

**CITY OF FARMINGTON
CITY COUNCIL WORK SESSION AGENDA
April 5, 2011 – 9:00 a.m.**

DEPARTMENT HEAD REPORTS

1. Bid for purchase of padmount switchgear (Eddie Smylie)

Action Requested of Council:

Approve recommendation for award.

Background/Rationale:

Bids opened March 29, 2011 with four bidders participating.

Staff Recommendation:

Award the bid for purchase of padmount switchgear (Electric Utility) to Stuart C. Irby as the lowest and best bidder after application of five percent in-state preference (\$80,722).

Instructions Upon Approval:

Issue purchase order.

2. Introduction of proposed General Fund Cash Reserve Policy (Andy Mason)

Action Requested of Council:

Discuss proposed policy.

Background/Rationale:

A cash reserve policy for the General Fund will assist with improved financial management.

Instructions Upon Approval:

Staff will draft a resolution adopting the General Fund Cash Reserve Policy for Council consideration.

Budgetary Impact:

Future excess General Fund cash reserves could potentially fund one-time expenditures.

3. Discussion of and direction to staff on the use of broadband high-speed internet (Bob Campbell and Nick Lewis)

Action Requested of Council:

Authorize staff to contract with a consultant to evaluate and determine how to best utilize City-owned "dark fiber".

Background/Rationale:

The City has built a sufficient number of fiber optic strands that could be made available for use by other organizations. The "dark" (or unused) fiber could potentially improve business and other economic development opportunities in the community.

Staff Recommendation:

Authorize staff to hire a consultant to evaluate and determine the best options for the use of "dark fiber".

Instructions Upon Approval:

Authorize the City Manager to sign a consulting agreement.

Budgetary Impact:

The proposed consulting agreement will be less than \$50,000.

4. Proposed ordinance amending certain sections of the Unified Development Code defining and providing use standards for private, non-profit entity producers of medical cannabis (Jay Burnham)

Action Requested of Council:

Grant permission to publish Notice of Proposed Ordinance.

Background/Rationale:

The Unified Development Code Implementation Committee ("UDCIC") has recommended amendments to the Unified Development Code ("UDC") that are described as the "January 14, 2011, UDC Implementation Committee Recommended Changes." The changes add a new Section 2.4.65 to the UDC dealing with Private Non-Profit Entity Producers of Medical Cannabis. In 2007 the State of New Mexico passed the "Lynn and Erin Compassionate Use Act" allowing the medical use of cannabis (marijuana). The New Mexico State Department of Health regulates medical cannabis licensed non-profit producers, and all patients participating in the program must be licensed through the New Mexico State Medical Cannabis Program's Advisory Board. It is recommended that a new section be added to the UDC to require all private non-profit entity producers of medical cannabis to be licensed and supervised in accordance with the

provisions of the New Mexico State Department of Health and the "Lynn and Erin Compassionate Use Act." The Act regulates the production of medical marijuana in New Mexico. The Act pre-empts cities from banning the production and use of medical marijuana by qualified, licensed individuals and private non-profit entities. However, the City Attorney's Office has advised that a city may zone production by private non-profit entities, just as a city may zone other business uses. It is recommended that the ordinance place medical cannabis production by private non-profit entities in the Industrial (IND) and Planned Industrial Park (PIP) zones.

Instructions Upon Approval:

Proceed with publication of Notice of Proposed Ordinance with final action scheduled for April 26, 2011.

5. Consideration of a resolution establishing a policy regarding Council approval of contracts and leases (Jay Burnham) **[Tabled at the March 1, 2011 and the March 15, 2011 City Council Work Sessions]**

Action Requested of Council:

Consider adopting the proposed resolution.

Background/Rationale:

In order to be consistent and to provide staff with direction on what agreements, contracts and leases require Council approval and which can be approved administratively, it is necessary to adopt a policy specifically stating which documents need to go to Council for approval.

Staff Recommendation:

Adopt resolution.

Instructions Upon Approval:

Implement policy.

COUNCIL AND OTHER BUSINESS

CLOSED MEETING

6. To discuss acquisition/disposition of real property (intergovernmental exchange for mutual benefit); disposition of real property managed by the Parks, Recreation and Cultural Affairs Department not currently being used for City purposes; and a limited personnel matter (City Manager evaluation).

AGENDA ITEM SUPPORT MATERIALS ARE AVAILABLE FOR INSPECTION AND/OR PURCHASE AT THE OFFICE OF THE CITY CLERK, 800 MUNICIPAL DRIVE, FARMINGTON, NEW MEXICO.

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 599-1106 or 599-1101 prior to the meeting so that arrangements can be made.