

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, November 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	Sean E. Sharer Jeanine Bingham-Kelly Janis Jakino
PRESENT BY ELECTRONIC MEANS (ZOOM) PURSUANT TO RESOLUTION NO. 2013-1483	Linda G. Rodgers, Councilor

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 President Yaanibaa Collins of the Church of Jesus Christ of Latter Day Saints.

City Clerk Andrea Jones 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 Work Session of the City Council held October 17, 2023 and the minutes of the Regular Meeting of the City Council held October 24, 2023.

*BID: The Acting Chief Procurement Officer recommended that the bid for a multi-term contract for aluminum street light poles (Electric) be awarded to the lowest and best bidder per line item after application of the Resident Business preference (Line Items 1 and 3 - Border States Electrical Supply, \$30,030.40; Line Item 2 - Consolidated Electrical Distributing, \$27,326.40). Bids opened November 7, 2023 with three bidders participating.

*WARRANTS PAYABLE for the time period of October 8, 2023 through November 11, 2023, for current and prior years, in the amount of \$19,368,070.19.

Thereupon, a motion was made by Councilor Sharer, 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.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Community Works Director David Sypher requested that the Planning and Zoning Commission recommendation 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 the 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. SUP 23-73 from Anna Johnson, represented by Sharon Glover, requesting a Special Use Permit to allow for commercial cannabis cultivation on 0.91 acres of property located at 421 B East Broadway Avenue in the IND, Industrial, District, subject to:

- (a) a State license being obtained;
- (b) a building/fire inspection being required;
- (c) a business registration being required;
- (d) a building permit being required for any interior modifications; and
- (d) the Special Use Permit being valid for five years.

There being no requests to remove the item, a motion was made by Councilor Sharer, 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 recommendations from the Planning and Zoning Commission were also presented:

- (2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Works Action Summary to approve Petition No. CV 23-74 from Anna Johnson, represented by Sharon Glover, requesting a cannabis variance to allow for commercial cannabis cultivation on 0.91 acres of property located at 421 B East Broadway in the IND, Industrial, District, within 300 feet of an existing cannabis facility, subject to approval of the Special Use Permit to allow for commercial cannabis cultivation (Petition No. SUP 23-73).

At the advice of City Attorney Jennifer Breakell, Mayor Duckett announced that tonight's consideration of Petition No. CV 23-74 will not be conducted as a quasi-judicial hearing since there was no response to his call for those in opposition of the petition.

Utilizing a PowerPoint presentation, Long Range Planner Colby Gibson stated that the petitioner is requesting a cannabis waiver from the City's 300-foot distance requirement from another cannabis facility to allow for commercial cannabis cultivation at 421 B East Broadway in the IND, Industrial, District. Mr. Gibson provided the zoning map along with the current cannabis facilities map and he pointed out that the actual distance from the existing cannabis facility to the subject property is 284 feet property line to property line, noting that the actual building is located 150 feet south of Broadway. He reviewed staff's variance criteria analysis and announced that staff recommended approval of the petition subject to approval of a Special Use Permit to allow for commercial cannabis cultivation (Petition No. SUP 23-73) which was previously approved on tonight's Planning and Zoning ("P&Z") Commission Consent Agenda. Mr. Gibson announced that no public input or opposition has been received to-date and he relayed that the P&Z Commission recommended approval of Petition No. CV 23-74 on a 4-1 vote at their hearing on October 26, 2023 subject to approval of Petition No. SUP 23-73, noting that the nay vote was in opposition to the lack of consistency with the Unified Development Code's 300-foot distance requirement and not the proposed cannabis use.

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Bingham-Kelly to adopt the recommendation from the Planning and Zoning Commission to approve Petition No. CV 23-74 and grant a cannabis variance to allow commercial cannabis cultivation on 0.91 acres of property located at 421 B East Broadway in the IND, Industrial, District, within 300 feet of an existing cannabis facility, subject to approval of

the Special Use Permit to allow for commercial cannabis cultivation (Petition No. SUP 23-73), as recommended. The roll was called with the following result:

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

Those voting nay: Janis Jakino

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

COUNCIL BUSINESS

Regular Local Election Results

Mayor Duckett congratulated Councilors Bingham-Kelly and Jakino and Judges Miller and Frey on retaining their seats following the Regular Local Election held on November 7, 2023. Councilors Jakino and Sharer congratulated Mayor Duckett on retaining his mayoral seat.

Congratulations to the Piedra Vista High School Football Team

Mayor Duckett congratulated the Piedra Vista High School football team for their success so far in the State championships, noting they will be playing at Artesia this weekend in the semi-finals.

Artwork in Downtown

In response to the Mayor's inquiry, Deputy City Manager Julie Baird confirmed that staff will schedule a discussion at a future Council meeting regarding the potential purchase of artwork currently on display in the Downtown.

Repaving of East Main Street

Mayor Duckett thanked District Manager Tom Taylor and the New Mexico Department of Transportation for repaving critical portions of East Main Street. Councilor Jakino echoed his comments and expressed her appreciation to the community for their patience during the repaving process.

Commendation of City Staff

Councilor Sharer commended City staff for their dedicated efforts to the community and he thanked them for continually making the Council "look good" when resolving constituent concerns.

Recognition of Parks, Recreation and Cultural Affairs Staff

Mayor Duckett recognized the Parks, Recreation and Cultural Affairs staff for installing the beautiful Christmas decorations and light displays throughout the community. He encouraged everyone to visit the Civic Center and Downtown to view the festive light displays and create lasting holiday memories.

CITY MANAGER BUSINESS

Survival: The Exhibition

Assistant Director of Cultural Affairs and Marketing Christa Chapman announced that the Farmington Museum Foundation has graciously donated approximately \$150,000 to bring *Survival: The Exhibition* to the Farmington Museum. She displayed a promotional video of the exhibit and she explained that it will provide practical, real-world and science-based techniques for survival situations in conjunction with extensive outdoor recreation education and programming opportunities. Ms. Chapman reviewed the nine zones of the exhibit, noting the adventure zone is only available to those who are at least 49" tall and she highlighted the potential local programming partners. Concluding the presentation, she reported that the exhibit will be available February 3 through May 4, 2024 and she answered various questions from the Council.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell requested permission to publish notice of intent to adopt a proposed ordinance dealing with charges for sanitation service. The title of such ordinance being:

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

At the Mayor's request, Community Works Director David Sypher briefly reviewed the proposed changes and he announced that this is the contractual annual CPI (Consumer Price Index) rate adjustment.

Following discussion, a motion was made by Councilor Sharer, seconded by Councilor Jakino 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
-------------------	--

Those voting nay:	None
-------------------	------

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

Ms. Breakell also requested permission to publish notice of intent to adopt a proposed ordinance eliminating certain commissions. The title of such ordinance being:

AN ORDINANCE ELIMINATING CERTAIN COMMISSIONS WITHIN THE CITY.

Following brief discussion, a motion was made by Councilor Sharer, seconded by Councilor Jakino 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
-------------------	--

Those voting nay:	None
-------------------	------

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 Sharer, seconded by Councilor Bingham-Kelly to close the meeting to discuss request for qualification-based proposals for engineering services for a whitewater wave and Farmington Ditch extension project, pursuant to Section 10-15-1(H)(6) NMSA 1978; and to receive advice from the City's legal counsel regarding a matter of threatened or pending litigation (alleged trademark infringement), pursuant to Section 10-15-1H(7) 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 5:35 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 Sharer, seconded by Councilor Rodgers to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 5:49 p.m. with all members of the Council being present.

REQUEST FOR QUALIFICATION-BASED PROPOSALS/ENGINEERING SERVICES FOR
A WHITEWATER WAVE AND FARMINGTON DITCH EXTENSION PROJECT

Acting Chief Procurement Officer Jennifer Rowland announced that qualification-based proposals for engineering services for a whitewater wave and Farmington Ditch extension project (Parks, Recreation and Cultural Affairs) opened on October 11, 2023 with one offeror participating. She recommended that the proposal be awarded to Southwest River Engineering as the sole proposal is deemed to be advantageous and in the best interest of the City contingent upon execution of an agreement.

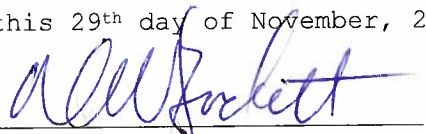
Thereupon, a motion was made by Councilor Jakino, seconded by Councilor Sharer to award the qualification-based proposal for engineering services for a whitewater wave and Farmington Ditch extension project to Southwest River Engineering, as recommended by the Action Chief Procurement Officer, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, a motion was made by Councilor Sharer, 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 28th day of November, 2023.

Entered in the permanent record book this 29th day of November, 2023.


Nate Duckett, Mayor

SEAL

ATTEST:


Andrea Jones, City Clerk