

Regular Meeting of the City Council, City of Farmington, New Mexico, held virtually using Zoom at <https://us02web.zoom.us/j/87161232127> at 6:00 p.m. on Tuesday, September 8, 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 Jeanine Bingham-Kelly Janis Jakino
ABSENT	Sean E. Sharer, Councilor

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:

The invocation was offered by Pastor Brian Adams of Riverstone Church.

Councilor Bingham-Kelly 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 Work Session of the City Council held August 18, 2020 and the minutes of the Regular Meeting of the City Council held August 25, 2020.

\*BID: The Acting Chief Procurement Officer recommended that the bid for purchase of circuit breakers for Animas Substation (Electric) be awarded to Western United Electric Supply on its low bid of \$636,168 after application of five percent in-state preferences. Bids opened August 18, 2020 with three bidders participating.

\*PURCHASE AGREEMENT between the City and Shirlee E. Riley Trust for purchase by the City of approximately 13.48 acres of land located in Section 18, Township 30 North, Range 12 West for the purpose of providing recreation, education and open space (purchase price \$250,000).

\*WARRANTS PAYABLE for the time period of August 23, 2020 through September 5, 2020, for current and prior years, in the amount of \$6,369,423.66.

City Manager Rob Mayes announced that staff has requested that the purchase agreement between the City and Shirlee E. Riley Trust be removed from tonight's agenda.

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

Those voting aye:	Linda G. Rodgers Jeanine Bingham-Kelly Janis Jakino
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Those voting nay: None  
 Those absent: Sean E. Sharer

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

LETTER OF SUPPORT/TECHSOURCE, NAVAJO TECHNICAL UNIVERSITY AND NAAT'ÁANII DEVELOPMENT CORPORATION COALITION/U.S. DEPARTMENT OF ENERGY GRANT

Mayor Duckett announced that TechSource's Business Development Manager Bill Redmond is not in attendance at tonight's meeting to provide this presentation. In Mr. Redmond's place, Mayor Duckett reported that he provided a letter of support on behalf of the City for TechSource, Navajo Technical University and Naat'áanii Development Corporation Coalitions' application for funding through a U.S. Department of Energy grant and he provided a brief overview of the grant. He pointed out that this grant is the first step of many but contended that any funding recognized to further the development of a rare earth metals economy in the region is worthwhile.

Councilor Jakino thanked Mayor Duckett for providing the letter of support on behalf of the City.

#### CITY MANAGER BUSINESS

##### Acknowledgement of Approval of the City's FY21 Budget

At the request of City Manager Rob Mayes, the Council acknowledged that the Department of Finance and Administration has approved the City's Fiscal Year 2021 budget as required by Section 6-6-5 of New Mexico State Statutes.

City Manager Rob Mayes presented and read by title Resolution No. 2020-1766 enacting a Stage 1 Water Shortage Advisory. The title of the resolution being:

A RESOLUTION ENACTING A STAGE 1 - WATER SHORTAGE ADVISORY TO BE IN EFFECT AND URGING ALL CITIZENS TO COMPLY WITH THE WATER USE RESTRICTIONS DESCRIBED IN THE RESOLUTION

Utilizing a Powerpoint presentation, Community Works Director David Sypher reviewed the drought management indicators by reporting that Farmington Lake is currently at 97.98 percent of capacity; snow pack for the Animas River Basin is at 72 percent of normal; the precipitation projection is approximately 33 percent below average; the Palmer Drought Index indicates moderate drought conditions; and that stream flows are 7 percent of normal. As a result, he announced that staff is recommending that a Stage 1 Water Shortage Advisory be declared even though most of the criteria is not met because of the poor precipitation forecast and the depleted stream flows. Mr. Sypher reviewed Stages 2 through 4 and stated that the Council, in consultation with the City Manager, will determine when each stage is enacted based on the drought management criteria. He also reviewed the fees for violation of the four stages, noting that Stage 1 violations do not have a monetary fee and he answered various questions of the Council.

Mayor Duckett pointed out that if this advisory is declared, citizens will be asked to voluntarily reduce their water consumption by 10 percent; restrict lawn watering to between the hours of 6:00 p.m. and 10:00 a.m.; only be provided drinking water in restaurants if it is requested; and refrain from filling swimming pools or washing concrete surfaces along with various other restrictions. Responding to the Mayor's inquiry, Mr. Sypher stated that if the advisory is enacted, staff will post the information on Red Apple Transit buses, the City's website and on social media in an effort to "spread the word."

At the Mayor's request, Mr. Sypher reviewed the status of the water test being performed on the San Juan River and provided statistical data on the City's available water rights. In addition, he confirmed that the water pumped from the San Juan River will be sent to Water Treatment Plant No. 1 and stated that usage of this water source will offset the usage from Lake Farmington in an effort to replenish it to full capacity.



Following brief discussion, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to approve Resolution No. 2020-1766, as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Jeanine Bingham-Kelly Janis Jakino
Those voting nay:	None
Those absent:	Sean E. Sharer

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2020-1766 was duly passed and adopted.

#### CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell requested that staff be directed to publish notice of intent to consider adoption of a proposed ordinance amending Section 23-2-7 of the City Code to provide for an increase in residential and commercial charges for sanitation service. The title of such ordinance being:

#### AN ORDINANCE AMENDING SECTION 23-2-7 OF THE FARMINGTON CITY CODE ESTABLISHING RESIDENTIAL AND COMMERCIAL CHARGES FOR SANITATION SERVICE

Providing opening remarks, Community Works Director David Sypher announced that this annual ordinance is required as part of the contract with Waste Management to account for annual CPI (Consumer Price Index), fuel and landfill rate adjustments. He briefly reviewed the terms of the extended contract and he introduced Waste Management's ("WM") New Mexico Manager of Public Sector Solutions Dan Darnell.

Utilizing a PowerPoint presentation, Mr. Darnell thanked the City for the opportunity to serve the community and he proudly announced that WM achieved a 99.93 percent service success rate in 2019. He reviewed the terms of the extended four-year agreement, noting that this year's annual rate adjustment will increase 2.4 percent CPI and 3.1 percent for landfill service and he reported that moving forward, the annual rate adjustment will be calculated at 100 percent of CPI (previously calculated at 75 percent CPI) and without a fuel or landfill increase. In regards to the state of the recycling industry, Mr. Darnell reported that approximately 63.4 percent of households within Farmington are participating in single stream recycling and stated that the diversion rate of recyclable materials from the landfill averages 6.2 percent. He discussed the challenging economics facing the recycling industry and he explained that the biggest challenge facing single stream recycling is contamination, noting that reducing contamination helps curtail recycling costs. Mr. Darnell discussed the process once the recyclables reach the Friedman material recovery facility ("MRF") in Albuquerque for processing and he reported that the Friedman MRF's 2019 pricing structure of \$63.77 per ton remains the same and announced that Farmington's contamination rate has decreased from 20 to 13 percent. Concluding the presentation, he reviewed the "WM At Your Door Collection Services" program that allows for disposal of household hazardous waste and electronic waste from a customer's home and he answered various questions from the Council.

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

Those voting aye:	Linda G. Rodgers Jeanine Bingham-Kelly Janis Jakino
Those voting nay:	None
Those absent:	Sean E. Sharer

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



## CLOSED MEETING

A motion was made by Councilor Jakino, seconded by Councilor Rodgers to close the meeting to discuss request for proposals for the Community Development Block Grant (CDBG) 2020 Annual Action Plan for public service projects, pursuant to Section 10-15-1H(6) NMSA 1978; and to receive advice from the City's legal counsel regarding a matter of pending litigation (City of Farmington et al. vs. New Mexico Department of Taxation and Revenue), pursuant to Section 10-15-1H(7) NMSA 1978. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Jeanine Bingham-Kelly Janis Jakino
Those voting nay:	None
Those absent:	Sean E. Sharer

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

The Mayor convened the closed meeting at 7:13 p.m. with Councilors Rodgers, Bingham-Kelly and Jakino being present.

Following the closed meeting, during which meeting the matters discussed were limited only to those specified in the motion for closure, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to open the meeting for further business. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Jeanine Bingham-Kelly Janis Jakino
Those voting nay:	None
Those absent:	Sean E. Sharer

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

The open meeting was reconvened by the Mayor at 7:29 p.m. with Councilors Rodgers, Bingham-Kelly and Jakino being present.

REQUEST FOR PROPOSALS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
2020 ANNUAL ACTION PLAN PUBLIC SERVICE PROJECTS

Acting Chief Procurement Officer Rosalyn Potter announced that proposals for the Community Development Block Grant ("CDBG") 2020 Annual Action Plan for public service projects opened on August 6, 2020 with 12 offerors participating and noted that presentations were held before the Council on August 25, 2020. She reported that \$58,569.30 is available from CDBG funds and an additional \$50,000 is being contributed from the General Fund for a total of \$108,569.30, noting that the service providers have requested a total of \$194,044.

Referring to a handout entitled, "Pending CDBG and City Funds Proposals," Assistant City Manager Julie Baird announced that staff has identified funding sources to award the full amounts requested by the public service providers. She reported that the requests from Family Crisis Center, Navajo United Methodist Center, People Assisting the Homeless (PATH) and San Juan County Partnership, Inc. address shelter and homelessness and pointed out that this qualifies them for CDBG Covid-19 CARES Act funds. Ms. Baird stated that it is staff's recommendation to award the full amounts requested from the remaining public service providers using CDBG 2020 Annual Action Plan and General Fund monies tonight and to award the CDBG Covid-19 CARES Act funding to those qualified public service providers at the September 15, 2020 City Council Work Session.

Following further discussion, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to award \$15,000 to Big Brothers Big Sisters; \$15,000 to Convicted by Christ; \$5,200 to ECHO Inc.; \$7,000 to Masada House, Inc.; \$15,000 to Northwest NM Seniors; \$10,000 to Presbyterian Medical Services, Roundtree; \$10,000 to Presbyterian Medical



Services, Shield; and \$15,000 to Sexual Assault Services of NM. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Jeanine Bingham-Kelly Janis Jakino
Those voting nay:	None
Those absent:	Sean E. Sharer

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

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 7:40 p.m. The roll was called with the following result:

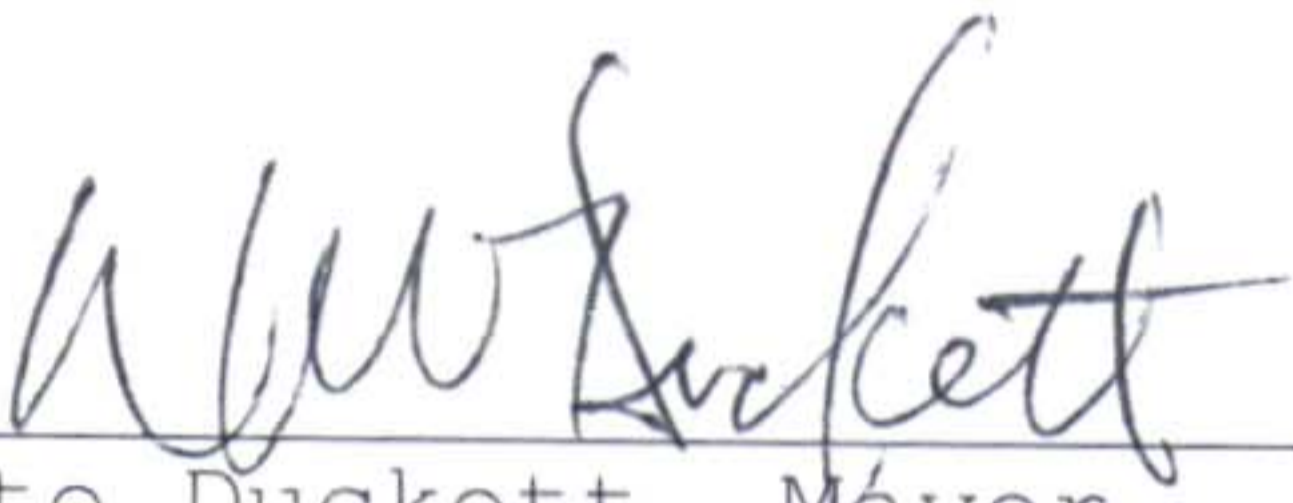
Those voting aye:	Linda G. Rodgers Jeanine Bingham-Kelly Janis Jakino
Those voting nay:	None
Those absent:	Sean E. Sharer

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

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

Approved this 22<sup>nd</sup> day of September, 2020.

Entered in the permanent record book this 23<sup>rd</sup> day of September, 2020.

  
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Nate Duckett, Mayor

SEAL

ATTEST:

  
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Andrea Jones, City Clerk