A day no pigs would die	Peck, Robert Newton

**RESOLUTION 2016-995
LIBRARY SURPLUS LIST**

Dead is the new black	Perez, Marlene
Dead is so last year	Perez, Marlene
Dead is a state of mind	Perez, Marlene
Close enough to touch	Peck, Richard
Intertwined	Showalter, Gena
Unraveled	Showalter, Gena
Airgear: Road to victory	Oh!Great
Airgear: Champions	Oh!Great
Airgear: Air trek idol	Oh!Great
Airgear: Star player	Oh!Great
Endymion spring	Skelton, Matthew
Larklight	Reeve, Philip
Useful fools	Schmidt, C.A.
Sarah's ground	Rinaldi, Ann
All quiet on the western front	Remarque, Erich Maria
Confessions of a serial kisser	Van Draanen, Wendelin
Sleeper	Walters, Eric
The clone codes	Mckissick, Patricia
Acceleration	McNamee, Graham
Mary Jane 2	O'Brien, Judith
If I should die before I wake	Nolan, Han
145th Street short stories	Myers, Walter Dean
The beast	Myers, Walter Dean
The glory field	Myers, Walter Dean
Wish	Monninger, Joseph
Hippie chick	Monninger, Joseph
Sunrise over Fallujah	Myers, Walter Dean
Xfiles: X marks the spot	Martin, Les
Xfiles: Darkness falls	Martin, Les
Tru detective	MccClintock, Norah
Gil's all fright café	Martinez, Lee A.
Pinned	Martino, Alfred C
Albion's dream	Norman, Roger
Halo: First strike	Nylund, Eric
The will of the Empress	Pierce, Tamora
Halo: The fall of the Reach	Nylund, Eric
Mary Jane	O'Brien, Judith
eclipse	Meyer, Stephenie
Cruise control	Trueman, Terry
Far traveler	Tingle, Rebecca
Runner	Newton, Robert
Forbidden sea	Neilson, Sheila A.

**RESOLUTION 2016-995
LIBRARY SURPLUS LIST**

Don't scream	Nixon, Joan Lowry
Heart's delight	Nilsson, Per
The name of the game was murder	Nixon, Joan Lowry
The not-so-star-spangled life of Sunita Sen	Perkins, Mitali
The secret to lying	Mitchell, Todd
The sky is everywhere	Nelson, Jandy
Monsoon summer	Perkins, Mitali
Birth of the pack	Popescu, Petru
Nightmare	Roberts, Willow
The free lunch	Robinson, Spider
The death collector	Richards, Justin
Loch	Zindel, Paul
Thirteenth Child	Wrede, Patricia C.
Impossible	Werlin, Nancy
Desert Angel	Price, Charlie
What if...your past came back to haunt you	Ruckdeschel, Liz
Disappearance	Watson, Jude
I so don't do spooky	Summy, Barrie
I so don't do mysteries	Summy, Barrie
Odd is on our side	Van Lente, Fred
Saecond fiddle	Parry, Rosanne
Streams to the river, river to the sea	O'Dell, Scott
The body of Christopher Creed	Plum-Ucci, Carol
Spy goddess 2	Spradlin, Michael P
Zen & Xander	Ryan, Amy Kathleen
Can't get there from here	Strasser, Todd
Coda	Staunton, Ted
The wolf and me	Scrimger, Richard
Bowery girl	Taylor, Kim
Shadow's son	Sprunk, Jon
Discordia	Salmon, Dena K.
The rules for hearts	Ryan, Sara
The weight of the sky	Sandell, Lisa Ann
What came from the stars	Schmidt, Gary D.
How to save a life	Zarr, Sara
Premonitions	Watson, Jude
Sword of the right king	Yolen, Jane
Dragon's heart	Yolen, Jane
The apce between trees	Williams, Kate
Sandpiper	Wittlinger, Ellen
Broken arrow	Wilson, John
Shadow's master	Sprunk, Jon

**RESOLUTION 2016-995
LIBRARY SURPLUS LIST**

Shadow's lure	Sprunk, Jon
Secret admirer	Stine, R.L.
The shadowmancer	Taylor, G.P.
Horse of seven moons	Taschek, Karen
Elephant run	Smith, Roland
Flygirl	Smith, Sherri L
Aerie	Sniegoski, Thomas E
From the dead	McClintock, Norah
Leviathan	Sniegoski, Thomas E
The fallen	Sniegoski, Thomas E
Bad moonlight	Stine, RL
Ghosts I have been	Peck, Richard
Buried onion	Soto, Gary
Purple heart	McCormick, Patricia
The blue sword	McKinley, Robin
Cycler	McLaughlin, Lauren
Wormwood	Taylor, G.P.
Illusion	Volsky, Paula
The hero and the crown	McKinley, Robin
Pillage	Sky Obert
Chanda's war	Stratton, Allan
Double you	Peacock, Shane
This dark endeavor	Oppel, Kenneth
Somebody	Springer, Nancy
The island	Paulsen, Gary
Eragon	Paolini, Christopher

J Fiction

Warriors	Hunter, Erin
The lightning thief	Riordan, Rick
The chronicles of Spiderwick	

Adult Large Type Fiction

Gone to ground	Collins, Brandilyn
Foreign body	Cook, Robin
We'll meet again	Clark, Mary Higgins
Cold sassy tree	Burns, Olive Ann

**RESOLUTION 2016-995
LIBRARY SURPLUS LIST**

The navigators	Cussler, Clive
The spy	Cussler, Clive
Lost empire	Cussler, Clive
Medusa	Cussler, Clive
Something more	Dailey, Janet
Lake of dreams	Edwards, Kim
OX	Deaver, Jeffrey
This Calder sky	Dailey, Janet
Calder storm	Dailey, Janet
Silent mercy	Faristein, Linda
The petticoat doctor	Dooly, Paige Winship
Carousel dreams	Dooly, Paige Winship
God game	Greeley, Andrew M
Sneaky Pie for president	Brown, Rita Mae
Love on the line	Gist, Deanne
Beguiled	Gist, Deanne
The shepherd	Girzone, Joseph
Joshua and the children	Girzone, Joseph
Maid to match	Gist, Deanne
Partners	Hill, Grace Livingston
The yada yada prayer group gets caught	Jackson, Neta
The yada yada prayer group gets decked out	Jackson, Neta
The unexpected Mrs. Pollifax	Gilman, Dorothy
The tightrope walker	Gilman, Dorothy
Caravan	Gilman, Dorothy
The big lonely	Brown, Sam
Vigilante's bride	Harris, Yvonne
The devil's punchbowl	Iles, Greg
Derailed	Jackson, Neta
Pegasus descending	Burke, James Lee
All for one	Carlson, Melody
Hometown ties	Carlson, Melody
Where are you now?	Clark, Mary Higgins
Majic man	Collins, Max Allan
Trace	Cornwell, Patricia
Calico canyon	Connealy Mary
The gossamer cord	Carr, Philippa
Third degree	Iles, Greg
The investigators	Griffin, WEB
The hunters	Griffin, WEB
The mystery of Mary	Hill, Grace Livingston
Speed trap	Dauids, Patricia

**RESOLUTION 2016-995
LIBRARY SURPLUS LIST**

Tailspin	Coulter, Catherine
The blaze of noon	Champlin, Tim
Beecher Island	Champlin, Tim
Scattered petals	Cabot, Amanda
Accused	Cantore, Janice
A quilter's holiday	Chiaverini, Jennifer
The pool of St Branok	Carr, Philippa
The first rule	Crais, Robert
The watchman	Crais, Robert
Taken	Crais, Robert
Stands a Calder man	Dailey, Janet
Calder born, Calder bred	Dailey, Janet
Book of the dead	Cornwell, Patricia
Double take	Coulter, Catherine
As young as we feel	Carlson, Melody
Here's to friends	Carlson, Melody
The sentry	Crais, Robert
A whole new light	Brown, Sandra
The silken web	Brown, Sandra
Hear no evil	Grippando, James
Replay	Grimwood, Ken
The cardinal virtues	Greely, Andrew
A suitor for Jenny	Brownley, Margaret
A daly like Sarah	Brownley, Margaret
Guild,	Gorman, Ed
Night of the vampire	Graham, Heather
Beside still waters	Goyer, Tricia
Along wooded paths	Goyer, Tricia
True to form	Berg, Elizabeth
Dream when you're feeling blue	Berg, Elizabeth
Pontoon	Keillor, Garrison
The cat who lived high	Braun, Lilian Jackson
Mountain Maverick	Bragg, W.F.
The outlaw	Brand, Max
Gunman's goal	Brand, Max
Gunman's legacy	Brand, Max
Music in the night	Andrews, V.C.
Minerva cries murder	Ballard, Mignon F.
Unnatural causes	James, P.D.
Bones of betrayal	Bass, Jefferson
The windged warrior	Bechko, P.A.
Gamble	Francis, Felix

**RESOLUTION 2016-995
LIBRARY SURPLUS LIST**

Sailing to capri	Adler, Elizabeth
Carriage trade	Birmingham, Stephen
Heart and soul	Binchy, Maeve
Original sin	James, P.D.
Pilgrims	Keillor, Garrison
the yada yada prayer group gets rolling	Jackson, Neta
A cat on jingle bell rock	Adamson, Lydia
One of those Malibu nights	Adler, Elizabeth
The scroll	Jeffrey, Grant R.

Adult Non-fiction

Best plants for New Mexico gardens and landscapes	Morrow, Baker H.
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**CITY OF AZTEC
SURPLUS LIST
RESOLUTION 2016-995**

Department	Item/Model	Condition	Reason for Surplus	Location
General Services	<p>1 file cabinet light grey 4 drawer 1 file cabinet light grey 4 drawer 1 file cabinet dark grey 4 drawer 1 file cabinet dark grey 4 drawer 1 file cabinet tan 4 drawer 1 file cabinet light grey 2 drawer</p> 	Fair	Not in Use	Parks Shop
Public Works	<p>MIOX Machine 1999 Sodium Hypochlorite Generator</p> 	Poor	Replaced with New System	Water Plant
Public Works	<p>Pickup Tool Boxes Model: UWS</p> 	Good	Not Required	Public Works

**CITY OF AZTEC
SURPLUS LIST
RESOLUTION 2016-995**

Department	Item/Model	Condition	Reason for Surplus	Location
Public Works	<p>Husqvarna Cut Off Saw Model K970, 5400 RPW, mixed fuel</p> 	Fair	Requires repair exceeding current value of saw	Public Works
Police	<p>2004 Ford Crown Victoria S/N 2FAFP71W84X119543 122,420 miles</p> 	Poor	Repairs exceeds value of vehicle	Airport

Staff Summary

MEETING DATE:	April 12, 2016
AGENDA ITEM:	VIII. CONSENT AGENDA (F)
AGENDA TITLE:	Animal Care & Control Document Destruction

ACTION REQUESTED BY:	Tina Roper
ACTION REQUESTED:	Approval
SUMMARY BY:	Tina Roper

PROJECT DESCRIPTION / FACTS

The following documents will be shredded once approved by Commission:

- Intake Sheets from 2012 (hard copies of intake sheets, all records are in Chameleon software.)
- Medical Records (also in Chameleon software.)

SUPPORT DOCUMENTS:	NONE
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DEPARTMENT'S RECOMMENDED MOTION: Move to **APPROVE** the destruction of these documents as outlined by the document destruction procedures.

Staff Summary Report

MEETING DATE: 4/12/2016
AGENDA ITEM: VIII. CONSENT AGENDA (G)
AGENDA TITLE: Aztec Baseball Association Agreement

ACTION REQUESTED BY: Steve Mueller
ACTION REQUESTED: Approve Aztec Baseball Association Agreement
SUMMARY BY: Steve Mueller

PROJECT DESCRIPTION / FACTS

- The current agreement has expired.
- This agreement will be in place for 5 years expiring March 2021.
- Staff will review agreement annually with the Association
- This is a standard agreement between the City and the Association and has been reviewed by the Association and City legal staff.

SUPPORT DOCUMENTS: Aztec Baseball Association Agreement

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve the Aztec Baseball Association Agreement.

AGREEMENT

Aztec Baseball Association

THIS AGREEMENT, made and entered into April 1, 2016 by and between the CITY OF AZTEC, NEW MEXICO, a municipal corporation, party of the first part, hereinafter referred to as the CITY and Aztec Baseball Association an incorporated Association, Non-profit Organization, party of the second part, hereinafter referred to as ASSOCIATION.

SECTION 1. Association Responsibilities.

1. The ASSOCIATION agrees to indemnify and hold harmless, at all times, the City from and liability for damage to or caused by its members, employees, agents, representatives, guests, volunteers, vendors, etc. arising out of or connected with the use or occupancy of the designated premises or any part thereof and will deposit with the City Clerk annual proof of said indemnity in the form of a valid and existing policy of insurance. Such policy will be in accordance with the New Mexico Tort Claims Act and will be in the amounts of not less than One Million (\$1,000,000) Dollars combined single limit. The City of Aztec must be named as an additional insured on the policy. **Fields will not be marked for play until insurance documentation has been received.**
2. The ASSOCIATION agrees to keep the premises in a manner that will conform to all environmental and health regulation, including concession stand and restrooms at their own expense. The ASSOCIATION shall do such spraying, cleaning or other acts as required to keep the premises free of flies, rodents, trash, noxious odors and conditions. This includes clean up of all litter and debris in and around the designated areas after field usage.
3. All concessions sold shall have the approval and proper permits from the New Mexico Environment Department.
4. Maintain all facilities used by the ASSOCIATION, including but not limited to, bleachers, fencing, scoreboards and any other items used by the ASSOCIATION.
5. Provide to the Parks and Recreation Director prior to the start of the season a list of all officers, home and work telephone numbers and mailing addresses.
6. Provide to the Parks and Recreation Director a copy of all practice schedules, notice of first field usage date and acquire a Master Permit and Team Practice Permits prior to using any facilities. Provide a game schedule prior to the start of the league games.

7. Provide the City an amount designated by the City to cover costs of labor and materials for all field maintenance and striping for all league play and weekend tournament play. Such fees are established in the Chapter 16 fee Schedule of the City Code book.
8. The Association will provide proof of payment for concession services, prior year field marking and current insurance documentation at the beginning of the next season before fields will be marked or field permits released.

SECTION 2. City Responsibilities.

1. Water and mow all grassed areas as needed.
2. Maintain and insure field lighting is working properly.
3. Cleaning of restroom facilities.
4. Cover the cost of electric, water, waste collection, and waste water utilities.
4. Provide to the ASSOCIATION the use of the facilities during the hours scheduled for use as provided to the Parks and Recreation Director in Section 1-6. The City shall make these facilities available to others when it does not infringe upon the use by ASSOCIATION. Such users will be liable for any damages they cause.
5. The City reserves the right to restrict or limit usage of a field due to inclement weather, over-usage or damage that is hindering proper growth and maintenance of the field.

SECTION 3. Term of Agreement.

The agreement is for five (5) years to become effective **April 1, 2016** and shall expire on **March 31, 2021**. This agreement shall be reviewed annually by City Staff. Any and all notices provided for under this Agreement shall be in writing and addressed to the parties at the following address:

City of Aztec
201 W. Chaco
Aztec, NM 87410

Aztec Baseball Association
P.O. Box 1388
Aztec, NM 87410

SECTION 4. Inspections of Facilities.

1. Before commencing of the season of each year, a representative of the ASSOCIATION shall accompany the facilities with a representative of the City of Aztec Parks Department to inventory and document the conditions of the facilities or designated areas of use.

2. At the conclusion of the season of each year, a representative of the ASSOCIATION shall accompany the facilities with a representative of the City of Aztec Parks Department to inspect the facilities and designated areas and to make arrangements for areas to be turned back to the City. The ASSOCIATION will clean the concession stand, if applicable, and remove all the trash and weeds.

SECTION 5. Maintenance of Facilities in Off Season.

After the conclusion of the season of each year, or as soon thereafter that the ASSOCIATION meets all of the obligations in Section 4, the City will assume complete maintenance of the designated areas. All cleaning or maintenance after this date of each year shall become the responsibility of the City.

SECTION 6. Facility Improvements or Repairs.

1. The ASSOCIATION shall make no alteration, addition or improvement to the premises without prior written consent of the City of Aztec.
2. In the event that any extra ordinary work is necessary during the term of this Agreement, it is agreed that the ASSOCIATION will create work orders and requests. One copy to the Parks and Recreation Director, one copy to the City Clerk and one copy to stay with the ASSOCIATION. The City shall consider, approve, modify or reject any construction or renovating or changes to landscape or grounds before work may proceed.
3. All improvements made by ASSOCIATION are considered as becoming part of the facilities and/or realty and be treated as part of the real estate to be owned by the City without cost.

SECTION 7. Incurred Expenses.

The ASSOCIATION shall pay for upkeep expenses used upon the facilities and/or premises. In addition, the ASSOCIATION further agrees that it will not cause or permit any lien of any kind whatsoever to be levied upon, claimed against or to remain unpaid against the facilities and/or premises owned by the City.

SECTION 8. Legal Representation.

The ASSOCIATION agrees that if the City shall employ an attorney to represent it in regard to any proceeding or controversy connected with or arising out of this agreement or the performance thereof or the enforcement of any of the provisions hereof, ASSOCIATION shall pay all reasonable attorney fees incurred by the City in addition to the sums otherwise provided for herein.

SECTION 9. Termination of Agreement.

This agreement may be terminated upon breach of any of the provisions of this Agreement upon thirty (30) days written notice, provide said breach has not been corrected within ten (10) days of receiving notice of said breach.

SECTION 10. Severability.

1. This agreement shall be deemed to supersede all prior written and oral agreements and undertakings of the parties hereto.
2. Except as otherwise provided herein, this agreement shall inure to the benefit of and be binding upon the parties hereto, their successors and assigns through the term of the Agreement.
3. If any portion of this agreement is found to be ineffective by a court of law or by agreement of the parties, the remaining portions shall remain in effect.

SECTION 11. Fees

1. Refer to Chapter 16 Fee Schedule (Section 16-14) of the City of Aztec Municipal Code for field preparation charges and player registration fees. **All applicable fees will be paid to the City within 90 days of the close of the current season.**
2. The Association will pay a flat fee of \$500.00 per year for the use of the concession stand facilities located at the Hartman Park Baseball complex. **All applicable fees will be paid to the City within 90 days of the close of the current season.**

SECTIONS 12 - 15. Reserved.

CITY OF AZTEC

Mayor

ATTESTED

City Clerk

Content Review

City Attorney

Aztec Baseball Association

Association President Name

Staff Summary Report

MEETING DATE: 4/12/2016
AGENDA ITEM: VIII. CONSENT AGENDA (H)
AGENDA TITLE: Four Corners Fast Pitch Association Agreement

ACTION REQUESTED BY: Steve Mueller
ACTION REQUESTED: Approve Four Corners Fast Pitch Association Agreement
SUMMARY BY: Steve Mueller

PROJECT DESCRIPTION / FACTS

- The current agreement has expired.
- This agreement will be in place for 5 years expiring March 2021.
- Staff will review agreement annually with the Association
- This is a standard agreement between the City and the Association and has been reviewed by the Association and City legal staff.

SUPPORT DOCUMENTS: Four Corners Fast Pitch Association Agreement

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve the Four Corners Fast Pitch Association Agreement.

AGREEMENT

Four Corners Fast Pitch Association

THIS AGREEMENT, made and entered into April 1, 2016 by and between the CITY OF AZTEC, NEW MEXICO, a municipal corporation, party of the first part, hereinafter referred to as the CITY and **FOUR CORNERS FAST PITCH ASSOCIATION** an incorporated Association, Non-profit Organization, party of the second part, hereinafter referred to as ASSOCIATION.

SECTION 1. Association Responsibilities.

1. The ASSOCIATION agrees to indemnify and hold harmless, at all times, the City from and liability for damage to or caused by its members, employees, agents, representatives, guests, volunteers, vendors, etc. arising out of or connected with the use or occupancy of the designated premises or any part thereof and will deposit with the City Clerk annual proof of said indemnity in the form of a valid and existing policy of insurance. Such policy will be in accordance with the New Mexico Tort Claims Act and will be in the amounts of not less than One Million (\$1,000,000) Dollars combined single limit. The City of Aztec must be named as an additional insured on the policy. **Fields will not be marked for play until insurance documentation has been received.**
2. The ASSOCIATION agrees to keep the premises in a manner that will conform to all environmental, safety and health regulations, including concession stand and restrooms at their own expense. The ASSOCIATION shall do such spraying, cleaning or other acts as required to keep the premises free of flies, rodents, trash, noxious odors and conditions. This includes clean up of all litter and debris in and around the designated areas after field usage.
3. All concessions sold shall have the approval and proper permits from the New Mexico Environment Department.
4. Provide to the Parks and Recreation Director prior to the start of the season a contact list of all Association officers to include mailing addresses and phone numbers.
5. Provide to the Parks and Recreation Director a copy of all practice schedules, notice of first field usage date and acquire a Master Permit and Team Practice Permits prior to using any facilities. Provide a game schedule prior to the start of the league games.
6. Provide the City an amount designated by the City to cover costs of labor and materials for all field maintenance and striping for all league play and weekend

tournament play. Such fees are established in the Chapter 16 fee Schedule of the City Code book.

7. The Association will provide proof of payment for concession services, prior year field marking and current insurance documentation at the beginning of the next season before fields will be marked or field permits released.

SECTION 2. City Responsibilities.

1. Water and mow all grassed areas as needed.
2. Maintain and insure field lighting is working properly.
3. Cleaning of restroom facilities.
4. Cover the cost of electric, water, waste collection, and waste water utilities.
5. Provide to the ASSOCIATION the use of the facilities during the hours scheduled for use as provided to the Parks and Recreation Director in Section 1-6. The City shall make these facilities available to others when it does not infringe upon the use by ASSOCIATION. Such users will be liable for any damages they cause.
6. The City reserves the right to restrict or limit usage of a field due to inclement weather, over-usage or damage that is hindering proper growth and maintenance of the field.

SECTION 3. Term of Agreement.

The agreement is for five (5) years to become effective **April 1, 2016** and shall expire on **March 31, 2021**. This agreement shall be reviewed annually by City Staff. Any and all notices provided for under this Agreement shall be in writing and addressed to the parties at the following address:

City of Aztec
201 W. Chaco
Aztec, NM 87410

Four Corners Fast Pitch Assoc.
P.O. Box 3024
Farmington, NM 87401

SECTION 4. Inspections of Facilities.

1. Before commencing of the season of each year, a representative of the ASSOCIATION shall accompany the facilities with a representative of the City of Aztec Parks Department to inventory and document the conditions of the facilities or designated areas of use.
2. At the conclusion of the season of each year, a representative of the ASSOCIATION shall accompany the facilities with a representative of the City of

Aztec Parks Department to inspect the facilities and designated areas and to make arrangements for areas to be turned back to the City. The ASSOCIATION will clean the concession stand, if applicable, and remove all the trash and weeds.

SECTION 5. Maintenance of Facilities in Off Season.

After the conclusion of the season of each year, or as soon thereafter that the ASSOCIATION meets all of the obligations in Section 4, the City will assume complete maintenance of the designated areas. All cleaning or maintenance after this date of each year shall become the responsibility of the City.

SECTION 6. Facility Improvements or Repairs.

1. The ASSOCIATION shall make no alteration, addition or improvement to the premises without prior written consent of the City of Aztec.
2. In the event that any extra ordinary work is necessary during the term of this Agreement, it is agreed that the ASSOCIATION will create work orders and requests. One copy to the Parks and Recreation Director, one copy to the City Clerk and one copy to stay with the ASSOCIATION. The City shall consider, approve, modify or reject any construction or renovating or changes to landscape or grounds before work may proceed.
3. All improvements made by ASSOCIATION are considered as becoming part of the facilities and/or realty and will be treated as part of the real estate to be owned by the City without cost.

SECTION 7. Incurred Expenses.

The ASSOCIATION shall pay for upkeep expenses used upon the facilities and/or premises. In addition, the ASSOCIATION further agrees that it will not cause or permit any lien of any kind whatsoever to be levied upon, claimed against or to remain unpaid against the facilities and/or premises owned by the City.

SECTION 8. Legal Representation.

The ASSOCIATION agrees that if the City shall employ an attorney to represent it in regard to any proceeding or controversy connected with or arising out of this agreement or the performance thereof or the enforcement of any of the provisions hereof, ASSOCIATION shall pay all reasonable attorney fees incurred by the City in addition to the sums otherwise provided for herein.

SECTION 9. Termination of Agreement.

This agreement may be terminated upon breach of any of the provisions of this Agreement upon thirty (30) days written notice, provide said breach has not been corrected within ten (10) days of receiving notice of said breach.

SECTION 10. Severability.

1. This agreement shall be deemed to supersede all prior written and oral agreements and undertakings of the parties hereto.
2. Except as otherwise provided herein, this agreement shall inure to the benefit of and be binding upon the parties hereto, their successors and assigns through the term of the Agreement.
3. If any portion of this agreement is found to be ineffective by a court of law or by agreement of the parties, the remaining portions shall remain in effect.

SECTION 11. Fees

1. Refer to Chapter 16 Fee Schedule (Section 16-14) of the City of Aztec Municipal Code for field preparation charges and player registration fees. **All applicable fees will be paid to the City within 60 days of the close of the current season.**
2. If the Association chooses to use the concession facilities during the season, the Association will pay ten percent (10%) of net concession sales to the City with appropriate documentation provided for the sales period. **All applicable fees will be paid to the City within 60 days of the close of the current season.**

SECTIONS 12 - 15. Reserved.

CITY OF AZTEC

Mayor

ATTESTED

City Clerk

Content Review

City Attorney

Four Corners Fast Pitch Association

Representative Name and Title

Staff Summary Report

MEETING DATE: April 12, 2016
AGENDA ITEM: VIII. CONSENT AGENDA (I)
AGENDA TITLE: Resolution 2016-996 Amending of Golf Course Fees

ACTION REQUESTED BY: Steve Mueller
ACTION REQUESTED: Approve Resolution 2016-996 Amending Golf Course Fees
SUMMARY BY: Steve Mueller

PROJECT DESCRIPTION / FACTS

- With the passing of Ordinance 2015-449 the ability of amending Golf Course Fees was established through passing of a resolution to amend fees.
- Resolution 2016-996 is to amend the previous Resolution 2015-979.
- Amendments in Resolution 2016-996 include the following:
 - Defining of who qualifies as a “Family Member”.
 - Promotional daily fees for Active Duty Military.
 - Creation of “Half Price Mondays”.
 - Veterans’ Day Promotion.

SUPPORT DOCUMENTS: Resolution 2016-996

DEPARTMENT’S RECOMMENDED MOTION:
Move to Approve Resolution 2016-996 Amending Golf Course Fees.

**City of Aztec
Resolution 2016-996
Golf Course Fees**

Annual Memberships

<i>Membership</i>	<i>Green Fees</i>	<i>Cart Fees</i>
Regular Adult (19 to 54 years old)	\$500	\$500
Senior (55 or older)	\$400	\$500
Junior (18 or younger)	\$100	\$500
Government or School Employee	\$250	\$250
+1 Family Member with purchase of Regular Adult, Senior, or Government Employee . Family Member is defined as the spouse or adult children (up to the age of 21) living in the same household of an annual membership holder.	\$250	\$250

Daily Rates

<i>Round</i>	<i>Green Fees</i>	<i>Cart Fees</i>
9 Holes	\$10	\$5
18 Holes	\$20	\$10
Active Duty Military (Military Identification required)	½ Price	½ Price

Associated Fees

	<i>Fees</i>
Cart Rider Fee	\$5 per round
Rental Clubs	\$12.75 (includes tax)
Pull Carts	\$2.25 (includes tax)
Range Balls	\$5.25 (includes tax) \$8.50 (includes tax)

Tournament Fees

- 1) \$30 per player.
- 2) Require \$500 deposit by organization/entity conducting the tournament.
- 3) The City will invoice tournament sponsor after event for remaining balance.

League Play

- 1) All league play will include a round of 9 holes of golf.
- 2) Members pay \$5 per round.
- 3) Non-members pay \$15 per round.

Special Events

	<i>Fees</i>
Patio	To Be Negotiated
Patio and Grill Equipment	To Be Negotiated
Cart Rental Off Premise for Special Events	\$50.00 per 24 hour period

Promotional Events

	<i>Fees</i>
Three Month Winter Pass	\$250
Half Price Mondays (with Coupon)	½ Price Carts and Green Fees
Veterans Day (Will be observed at the course every year on a day designated by the Parks Director)	Veterans Only No charge for green fees and carts

PASSED, APPROVED, SIGNED AND ADOPTED this 12 day of April, 2016.

By the Aztec City Commission, City of Aztec, New Mexico.

Mayor Sally Burbridge

ATTEST:

Karla Sayler, City Clerk

Staff Summary Report

MEETING DATE:	April 12, 2016
AGENDA ITEM:	XI. Business Item (A)
AGENDA TITLE:	Intent to Adopt Ordinance 2016-450 Amending Section 22-513 Commercial Use of Public Property

ACTION REQUESTED BY:	Staff
ACTION REQUESTED:	Approve Intent to Adopt Ordinance 2016-450 Amending Section 22-513 Commercial Use of Public Property.
SUMMARY BY:	Delain George

PROJECT DESCRIPTION / FACTS

- Due to the increased interest in Food and Vending Trucks in the area, staff is recommending to change the use of public property to allow commercial use in city parks streets.
- By allowing commercial use of public property with reasonable controls will help diversify the local economy.
- Currently, the ordinance does not permit the use of any park, street or city facility to commercial purpose.
- In order to allow commercial use on public property Chapter 22, section 22-513 needs to be changed to permit commercial use.
- The change also includes wording that all vendors must be approved and licensed by the City before commercial use of public property is allowed.

SUPPORT DOCUMENTS: Ordinance 2016-450

DEPARTMENT'S RECOMMENDED MOTION:

Move to Approve Intent to Adopt Ordinance 2016-450 Amending Section 22-513 Commercial Use of Public Properties.

**City of Aztec
ORDINANCE 2016-450**

**An Ordinance Amending Chapter 22 Public Property,
Section 22-513 Commercial Use of Public Properties**

WHEREAS: The City Commission would like to see economic diversification; and

WHEREAS: Allowing the commercial use of public property with reasonable controls will help diversify the local economy;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Aztec, New Mexico that Ordinance 2016-450 which amends Chapter 22 Public Property, Section 22-513 Commercial Use of Public Properties is hereby

PASSED, APPROVED, SIGNED AND ADOPTED THIS _____ day of _____ 2016.

By the Aztec City Commission, City of Aztec, New Mexico

Mayor Sally Burbridge

ATTEST:

Karla Sayler, City Clerk

APPROVED AS TO FORM:

Larry T. Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: _____

EFFECTIVE DATE OF ORDINANCE: _____

**Chapter 22
PUBLIC PROPERTY**

ARTICLE V. IN GENERAL

Sec. 22-513. Commercial Use of Public Properties.

The use of City parks, ~~streets,~~ or recreational areas or the use of any city facility thereon for ~~private gain or~~ commercial purposes is ~~prohibited~~ permitted. ~~Excluded are concessionaires,~~ All vendors must be approved and licensed by the City. ~~or other organizational groups who have been approved through a Special Events agreement.~~

Staff Summary Report

MEETING DATE: April 12, 2016
AGENDA ITEM: XI. Business Item (B)
AGENDA TITLE: Intent to Adopt Ordinance 2016-451 Amending Chapter 11, Article IX Food Catering, Food Vending and Mobile Vending Units.

ACTION REQUESTED BY: Staff
ACTION REQUESTED: Intent to Adopt Ordinance 2016-451 Amending Chapter 11, Article IX Food Catering, Food Vending and Mobile Vending Units.
SUMMARY BY: Delain George

PROJECT DESCRIPTION / FACTS

- The intent to permit Commercial Use and allow food and vending trucks to operate on public property in the City of Aztec, language within Article IX needs to reflect those changes.
- The amended ordinance will allow food and other types of vending from mobile units.
- Another change is the distance from a school, church or childcare facility a vendor can sell from 500 feet to 100 feet, being consistent with the location distance of a like establishment.
- The amended ordinance will remove the requirement that a sign secured to a vending vehicle must have a sign permit and shall be limited to a size allowable by City Sign Code. Community Development is in agreement with this change.
- Section 11-9-2 states the vending application shall include make, model, license plate number, vehicle identification number. If unknown at time of application a temporary license would be granted for 60 days. Changes have been amended removing statement that a temporary license would be granted if information is unknown. By removing this statement the applicant will need to provide the information before license is issued. The information is important to identifying the authorized permitted vehicle.
- Another minor change to the ordinance is replacing health authority with New Mexico Environmental Department.

SUPPORT DOCUMENTS: Ordinance 2016-451

DEPARTMENT'S RECOMMENDED MOTION:
Move to Approve Intent to Adopt Ordinance 2016-451 Amending Chapter 11, Article IX- Food Catering, Food Vending and Mobile Vending Units.

**City of Aztec
ORDINANCE 2016-451**

An Ordinance Amending Chapter 11 Licenses and Business Regulations, Section 11-1-1 Definitions and Article IX Food Catering, Food Vending and Mobile Vending Service Units

- WHEREAS:** The City Commission would like to see economic diversification; and
- WHEREAS:** Allowing the commercial use of public property with reasonable controls will help diversify the local economy; and
- WHEREAS:** Such commercial use ought to include owners of mobile food and vending units to operate on public property with the proper business license; and
- WHEREAS:** Vendors shall not operate or park a mobile food/vending unit less than 100 feet from a like establishment; and
- WHEREAS:** It is deemed acceptable and necessary to amend the City of Aztec Municipal Code to allow for food and vending units to operate on public property, so long as, the owner of the mobile vending unit obtains a business license for a mobile food/vending unit;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Aztec, New Mexico that Ordinance 2016-451 which amends Chapter 11 Licenses and Business Regulations, Section 11-1-1 Definitions and Article IX Food Catering, Food Vending and Mobile Vending Service Units

PASSED, APPROVED, SIGNED AND ADOPTED THIS _____ day of _____ 2016.

By the Aztec City Commission, City of Aztec, New Mexico

Mayor Sally Burbridge

ATTEST:

Karla Saylor, City Clerk

APPROVED AS TO FORM:

Larry T. Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: _____

EFFECTIVE DATE OF ORDINANCE: _____

**Chapter 11
LICENSES AND BUSINESS REGULATIONS**

ARTICLE I. IN GENERAL

Section 11-1-1. Definitions.

Mobile Food Service Unit

Means a motor vehicle department-licensed vehicle-mounted food/~~vending~~ service establishment designed to be readily movable and which serves multiple locations on a daily basis ~~for not more than two (2) hours at each location~~ and shall not be parked closer than one hundred (100) ~~thousand (1000)~~ feet from a like establishment, unless given written permission by the establishment, ~~apart~~, except for single, temporary events or celebrations. ~~The 100 feet separation will be measured along the sidewalk or street edge.~~ Mobile Food Service Unit does not include a "Transporter" used to transport packaged food from a food facility or other approved source to the consumer.

**ARTICLE IX. FOOD CATERING, FOOD VENDING AND MOBILE ~~FOOD SERVICE~~
VENDING UNITS**

DIVISION 1. IN GENERAL

Sec. 11-9-1. License Required.

It shall be unlawful for any person, firm, organization or corporation to engage in or carry on, or to operate, or cause or permit to be operated, the business of a Mobile ~~Food Service Vending~~ Unit, Food Catering business, or Food Vending operation, upon any public street, sidewalk, alley, or any other public or private place in the City of Aztec without first having obtained a Business License from the City of Aztec, accompanied by documentation of official approval by the ~~Health authority~~ **New Mexico Environmental Department**. A license issued under this Article is not transferable from vehicle to vehicle or from person to person.

DIVISION 2. LICENSE

Sec. 11-9-2 License Application.

Except as otherwise provided herein, an application for a Business License for a Mobile Food/~~vending~~ Service Unit pursuant to the provisions of this Article shall specify or include:

1. The name, business and residence address of the applicant and the address where the mobile catering vehicle is stored during non-operating hours. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation; the names and residence addresses of each of the officers and directors. If the applicant is a partnership, the application shall set forth the name and

residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant apply.

2. A description of the Mobile Food/~~Vending~~ Service Unit, including the following data:
 - a. The make, model and type of body; the vehicle license plate number; the vehicle identification number or any other identifying number as may be required by the City of Aztec. ~~If this information is not known at the time of license application a temporary license may be issued and this requirement can be satisfied as a condition of obtaining a final and permanent license; if this information is not obtained within sixty (60) days of the date the City issues a temporary business license, the license request shall be automatically scheduled for a license revocation hearing.~~
3. A description of the food products or services the applicant intends to sell.
4. The specific location(s) and/or routes of the activity, including a detailed description and proposed site plan of where the applicant intends to place his or her Mobile Food/~~Vending~~ Service Unit, illustrating sufficient parking area and adequate ingress and egress for customer vehicles, as required by the Community Development Department.
5. The proposed hours of operation and days of operation for each location and/or route that the Mobile Food/~~Vending~~ Service Unit proposes to serve.
6. Proof of a valid and current food service permit issued by the ~~health authority~~ **New Mexico Environmental Department** or a written statement from the ~~health authority~~ **New Mexico Environmental Department** stating that a food service permit is not necessary.
7. If proposing to locate the Mobile Food/~~Vending~~ Service Unit on private property not owned by the applicant, a lease agreement or notarized statement from the landowner of record is required as proof of location approval and use.
8. If proposing to be located at one location for more than two hours, a notarized statement from a business within one hundred fifty (150) feet of the Mobile Food/~~Vending~~ Service Unit location must be provided as proof that employees of the Mobile Food/~~Vending~~ Service Unit will have access to and use of flushable restrooms (or other facilities as approved by the ~~health authority~~ **New Mexico Environmental Department**) during hours of Mobile Food/~~Vending~~ Service Unit operation.

No license for a Mobile Food/~~Vending~~ Service Unit will be issued if the required information is not provided.

Each Mobile Food/~~Vending~~ Service Unit shall require a separate license pursuant to this Article. Each license issued pursuant to this Article shall be valid for only those Locations, Routes and hours of operation that the City of Aztec approves as set forth in this Article.

Sec. 11-9-3 Display of Mobile Food/~~Vending~~ Service Unit License.

Each vehicle used as a Mobile Food/~~Vending~~ Service Unit must obtain a business license and pay the applicable license fee imposed by Section 11-3-7 The business license must display on its face the vehicle identification number (VIN) and the license plate number of the Mobile

Food/Vending Service Unit that is being licensed. The business license, food/vending service permit and list of approved hours and locations must be displayed at all times in the vehicle in a prominent and conspicuous manner for view by the general public.

Sec. 11-9-4 License Amendment, Renewal and Suspension.

Business license(s) must be renewed each January 1. Business Licenses for Mobile Food/Vending Service Units renewed by the City are not final and effective unless and until the Mobile Food/Vending Service Unit Applicant has obtained and provided a copy to the City of an annual renewal of his or her food service permit from the ~~health authority~~ **New Mexico Environmental Department**.

Business license holders desiring to change the location(s) and/or routes of the Mobile Food/Vending Service Unit, modify the hours of operation, or add a new location(s) during the term of the annual license, shall file a new application with the City of Aztec upon a form provided by the City. Such requests shall be processed in the same manner as a new license. Mobile Food/Vending Service Units shall not implement changes and/or additions to locations and routes until the City of Aztec has issued approval of such changes/additions.

A business license for a food/vending service vendor or establishment within the City may be immediately suspended without a public hearing if the City receives written notification from the ~~health authority~~ **New Mexico Environmental Department** that the business poses an imminent health hazard (as defined by the New Mexico Food Act). In the event of a license suspension, the City will provide the business owner with written notification of the suspension within forty-eight (48) hours from the date of notification by the ~~health authority~~ **New Mexico Environmental Department**; once the license is suspended the business shall immediately cease all operations until all health violations have been addressed and the City has received written notification from the ~~health authority~~ **New Mexico Environmental Department** that the business has been approved to proceed with food service operations.

Sec. 11-9-5 Regulating Locations.

Every person desiring a license pursuant to this Article shall conform to the requirements set forth in this Section and any regulations and rules that the City of Aztec may adopt pursuant to this Article.

The City may issue a business license for a food/vending establishment or business only when the City finds that the following location and time requirements are met:

1. The Location shall:
 - 1) Leave unobstructed a path for pedestrian passage on any sidewalk, a space not less than four (4) feet wide.
 - 2) Satisfy all other location requirements of the City.
2. Notwithstanding the issuance of a License for a specific Location(s), such license shall be temporarily suspended if any City Department issues a permit for occupancy of the subject Location for street fairs, farmer's markets, temporary use, street or building construction, or other permitted activities. At the request of the Applicant, the City may,

but is not required to, authorize a temporary relocation of the Mobile Food/Vending Service Unit under such circumstances. Any such authorization shall be in writing and available at the Mobile Food/Vending Service Unit for review by City officials.

In the event a temporary relocation is authorized by the City, no application for a location amendment shall be required under this Article if any City Department issues a permit for occupancy of the subject Location for street fairs, farmer's markets, temporary use, or other permitted activities as long as the Mobile Food Service Unit has a current and valid food service permit from the ~~health authority~~ New Mexico Environmental Department.

Sec. 11-9-6. Compliance.

All persons operating a Mobile Food/Vending Service Unit must comply with the following guidelines:

1. All vending vehicles and Mobile Service Food Units in or from which food is prepared or sold shall be constructed so that all equipment installed in any part of the vehicle shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
2. All Mobile Food Service Units having equipment for the preparation of food shall be inspected and approved by the San Juan County fire department annually and shall display evidence of such approval in the Mobile Food Service Unit and shall provide a copy of such approval to the City of Aztec.
3. Proper refuse containers shall be provided to patrons pursuant to Chapter 21, Sec. 21-27 and Chapter 14, Sec. 14-63 to 14-67 of the Aztec City Code.
4. A special events license must be obtained by the owner of a business hiring a Mobile Food Service Unit to be upon its premises if the cab is to be detached from the vehicle and food dispensed there from.
5. The cab must be attached to the Mobile Food/Vending Service Unit while in business on a public street or public parking lot.
6. A business establishment which does not meet the definition of Mobile Food/Vending Service Unit will not be licensed under this article.
7. Prior approval from the City of Aztec is needed to conduct any business at the Community Center or in a city park or city parking lot at a park or other recreational facility and shall be subject to such conditions and restrictions as may be deemed appropriate by the department.
8. Mobile Food/Vending Service Units shall be maintained in good repair and in good sanitary condition at all times.
9. A mobile food/vending establishment shall be equipped with an attached refuse container. The operator must hold, store, and dispose of solid and liquid waste in a refuse container that complies with ~~health authority~~ New Mexico Environmental Department, sanitation service and City Code requirements.

10. ~~No advertising, except the posting of prices, shall be permitted on any vending vehicle without an approved sign permit issued by the Community Development Department. All signs, both on-site and secured to the vehicle must be reviewed and approved by the Community Development Department and shall be limited to a size allowable by City Sign Code.~~ No on-site signs (sandwich boards, flags, arrow signs etc...) for advertising will be allowed.
11. Mobile Food/~~Vending~~ Service Units cannot exceed a length of forty (40) feet and a width of eight (8) feet, not including the cab.
12. Mobile Food/~~Vending~~ Service Units must be mobile and must be removed from the street or from the location where food is sold during those hours when not open for business.

Sec. 11-9-7. Prohibited Conduct.

The following acts are prohibited by food/vending vendors in the city. No person shall:

1. Notwithstanding any other provision of this Article, and with the exception of Mobile Food Service Units meeting the definition of Transporter, no Mobile Food Service Unit or Vendor shall peddle goods, wares or merchandise:
 - 1) In any zone district whose primary use is residential development;
 - 2) On property owned, leased or operated by the City of Aztec, unless the ~~peddling is associated with an event-~~ location and vendor have been approved by the City;
 - 3) Within ~~five one~~ hundred (~~500 100~~) feet of the property line of any school or childcare facility; or
 - 4) Vend within ~~five one~~ hundred (~~500-100~~) feet of any church while church is in session.
2. Vend on any street or sidewalk where vending is otherwise prohibited.
3. No Mobile Food/~~Vending~~ Service Unit or Vendor shall peddle goods, wares or merchandise before sunset or after sunrise, unless the City has approved such sales.
4. Leave any stand or motor vehicle unattended for longer than ten (10) minutes. When leaving a stand or motor vehicle unattended the stand or motor vehicle must be turned off and locked or otherwise secured.
5. Store, park, or leave any stand overnight on any street or sidewalk, or park any motor vehicle other than in a lawful parking place, in conformance with city and state parking regulations.
6. Sell food or beverages for immediate consumption unless all required permits from the ~~health authority~~ New Mexico Environmental Department have been obtained and refuse containers are available for use by patrons.

7. Leave any location without first picking up, removing and disposing of all trash or refuse within fifty (50) feet of the food/~~vending~~ service location.
8. Allow any items relating to the operation of the vending or food service business to be placed anywhere other than in, on or under the stand or motor vehicle.
9. Set up, maintain or permit the use of any sign, table, crate, carton, rack, or any other device to increase the selling or display capacity of the stand or motor vehicle, where such items have not been described in the business license application and when all additional required permits have not been obtained from the City.
10. Solicit or conduct business with persons in a motor vehicle.
11. Sell anything other than that which is permitted under the license issued.
- ~~12. Sell non-food items.~~
13. Sound or permit the sounding of any device which produces a loud and raucous noise; or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the general public. This section shall not be construed to prohibit bells, chimes or unamplified musical instruments if in compliance with all other applicable provisions of the City Code including, but not limited to Sec. 12-125 (Unreasonable Noise).
14. Allow customers to block pedestrian or vehicular traffic.
15. Dispose of liquid or other waste in City storm drains, streets, gutters, anywhere on public property, or in waste bins or containers not belonging to their business.
16. Wave, flag or motion to vehicles on the street.
17. No vendor vending from a motor vehicle shall:
 - 1) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, emergency or sanitation vehicles.
 - 2) Stop, stand or park a vehicle upon any street or permit it to remain there except on the roadway at the curb for the purpose of vending there from.
 - 3) Stop, stand or park a vehicle upon any street for the purpose of selling, or sell on any street under any circumstances when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance.
 - 4) Remain in any one place for a period longer than necessary to make a sale after having been approached or stopped for that purpose.
 - 5) Stop, stand or park a vehicle within twenty-five (25) feet of any intersection, except that vehicles vending products likely to attract children as customers shall park

curbside when stopping to make a sale as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

- 6) Operate a Mobile Food/Vending Service Unit while stopped between the curb lines of any public street without the motor vehicle's hazard lights being in operation and without taking all other reasonable precautions to ensure the safety of patrons.
- 7) Allow any fluids to be discharged from a vending vehicle.
- 8) Park within one hundred (100) feet of flammable fuels.

Sec. 11-9-8. Transitional Period.

Each Mobile Food/Vending Service Unit transacting business within the city shall apply for and obtain a business license in compliance with this article within thirty (30) days from the effective date of this article. Any Mobile Food/Vending Service Unit having a current business license shall make new application within thirty (30) days following the effective date of this article but shall not be required to pay an additional fee to obtain the license.

Staff Summary Report

MEETING DATE: April 12, 2016
AGENDA ITEM: XII. LAND USE HEARING (A)
AGENDA TITLE: 2016-025 – Variance – 1815 W Aztec Blvd

ACTION REQUESTED BY: Deborah Clay
1815 W Aztec Blvd
Aztec, NM 87410

ACTION REQUESTED: Variance to put up feather flags along property line

SUMMARY BY: William M. Homka AICP, CFM

PROJECT DESCRIPTION / FACTS

Parcel Information:

Zoning: C-2 General Commercial and Wholesale District

Dimensions: About 148.5 x 290' (irregular shaped)
Total lot area = 31,799 sq. ft.

Area: 0.73 acres

Owner: John Chaffee
1552 S. Citrus Ave
Escondido, CA 92027

Floodplain Area: No

Access: Public roadway frontage on
1815 W Aztec Blvd

On March 8, 2016 during a workshop the City Commission discussed issues regarding feather signs and other temporary signs that some businesses want to use as permanent signage. This application is the result of the workshop, during which signage at Abode Furnishings was used as an example of illegal signage. The owner of this business was present and listened to the discussion, during which several commission members said they could see the need for additional signage, such as feather flags, to be allowed at this location.

After the meeting staff met briefly with the applicant and suggested she apply for a variance to the sign code in order to gain formal approval by the city commission for the feather signs. This variance application was initiated by Deborah Clay on March 16, 2016 for a Variance to put up feather flags along property at 1815 W Aztec Blvd.

SUMMARY

Notice of this application has been published in a newspaper and adjoining properties within 100' have also been sent a notice of this meeting.

Upon leasing the Quonset Hut located at 1815 W. Aztec Blvd. the business owner commenced several activities to attract attention to the new business. This included painting the overhead and man doors red; placing temporary sandwich board sign in the W. Aztec Blvd. right-of way, and erecting a large wood sign advertizing Abode Furnishings. Code Enforcement Officer B. Carmen and Community Development Director W. Homka visited the business and informed the owner of the need for obtaining a sign permit, as well as discussing the types of signage that was permitted. The owner visited the Community Development Department to obtain a sign permit that same day.

Since obtaining the sign permit the premises have also been made more visible by removing the slats that were in the chain link fencing, making the fence more transparent. However at some point the feather signage appeared on the premises. Two such signs were placed at the entrance to the property. Code enforcement informed the business owner that the signage was illegal. Afterward the signs were attached to a motor vehicle while parked on the property, but located closer to the building.

Abode Furnishings is not the only business dealing with the illegal feather signage at this point. An antique store located on S. Main Ave. also had a feather sign but attached to the façade using metal strapping. This owner was also advised the signage was illegal by code enforcement. This sign was also used as an example during the City Commission's workshop on temporary signage. However that owner was not present during the workshop, but she did attend a City Commission meeting the previous month in February. During her three (3) minute public statement time she stated that people who knew she was in downtown Aztec were having a difficult time finding her store. She also said that immediately after placing the sign on the storefront she had four (4) paying customers visit. After taking the sign down, she said that her business became slower than the day she had the sign in place.

There are several issues here. First, commercial signage of many types is permitted on all property zoned commercial. Second, this application is seeking a variance to the section of the sign code; Sec. 20-4-4 Development Standards in Commercial Districts, that indicate the types of signs permitted in each district. This parcel is zoned C-2 General Commercial and Wholesale District. In this particular zone, the following signs are allowed according the Chapter 20 – Sign Code: wall sign, directory sign, building identification signs, freestanding signs, electronic message centers and illuminated signs.

Third, there have been applications by other business to have feather signs, and other "temporary signage", as part of their site's signage. Those applications have been denied by the City Commission. Fourth, there are other businesses that want to use feather signage. This application is seeking a variance pursuant to Division 5: Variance, in which the commission must find there exists a purpose and hardship, as well as nine conditions present to approve a variance. The following is an excerpt from the code with the conditions:

Approval or Denial

Approval of a variance shall be granted by the City Commission if the following conditions are met:

- (1) That the variance will not allow a use other than a use permitted for the district;
- (2) That under exceptional and extraordinary circumstances having to abide by literal enforcement of the provisions of this ordinance will result in unnecessary hardship;
- (3) That the circumstances presented were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;
- (4) That the development or use of the property for which the variance is sought, if limited by literal enforcement of the provisions of this ordinance, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;
- (5) That the variance will not substantially or permanently injure the appropriate use of adjacent property in the same district and conforming to the designated Land Development district;
- (6) That the variance will not alter the essential character of the Land Development district in which the property is located within and for which the variance is sought;
- (7) That the variance will not weaken the general purposes of this ordinance or the regulations established for the specific district;
- (8) That the variance will not adversely affect the public health, safety or welfare;
- (9) Administration and Fees

In review of the above requirements it is clear that signage is not prohibiting the existing site from being uses as another use permitted in C-2. There probably are circumstances, per number two (2), that make it difficult for the site to conduct business. The traffic control island that divides the east/west bound lanes on the roadway mean traffic headed east must turn around farther down the road.

The third criterion is arguable; did the owner/applicant create the existing circumstances? Possibly, by renting the property which already had a traffic control island across the frontage and several of the other issues mentioned herein. Furthermore, other signage is allowed but is probably far more expensive for a start up business than would be for a more established one. Thus number four (4) would not apply, since a business did exist on the site. It was a fencing company, and its closure was due more to market conditions than signage.

Number five (5) can be dismissed because temporary feather signs will not injure the appropriate land use of adjacent property, but other businesses may claim so as they are not permitted the same use of feather signs. Number six (6) means that allowing a prohibited temporary signs will alter the essential character of the land use district because other businesses in C-2 zoning want the same signs. Thus number seven (7) could be deemed as a variance allowing feather signs could weaken the general purposes of this ordinance. However this variance request will not adversely affect the public health, safety or welfare.

Essentially what we have here is a new, small business that has a hardship due to the cost of erecting more permanent signage that is allowed in C-2 zoning. As discussed at the sign

workshop, there are typically two types of sign issues: new, small businesses who want the most signage for its dollar, and the established business that just wants a lot of signage everywhere because they think that will help drive some additional business proportional to the increased signage. In either case our sign code does not provide a section that discriminates between new, small, local businesses and other larger, or franchise businesses that have cash flow and site development standards including signage.

The business owner wants to put up feather flags on the property line to attract more customers. As a business owner she feels the signage she has in place is not enough advertisement for her business. But again there are other options. Feather signs are the inexpensive option, and since the business is leasing the site a more permanent, permitted sign may be a financial hardship.

FINDINGS OF FACT

1. The application, 2016-025 is a request for a variance to allow feather flags on the property to attract more customers to the location;
2. Abode Furnishings is in the C-2 zone district, and feather flags are not one of the several permitted signs types;
3. There are nine (9) conditions that are supposed to be present in order to permit a variance to any code requirement;
4. The feather signs have been present on the property after the property owner was informed they were illegal, however they have been strapped to a car;
5. This is a new, small business that is renting the property;
6. This request does not appear to meet all nine (9) of the conditions to be present in order to grant a variance.

FISCAL INPUT / FINANCE DEPARTMENT (if applicable)
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None

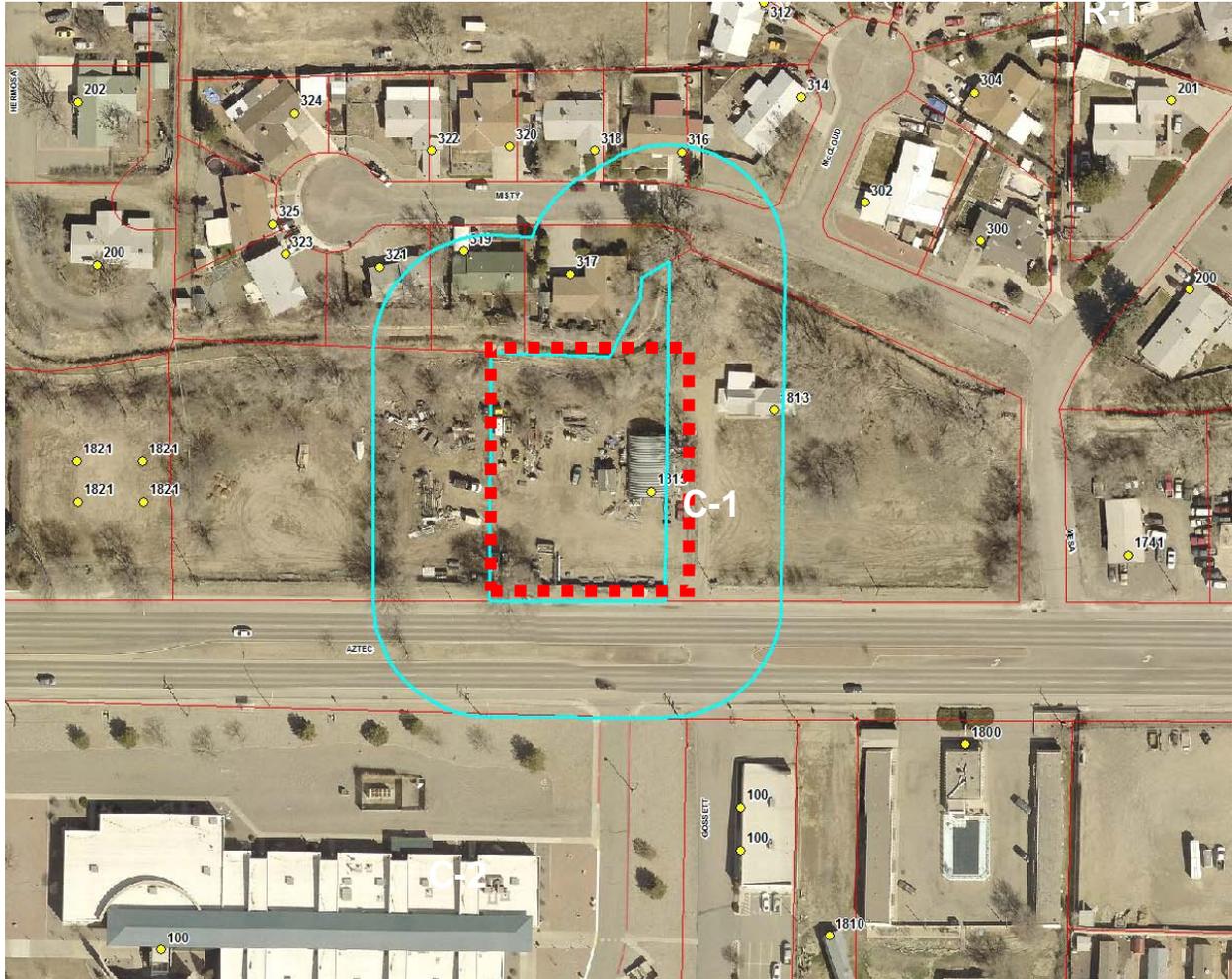
SUPPORT DOCUMENTS:

1. Aerial Map
2. Applicant Notification Letter
3. Adjacent Property Owner Notification Letter
4. List of Adjacent Property Owners

DEPARTMENT'S RECOMMENDED MOTION: Disapprove 2016-025, an application for a Variance to the city sign code, Section 20-4-4 at 1815 W. Aztec Blvd. for the six (6) reasons listed in the Findings of Fact.

ARIEL MAP WITH ZONING CLASSIFICATIONS

Site – Parcel 2-065-178-402-277 / 1815 W Aztec Boulevard





CITY OF AZTEC VARIANCE APPLICATION

PERMIT FEES ARE DUE AT TIME OF APPLICATION; additional fees may be assessed at time of permit approval. Fees are: \$10.00 Admin. Fee + \$50.00 Variance Fee = Total \$60.00
FEE IS NON-REFUNDABLE

Application Year: 2016 Application No.: 2016-025 Application Date: 3-16-16

Applicant Name: Abode Furnishings - Debbie Clay
Applicant Address: 1815 W Aztec Blvd Azt NM 87416
(Street Name) (City) (State) (Zip Code)

Applicant Phone: 330-1739

Is Applicant Owner of Property? no

Legal Description of the Property:
(Or address if different than above)

Total Area of Property (acres): 1

Present Use of Property: Furniture Store

Desired Use of Property: same

Reason for Requesting a Variance (include section(s) of Code for which a variance is requested):

Without visual stimulation business is suffering. If Abode could put feather flags along the property we believe we would be easier to locate for our customers.

Plan Map Available? YES NO
(Plan map is required; failure to provide a plan map will cause a delay in the process)

Deborah A Clay 3-17-16
Applicant's Signature Date

CITY USE ONLY:	
✚ Tax ID Number _____	✚ Flood Zone _____
✚ Zoning District: _____	
City Commission Meeting Date: _____	
	ACTION: APPROVED DENIED
City Planner _____	Date _____

CITY OF AZTEC Variance Checklist

All items must be turned into the Community Development Department 15 days prior to the Commission Meeting.

REC'D MEETS
 CODE

\$50.00 fee with completed Variance Application.

A detailed site map which includes the following:

- Property boundary, all sides
- Street(s) adjoining property and labeled
- Address of property and adjacent properties
- North arrow and scale
- All utility easements
- All utility lines
- Locations of all utility meters
- Existing and/or proposed structures
- Location of improvement
- Setbacks for front, side and rear yards
- Driveway location (required for new addresses)
- Proposed parking area (if different than driveway)
- Location of all drainages

Ownership.

A document that verifies ownership or legal interest in the property (copy of abstract, title certificate, insurance, or contract).

Legal Description.

Includes the legal description or physical address of the property.

Proposed Use.

Statement describing the proposed use of the buildings, structures, premises, etc.

Public Notification.

The Community Development Department will generate a list of all property owners within one hundred (100) feet of the exterior boundaries (excluding public right-of-way) and send letters out notifying the property owners of the application for conditional use.

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri Sipe



Commissioners

Austin R. Randall
Katee McClure
Sheri L. Rogers

A desirable place to live, work and play; rich in history and small town values!

March 28, 2016

John Chaffee
1552 S Citrus Ave
Escondido, CA 92027

Dear Mr. Chaffee:

As the property owner at 1815 W Aztec Blvd the lessee, Deborah Clay of Abode Furnishings, has made a request to the City of Aztec Community Development Department for a Variance permit to put up feather flags along the property line.

The City Commission will hear this request during a public meeting to be held on **Tuesday, April 12th, 2016 at 6:00 PM at City Hall, located at 201 W. Chaco Street in Aztec, NM.** As the business owner, you and your designated representative are required to attend the scheduled Commission meeting regarding this matter. In order to be heard you will need to go to the Commission room 10 minutes prior to the start of the meeting at 6:00 pm where you will be directed to sign in at the Clerk's table for the appropriate hearing.

The public is requested to contact Community Development via phone at 505-334-7605 or email at whomka@aztecnm.gov to provide support or concerns about this variance request. The public is also invited to attend the scheduled Commission meeting regarding this matter.

Community Development will be creating a staff summary for Commission to provide them with additional information on this variance request. **Please look over the summary prior to the meeting so you are aware of Community Developments stand on this matter. This summary will be available to the public on the City of Aztec website at this location: http://www.aztecnm.gov/agendas/ccm_agenda.pdf the Thursday prior to the scheduled Commission meeting.** Notice of meeting cancellation/rescheduling will also be at this website, so please check the Thursday prior and day of meeting for confirmation.

If you have any further questions, please don't hesitate to call me at 505-334-7605, Monday through Thursday from 7:00 a.m. to 6:00 p.m. Thank you.

Sincerely,

William Homka
Director
Community Development

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri Sipe



Commissioners

Austin R. Randall
Katee McClure
Sheri L. Rogers

A desirable place to live, work and play; rich in history and small town values!

March 28, 2016

Deborah Clay
1815 W Aztec Blvd
Aztec, NM 87410

Dear Ms. Clay:

As the lease owner at 1815 W Aztec Blvd you have made a request to the City of Aztec Community Development Department for a Variance permit to put up feather flags along the property line.

The City Commission will hear this request during a public meeting to be held on **Tuesday, April 12th, 2016 at 6:00 PM at City Hall, located at 201 W. Chaco Street in Aztec, NM.** As the business owner, you and your designated representative are required to attend the scheduled Commission meeting regarding this matter. In order to be heard you will need to go to the Commission room 10 minutes prior to the start of the meeting at 6:00 pm where you will be directed to sign in at the Clerk's table for the appropriate hearing.

The public is requested to contact Community Development via phone at 505-334-7605 or email at whomka@aztecnm.gov to provide support or concerns about this variance request. The public is also invited to attend the scheduled Commission meeting regarding this matter.

Community Development will be creating a staff summary for Commission to provide them with additional information on this variance request. **Please look over the summary prior to the meeting so you are aware of Community Developments stand on this matter. This summary will be available to the public on the City of Aztec website at this location: http://www.aztecnm.gov/agendas/ccm_agenda.pdf the Thursday prior to the scheduled Commission meeting.** Notice of meeting cancellation/rescheduling will also be at this website, so please check the Thursday prior and day of meeting for confirmation.

If you have any further questions, please don't hesitate to call me at 505-334-7605, Monday through Thursday from 7:00 a.m. to 6:00 p.m. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "William Homka".

William Homka
Director
Community Development

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri Sipe



Commissioners

Austin R. Randall
Katee McClure
Sheri L. Rogers

A desirable place to live, work and play; rich in history and small town values!

March 28, 2016

PUBLIC NOTICE

Dear Property Owner:

The lease owner at 1815 W Aztec Blvd has made a request to the City of Aztec for a Variance permit to put up feather flags along the property line.

The City Commission will hear this request during a public meeting to be held on **Tuesday, April 12th, 2016 at 6:00 PM located at City Hall, 201 W. Chaco, Aztec, NM.** As the surrounding property owner, you are welcome to attend the scheduled Commission meeting regarding this matter. In order to be heard you will need to go to the Commission room 10 minutes prior to the start of the meeting at 6:00 pm where you will be directed to sign in at the Clerk's table for the appropriate hearing.

The public is requested to contact Community Development via phone at 505-334-7605 or email at whomka@aztecnm.gov to provide support or concerns regarding this request. The public is also invited to attend the scheduled Commission meeting regarding this matter.

Community Development will be creating a staff summary for Commission giving them more information on this property and the variance request being made. **Please look over the summary prior to the meeting so you are aware of Community Developments stand on this matter. This summary will be available to the public on the City of Aztec website at this location: http://www.aztecnm.gov/agendas/ccm_agenda.pdf the Thursday prior to the meeting.** Notice of meeting cancellation/rescheduling will also be at this website, so please check the Thursday prior and day of meeting for confirmation.

If you have any further questions, please don't hesitate to call me at 505-334-7605, Monday through Thursday from 7:00 a.m. to 6:00 p.m. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Homka".

William Homka
Director
Community Development

Addresses for 1815 W. Aztec Blvd.

319 Misty Dr
R0000698
X Mark Ledwitch
319 Misty Dr
Aztec, NM 87410

321 Misty Dr
R0001381
X Laine M Fuller
321 Misty Dr
Aztec, NM 87410

Empty Lot to the West
R4001272
X Rowand Chaffee *John*
1552 S. Citrus Ave
Escondido, CA 92027

1813 W. Aztec Blvd.
R0000435
Rowand Chaffee
1552 S. Citrus Ave
Escondido, CA 92027

314 McCloud Ct.
R0000720
X Kyle and Aleshia Raether
314 McCloud Ct
Aztec, NM 87410

316 Misty Dr
R0000573
X Michael and Jana Smith
316 Misty DR.
Aztec, NM 87410

318 Misty Dr
R0000954
X Dalton King
318 Misty Dr
Aztec, NM 87410

317 Misty Dr.
R0000781
X Benay Jones
317 Misty Dr
Aztec, NM 87410

100 S Oliver
R0001458
X San Juan County
100 S Oliver
Aztec, NM 87410

200 Gossett St,
R4001721
X Daysoff Investments LLC
1309 Camina Contenta
Farmington, NM 87401