

A G E N D A

... for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m., Tuesday, April 28, 2020 virtually using Zoom at <https://zoom.us/j/94072259664> ...

1. Roll Call and Convening the Meeting:
2. Pledge of Allegiance:
3. Acceptance of Consent Agenda: Those items on the agenda that are marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on without discussion with one motion. If any item proposed does not meet with approval of all Councilors or if a citizen so requests, that item will be heard.
4. *Approval of Minutes for the Regular Meeting of the City Council held April 14, 2020. -----6
5. *Approval of Bid for ADA (Americans with Disabilities Act) and multi-use bike facility improvements (Community Works) being awarded to IMI Construction as the lowest and best bidder (\$184,537). The award is contingent upon U.S. Department of Housing and Urban Development (HUD) approval and receipt of said funding. Bids opened March 31, 2020 with two bidders participating. --1
6. *Approval of Warrants up to and including April 25, 2020.
7. Approval of Adoption of Resolution No. 2020-1752 ratifying the Economic Emergency Declaration issued by Mayor Nate Duckett. -----2
8. Approval of Bid for purchase of luminaires for the Complete Streets project on Main Street (Electric and Community Works). Bids will be opened April 27, 2020 and a recommendation will be made from the floor. (Roselyn Potter) ----3
9. Presentation and direction to staff regarding the proposed annexation of certain tracts of land located east of the city limits along US 64. (Beth Escobar) -----4
10. Closed Meeting to discuss request for proposals for a multi-term contract for tree trimming and line clearance services, pursuant to Section 10-15-1H(6) NMSA 1978.
11. Proposal: Recommendation from the Contracts Administrator to award the proposal for a multi-term contract for tree trimming and line clearance services (Electric) to Asplundh Tree Expert, LLC as the sole proposal is deemed to be advantageous and in the best interest of the City. Proposals opened April 15, 2020. -----5
12. Adjournment.

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

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the virtual meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 599-1101 prior to the meeting so that arrangements can be made.

CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Duckett and City Council

FROM: Rosalyn Potter, CPPB
Contracts Administrator

DATE: April 22, 2020

SUBJECT: ADA and Multi-Use Bike Facility Improvements, Bid #20-135846

USING DEPARTMENT: Community Works

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A bid opening was held on March 31, 2020 for ADA and Multi-Use Bike Facility Improvements. Two (2) bidders responded.

The Central Purchasing Department concurs with the recommendation from Community Works to award the bid to IMI Construction from Farmington, NM, a responsible bidder submitting the lowest responsive bid meeting specifications for a total awarded amount of \$184,537 plus estimated applicable taxes of \$15,259.78. Due to federal funding, the In-State/Veterans Preference do not apply. Award is contingent upon approval by the U.S. Department of Housing and Urban Development and contingent upon receipt of said funding.

Rosalyn Potter (Presenter)
Consent Agenda Council Meeting April 28, 2020

Copy to: Teresa Emrich, Administrative Services Director
David Sypher, Community Works Director
Toni Sitta, Project Engineer
Francisco Alvarado, Planner

File - 20-135846

20-135846 Addendum 5

ADA and Multi-Use Bike Facility
Improvements

Event Number
Event Title
Event Type
Issue Date
Close Date

20-135846 Addendum 5

ADA and Multi-Use Bike Facility
Improvements

Construction Bid
3/1/2020 08:00:00 AM (MT)
3/31/2020 02:00:00 PM (MT)

Organization

Workgroup
Event Owner
Email
Phone
Fax

Purchasing
Cory Marcum
cmarcum@fmtn.org
(505) 599-1372

Responding Supplier	City	State	Response Total
IMI CONSTRUCTION	FARMINGTON	NM	\$184,537.00
Halo Services Inc	Bloomfield	NM	\$212,155.96

RESOLUTION NO. 2020-1752

A RESOLUTION RATIFYING THE ECONOMIC EMERGENCY DECLARATION ISSUED BY
MAYOR NATE DUCKETT

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can spread via droplets from person to person; and

WHEREAS, on March 11, 2020 Governor Michelle Lujan Grisham proclaimed a public health emergency and invoked all powers under the All Hazard Emergency Act, NMSA, §§ 12-10-1 through 12-10-10, through May 15, 2020; and

WHEREAS, Governor Michelle Lujan Grisham has forced the closure of all non-essential businesses since March 25, 2020 as part of the public health emergency; and

WHEREAS, the closing of non-essential businesses is causing an economic disaster for the City of Farmington; and

WHEREAS, the City of Farmington City Council seeks to ratify the Economic Emergency Declaration by Mayor Nate Duckett on April 15, 2020.

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

1. City of Farmington and its citizens have suffered irreparable harm due to the shutdown of non-essential businesses.
2. City of Farmington urges Governor Michelle Lujan Grisham to open all non-essential businesses with a 20% capacity as determined by the local fire code.
3. All non-essential businesses within the City of Farmington follow all recommended CDC guidelines for the safety of their employees and consumers including but not limited to social distancing protocol.
4. Mayor Nate Duckett declared the City of Farmington an economic emergency area as a result of COVID-19 on the 15th day of April, 2020.
5. The City of Farmington City Council hereby ratifies the Economic Emergency Declaration issued by Mayor Nate Duckett.

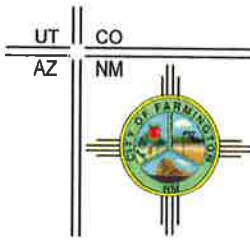
PASSED, SIGNED, APPROVED AND ADOPTED this 28th day of April, 2020.

Nate Duckett, Mayor

SEAL

ATTEST:

Andrea Jones, City Clerk



CITY OF FARMINGTON

800 Municipal Drive
Farmington, NM 87401-2663
(505) 599-1100
Fax (505) 599-8430
<http://www.farmington.org>

EMERGENCY DECLARATION

DECLARING CITY OF FARMINGTON, NEW MEXICO TO BE AN ECONOMIC EMERGENCY AREA
AS A RESULT OF COVID-19

WHEREAS, on March 11, 2020, Governor Michelle Lujan Grisham proclaimed a public health emergency and invoked all powers under the All Hazard Emergency Act, NMSA 1978 §§ 12-10-1 through 12-10-10, for a minimum of thirty (30) days; and

WHEREAS, on April 1, 2020 Governor Lujan Grisham extended the public health emergency through April 30, 2020; and

WHEREAS, Governor Lujan Grisham should be commended for exhibiting decisive leadership in the face of a global public health emergency by educating New Mexicans on their role to flatten the curve and protect the integrity of our health care system through social distancing, preventative hygiene practices, and the stay at home order; and

WHEREAS, the efforts of all New Mexicans to implement these practices has proven to be effective in meeting these goals; and

WHEREAS, as a consequence of the public health order, an economic disaster has been created by defining "essential" and "non-essential" businesses which unjustly dictates winners and losers by discriminating against small businesses and specialized retailers; and

WHEREAS, many of these deemed "non-essential" businesses provide local services and sell the same products found in "essential" businesses; and

WHEREAS, these businesses and specialized retailers are capable of enforcing social distancing standards in their facilities with great effectiveness; and

WHEREAS, these businesses and specialized retailers make up a large percentage of the state's employers; and

WHEREAS, these businesses employ, pay wages, and provide health care benefits to a large portion of the state's workforce; and

WHEREAS, closures of these businesses has led to the highest levels of unemployment in our state's history and will lead to higher rates of poverty; and

WHEREAS, poverty leads to negative outcomes on families, children, and communities through increases in crime, hunger, violence, and homelessness and decreases in physical and mental health, nutrition, and educational outcomes; and

WHEREAS, these businesses provide critical financial support for local charities whose mission is to support those who are experiencing poverty and the effects there of.

NOW, THEREFORE, let be it declared by the MAYOR OF FARMINGTON, NEW MEXICO:

1. The City of Farmington to be an economic emergency area as a result of COVID-19.
2. The Mayor respectfully asks Governor Michelle Lujan Grisham to consider an immediate modification of public health orders to restore functioning parts of our local economy that do not endanger public health, proliferate innovation into our workforce and businesses, and support the municipalities that provide critical services to the public by:
 - a. Reopening all businesses at 20% capacity as determined by local fire code

- b. Require all businesses to:
 - i. actively meter their clientele numbers
 - ii. actively manage 6-foot social distancing standards
 - iii. post public health information and guidelines
 - iv. implement appropriate health protocols and protections for their employees and customers
 - c. Recommend the general public use face covers or masks when in public spaces and businesses
3. The Mayor encourages the Governor and her staff to work with local municipalities and elected officials to strategize further plans to safely reopen New Mexico businesses to their full extent as soon as possible.
4. This Declaration is effective immediately and subject to ratification by the City of Farmington City Council at their next regular council meeting.




CITY OF FARMINGTON:


Nate Duckett, Mayor


Andrea Jones, City Clerk

APPROVED AS TO FORM


Jennifer Breakell, City Attorney

CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Duckett and City Council

FROM: Rosalyn Potter, CPPB
Contracts Administrator

DATE: April 22, 2020

SUBJECT: Main Street Complete Streets Light Luminaires, Bid #20-137175

USING DEPARTMENT: Electric Utility/Community Works

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A bid opening is being held on April 27, 2020 Main Street Complete Streets Light Luminaires. The bid results and recommendation for award will be brought from the floor at the Council Meeting on April 28, 2020.

Rosalyn Potter (Presenter)
Council Meeting, April 28, 2020

Copy to:
Teresa Emrich, Acting Administrative Services Director
David Sypher, Community Works Director
Hank Adair, Electric Utility Director
File - 20-137175

Memo

To: Mayor and City Council

From: Beth Escobar, Planning Manager

Date: April 28, 2020

Subject: Possible annexation Hwy 64 East

Background

In the fall of 2019 staff began exploring the possibility of annexing a portion of the unincorporated property adjacent to the eastern boundary of the City. The area under consideration includes properties abutting US Highway 64 for an approximately two-mile stretch. It is a continuation of the annexation completed in 2016.

Per Section 3-7 of the New Mexico Statutes there are three methods to annexing unincorporated property in the State of New Mexico:

- Arbitration
- Boundary Commission
- Petition

In the first two methods, the City must make the case in support of the annexation either through a special election or the decision of a state appointed Boundary Commission.

The petition method allows the City to acquire signatures from owners of the majority (51 percent) of the number of acres being considered in the proposed annexation area. The petition method can be the less adversarial method and does promote input and participation from all of the affected property owners.

There are 288 acres within the proposed annexation boundaries. After outreach to the property owners in this area, including a written survey and person-to-person conversations, staff believes that there is support from property owners of a majority of the acreage being considered for annexation.

Benefits of Annexation

This area is a mix of heavy industrial, commercial, single-family residential and multi-family residential uses and includes large undeveloped tracts of land. The majority of the businesses and residences in this area are already electric utility customers. Many are also water and wastewater customers and there are significant discounts for customers within City limits.

The City would benefit from an expansion of the tax base and an overall increase in diversity of the commercial/industrial economic sector. The City of Farmington Police and Fire Departments already respond to calls along this highway corridor.

Although this area is in the Planning & Platting Jurisdiction of the City, currently we have no jurisdiction regarding other development elements. Annexation would allow for a more guided development scenario along this important gateway into Farmington.

Existing conditions, both structures and uses, would be determined to be legal, non-conforming and property owners would not be penalized as a result of the annexation. Future development however would need to meet City regulations, including the Unified Development Code and current building codes.

The residents would benefit from receiving City services.

Council Action

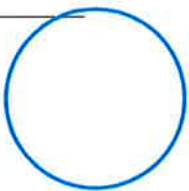
Staff is seeking Council authorization to formally seek petitions from property owners and to proceed with the annexation accordingly.



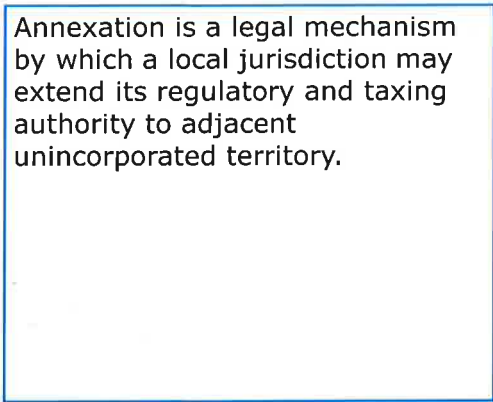
HWY 64 East Proposed Annexation

COUNCIL PRESENTATION

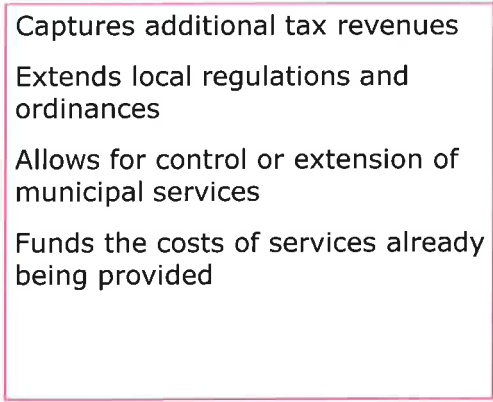
APRIL 28, 2020



THE WHAT AND WHY



Annexation is a legal mechanism by which a local jurisdiction may extend its regulatory and taxing authority to adjacent unincorporated territory.




Captures additional tax revenues

Extends local regulations and ordinances

Allows for control or extension of municipal services

Funds the costs of services already being provided





METHODS OF ANNEXATION IN NEW MEXICO


- **Arbitration**

- Council declares by resolution
- Seven member board of arbitration must be elected (expense paid for by the City)
- Determination must be made by a majority of the board

- **Boundary Commission**


- A commission appointed by the Governor upon petition by the City
- Public Hearing is held
- Commission makes a determination based on public input
- Expenses (public notices, commissioners per diem) are responsibility of City

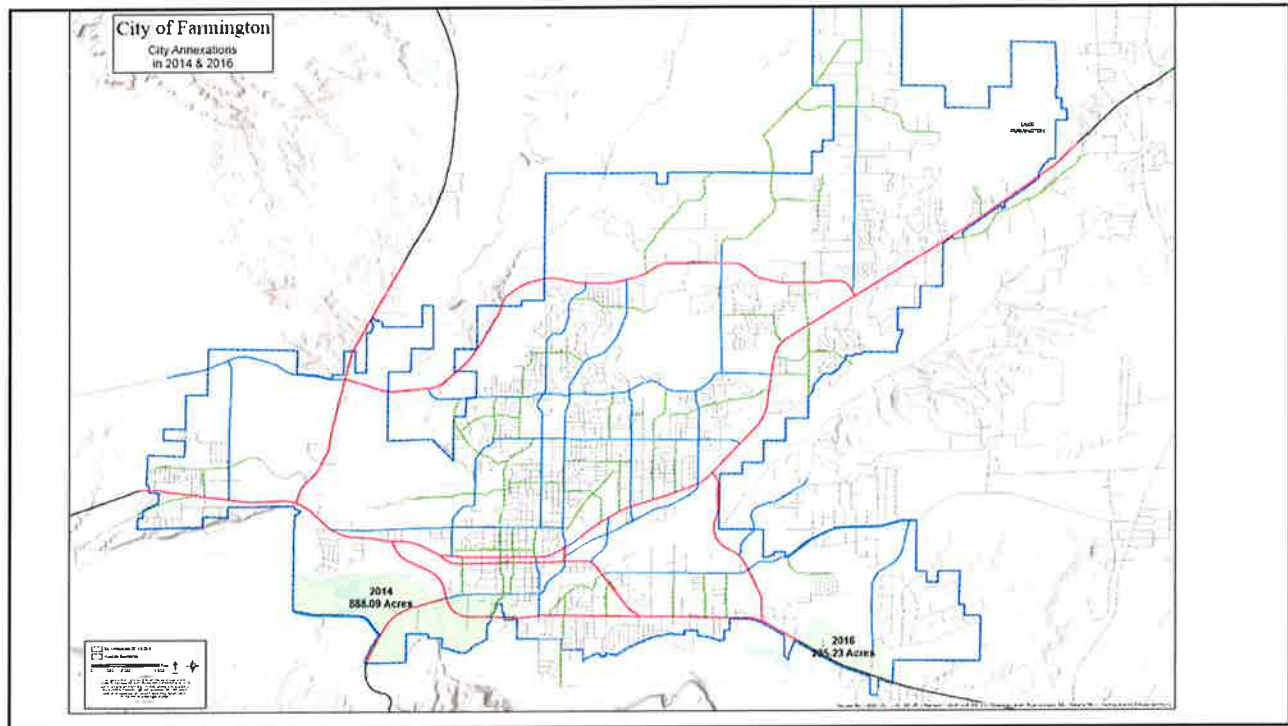
- **Petition**

- Signed by the majority of the number of acres in the contiguous territory
 - The Council accepts the annexation by Ordinance
- 



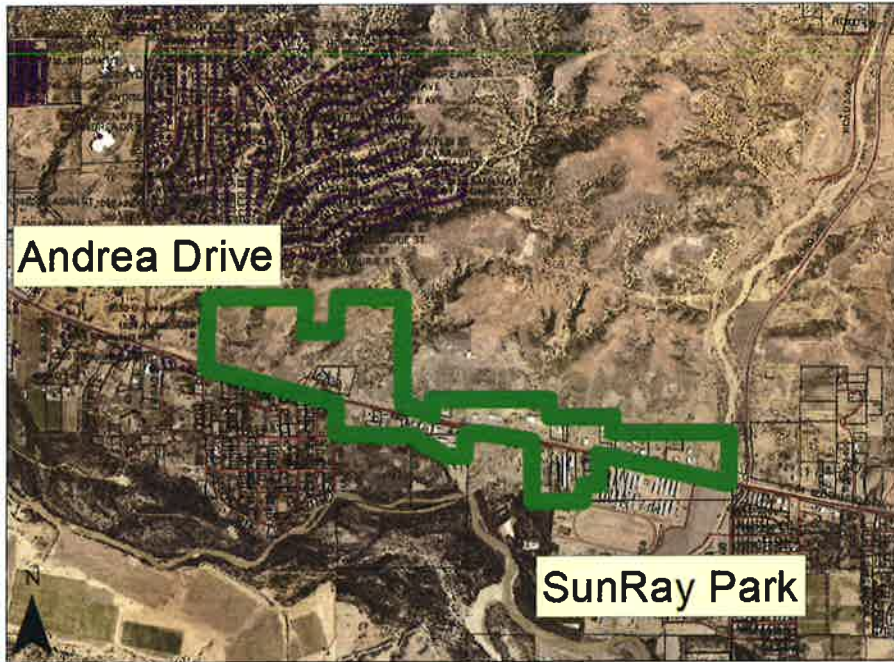
RECENT ANNEXATIONS

- Farmington has annexed 1,173.32 acres since 2014.
 - The most recent was the annexation along Hwy 64.
- 



PROPOSAL

- 288 acres
- Contiguous to the 2016 annexation moving farther east
- Within the Platting & Planning Jurisdiction of the City
- Mix of uses – industrial, commercial, single and multi-family residential
- Large, undeveloped tracts of land
- Already served by Police and Fire
- Many properties are already utility customers
- Would extend City boundary to the P & P Jurisdiction border of Bloomfield



Proposed Hwy 64 East Annexation

SUMMARY

- Annexation would increase tax base
- Add diversification to economic segments
- Existing conditions would be 'legal, non-conforming'
- City would gain jurisdiction over future planning and development along this important gateway



COUNCIL ACTION



Staff is seeking Council authorization to formally seek petitions from property owners and to proceed with the annexation accordingly.



Questions & Discussion



CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Duckett and City Council

FROM: Rosalyn Potter, CPPB
Contracts Administrator

DATE: April 22, 2020

SUBJECT: Tree Trimming/Line Clearance, RFP #20-136164

USING DEPARTMENT: Electric Utility
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A proposal opening was held on April 15, 2020 for Tree Trimming/Line Clearance. One offer was submitted.

The Central Purchasing Department concurs with the recommendation from the evaluation committee to award the contract to Asplundh Tree Expert, LLC, the top evaluated firm. Award is based on the pricing schedule for services. The bidder did not qualify for the In-State or Veterans preference.

Rosalyn Potter (Presenter)
Closed/Reopen Council Meeting 04/28/2020

Copy to:
Teresa Emrich, Administrative Services Director
Hank Adair, Electric Utility Director

File – 20-136164

Evaluation Committee:
Luke Lugenbeel, Electric
Ward Allies, Electric
Chuck Johnson, Electric
Norm Nelson, Electric
Doug Abe, Parks Department

CITY OF FARMINGTON
CENTRAL PURCHASING
INTER-OFFICE MEMORANDUM

TO: Tree Trimming/Line Clearance, RFP #20-136164 FILE
FROM: Christina Tyler, Buyer I
DATE: April 22, 2020
SUBJECT: Single Response Documentation

=====
Twelve (12) companies were notified of this solicitation.

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

Their decision was based on the following:

- (1) Elite Power and Recovery, Inc., Michael Merrill, Jr.: Elite Power is a union outside power contractor. They prefer to have lineman trimming and this would increase the price. They did not see how the solicitation could be competitive.
- (2) Wright Tree Service, Inc., Michelle Pfantz: With the current commitments and time constraints, Wright Tree Service did not have the resources available to provide the services requested.
- (3) Superior Solutions Irrigation System, David Kreider: Our business is primarily property landscape, irrigation installation, and maintenance. Superior Solutions is not equipped to handle the size of the project the City of Farmington is requesting on the proposal.

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

KB/ct

Regular Meeting of the City Council, City of Farmington, New Mexico, held virtually using Zoom at <https://zoom.us/j/267211076> at 6:00 p.m. on Tuesday, April 14, 2020. The virtually open regular session was held in full conformity with the laws and ordinances and rules of the Municipality.

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

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

constituting all members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Julie Baird
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Andrea Jones

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

Mayor Duckett led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor announced that those items on the agenda marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on without discussion by one motion. He stated that if any item did not meet with approval of all Councilors or if a citizen so requested, that item would be removed from the Consent Agenda and heard.

*MINUTES: The minutes of the Regular Meeting of the City Council held March 24, 2020.

*BID: The Chief Procurement Officer recommended that the bid for purchase of manhole and water valve risers (Community Works) be awarded to Port City Pipe on its low bid of \$102,521.28 after application of five percent in-state preference. Bids opened March 26, 2020 with five bidders participating.

*BID: The Chief Procurement Officer recommended that the bid for purchase of substation reclosers and controls (Electric) be awarded to Western United on its low bid of \$136,380.00 after application of five percent in-state preference. Bids opened March 24, 2020 with two bidders participating.

*REAPPOINTMENTS OF CHERI FLOYD, LARRY MOORE AND JOSE VILLARREAL, JR. as members of the Community Relations Commission (terms to April, 2022).

*MODIFIED STYLE AND COLOR OF THE STREET LIGHTS for the Downtown Complete Streets project.

*CANCELLATION of the April 21, 2020 regular City Council Work Session.

*ADOPTION OF RESOLUTION NO. 2020-1750 approving Phase II of the Foothills Drive Enhancement Project (Rinconada Street to Mesa del Oso) and accepting funds from the New Mexico Department of Transportation's Transportation ALT Flexible Program (TAPF) for such project.

*ADOPTION OF RESOLUTION NO. 2020-1751 suspending Section 7.3.4 of the Unified Development Code due to Executive Order 2020-022.

*RECOMMENDATION FROM THE LIQUOR HEARING OFFICER for approval of Application No. 1152119 for a new Restaurant License (beer

and wine on premise consumption only) from Tortillas Dona Maria, LLC, doing business as Tortillas Dona Maria, 1930 San Juan Boulevard, Suite I, Farmington, New Mexico. (Hearing held March 26, 2020)

*WARRANTS PAYABLE for the time period of March 8, 2020 through March 21, 2020, for current and prior years, in the amount of \$7,395,642.00 and for the time period of March 22, 2020 through April 11, 2020, for current and prior years, in the amount of \$10,300,573.73.

There being no requests to remove any items, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to approve the Consent Agenda, as presented. The roll was called with the following result:

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

Those voting nay: None

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

There being no further business to come before the Council, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to adjourn the meeting at 6:06 p.m. The roll was called with the following result:

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

Those voting nay: None

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

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

Approved this 28th day of April, 2020.

Entered in the permanent record book this th day of April, 2020.

Nate Duckett, Mayor

SEAL

ATTEST:

Andrea Jones, City Clerk