

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 6:00 p.m. on Tuesday, February 14, 2023. The open regular session was held in full conformity with the laws and ordinances and rules of the Municipality.

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

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

constituting all members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
DEPUTY 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:

INVOCATION: The invocation was offered by Pastor David Brittain of Emmanuel Baptist Church.

Deputy City Manager Julie Baird led the Pledge of Allegiance.

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

*MINUTES: The minutes of the Regular Work Session of the City Council held January 17, 2023 and the minutes of the Regular Meeting of the City Council held January 24, 2023.

*DECLARATION OF SURPLUS PROPERTY: The Chief Procurement Officer recommended that worn-out, unusable or obsolete current and future used meters (Electric) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

*DECLARATION OF SURPLUS PROPERTY: The Chief Procurement Officer recommended that worn-out, unusable or obsolete playground equipment (Parks, Recreation and Cultural Affairs) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

*DECLARATION OF SURPLUS PROPERTY: The Chief Procurement Officer recommended that worn-out, unusable or obsolete four Blodgett convection ovens (Parks, Recreation and Cultural Affairs) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

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

*AUTHORIZATION for the City Manager to execute an agreement for the New Mexico Economic Development Department, Outdoor Recreation Division, Trails+ Grant for Phase 1 of the Juniper Basin Bike Park and to encumber the required 50 percent (\$99,999) match from the Community Transformation and Economic Diversification (CTED) Fund.

*AGREEMENT between the City and Sandstone at SJCC, LLC, managing member of Sandstone at San Juan Country Club, LLP for sewer line extension and improvements.

*WARRANTS PAYABLE for the time period of January 22, 2023 through February 11, 2023, for current and prior years, in the amount of \$10,465,270.63.

There being no requests to remove any items, a motion was made by Councilor Sharer, seconded by Councilor Rodgers 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.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Planning Manager Beth Escobar requested that the Planning and Zoning Commission recommendations marked with an asterisk (*) be placed on the Planning and Zoning Commission Consent Agenda and voted on without discussion by one motion. She asked that if an item proposed did not meet with approval of all Councilors or if a citizen so requested, the item would be removed from the Consent Agenda and heard in regular order.

- * (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Works Action Summary to approve Petition No. ZC 22-105 from HDDA RLD Farmington, LLC, represented by Greg Presley, requesting a zone change from the IND, Industrial, District to the MU, Mixed-Use, District to allow for the remodel of an existing vacant motel to multifamily dwellings on floors two and three and recreational tenant amenities and a commercial restaurant on floor one within 7.97 acres of property located at 700 Scott Avenue, subject to:
 - (a) all necessary building permits being obtained;
 - (b) a building and fire inspection being required; and
 - (c) all Federal Emergency Management Agency (FEMA) flood mitigation regulations being met and maintained.

- * (2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Works Action Summary to approve Petition No. SUP 22-110 from Cody Wilkins requesting a Special Use Permit to allow for the keeping of one horse on 1.02 acres of property located at 4904 Linda Lane in the SF:7, Single-Family Residential, District, subject to:
 - (a) only one horse shall be kept on the property;
 - (b) manure shall not be piled against the fence;
 - (c) dirt or other absorbent material shall be placed along the fence line between the property to the south to prevent runoff;
 - (d) manure shall be removed from the site weekly;
 - (e) the horse shed shall be moved 30 feet from the southern property line into the interior of the subject property;
 - (f) residual manure and dirt shall be removed from the area behind the shed;
 - (g) the Special Use Permit shall expire on July 31, 2023; and

- (h) the Special Use Permit may be revoked by Unified Development Code 8.9.3 (H) for the following reasons:
- (1) It is determined that a use of property for which a special use permit has been granted is not being conducted within the terms of the special use permit including [section] 8.9.4 special use criteria; that such use has been allowed to accumulate litter or debris, to be a public nuisance, to an attractive nuisance to children, or to attract vagrants, criminals or public intoxication; or is otherwise detrimental to the public health, safety or welfare.
 - 2) Before the special use has commenced, and it is determined that such special use is not in the public interest; or
 - 3) The owner of the property affected petitions for revocation.

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

COUNCIL BUSINESS

Members Needed for Boards and Commissions

Mayor Duckett announced that he is searching for volunteers to fill positions on the Community Relations Commission, Metropolitan Redevelopment Agency Commission and Public Utility Commission (Districts 1 and 2) and he requested that the Council look for potential individuals from their respective districts. Mayor Duckett thanked all current board and commission members for the valuable service they provide.

CITY MANAGER BUSINESS

\$5 Million Transfer from General Fund Cash Reserves to Electric Utility Enterprise Fund and Suspension of Monthly Electric Utility Enterprise Fund Transfer to the General Fund

City Manager Rob Mayes pointed out that the major contributing factors that have negatively impacted the Electric Utility over the past two years are 1) the \$17 million emergency turbine replacement at Bluffview Generating Station; 2) the forced closure of San Juan Generating Station resulting in significant increased risk to the market and purchase power costs; and 3) the drastic jump in natural gas price to \$34.00 in January 2023 that had a cost impact of approximately \$12 million to generate power at Bluffview Generating Station in January alone. Mr. Mayes reported that the PCA (Power Cost Adjustment) was administratively raised by \$0.03 but indicated that the Electric Utility's cash reserves have continued to decrease. As a result, he stated that he is recommending a \$5 million transfer from the General Fund cash reserves to the Electric Utility Enterprise Fund and the suspension of the monthly Electric Utility Enterprise Fund transfer to the General Fund, noting that the Public Utility Commission ("PUC") has provided a consensus of agreement to his recommendation.

Following brief discussion, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to direct staff to transfer \$5 million from the General Fund cash reserves to the Electric Utility Enterprise Fund and to suspend the regular monthly Electric Utility Enterprise Fund transfer to the General Fund effective January 2023, and upon voice vote the motion carried unanimously.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented for discussion a proposed ordinance dealing with panhandling. The title of such proposed ordinance being:

AN ORDINANCE PROHIBITING PANHANDLING IN CERTAIN LOCATIONS.

Mayor Duckett read in full the proposed ordinance and announced that he has not received any negative feedback regarding any of the related proposed ordinances on the agenda for discussion tonight. He suggested that a pamphlet of available social services be available for

distribution to individuals found violating any of the proposed ordinances and he pointed out that the proposed ordinance will be presented for final action at the February 28, 2023 regular City Council meeting.

Ms. Breakell also presented for discussion a proposed ordinance dealing with camping in public areas. The title of such proposed ordinance being:

AN ORDINANCE PROHIBITING CAMPING IN PUBLIC AREAS.

At Councilor Rodgers's request, it was the consensus of the Council to amend the proposed ordinance to include the term "public building" within the definition of "public area."

There being no further discussion, Ms. Breakell reported that the proposed ordinance will be presented for final action at the February 28, 2023 regular City Council meeting.

Ms. Breakell also presented for discussion a proposed ordinance dealing with sitting or lying down on public sidewalks or sleeping outdoors. The title of such proposed ordinance being:

AN ORDINANCE PROHIBITING SITTING OR LYING DOWN ON PUBLIC SIDEWALKS OR SLEEPING OUTDOORS.

In response to Councilor Sharer's question, Ms. Breakell explained that police officers will be trained and rely upon their best judgement for prudent enforcement of the proposed ordinance and she indicated that the proposed ordinance will be presented for final action at the February 28, 2023 regular City Council meeting.

Ms. Breakell also presented for discussion a proposed ordinance dealing with idling, loitering or prowling. The title of such proposed ordinance being:

AN ORDINANCE AMENDING SECTION 18-4-4 OF THE CITY CODE PERTAINING TO IDLING, LOITERING OR PROWLING.

Following brief discussion, Ms. Breakell announced that the proposed ordinance will be presented for final action at the February 28, 2023 regular City Council meeting.

Ms. Breakell also presented for discussion a proposed ordinance dealing with the Metropolitan Redevelopment Agency ("MRA") Commission. The title of such proposed ordinance being:

AN ORDINANCE AMENDING A CERTAIN PROVISION OF THE METROPOLITAN REDEVELOPMENT AGENCY COMMISSION.

Ms. Breakell confirmed that passage of the proposed ordinance will not affect any of the current MRA Commissioners and she announced that the proposed ordinance will be presented for final action at the February 28, 2023 regular City Council meeting.

Lastly, Ms. Breakell presented an ordinance authorizing the City of Farmington, New Mexico Electric Utility Improvement Revenue Bonds, Series 2023 and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978 Compilation. She recommended the ordinance, if adopted, be given the number 2023-1342. The title of the ordinance being:

CONCERNING THE MUNICIPAL ELECTRIC SYSTEM (THE "SYSTEM") OF THE CITY OF FARMINGTON, NEW MEXICO (THE "CITY"); PROVIDING FOR THE ISSUANCE OF THE CITY OF FARMINGTON, NEW MEXICO ELECTRIC UTILITY IMPROVEMENT REVENUE BONDS, SERIES 2023, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$40,000,000 FOR THE EXTENSION, ENLARGEMENT, BETTERMENT, REPAIR AND OTHER IMPROVEMENT OF THE SYSTEM; PROVIDING FOR THE DISPOSITION OF THE REVENUES DERIVED FROM THE OPERATION OF THE SYSTEM INCLUDING THE PAYMENT OF DEBT SERVICE ON SYSTEM BONDS; PROVIDING FOR, OR THE METHOD OF DETERMINING, THE FORM, TERMS, REDEMPTION, PURCHASE, PAYMENT, EXECUTION AND OTHER PROVISIONS OF AND CONCERNING SYSTEM BONDS, AND THE SECURITY THEREFOR; PROVIDING FOR DISCLOSURE DOCUMENTS AND OTHER DOCUMENTS RELATING TO SYSTEM

BONDS; PROVIDING OTHER DETAILS CONCERNING SYSTEM REVENUES, SYSTEM BONDS AND THE SYSTEM; AND RATIFYING ACTION PREVIOUSLY TAKEN.

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers that Ordinance No. 2023-1342 be passed and adopted. The roll was called with the following result:

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

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2023-1342 was duly passed and adopted.

BUSINESS FROM THE FLOOR

Appreciation of the City's efforts regarding the Electric Utility System

Patricio Sanchez, 3004 Espacio Street, stated that he sincerely appreciates the City's efforts regarding the financial assistance to the Electric Utility System authorized earlier tonight and he emphasized that these actions will benefit everyone in the community.

Noting that Mr. Sanchez is a member of the Public Utility Commission ("PUC"), Mayor Duckett relayed that he has received calls from several PUC Commissioners supporting the actions Council took previously tonight to assist the Electric Utility System's rate payers.

CLOSED MEETING

A motion was made by Councilor Rodgers, seconded by Councilor Sharer to close the meeting to discuss request for proposals for Community Development Block Grant (CDBG) Cares Act Funding (CDBG-CV) public service projects and requests for qualification-based proposals for electrical engineering services, pursuant to Section 10-15-1(H)(6) NMSA 1978. The roll was called with the following result:

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

Those voting nay: None

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

The Mayor convened the closed meeting at 6:37 p.m. with all members of the Council being present.

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

The open meeting was reconvened by the Mayor at 6:46 p.m. with all members of the Council being present.

REQUEST FOR PROPOSALS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CARES ACT FUNDING (CDBG-CV) PUBLIC SERVICE PROJECTS

Chief Procurement Officer Jennifer Harbour announced that proposals for the Community Development Block Grant ("CDBG") Cares Act Funding ("CDBG-CV") for public service projects opened on January 12, 2023 with six offerors participating and noted that presentations from the five offerors meeting the CDBG-CV funding requirements were held before the Council on January 24, 2023. She reported that \$239,522.71 is available from CDBG-CV funds and noted that the service providers have requested a total of \$212,010.

Following brief discussion, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to award funds to all five qualified public service providers (\$49,010 to Childhaven; \$15,000 to Convicted by Christ; \$68,000 to Navajo United Methodist Center; \$40,000 to People Assisting the Homeless; and \$40,000 to San Juan County Partnership), and upon voice vote the motion carried unanimously.

REQUEST FOR QUALIFICATION-BASED PROPOSALS/ELECTRICAL ENGINEERING SERVICES FOR FARMINGTON ELECTRIC UTILITY SYSTEM

Chief Procurement Officer Jennifer Harbour reported that qualification-based proposals for electrical engineering services for Farmington Electric Utility System opened on September 29, 2022 with six offerors participating. She recommended that the proposal be awarded to Cross Canyon Engineering, LLC as the top evaluated firm.

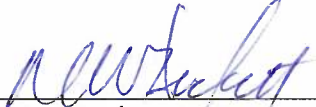
Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to award the qualification-based proposal for electrical engineering services for Farmington Electric Utility System to Cross Canyon Engineering, LLC, as recommended by the Chief Procurement Officer, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to adjourn the meeting at 6:51 p.m., and upon voice vote the motion carried unanimously.

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

Approved this 28th day of February, 2023.

Entered in the permanent record book this 1st day of March, 2023.



Nate Duckett, Mayor

SEAL

ATTEST:



Andrea Jones, City Clerk