

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, April 11, 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
DEPUTY CITY ATTORNEY	Russel Frost
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 Bryan Corley of Day3Church.

Part-Time Municipal Judge Robert Miller 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 March 21, 2023 and the minutes of the Regular Meeting of the City Council held March 28, 2023.

\*ADOPTION OF RESOLUTION NO. 2023-1892 approving the Wildflower Parkway Resurfacing project (South Browning Parkway to Yarrow Trail) and requesting funds from the New Mexico Department of Transportation's FY2024 Transportation Project Funds (TPF) for such project.

\*ADOPTION OF RESOLUTION NO. 2023-1893 approving Phase II of the San Juan Boulevard Pavement Resurfacing project (Sullivan Avenue to East Main Street) and requesting funds from the New Mexico Department of Transportation's FY2024 Transportation Project Funds (TPF) for such project.

\*ADOPTION OF RESOLUTION NO. 2023-1894 requesting a time extension from the New Mexico Department of Transportation for the Foothills Drive Enhancement project (Phase III).

\*WARRANTS PAYABLE for the time period of March 26, 2023 through April 8, 2023, for current and prior years, in the amount of \$6,932,490.25.

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
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

PRESENTATION/NO MINOR SALE

Utilizing a PowerPoint presentation, student advocates Anthony Cruz, Talen Becenti and Cadence Yazzie explained that No Minor Sale is an educational and advocacy campaign trying to reduce the illegal sale of flavored nicotine products to New Mexico youth. They reported that the campaign objectives are to increase awareness, generate strong concern statewide and build support for nicotine flavor restrictions and they each discussed why they care about protecting youth from the dangers of nicotine products. Noting that electronic vapor product use continues to rise, they provided statistical information regarding e-cigarette use, flavored tobacco product use and menthol cigarette use and they pointed out that because of preemption, local governments do not have the control to pass certain tobacco policies for their communities. Concluding their presentation, they emphasized that they are requesting local support to help repeal tobacco preemption to pave the way for restricting the sale of flavored nicotine products at local levels and they provided local elected official support cards for the Council's consideration.

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. PP 22-66 from Mike Hamilton of Mesa Vista Development Inc., represented by Scott Martin of Sakura Engineering, requesting preliminary plan approval for Mesa Vista Subdivision No. 8, Replat A, a 26-lot subdivision on 7.05 acres located at the eastern terminus of Wildflower Mesa Drive in the MF-M, Multi-Family Medium Density, District, subject to:
  - (a) all technical corrections to the plat and construction drawings, including drainage and those issues noted in the staff report, being finalized and approved prior to submission of the final plat;
  - (b) the final plat showing the east extension of Wildflower Mesa Drive connecting to Andrea Drive;
  - (c) a revised subdivision agreement being required to include previously obligated access connection to Andrea Drive; and
  - (d) no building permits being approved for Mesa Vista Subdivision No. 8, Replat A on the lots along the west side of Lily Street until the Final Plat is approved.
  
- \* (2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Works Action Summary to approve Petition No. ZC 23-11 from Mariposa Properties LLC, represented by Bryan McCarty, requesting a zone change from the MF-L, Multi-Family Low Density, District to the MF-M, Multi-Family Medium Density, District for 1.0 acre of property located at 1041 Schofield Lane to allow for the development of four 2-story 4-plex apartment buildings, subject to:
  - (a) a fully dimensioned site plan being submitted with the building permit indicating all parking dimensions, aisle widths, landscaping and lighting and the site being developed in general conformance to the approved site plan;
  - (b) the development of the sidewalk along Schofield Lane will be in the City's right-of-way; and
  - (c) the petitioner contacting Tres Rios Habitat for Humanity or other suitable organizations to repurpose any materials or supplies.

- \* (3) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Works Action Summary to approve Petition No. SUP 23-14 from Starbucks, represented by Scooter Haynes and Julia Maccini, requesting a Special Use Permit to allow for a drive-through window on 0.75 acres of property located at 505 East 20<sup>th</sup> Street in the LNC, Local Neighborhood Commercial, District.

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

#### APPOINTMENT TO THE ADMINISTRATIVE REVIEW BOARD

Mayor Duckett asked the Council's consideration of the appointment of Paul Martin (term to October 2024) as a member of the Administrative Review Board.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to confirm the appointment of Paul Martin as a member of the Administrative Review Board, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

#### APPOINTMENT TO THE PUBLIC UTILITY COMMISSION

Mayor Duckett asked the Council's consideration of the appointment of George Sharpe (Alternate) (term to October 2024) as a member of the Public Utility Commission.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to confirm the appointment of George Sharpe as a member of the Public Utility Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

#### CITY MANAGER BUSINESS

##### Shaded Patio at Piñon Hills Golf Course

Utilizing a PowerPoint presentation, Deputy City Manager Julie Baird reported that the current patio area, which is primarily utilized for tournament awards, was not included in the original scope of work or approximately \$9 million budget for the upgrades and renovations of Piñon Hills Golf Course ("PHGC"). She stated that staff, the project manager and the architect have developed two possible design concepts for an upgraded shaded patio area and explained that staff is seeking direction and possible selection of the preferred design concept and authorization to engage the community to seek funding sponsorships. Ms. Baird provided images of the current patio area and pointed out that it provides some screening of the maintenance area located next to it. She presented the design renderings for Concept One which includes a decorative metal shade covering, patio seating and string lighting and Concept Two which utilizes fabric shading and support beams along with patio seating and string lighting. Concluding her presentation, Ms. Baird noted that the design cost for either concept is approximately \$50,000 and the conservative estimate to construct Concept One is \$400,000 and Concept Two is \$300,000 plus gross receipts tax. She announced that the PHGC grand opening is slated for May 5, 2023 and stated that staff would like to begin promoting the concept at that time.

Lengthy discussion ensued regarding the estimated construction costs, potential sponsorship types and promotion of the design.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to approve the design phase of Concept One and to direct staff to develop a sponsorship program for Council's consideration to fund the construction of the shaded patio, and upon voice vote the motion carried unanimously.

#### CITY ATTORNEY BUSINESS

Deputy City Attorney Russel Frost requested permission to publish notice of intent to adopt a proposed ordinance authorizing a loan and subsidy agreement with the New Mexico Finance Authority to upgrade and retrofit the City's water treatment plant. The title of such ordinance being:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT ("LOAN AGREEMENT") BY AND BETWEEN THE CITY OF FARMINGTON, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY ("FINANCE AUTHORITY"), IN THE TOTAL AMOUNT OF FIFTEEN MILLION DOLLARS (\$15,000,000) ("LOAN") EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A MAXIMUM REPAYABLE PRINCIPAL AMOUNT OF NO MORE THAN SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$7,500,000), TOGETHER WITH INTEREST, AND ADMINISTRATIVE FEES FOR THE PURPOSE OF FINANCING THE COSTS OF UPGRADING AND RETROFITTING THE GOVERNMENTAL UNIT'S WATER TREATMENT PLANT ("PROJECT"), AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE LOAN SOLELY FROM THE NET REVENUES OF THE WATER UTILITY SYSTEM OF THE GOVERNMENTAL UNIT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.

City Manager Rob Mayes pointed out that the \$15 million loan includes 50 percent forgiveness, which reduces the City's obligation to \$7.5 million, and he reminded the Council that they previously adopted the resolution approving the submission of the loan application, noting that the ordinance is the next step in the funding process.

Community Works Director David Sypher briefly reviewed the project and Administrative Services Director Teresa Emrich confirmed that the loan will be for 30 years with a 0.25 percent interest rate.

Following brief discussion, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to direct staff to publish notice of intent to consider adoption of the proposed ordinance, as presented, in accordance with State Statutes. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Janine Bingham-Kelly Janis Jakino
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

#### CLOSED MEETING

A motion was made by Councilor Rodgers, seconded by Councilor Sharer to close the meeting to discuss request for proposals for the operation and maintenance of the City's water and wastewater plants, collection and distribution system and maintenance of selected storm water and irrigation system components and request for qualification-based proposals for professional design services for a therapy pool, pursuant to Section 10-15-1H(6) NMSA 1978; and to discuss disposition of real property (Vine Street), pursuant to Section 10-15-1H(8) NMSA 1978. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Jeanine Bingham-Kelly Janis Jakino
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 6:53 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 7:02 p.m. with all members of the Council being present.

REQUEST FOR PROPOSALS/OPERATION AND MAINTENANCE OF THE CITY'S WATER AND WASTEWATER PLANTS, COLLECTION AND DISTRIBUTION SYSTEM AND MAINTENANCE OF SELECTED STORM WATER AND IRRIGATION SYSTEM COMPONENTS

Chief Procurement Officer Jennifer Harbour announced that proposals for operation and maintenance of the City's water and wastewater plants, collection and distribution system and maintenance of selected stormwater and irrigation system components (Community Works) opened on December 15, 2022 with three offerors participating. She recommended that the proposal be awarded to Jacobs as the top evaluated firm after application of preferences contingent upon successful contract negotiations.

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to award the proposal for operation and maintenance of the City's water and wastewater plants, collection and distribution system and maintenance of selected stormwater and irrigation system components to Jacobs, as recommended by the Chief Procurement Officer, and upon voice vote the motion carried unanimously.

REQUEST FOR QUALIFICATION-BASED PROPOSALS/PROFESSIONAL DESIGN SERVICES FOR A THERAPY POOL

Chief Procurement Officer Jennifer Harbour reported that qualification-based proposals for professional design services for a therapy pool (Parks, Recreation and Cultural Affairs) opened on March 9, 2023 with two offerors participating. She recommended that staff be directed to commence negotiations with FBT Architects as the top evaluated firm after application of preferences.

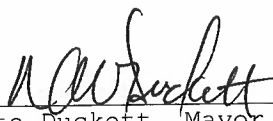
Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to direct staff to commence negotiations on the qualification-based proposal for professional design services for a therapy pool with FBT Architects, as recommended by the Chief Procurement Officer, and upon voice vote the 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 7:06 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 25<sup>th</sup> day of April, 2023.

Entered in the permanent record book this 26<sup>th</sup> day of April, 2023.

  
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 Nate Duckett, Mayor

SEAL

ATTEST:

  
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 Andrea Jones, City Clerk