

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 5:00 p.m. on Tuesday, September 26, 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 PRO TEM	Sean E. Sharer
COUNCILORS	Linda G. Rodgers Jeanine Bingham-Kelly Janis Jakino
ABSENT	Nate Duckett, Mayor

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 Pro Tem. Thereupon the following proceedings were duly had and taken:

INVOCATION: The invocation was offered by Brother Kirby Mortenson of the Church of Jesus Christ of Latter Day Saints.

Councilor Rodgers led the Pledge of Allegiance.

BUSINESS FROM THE FLOOR

Successful Infant Surrender via a Safe Haven Baby Box in Hobbs, New Mexico

Noting that he previously promised to keep the Council informed, Bryan Crawford, 6200 Sand Avenue, happily announced that a baby boy was safely and successfully surrendered in a safe haven baby box located in Hobbs, New Mexico on Saturday, September 23, 2023.

CONSENT AGENDA: The Mayor Pro Tem 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 in regular order.

*MINUTES: The minutes of the Regular Meeting of the City Council held September 12, 2023.

*BID: The Acting Chief Procurement Officer recommended that the bid for linen rentals for the Civic Center (Parks, Recreation and Cultural Affairs) be awarded to Aramark Uniform Services as the sole bid of \$25,590.75 is fair and reasonable and meets specifications. Bids opened August 29, 2023.

*ADOPTION OF RESOLUTION NO. 2023-1923 authorizing the Farmington Electric Utility System to enter into a guaranty agreement with Southwest Power Pool.

*ADOPTION OF RESOLUTION NO. 2023-1924 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the Lead and Copper Project.

Councilor Jakino requested that Electric Utility Director Hank Adair briefly provide some background information regarding proposed Resolution No. 2023-1923. At her request, Mr. Adair reported that the

Farmington Electric Utility System ("FEUS") does not generate enough power to meet demand and therefore must purchase power on the market. He stated that the purchase power market is volatile and explained that energy imbalance service allows for diverse loads and generation resources which lead to more economic and reliable power. Mr. Adair pointed out that Southwest Power Pool has demonstrated success with the Western Energy Imbalance Service ("WEIS") and noted that FEUS consultants, The Brattle Group, have projected up to \$5 million in savings from joining the WEIS market which will be passed on to FEUS customers. In addition, City Manager Rob Mayes announced that an in-depth presentation was provided to Council at the September 19, 2023 City Council Work Session and that the Public Utility Commission unanimously recommended approval to Council of joining the WEIS market at their August 9, 2023 meeting.

Thereupon, a motion was made by Councilor Jakino, 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.

SAN JUAN COUNTY DWI PROGRAM

Utilizing a PowerPoint presentation, Jennifer Mitchell, Administrator for the San Juan County Alternative Sentencing Division, explained that the program is a collaboration between the behavioral health, criminal justice and intervention services and noted that the vision of the program is to be "a catalyst for life change among criminal offenders in San Juan County." She referred to the Jail-Based Treatment Service ("JBT") as a "gem" because it blends criminal justice with the behavioral health system for the purpose of treating individuals with substance abuse. She provided background information on the program which was started in the mid '90's as a mandatory 28-day jail sentence for conviction of a first DWI (driving while intoxicated) offense. Noting that five years after the program was started, the University of New Mexico Center on Alcoholism, Substance Abuse and Addictions (CASAA-UNM) conducted a multi-year study on the outcomes of the program, Ms. Mitchell proudly reported that the conclusion is that there is a 17 percent difference in the recidivism rate amongst those clients who received program assistance and those who did not. She pointed out that statistics show that 17 percent is twice as high as what other DWI prevention programs reflect and she reported that Harold Delaney, a professor of psychology at the University of New Mexico stated that, "It's clear that the worst thing we can do for a drunk driver...is arrest them and not convict them." Ms. Mitchell displayed pictures of the minimum security facility and stated that the offenders are housed dorm-style and monitored 24 hours a day/7 days a week by clinical security specialists. She reported that the Community Reinforcement Approach (CRA) is the comprehensive behavioral program being used, noting that it incorporates social, recreational, familial and vocational reinforcement to encourage recovery. Ms. Mitchell explained that goal-setting and personal action planning are a critical part of the program along with relapse prevention, health/nutrition education, financial planning and refusal skills. Furthermore, she noted that the case management portion of the program begins upon discharge from JBT and lasts for up to one year. She stated that during this time, offenders are required to complete court-ordered or counselor-referred outpatient counseling along with random alcohol/substance testing and home visits. In closing, Ms. Mitchell provided a snapshot of the DWI program in Fiscal Year 2023, noting that of the 356 offenders who were sentenced, 283 completed the program. In addition, she noted that the majority of the offenders are sentenced by Municipal Court (60 percent) with a small portion (30 percent) being sentenced by Magistrate Court. She also reviewed the primary revenue sources for the alternative sentencing program and noted that JBT results in a cost savings to the City of \$1,063 per inmate when compared to the costs of incarceration at the Adult Detention Center.

Responding to questions from the Council, Ms. Mitchell stated that she does not believe the number of DWIs are down; she briefly explained that various circumstances prevent those sentenced from being admitted into the program; and she reported that due to a shortage of staff the typical daily census is 30-45 individuals even though bed space capacity is 85.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Community Works Director David Sypher 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. He 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 23-60 from Helen and Orlando Maestas, represented by Gary Maestas, requesting a zone change from the SF-7, Single Family Residential, District to the GC, General Commercial to allow for commercial development on 0.132 acres of vacant property located at 4201-1/2 Hudson Street, subject to future commercial development complying with section 5.10 (Residential Protection) of the Unified Development Code.
- * (2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Works Action Summary to approve Petition No. ZC 23-62 from El Rancho Holdings LLC, represented by Mike Atchison, requesting a zone change from the OP, Office Professional, District to the GC, General Commercial, District to allow for a kennel and dog grooming business to be located on 0.66 acres at 900 West Pinon Street, subject to future commercial development complying with Article 5 (Development Standards) of the Unified Development Code.
- * (3) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Works Action Summary to approve Petition No. SUP 23-63 from Mothers Meds LLC, doing business as Lava Leaf Organics and represented by Tony Martinez, requesting a Special Use Permit to allow for cannabis manufacturing and production at 5100 East Main Street #105 in the GC, General Commercial, District, subject to:
 - (a) a building and fire inspection being required; and
 - (b) the Special Use Permit being valid for five years.

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

The following recommendation from the Planning and Zoning Commission was also presented:

- (4) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Works Action Summary to approve Petition No. ZC 23-59 from Elivra Chavez, represented by Hilda Hawbecker, requesting a zone change from the SF-7, Single-Family Residential, District to the GC, General Commercial, District to allow for commercial development on 0.8 acres at 4205 Hudson Street, subject to future commercial development complying with Article 5 (Development Standards) of the Unified Development Code.

At the advice of City Attorney Jennifer Breakell, Mayor Pro Tem Sharer announced that tonight's consideration of Petition No. ZC 23-59 will not be conducted as a quasi-judicial hearing since there was no response to his call for those in opposition of the petition. In addition, he pointed out that the Council has had the opportunity to review the Action Summary contained within the agenda material and

suggested that Council forego staff's presentation. There was no objection from the Council.

Thereupon, a motion was made by Councilor Jakino, seconded by Councilor Rodger to adopt the recommendation from the Planning and Zoning Commission to approve Petition No. ZC 23-59 and grant a zone change from the SF-7, Single-Family Residential, District to the GC, General Commercial, District to allow for commercial development on 0.8 acres at 4205 Hudson Street, subject to future commercial development complying with Article 5 (Development Standards) of the Unified Development Code, as recommended by staff and the Planning and Zoning Commission, and upon voice vote the motion carried unanimously.

METROPOLITAN REDEVELOPMENT AREA INCENTIVE REQUEST/515 INVESTMENTS

Economic Development Director Warren Unsicker recommended approval of a request from 515 Investments for up to \$250,000 from the Community Transformation and Economic Diversification ("CTED") Fund for the purpose of renovating the parking lot at 515 East Main Street within the Metropolitan Redevelopment Area ("MRA"). He reported that 515 Investments intends to completely renovate the 11,000+ square foot facility to operate a family-friendly dance hall and entertainment venue. Mr. Unsicker reported that they plan to invest \$1.8 million in total renovation costs and project to generate approximately \$39,450 (increasing 12 percent annually) in gross receipts tax ("GRT") revenue annually along with \$59,175 generated in construction GRT revenue from the overall renovation. Furthermore, he noted that the facility will employ 20+ staff members (both full and part time) and will create daytime population at the gateway of the MRA. Mr. Unsicker noted that 515 Investments requested \$270,000 but that staff recommends up to \$250,000 based on the scope of the project, the projected five-year ROI (return on investment) and the low percentage of the total investment into the property. He reported that the Metropolitan Redevelopment Agency Commission unanimously approved this request on September 19, 2023 and he stood for questions.

Mayor Pro Tem Sharer expressed his appreciation of the project and announced that he believes the entire incentive request of \$270,000 should be awarded.

Following discussion, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to approve the full incentive request from 515 Investments for \$270,000 from the CTED Fund for renovation of the parking lot at 515 East Main Street located within the Metropolitan Redevelopment Area, and upon voice vote the motion carried unanimously.

OUTDOOR RECREATION INDUSTRY INITIATIVE SPONSORSHIP (ORII) PROGRAM/FARMINGTON AREA SINGLE TRACK

Economic Development Director Warren Unsicker recommended approval of a funding request from Farmington Area Single Track ("FAST") for \$10,000 from the Community Transformation and Economic Diversification ("CTED") Fund as part of the Outdoor Recreation Industry Initiative ("ORII") Sponsorship Program for the purpose of assisting the development of their youth mountain biking classes and community ride events.

Following brief discussion, a motion was made by Councilor Jakino, seconded by Councilor Rodgers to approve the funding request from Farmington Area Single Track for \$10,000 from the CTED Fund as part of the ORII Sponsorship Program for assisting the development of their youth mountain biking classes and community ride events, and upon voice vote the motion carried unanimously.

REAPPOINTMENT TO THE METROPOLITAN REDEVELOPMENT AGENCY COMMISSION

In Mayor Duckett's absence, Mayor Pro Tem asked the Council's consideration of the reappointment of Elizabeth McNally (term to September, 2028) as a member of the Metropolitan Redevelopment Agency Commission.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to confirm the reappointment of Elizabeth McNally as a member of the Metropolitan Redevelopment Agency Commission, as recommended by the Mayor and Mayor Pro Tem, and upon voice vote the motion carried unanimously.

REAPPOINTMENTS TO THE PARKS, RECREATION AND CULTURAL AFFAIRS
COMMISSION

In Mayor Duckett's absence, Mayor Pro Tem asked the Council's consideration of the reappointments of Ryan Davis, George Golombowski and Carla Stimac (terms to September, 2026) as members of the Parks, Recreation and Cultural Affairs Commission.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to confirm the reappointments of Ryan Davis, George Golombowski and Carla Stimac as members of the Parks, Recreation and Cultural Affairs Commission, as recommended by the Mayor and Mayor Pro Tem, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Commendation of the Police Department

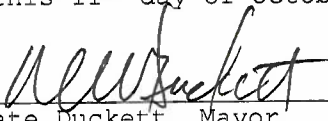
Councilor Rodgers commended the Police Department for their recent "crackdown" on speeding and street racing offenders.

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 5:54 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 10th day of October, 2023.

Entered in the permanent record book this 11th day of October, 2023.



Nate Duckett, Mayor

SEAL

ATTEST:



Andrea Jones, City Clerk