AGENDA

... for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m.,
Tuesday, September 24, 2019 in the Council Chamber, City Hall, 800 Municipal Drive,
Farmington, New Mexico...

1. Roll Call and Convening the Meeting;

2. Invocation: Pastor Eva Yanes of Crossroads Community Church.

3. Pledge of Allegiance:

4. Acceptance of Consent Agenda: Those items on the agenda that are marked with
an asterisk (*) have been placed on the Consent Agenda and will be voted on
without discussion with one motion. If any item proposed does not meet with
approval of all Councilors or if a citizen so requests, that item will be heard under
Business from the Floor.

5. *Approval of Minutes for:
   (a) the Regular Meeting of the City Council held September 10, 2019;
   and-----------------------------------------------------------------------------------7
   (b) the Regular Work Session of the City Council held September 17,
   2019. -----------------------------------------------------------------------8

6. *Approval of Bid for transmission structures for Cottonwood Substation (Electric)
   being awarded to Klute, Inc. as the sole bid is fair and reasonable and in
   the best interest of the City ($413,653.49). Bids opened September 17,
   2019. ---------------------------------------------------------------------1

7. *Approval of Intergovernmental Agreement for Animal Care and Control between
   the City and San Juan County for operation of an animal care facility and
   services, including but not limited to, spay and neuter, adoption, rescue,
   transportation and disposal services for San Juan County animals. ---------2

8. *Approval of Warrants up to and including September 21, 2019.

9. Recommendation from the Planning and Zoning Commission: -------------------3

Acceptance of Consent Agenda: The item marked with an asterisk (*) has been
placed on the Planning and Zoning Commission Consent Agenda and will be
voted on with one motion without discussion. If the item does not meet with
approval of all Councilors or if a citizen so requests, that item will 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 Development Division
Petition Report to approve Petition No. ZC 19-75 from Donna Brimhall,
represented by Sakura Engineering & Surveying, requesting a zone
change from the SF-10, Single-Family Residential, District to the GC, General Commercial, District for vacant property located at 6610 East Main Street, subject to:

(a) the property owner constructing 5-foot wide sidewalks along the property boundary upon development of a commercial use on the property;
(b) all commercial development complying with the supplemental drainage requirements of Section 5.7.3 of the Unified Development Code ("UDC");
(c) the property owner complying with any additional non-residential standards of the City Code and the UDC; and
(d) the property owner obtaining an updated highway access permit from the New Mexico Department of Transportation to allow access for a second business at the shared access point prior to obtaining a building permit.

The recommendation of the Planning and Zoning Commission passed by a vote of 6-1 on September 12, 2019. (Beth Escobar)

10. **Recommendation from the Public Utility Commission** for approval of the installation locations of four public dual port and one utility use single port electric vehicle charging stations and the charging station usage rate of $1.25 per hour. (Hank Adair) ------------------------------------------4

11. **New Business:**

(a) Mayor

   (1) Reappointments to the Metropolitan Redevelopment Agency Commission and the Parks, Recreation and Cultural Affairs Commission.

(b) Councilors

(c) City Manager

   (1) **Acknowledgement** of the Department of Finance and Administration's approval of the City's Fiscal Year 2020 Budget, as required by Section 6-6-5 of New Mexico State Statutes. ---------------5

(d) City Attorney

   (1) **Proposed Ordinance** – Discussion -authorizing the City of Farmington ("Borrower") to enter into a loan agreement with the New Mexico Environment Department ("NMED") for the purpose of obtaining project loan funds in the principal amount of $2,000,000 plus 2.375 percent accrued interest; designating the use of the funds for the purpose defined in the most current project description form as approved by NMED; declaring the necessity for the loan; providing that the loan will be payable
and collectible solely from the Borrower’s pledged revenues; prescribing other details concerning the loan and the security for that purpose (Final Action October 8, 2019)-----------------------------6

(e)  City Clerk

12.  Business from the Floor:

(1)  Items removed from Consent Agenda for discussion.

(2)  Any other Business from the Floor.


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.
CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Duckett and City Council

FROM: Kristi Benson, CPPO, CPPB
       Chief Procurement Officer

DATE: September 19, 2019

SUBJECT: Transmission Structures for Cottonwood Substation, Bid #20-133622

USING DEPARTMENT: Electric Utility

A bid opening was held on September 17, 2019 for Transmission Structures for Cottonwood Substation. One bidder responded.

The Central Purchasing Department concurs with the recommendation from the Electric Utility to award the bid to Klute, Inc. from York, NE, as submitting the only responsive bid which is considered to be fair and reasonable meeting specifications for a total awarded amount of $413,653.49. The single response documentation memo is attached. The bidder did not qualify for the In-State or Veterans Preference.

Kristi Benson (Presenter)
Consent Agenda/Council Meeting/September 24, 2019

Copy to:
Teresa Emrich, Administrative Services Director
Hank Adair, Electric Utility Director
John Armenta, Electric Engineering Manager

File – 20-133622
CITY OF FARMINGTON
CENTRAL PURCHASING
INTER-OFFICE MEMORANDUM

TO: Transmission Structures for Cottonwood Substation, #20-133622
FROM: Emily Milne, Buyer II
DATE: 9/19/2019
SUBJECT: Single Response Documentation

56 Companies were notified of this solicitation.

The following firms were contacted regarding this solicitation and requested information regarding their decision not to respond to the above bid.

Their decision was based on the following:

(1) McKinley Sales Company, Chuck McKinley: Falcon Steel America was sold to a new company and was unable to get a quote together. Galvanizers had an extremely long lead-time so they did not bid.

(2) Border States Electric Supply, Robert Williams: Did not get information back from Manufacturer before bid opening.

(3) Western United Electric, Bob Martini: They received a no bid from their manufacturer, Valmont.

(4) Wesco Utility, Mark Baragary: Fell through the cracks on their end. I added another user on their account in our electronic bidding system per Wesco request.

xc: Kristi Benson, CPPO CPPB, Chief Procurement Officer

(KEB/EM)
<table>
<thead>
<tr>
<th>Event Number</th>
<th>20-133622 Addendum 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Event Title</td>
<td>Transmission Structures for Cottonwood Substation</td>
</tr>
<tr>
<td>Event Description</td>
<td>The City of Farmington (City) is requesting Bids from suppliers (Bidders) for transmission structures for our</td>
</tr>
<tr>
<td>Event Type</td>
<td>Bid</td>
</tr>
<tr>
<td>Issue Date</td>
<td>9/3/2019 09:24:29 AM (MT)</td>
</tr>
<tr>
<td>Close Date</td>
<td>9/17/2019 02:00:00 PM (MT)</td>
</tr>
<tr>
<td>Responding Supplier</td>
<td>Klute Inc. Steel Fabrication</td>
</tr>
<tr>
<td>City</td>
<td>York</td>
</tr>
<tr>
<td>State</td>
<td>NE</td>
</tr>
<tr>
<td>Items</td>
<td>Steel structures for Cottonwood Substation</td>
</tr>
<tr>
<td>Total Amount</td>
<td>$413,653.49</td>
</tr>
</tbody>
</table>

Organization: Farmington, NM Online Bidding System
Workgroup: Purchasing
Event Owner: Emily Milne
eamilne@fmtn.org
(505) 599-1370
<table>
<thead>
<tr>
<th>Line #</th>
<th>Description</th>
<th>Mfg</th>
<th>Mfgno</th>
<th>QTY</th>
<th>UOM</th>
<th>Estimated</th>
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<tbody>
<tr>
<td>1</td>
<td>100' CWAN 01, Weathering Steel Utility Pole, Dis-Tran Steel,</td>
<td></td>
<td></td>
<td>1</td>
<td>EA</td>
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<td>2</td>
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<td>1</td>
<td>EA</td>
<td>$15,364.21</td>
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<td>3</td>
<td>95' CWAN 03, Weathering Steel Utility Pole, Dis-Tran Steel,</td>
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<td>1</td>
<td>EA</td>
<td>$81,862.59</td>
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<td>4</td>
<td>95'CWAN 04 CWAN 05, Weathering Steel Ut Dis-Tran Steel,</td>
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<td>2</td>
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<td>5</td>
<td>90'CWAN 06 CWAN 07, Weathering Steel Ut Dis-Tran Steel,</td>
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<td>$38,435.57</td>
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<td>7</td>
<td>95'CWHM 02, Weathering Steel Utility Pole, Dis-Tran Steel,</td>
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<td>1</td>
<td>EA</td>
<td>$75,458.15</td>
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<tr>
<td>8</td>
<td>7.5' Davit Arm, Weathering Steel</td>
<td>Hughes Brothe C448-V7.5 A 5/9</td>
<td>EA</td>
<td></td>
<td>$735.72</td>
<td></td>
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<tr>
<td>9</td>
<td>5.0' Davit Arm, Weathering Steel</td>
<td>Hughes Brothe C448-V5.0 A 5/6</td>
<td>EA</td>
<td></td>
<td>$472.00</td>
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<tr>
<td>10</td>
<td>Shackles w/ Nut Pin</td>
<td>Hughes Brothe 2865.B3</td>
<td>80</td>
<td>EA</td>
<td>$82.20</td>
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<tr>
<td>11</td>
<td>Twisted Shackles w/ Nut Pin</td>
<td>Hughes Brothe 2866-A</td>
<td>6</td>
<td>EA</td>
<td>$82.20</td>
<td></td>
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<tr>
<td>12</td>
<td>500' #2 WIRE, COPPERWELD</td>
<td>COPPERWELD BIMETALLICS C2</td>
<td>EA</td>
<td></td>
<td>$1,375.00</td>
<td></td>
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<tr>
<td>13</td>
<td>ONE-SHOT WELD</td>
<td>NVent ERICO C GR116VPLUS</td>
<td>20</td>
<td>EA</td>
<td>$55.20</td>
<td></td>
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<tr>
<td>14</td>
<td>CADWELD CONTROL</td>
<td>NVent ERICO PBPLUSCU</td>
<td>1</td>
<td>EA</td>
<td>$680.00</td>
<td></td>
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**Klute Inc. Steel Fabrication**

<table>
<thead>
<tr>
<th>Total Price</th>
<th>$413,653.49</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Extented</strong></td>
<td></td>
</tr>
</tbody>
</table>
To: Mayor and Council

From: Shaña Reeves
Director of Parks, Recreation, and Cultural Affairs

Date: September 20, 2019

Subject: FY20 San Juan County Animal Care and Control Intergovernmental Agreement

Attached is the FY20 San Juan County Animal Care and Control Intergovernmental Agreement. While City Council approved the cost allocation numbers (page 3) in December of 2018, and it was also accepted and approved by the San Juan County Commission, it was recently brought to our attention that the agreement had not been formalized.

Acceptance and approval of the attached formalizes the FY20 agreement with San Juan County for Animal Services.
Animal Care and Control
Intergovernmental Agreement

This agreement is made and entered into this ______ of ____________, 2019 between the City of Farmington, a municipal corporation (City), and the County of San Juan, New Mexico (County) for the operation of an animal care facility and animal services, including but not limited to, spay and neuter, adoption, animal rescue, transportation and disposal services provided by the City for the County.

The parties also desire to work cooperatively on specific projects that are of mutual benefit to both entities in lieu of payment for services for the animal facility by the County.

IT IS THEREFORE AGREED AS FOLLOWS:

1. The shared cost of facility operations will be documented and provided to the County by November of each year, based on actual gross costs incurred through June of the previous fiscal year, and will be effective in July of the following year. The City will use the following equation to determine the actual costs:

   Shared costs of shelter operations as identified in Appendix A allocated by the percentage of domestic animals that originate outside the city limits of the City of Farmington.

2. City will provide this facility and services for domestic animals, including livestock, to the County. A County domestic animal or livestock originates in San Juan County and outside of the city limits of Farmington, Aztec, Bloomfield or Kirtland. The facility shall be operated pursuant to City of Farmington City Code, Chapter 6, Article

3. County Residents recovering or adopting animals from the Farmington Facility will be assessed fees in accordance with the current adopted fee schedule.

4. City shall provide the personnel required to properly staff the animal care facility. City of Farmington personnel policies shall be the controlling policy at the animal care facility.

5. From July 1, 2019, through June 30, 2020, the City shall bill the County a flat rate of $575,049.92 for the cost for domestic animals. The amount to be paid in quarterly installments.

6. Livestock will also be billed monthly for the actual animal care cost.

7. Animals on Court hold:
   a. Farmington Regional Animal Shelter personnel must receive a court order if an animal is to be held beyond ten (10) day rabies observation period.
   b. Holds beyond ten (10) days, regardless of case disposition, will be billed to the County (not animal owner) at the rate of $25.00 per day until final decision is reached.
   c. In the absence of a court order, animals will be held for the owner for seven (7) days beyond the ten (10) day rabies observation period. Animals remaining in the care of the Farmington facility beyond that period of time may be
adopted, placed in a rescue program or euthanized in compliance with established policies.

8. Payment shall be remitted to the City no later than the 10th day of the month following the monthly billing for services rendered.

9. There will be strict accountability of all receipts and distribution under this Agreement. For specific services or projects completed by the County for the City for the Farmington Regional Animal Shelter, a monetary value will be given, which shall be agreed upon by both entities. The County shall be credited on the monthly billing for those services completed.

10. The term of this Agreement for services provided, excluding the flat rate costs of domestic animal services and/or livestock services referred to in Paragraph 5, shall be indefinite. Each year the City will submit data to the County calculated using the formula stated in Section 7(b) of the Animal Shelter Intergovernmental Services Agreement dated May 27, 2014, between the City and the County. The terms of Paragraph 5 shall be subject to review by the parties annually to discuss issues of cost, and/or operational changes. This Agreement may be terminated upon thirty (30) day written notice by either of the parties to the other, except that the notice of termination shall not affect the validity of the performance of any contractors or subcontractors which were executed to effectuate the purpose of this Agreement.

11. Notwithstanding any other provision of this Agreement, it shall not become effective until executed and approved by their respective governing bodies.

City of Farmington

By: 
Nate Duckett
Mayor

San Juan County, New Mexico

By: 
Jack Fortner, Chairman
Board of County Commissioners

ATTEST:

City Clerk

ATTEST:

County Clerk

APPROVED AS TO FORM:

City Attorney

APPROVED AS TO FORM:

San Juan County Attorney

September 13, 2019
### FY2018 Totals (Actual) vs. FY2017

<table>
<thead>
<tr>
<th>Animal Intake</th>
<th>% of INTAKE</th>
<th>FY2017 ANIMAL INTAKE</th>
<th>FY2017 %</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY OF FARMINGTON*</td>
<td>3,141</td>
<td>51.77%</td>
<td>3,623</td>
</tr>
<tr>
<td>CITY OF AZTEC</td>
<td>47</td>
<td>0.71%</td>
<td>75</td>
</tr>
<tr>
<td>CITY OF BLOOMFIELD</td>
<td>80</td>
<td>1.29%</td>
<td>214</td>
</tr>
<tr>
<td>SAN JUAN COUNTY (Navajo Nation)</td>
<td>3,047</td>
<td>48.84%</td>
<td>2,933</td>
</tr>
<tr>
<td>TOWN OF KIRTLAND</td>
<td>52</td>
<td>0.84%</td>
<td>131</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,647</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>6,976</strong></td>
</tr>
</tbody>
</table>

*All animals of unknown or out of state origin are noted in the City of Farmington numbers.

### FY2018 Revenues (Actual) vs. FY2017 Revenues

<table>
<thead>
<tr>
<th>Description</th>
<th>FY2018</th>
<th>FY2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Shelter Donation</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>FRAS Concession</td>
<td>-</td>
<td>80</td>
</tr>
<tr>
<td>Impound Fees</td>
<td>26,650</td>
<td>15,755</td>
</tr>
<tr>
<td>Adoption Fees</td>
<td>161,882</td>
<td>136,177</td>
</tr>
<tr>
<td>Spay/Neuter Fees</td>
<td>19,915</td>
<td>18,215</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>208,502</td>
<td>174,220</td>
</tr>
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</table>

### FY2018 Expenditures (Actual) vs. FY2017 Expenditures

<table>
<thead>
<tr>
<th>Description</th>
<th>FY2018 Amount</th>
<th>FY2017 Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel - Regular Emp Wages</td>
<td>$ 471,782</td>
<td>$ 520,090</td>
</tr>
<tr>
<td>Personnel - Temp Emp Wages</td>
<td>256,979</td>
<td>240,196</td>
</tr>
<tr>
<td>Personnel - Overtime/Retirement</td>
<td>9,725</td>
<td>1,908</td>
</tr>
<tr>
<td>Benefits - Regular &amp; Temp Emp</td>
<td>203,397</td>
<td>203,868</td>
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<tr>
<td>Medical</td>
<td>54,638</td>
<td>67,234</td>
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<tr>
<td>Contract labor</td>
<td>28,202</td>
<td>12,956</td>
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<tr>
<td>Vaccine/Preventative</td>
<td>34,934</td>
<td>49,299</td>
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<tr>
<td>Natural Gas</td>
<td>6,907</td>
<td>8,715</td>
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<tr>
<td>E/W/S Utilities</td>
<td>44,518</td>
<td>35,568</td>
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<tr>
<td>Building Repair</td>
<td>5,691</td>
<td>2,185</td>
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<tr>
<td>Building Maint</td>
<td>-</td>
<td>6,422</td>
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<tr>
<td>Telephone</td>
<td>628</td>
<td>1,151</td>
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<tr>
<td>Postage</td>
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<td>215</td>
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<td>Travel</td>
<td>4,324</td>
<td>4,845</td>
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<td>Registration</td>
<td>2,017</td>
<td>4,029</td>
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<tr>
<td>Leases - Casier</td>
<td>6,882</td>
<td>5,511</td>
</tr>
<tr>
<td>Vehicle fuel/Fluids</td>
<td>5,794</td>
<td>4,511</td>
</tr>
<tr>
<td>Vehicle labor - outside</td>
<td>7,477</td>
<td>1,821</td>
</tr>
<tr>
<td>Vehicle parts - outside</td>
<td>213</td>
<td>1,079</td>
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<tr>
<td>Vehicle parts inside</td>
<td>572</td>
<td>289</td>
</tr>
<tr>
<td>Property &amp; Casualty Insurance</td>
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<td>-</td>
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<tr>
<td>Other equipment &lt;$5,000</td>
<td>5,224</td>
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</tr>
<tr>
<td>Hardware/Software</td>
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<td>Office Supplies</td>
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<td>Janitorial Supplies</td>
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<tr>
<td>Safety Supplies</td>
<td>950</td>
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<td>Surgical Supplies</td>
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<td>Bank Fees</td>
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<tr>
<td>Total Operational Costs</td>
<td>$ 1,312,497</td>
<td>$ 1,318,324</td>
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### Shared Costs

<table>
<thead>
<tr>
<th>Description</th>
<th>FY2018 Share</th>
<th>FY2017 Share</th>
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<tbody>
<tr>
<td>Supporting Departments Costs (CAP)</td>
<td>145,836</td>
<td>145,836</td>
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<tr>
<td>Parsa Admin Allocation</td>
<td>5,165</td>
<td>5,165</td>
</tr>
<tr>
<td>Total Shared Expenditures</td>
<td>1,462,968</td>
<td>1,540,321</td>
</tr>
<tr>
<td>Less Total Revenues</td>
<td>208,502</td>
<td>174,220</td>
</tr>
<tr>
<td>Net Shared Costs</td>
<td>$ 1,254,466</td>
<td>$ 1,364,144</td>
</tr>
</tbody>
</table>

County Share as per animal intake: $575,049.92 | County Share as per animal intake: $575,049.92 |
0% Subsidized by the City of Farmington | 6% Subsidized by the City of Farmington |
100% SJC share as per agreement: $575,049.92 | 100% SJC share as per agreement: $575,049.92 |

**Total San Juan County Share:** $1,338,324 | **Total San Juan County Share:** $1,338,324 |

**Total City of Farmington Share:** $174,920 | **Total City of Farmington Share:** $188,404 |

**County Share as per animal intake:** $575,049.92 | **County Share as per animal intake:** $575,049.92 |
**6% Subsidized by the City of Farmington:** $34,413 | **6% Subsidized by the City of Farmington:** $34,413 |
**100% SJC share as per agreement:** $575,049.92 | **100% SJC share as per agreement:** $575,049.92 |

**Total SJC Share:** $575,049.92 | **Total SJC Share:** $575,049.92 |

**Total Farmington Share:** $174,920 | **Total Farmington Share:** $188,404 |

**County Share:** $575,049.92 | **County Share:** $575,049.92 |
**6% Subsidized by the City of Farmington:** $34,413 | **6% Subsidized by the City of Farmington:** $34,413 |
**100% SJC share as per agreement:** $575,049.92 | **100% SJC share as per agreement:** $575,049.92 |

**Total SJC Share:** $575,049.92 | **Total SJC Share:** $575,049.92 |

**Total Farmington Share:** $174,920 | **Total Farmington Share:** $188,404 |
* **Adoption** of the Planning and Zoning Commission Action as contained within the Community Development Action Summary and **approval** of Petition ZC 19-75, a request from Donna Brimhall, represented by Sakura Engineering, for a zone change from SF-10, Single-family Residential, to GC, General Commercial for a vacant parcel located at 6610 E. Main Street subject to the following conditions/UDC requirements:

1) Upon development of a commercial use on the property, construction of 5-foot wide sidewalk along the property boundaries shall be required. (COF Unified Development Code (UDC) Section 6.4.8 and COF Ordinance Section 7-1-2).

2) All commercial development must comply with the supplemental drainage requirements of COF UDC Section 5.7.3.

3) Compliance with any additional non-residential standards set forth by the COF UDC and COF ordinance.

4) Prior to getting a building permit from the City, the property owner will need to get an updated highway access permit from NMDOT to allow access for a second business at the shared access point.

(Beth Escobar)

Recommendation of approval by the Planning and Zoning Commission on September 12, 2019 which passed by a vote of 6-1.
A. PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Donna D. Brimhall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Sakura Engineering</td>
</tr>
<tr>
<td>Date of Application</td>
<td>August 13, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>A zone change from SF-10, Single-family residential to GC, General Commercial District for a 1.14 acre vacant parcel located at the northeast corner of the intersection of Country Club Drive and E. Main Street.</td>
</tr>
<tr>
<td>Location</td>
<td>6610 E. Main Street R0021342</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Vacant and undeveloped</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>SF-10, Single-family Residential District</td>
</tr>
</tbody>
</table>
| Surrounding Zoning and Land Use | **North:** SF-10, Single-family Residential  
**West:** GC, General Commercial, existing Chiropractor Office  
**South:** GC, General Commercial and SF-7, Single-family Residential District/Residential |
| Notice            | Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, August 25, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday, August 21, 2019 and a sign was posted on Friday, August 30, 2019. |
| Staff Planner     | Beth Escobar, Planning Manager |

Project Description
The petitioner is requesting a zone change from the SF-10, Single-family Residential District to the GC, General Commercial for a vacant parcel located at the northeast corner of the intersection of Country Club Dr. and E Main Street. The subject property is approximately 1.14 acres. It is adjacent to a 1.10-acre parcel with an existing commercial office that can be accessed from Country Club Drive across the subject property.

No specific use is being proposed with this zone change request.
Farmington Comprehensive Plan
The Comprehensive Plan's 2020 Future Land Use Map recommends the subject area as "Commercial". The request for the zone change therefore complies with the recommendation in the Future Land Use map. In addition, the request is in line with the following Guidelines of the Comprehensive Plan:

Chapter 4 Land Use and Development
- Action 4.5.1: Concentrate new commercial development in clusters at major intersections and other appropriate locations as opposed to scattered and/or "strip" development.
- Action 4.5.5: Revise existing zoning districts and designations in the Unified Development Code to support and encourage viable commercial areas ...

Chapter 8 Economic Development
- Objective 8.2: Assure that there are adequate and appropriate sites for industrial and commercial business locations.

The zone change request is supported by Chapter 22 of the Municipal Code since it is located on a major commercial thoroughfare and the infrastructure is in place to support commercial development on this property.
STREET VIEW

The subject property abuts E. Main Street, a principal arterial road as identified in the 2012 Major Thoroughfare Plan

STAFF ANALYSIS

The UDC states that the City shall consider whether the proposed zoning and land use are compatible with the conforming zoning and land use of nearby properties and with the character of the neighborhood. Section 8.7.4 of the UDC outlines *Issues for consideration* in determining a proposed zone change as follows:

A. Is the proposed zoning consistent with the Farmington Comprehensive Plan?
The proposed zone change for the subject property is consistent with the Comprehensive Plan’s Chapter 4 Land Use Development, Chapter 8 Economic Development and the City’s Municipal Code Chapter 22 Economic Development Plan.

B. Is the proposed zoning and land use(s) compatible with the present zoning and conforming uses of nearby property and the character of the neighborhood?

The subject property is located on a busy intersection of Main Street and is adjacent to an existing office use. An additional commercial business on this corner should have minimal impact to the existing residential neighborhoods.

C. Will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?

The proposed zone change to GC-General Commercial should not have an adverse impact on the surrounding area. The subject property is located on a busy intersection along the main commercial road in the City.

There is a 40-foot alley access directly to the north of the subject property that is part of the Ellsworth Subdivision. This provides substantial buffering for the existing residential homes to the north.

The other nearest residential uses are across Country Club Drive to the east. Country Club Drive is approximately 65 feet in width.

D. Is the proposed density and intensity of use permitted in the proposed zoning district?

No specific use is being proposed with this zone change request. The property could support development of another professional office or retail store but is probably too small to be developed as more intense commercial use. The existing driveway from Country Club Drive that provides access to the property to the east would further restrict construction on this site.

The General Commercial District is intended to accommodate commercial uses. Permitted uses in the GC District include retail sales and services, professional offices, as well as more intense commercial uses such as gas stations and car washes.

E. Is the site physically suitable for development of uses and density permitted by the proposed zoning district?

The subject property is 1.14 acres and abuts a major arterial road with an existing traffic signal.

F. Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended by the applicant? Is the applicant willing to pay for the
extension of public facilities and services necessary to service the proposed development?

The subject property is vacant and undeveloped. The petitioner would be responsible to provide all the necessary infrastructure for the property.

G. Does the proposed change constitute “spot zoning” as defined in Article 11, definitions?

Article 11 defines “spot zoning” as “Where a particular tract within a larger area is specifically zoned so as to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of the Comprehensive Plan.”

The proposed zone change for the subject property is consistent with the Comprehensive Plan’s Chapter 4 Land Use Development, Chapter 8 Economic Development and the City’s Municipal Code Chapter 22 Economic Development Plan.

The requested zone change to GC is compatible with the character of the area along E. Main Street. It is not anticipated that the zone change will be detrimental to the surrounding neighborhood nor will it grant special privileges.

The intersection of East Main and Country Club Drive has a traffic signal. There is an existing off-site sign in the right-of-way west of the subject property as well as utility infrastructure along the western boundary of the property. The applicant J. W. Easley is requesting (1) a zone change from LNC, Local Neighborhood Commercial District to the MF-L, Multifamily Low Density District to allow for residential use on the property and (2) a variance request to reduce the street side yard setback for the existing structure from 20 feet to seven (7) feet to come into compliance with the Code for property located at 706 W. Apache Street.

STAFF CONCLUSION
Staff concludes the following is appropriate for ZC 19-75:

1) Approval for the zone change request. The proposal does not constitute spot zoning and would not adversely impact the area. Rezoning to General Commercial is consistent with sections of the Comprehensive Plan and the City’s Municipal Code Chapter 22 Economic Development Plan.

STAFF RECOMMENDATION
The Community Development Department recommends approval of Petition ZC 19-75, a request from Donna D. Brimhall for a zone change from the SF-10, Single-family Residential District to the GC, General Commercial District for a 1.14-acre property, Assessor’s Parcel ID R0021342, located at 6610 E. Main Street, subject to the following conditions/UDC requirements:
1) Approval for the zone change request, the proposal does not constitute a spot zone and would not adversely impact the area. The proposed zoning for this property is consistent with sections of the Comprehensive Plan and the City's Municipal Code Chapter 22 Economic Development Plan;

2) Upon development of a commercial use on the property, construction of 5-foot wide sidewalk along the property boundaries shall be required. (COF Unified Development Code (UDC) Section 6.4.8 and COF Ordinance Section 7-1-2).

3) All commercial development must comply with the supplemental drainage requirements of COF UDC Section 5.7.3.

4) Compliance with any additional non-residential standards set forth by the COF UDC and COF ordinance.

5) Prior to getting a building permit from the City, the property owner will need to get an updated highway access permit from NMDOT to allow access for a second business at the shared access point.

B. SUMMARY OF PUBLIC COMMENTS

Elliott Candelaria, 6705 E. Main Street, asked why the property had been zoned single-family. Mr. Martin said it should have been zoned GC. The single-family zoning was a mistake. Mr. Elliott asked if he could build a home on property abutting Main Street if it is zoned single-family. Ms. Escobar said he would have the right to build residential, but it would not be recommended as the best use of the property. Chair Cardon mentioned that property next to the highway that is zoned single-family could be rezoned to GC if the owner would like to change the zoning.

Andrea Yazzie, 5502 Country Club Drive, said she is concerned about the resale of her home and the traffic problems that may ensue if the property is zoned GC. Ms. Yazzie said she has spoken with the City Traffic Department and a traffic count has been implemented. Chair Cardon noted that anytime there is a residence near a major arterial, there would be traffic. The plan has always been to have commercial businesses along Main Street.

Angela Ward, 5501 Country Club Dr., asked if it was legal for the chiropractor's office to access his commercial property through the residential property. Commissioner Freeman mentioned that the chiropractor owns both properties. Ms. Ward said the access to the chiropractor's office increases the traffic flow on Country Club Drive in front of her house. She said any commercial business on the property would have to be accessed through Country Club Drive.

Ms. Ward said there is a water users association in the neighborhood that uses the pump house on that property. An 8-inch pipe underground goes across the property. She said 14 properties have access to that water. Commissioner Waldroup commented that the water line could also be an issue if the property remained single-family. He mentioned that a parking lot could be built over an easement. Ms. Ward asked if the petitioner's properties would be combined.

Ms. Ward asked if the residents would be able to address concerns when a developer proposes to develop the property. Mr. Martin said when development begins the issues will be addressed. Depending on the development, a traffic study
may have to be done. NMDOT will have jurisdiction during the development phase regarding access to the property.

C. FINDINGS OF THE PLANNING AND ZONING COMMISSION

On September 12, 2019, the Planning and Zoning commission held a public meeting for ZC 19-74 and made the following findings:

1. The petitioner is Donna Brimhall represented by Paul Martin with Sakura Engineering.
2. The property owner is Donna Brimhall.
3. The petitioner is requesting a zone change from the SF-10, Single-family Residential District to the GC, General Commercial for a vacant parcel located at the northeast corner of the intersection of Country Club Dr. and E Main Street. The subject property is approximately 1.14 acres. It is adjacent to a 1.10-acre parcel with an existing commercial office that can be accessed from Country Club Drive across the subject property.
4. There are no development plans associated with this petition.
5. The petitioner was present at the hearing.
6. The petitioner’s representative spoke in favor of the petition.
7. The rezone request is consistent with the 2002 Comprehensive Plan and Chapter 22 of the Municipal Code.
8. The proposal does not constitute ‘spot’ zoning do to the preponderance of commercial zoning along Main Street.
9. The Commission found that the request would not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor would it be substantially or permanently injurious to the neighboring property. The petition was approved with conditions.

Planning & Zoning Commission Action of Petition ZC 19-75 on September 12, 2019

A motion was made by Commissioner Freeman and seconded by Commissioner Waldroup to approve Petition ZC 19-75, a request from Donna Brimhall, represented by Sakura Engineering, for a zone change from SF-10, Single-family Residential, to GC, General Commercial for a 1.14-acre vacant parcel located at 6610 E. Main Street on the northeast corner of the intersection of Country Club Drive and E. Main Street, subject to the following conditions/UDC requirements:

1) Approval for the zone change request, the proposal does not constitute a spot zone and would not adversely impact the area. The proposed zoning for this property is consistent with sections of the Comprehensive Plan and the City’s Municipal Code Chapter 22 Economic Development Plan;
2) Upon development of a commercial use on the property, construction of 5-foot wide sidewalk along the property boundaries shall be required. (COF Unified Development Code (UDC) Section 6.4.8 and COF Ordinance Section 7-1-2).
3) All commercial development must comply with the supplemental drainage requirements of COF UDC Section 5.7.3.
4) Compliance with any additional non-residential standards set forth by the COF UDC and COF ordinance.

- 3.7 -
5) Prior to getting a building permit from the City, the property owner will need to get an updated highway access permit from NMDOT to allow access for a second business at the shared access point.

AYE: Chair Cardon, Commissioners Freeman, Mangum, Ragsdale, Sewell, and Waldroup.

NAY: Commissioner Smouse

Abstained: None

Absent: Commissioners Brown, Davis, Langenfeld, and Lockmiller.

Chair Cardon asked to have the Commissioners polled.

Commissioner Freeman said the request falls within the Comprehensive Plan for the City. Replatting and breaking up the properties is a good use of the area.

Commissioner Smouse said he would like to see a plan where the whole property is not zoned commercial. Perhaps the developer can provide an opportunity to the existing homeowners to retain their home value by retaining part of the property as residential.

Commissioner Waldroup said he sees this as an opportunity to correct a zoning issue that should have been made in the past.

Chair Cardon said the zoning is recommended in the Comprehensive Plan and the area should be unified as the property is next to an arterial road. The property is located along the main highway, which is generally zoned commercial.

Commissioner Sewell said the property should have been zoned commercial from the beginning. The rezoning meets the Comprehensive Plan's goals. The traffic issues may be complicated from what comes down Country Club Drive rather than traffic at that intersection.

Commissioner Ragsdale said it meets the Comprehensive Plan. Homeowners can make their concerns known when the property is developed and more is known as to how it will be developed.

Commissioner Mangum said it meets the City's long-term plan and commercial surrounds the area.

**Motion passed 6-1**
MEMO

To: Mayor Duckett and City Council  
From: Hank Adair Electric Utility Director  
Date: 9/19/2019  
Re: Electric Vehicle Charging Stations

As budgeted and approved for the 2020 fiscal year, FEUS presented the Public Utility Commission with the following recommended locations for the installation of four public dual port EV charging stations:

Location 1 North Allen parking lot (behind Browns Shoe Fit)  
Location 2 Farmington Gateway Museum / potential Iconic Park  
Location 3 Farmington Public Library  
Location 4 East Main Shopping Area

The Public Utility Commission, by consensus, recommended installation of the four public dual port EV charging stations at the following locations:

Location 1 North Allen parking lot (behind Browns Shoe Fit)  
Location 2 Farmington Gateway Museum  
Location 3 Farmington Public Library  
Location 4 Rocky Reach/Berg park area

A fifth EV charging station would be a single port station located at the MOC for utility use.

Staff recommended a rate of $1.25 per hour for the use of the charging stations and consensus of the Public Utility Commission was to recommend this $1.25 per hour rate to council.
Key points

- Recommendation for Approval and consensus by PUC to purchase five stations (1 internal/4 external) which were budgeted in the FEUS capital plan.
- Charging rate for use was recommended by staff to commission at $1.25/hr. This was approved by consensus at commission to recommend to council.
- The four external locations recommended by staff were locations 1-4 of the following slides. PUC recommendation for locations was 1, 2, 3, and 5 of the following slides. Staff remains with recommendation of sites #1-4.
Locations Proposed:

- Four External Locations Total Budgeted:
- Locations focusing destination areas and within the city limits. Places both locals and visitors might use.
- Majority on public property, only one location possibly private.
- Sites preliminarily set, detail work yet to be completed.

Location #1

- North Allen Parking Lot, Behind Browns Shoe Fit
- Dual location for Civic Center and Main Street project
- Public Parking lot
- Supports Downtown/Event Mindset
- Already Roughed in Electrical Installed
Location #2

- Farmington Museum. As well as the potential Iconic Park
- Location where people spend time
- Planned tie in of trail system at the location
- Dual benefit parking, shopping, trails location
- City Parking area

Location #3

- Farmington Public Library
- Location where people spend time
- City Property
- Restaurants/Theater/Library
Location #4

- East Main Shopping Area
- Benefits: Location where people spend time
- Movies, Shopping, Dining Locations
- Heavily trafficked area
- Private parking requiring agreements etc.
- Large area so likely one private party that will be interested
- Location will likely be bid through our procurement staff

Location #5

- Rocky Reach/Berg Park
- Location Destination
- Event location
- Access to Trails
- Located near hotels for overnight use
- City property
Charging Station Billing/Rate Discussion

- Fees analyzed using other locations in the region
- Very small amount session based, remainder are time based and by the hour
- Maximum Charge Rate of a Level 2 charger is 25 RPH (miles per range hour)
- The number of usages could affect the costing. Numbers have been seen of daily use to 3-5 times per month in area utilities
- Investment costs can be seen as consideration improving interest in EV purchase. Long term could be used to affect peak shaving with enough interest.

Financial Information

- Staff recommends a charging rate based on an hourly basis.
- Rate recommended was $1.25/hr to charge. PUC had consensus on recommending this rate.
- Overall investment is projected to be $15,000 per station and was budgeted as such in the FEUS capital plan.
- PUC approved recommendation to council to purchase the equipment and five year maintenance/services agreement.
- PUC was concerned of long term operational costs not being recovered by usage and would recommend that long term shortfalls be considered to be funded other than through the utility.
Final Recommendation for Approval

- FEUS is seeking approval of capital expense to install five electric vehicle charging stations. Inclusive of the five year service agreement is Chargepoint assure, and use of the commercial cloud plan for service report, payments, and updates.
- FEUS is seeking approval of the four preferred charging locations.
- FEUS is seeking approval of a charge use rate of $1.25/hr.
September 13, 2019

The Honorable Nate Duckett  
City of Farmington  
800 Municipal Drive  
Farmington, NM 87401

Dear Mayor Duckett:

This letter is to acknowledge that the City of Farmington has submitted its Resolution No. 2019-1727 showing governing body approval of the City’s final Fiscal Year 2018-2019 (4th Quarter) financial report.

On August 27, 2019 of final budget approval letter, the Division granted a “conditional certification” of the City of Farmington’s final Fiscal Year 2019-2020 budget due to failure of not submitting the required 4th Quarter Resolution. As the City of Farmington is now in compliance with the Department of Finance and Administration, Local Government Division (Division) submission requirements, the Division grants the City of Farmington’s Fiscal Year 2019-2020 final budget “full certification”.

The Division recommends that this change in budget approval status from “conditional certification” to “full certification” be made a part of the minutes of the next council meeting as stated in Section 6-6-5 NMSA 1978.

If you have any questions, please contact Anita Medina at (505) 827-4964, or Brenda Suazo-Giles at (505) 827-4977.

Sincerely,

Donnie J. Quintana, Director  
Local Government Division

xc: File
AUTHORIZING THE CITY OF FARMINGTON ("BORROWER") TO ENTER INTO A 
LOAN AGREEMENT WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT ("NMED") 
FOR THE PURPOSE OF OBTAINING PROJECT LOAN FUNDS IN THE PRINCIPAL 
AMOUNT OF $2,000,000.00 PLUS 2.375% ACCRUED INTEREST; DESIGNATING 
THE USE OF THE FUNDS FOR THE PURPOSE DEFINED IN THE MOST CURRENT 
PROJECT DESCRIPTION FORM AS APPROVED BY NMED; DECLARING THE 
NECESSITY FOR THE LOAN; PROVIDING THAT THE LOAN WILL BE PAYABLE AND 
COLLECTIBLE SOLELY FROM THE BORROWER'S PLEDGED REVENUES DEFINED 
BELOW; PRESCRIBING OTHER DETAILS CONCERNING THE LOAN AND THE 
SECURITY FOR THAT PURPOSE.

WHEREAS, The Borrower is a legally and regularly created public 
body organized under the general laws of the State of New Mexico 
("State"); and

WHEREAS, the Loan Agreement and Note will be payable solely from 
the Pledged Revenues; and

WHEREAS, the funds for this Project will include funds from a one-
time federal grant to the NMED from the Environmental Protection Agency 
("EPA"); and

WHEREAS, the Project is subject to specific requirements of the 
federal grant; and

WHEREAS, the Borrower has the following obligations outstanding to 
which the Pledged Revenues have already been pledged:

<table>
<thead>
<tr>
<th>Funding Source (e.g., Revenue Bond, NMED, NMFA, etc.) and Series# or Loan/Project #</th>
<th>Principal Amount Outstanding at 06/30/2019 (use the most current fiscal year end date)</th>
<th>Is the listed funding source superior, subordinate or on parity with this funding?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Series 2017 Refunding NMFA NMFA-RP17STR</td>
<td>$96,000</td>
<td>On Parity with this funding</td>
</tr>
<tr>
<td>2019 Paving Loan- NMFA PPRF-4946</td>
<td>$10,890,000</td>
<td>On Parity with this funding</td>
</tr>
</tbody>
</table>

WHEREAS, the Governing Body of the Borrower has determined that it 
is in the best interest of the Borrower to accept and enter into the Loan 
Agreement and to execute and to deliver the Note to the NMED.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE 
BORROWER:

Section 1. DEFINITIONS. As used in the Ordinance, the following terms 
shall have the meanings specified below, unless the context clearly 
requires otherwise (such meanings to be equally applicable to both the 
singular and the plural forms of the terms defined unless the plural form 
is separately defined):

ACT. The general laws of the State, including the Wastewater 
Facility Construction Loan Act at sections 74-6A-1 to 74-6A-15 NMSA 1978, 
as amended; enactments of the governing Body of the Borrower relating to 
the Note and the Loan Agreement made by resolution or ordinance, 
including this Ordinance; and the powers of the Borrower as a public body 
under authority given by the Constitution and Statutes of the State.
ANNUAL AUDIT or SINGLE AUDIT. Financial statements of the Borrower as of the end of each Fiscal Year, audited by an Auditor, consistent with the federal Single Audit Act and the State Auditor’s rules.

AUTHORIZED OFFICER. The Borrower’s mayor, chairperson, director or other officer or agent of the Borrower as designated by the Borrower’s Resolution Number 2019-1728 adopted by the governing body of the Borrower, as amended.

BORROWER. The entity requesting funds pursuant to the Act.

FISCAL YEAR. The twelve-month period commencing on the first day of July of each year and ending on the last day of June of the succeeding year, or any other twelve-month period which the Borrower hereafter may establish as the fiscal year or the System.

GOVERNING BODY OF THE BORROWER. Council.

LOAN. A loan of funds from NMED made pursuant to the Loan Agreement.

LOAN AGREEMENT. The loan agreement between the Borrower and the NMED, pursuant to which funds will be loaned to the Borrower to construct the Project and pay eligible costs relating thereto; and the final loan agreement which shall state the final amount the NMED loaned to the Borrower, which shall be executed upon completion of the Project and dated on the date of execution.

NMSA. New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented.

NOTE. The interim and final promissory notes issued by the Borrower to the NMED evidencing the obligation of the Borrower to the NMED incurred pursuant to the Ordinance and Loan Agreement.

OPERATION AND MAINTENANCE. All reasonable and necessary expenses of the System, paid or accrued, relating to operating, maintaining and repairing the System.

ORDINANCE. This Ordinance including amendments.

PARITY BONDS OR PARITY OBLIGATIONS. Revenue Bonds and other bonds or other obligations payable from the Pledged Revenues issued with a lien on the Pledged Revenues on parity with the bonds or obligations listed in this Ordinance.

PLEDGED REVENUES. Gross Receipts and/or Community Transformation and Economic Development Tax.

PROJECT. The most current NMED approved Project Description described on the Project Description Form on file with NMED.

PROJECT COMPLETION DATE. The date that operations of the completed works are initiated or capable of being initiated, whichever is earlier. This also applies to individual phases or segments.

REGULATIONS. Regulations promulgated by the Water Quality Control Commission at 20.7.5 NMAC and New Mexico Environment Department at 20.7.6-20.7.7 NMAC.

SUBORDINATE OBLIGATIONS. Other obligations payable from the Pledged Revenues issued with a lien on the Pledged Revenues subordinate to the lien of the Loan Agreement and Note as may be listed in this Ordinance.

Section 2. RATIFICATION. All action before now (not inconsistent with the provisions of the Ordinance) by the Board, the officers and employees of the Borrower, directed toward the Loan Agreement and the Note, is ratified, approved and confirmed as a result of this document.
Section 3. FINDINGS. The Governing Body of the Borrower declares that it has considered all relevant information and data and makes the following findings:

(A) The execution and delivery of the Loan Agreement and the Note pursuant to the Act to provide funds to finance the Project, is necessary and in the interest of the public health, safety, and welfare of the residents of the Borrower.

(B) The money available for the Project from all sources other than the Loan Agreement is not sufficient to pay when due the cost of the Project.

(C) The Pledged Revenues may lawfully be pledged to secure the payment of amounts due under the Loan Agreement and Note.

Section 4. AUTHORIZATION OF PROJECT. The acquisition and construction of the Project and payment eligible items as set forth in the Regulations from proceeds of the Loan Agreement and Note is hereby authorized at a cost not to exceed the principal Loan amount of $2,000,000.00 excluding any cost of the Project to be paid from any source other than the proceeds of the Loan Agreement and Note.

Section 5. AUTHORIZATION OF LOAN AGREEMENT.

(A) For the purpose of protecting the general welfare of the borrowing community it is hereby declared necessary that the Borrower execute and deliver the Loan Agreement and Note to be payable and collectible solely from the Pledged Revenues. The NMED has agreed to disburse the proceeds according to the terms of the Loan Agreement to the Borrower over the construction period of the Project. The principal loan amount of the Note shall not exceed the principal Loan amount of $2,000,000.00 without the adoption of another Ordinance amending the Ordinance by the Governing Body of the Borrower, and the annual interest rate on that principal amount shall not exceed 2.375% percent per annum. Interest shall be computed as a percentage per year on the outstanding principal amount on the Loan on the basis of a 365-day year, actual number of days lapsed. The final maturity date on the Note shall not extend beyond the agreed upon useful life of the project. The Loan shall be repaid in substantially equal annual installments in the amount and on the dates provided in the Loan Agreement with the first annual installment due no later than one year after completion of the project. The Borrower must maintain a debt service coverage ratio of no less than 1.2 and must obtain the written consent of the NMED before issuing additional obligations secured by the Pledged Revenues.

(B) If the Borrower fails to satisfy any federal grant requirements or conditions, the Borrower may be required to refund any federal grant funds disbursed to the Borrower from NMED.

(C) The form of the Loan Agreement and the Note are approved. The Mayor, Chair, Director, President is hereby authorized and directed to execute and deliver the Loan Agreement and the Note and any amendments to the Loan Agreement or Note to be executed after completion of the Project with such changes consistent with the Ordinance. The approval by an Authorized Officer of these documents in their final forms shall constitute conclusive evidence of their approval and compliance with this section.

(D) From the date of the initial execution and delivery of the Loan Agreement and the Note, Authorized Officers, agents and employees of the Borrower are authorized, empowered and directed to carry out such acts and to execute all such documents as may be necessary to comply with the provisions of this Ordinance, the Loan Agreement and the Note.

Section 6. SPECIAL LIMITED OBLIGATION. All Funds disbursed pursuant to the Loan Agreement and the Note shall be special limited obligations of the Borrower and shall be payable and collectible solely from the Pledged Revenues, which are irrevocably pledged as set forth in this Ordinance. The NMED may not look to any general or other fund for the payment on the Loan Agreement and the Note except the designated special funds pledged. The Loan Agreement and the Note shall not constitute indebtedness or debts within the meaning of any constitutional, charter or statutory provision or limitation, nor shall they be considered or be held to be
general obligations of the Borrower and shall recite that they are payable and collectible solely from the Pledged Revenues.

Section 7. OPERATION OF PROJECT. The Borrower shall operate and maintain the Project so that it will function properly over its structural and material design life.

Section 8. USE OF PROCEEDS. The NMED shall disburse Funds pursuant to the Loan Agreement for NMED approved costs incurred by the Borrower for the Project or to pay contractors or suppliers of materials for work performed on the Project as set forth in the Loan Agreement.

Section 9. APPLICATION OF REVENUES.

(A) OPERATION AND MAINTENANCE. So long as the Loan Agreement and the Note are outstanding, either as to principal or interest, or both, the Borrower shall pay for the operation and maintenance expenses of the System, approved indirect charges and any amounts for capital replacement and repair of the System as incurred.

(B) PARITY OBLIGATIONS AND OTHER APPROVED DEBT(S). The Borrower shall pay the principal, interest and administrative fees (if applicable) of parity obligations and other approved debts which are secured from the Pledged Revenues as scheduled.

(C) EQUITABLE AND RATABLE DISTRIBUTION. Obligations of the Borrower secured by the Pledged Revenues on parity with the Loan Agreement and the Note, from time to time outstanding, shall not be entitled to any priority one over the other in the application of the Pledged Revenues, regardless of the time or times of their issuance and creation.

(D) SUBORDINATE OBLIGATIONS. The Pledged Revenues used for the payment of Subordinate Obligations shall be applied first to the payment of the amounts due the Loan Agreement and the Note, including payments to be made to other obligations payable from the Pledged Revenues which have a lien on the Pledged Revenues on parity with the Loan Agreement and the Note.

Section 10. LIEN OF LOAN AGREEMENT AND NOTE. The Loan Agreement and the Note shall constitute irrevocable liens upon the Pledged Revenues with priorities on the Pledged Revenues as set forth in this Ordinance. The Borrower hereby pledges and grants a security interest in the Pledged Revenues for the payment of the Note and any other amounts owed by the Borrower to the NMED pursuant to the Loan Agreement.

Section 11. OTHER OBLIGATIONS. Nothing in the Ordinance shall be construed to prevent the Borrower from issuing bonds or other obligations payable from the Pledged Revenues and having a lien thereon subordinate to the liens of the Loan Agreement and the Note. The Borrower must obtain the written consent of the NMED before issuing additional obligations secured by the Pledged Revenues.

Section 12. DEFAULT. The following shall constitute an event of default under the Loan Agreement:

(A) The failure by the Borrower to pay the annual payment due on the repayment of the Loan set forth in the Loan Agreement and Note when due and payable either at maturity or otherwise; or

(B) Default by the Borrower in any of its covenants set forth under the Loan Agreement (other than a default described in the previous clause of this section) for 60 days after the NMED has given written notice to the Borrower specifying such default and requiring the same to be remedied.

UPON OCCURRENCE OF DEFAULT:

(A) The entire unpaid principal amount of the Interim and Final Promissory Note plus accrued interest and any fees thereon may be declared by the NMED to be immediately due and payable and the Borrower shall pay the amounts due under Note from the Pledged Revenues, either immediately or in the manner required by the NMED in its declaration, but only to the extent funds are available for payment of the Note. However, if insufficient funds are available for payment of the Note(s), the NMED
may require the Borrower to adjust the rates charged by the System to ensure repayment of the Note.

(B) If default by the Borrower is of covenants or conditions required under the federal grant, the Borrower may be required to refund the amount of the Loan disbursed to the Borrower from NMED.

(C) The NMED shall have no further obligation to make payments to the Borrower under the Loan Agreement.

Section 13. ENFORCEMENT; VENUE. The NMED retains the right to seek enforcement of the terms of the Loan Agreement. If the NMED and the Borrower do not reach agreement regarding disputes as to the terms and conditions of this Loan Agreement, such disputes are to be resolved promptly and expeditiously in the district court of Santa Fe County. The Borrower agrees that the district court for Santa Fe County shall have exclusive jurisdiction over the Borrower and the subject matter of this Loan Agreement and waives the right to challenge such jurisdiction.

Section 14. REMEDIES UPON DEFAULT. Upon the occurrence of any of the events of default as provided in the Loan Agreement or in this Ordinance, the NMED may proceed against the Borrower to protect and enforce its rights under the Ordinance by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained in the Ordinance for the enforcement of any proper legal or equitable remedy as the NMED may deem most effective to protect and enforce the rights provided above, or to enjoin any act or thing which may be unlawful or in violation of any right of the NMED, or to require the Borrower to act as if it were the trustee of an express trust, or any combination of such remedies. Each right or privilege of the NMED is in addition and cumulative to any other right or privilege under the Ordinance or the Loan Agreement and Noe and the exercise of any right or privilege by the NMED shall not be deemed a waiver of any other right or privilege.

Section 15. DUTIES UPON DEFAULT. Upon the occurrence of any of the events of default as provided in this Ordinance, the Borrower, in addition, will do and perform all proper acts on behalf of and for the NMED to protect and preserve the security created for the payment of the Note to ensure the payment on the Note promptly as the same become due. All proceeds derived from the System, so long as the Note is outstanding, shall be treated as revenues. If the Borrower fails or refuses to proceed as required by this Section, the NMED, after demand in writing, may proceed to protect and enforce the rights of the NMED as provided in the Ordinance and the Loan Agreement.

Section 16. TERMINATION. When all obligations under the Loan Agreement and Note have been paid, the Loan Agreement and Note shall terminate and the pledge, lien, and all other obligations of the Borrower under the Ordinance shall be discharged. The principal amount of the Note, or any part thereof, may be repaid at any time without penalty at the discretion of the Borrower and the prepayments of principal shall be applied as set forth in the Loan Agreement.

Section 17. AMENDMENT OF ORDINANCE. This Ordinance may be amended with the prior written consent of the NMED.

Section 18. ORDINANCE IRREPEALABLE. After the Loan Agreement and Note have been executed and delivered, the Ordinance shall be and remain irrepealable until the Note has been fully paid, terminated and discharged, as provided in the Ordinance.

Section 19. SEVERABILITY CLAUSE. If any section, paragraph, clause or provision of the Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of the Ordinance.

Section 20. REPEALER CLAUSE. All bylaws, orders, Ordinances and Ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be
construed to revive any bylaw, order, Ordinance, or part thereof, heretofore repealed.

PASSED, SIGNED, APPROVED AND ADOPTED this 8th day of October, 2019.

Nate Duckett, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk
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, September 10, 2019. 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

ASSISTANT CITY MANAGER
Julie Baird

CITY ATTORNEY
Jennifer Breakell

CITY CLERK
Dianne Smylie

The meeting was convened by the Mayor. Thereupon the following proceedings were duly had and taken:

INVOCATION: The invocation was offered by Pastor Randy Joslin of The Oasis church.

Councillor Rodgers 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 Councillors 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 Meeting of the City Council held August 13, 2019; the minutes of the Regular Work Session of the City Council held August 20, 2019; the minutes of the Special Closed Meeting of the City Council held August 13, 2019; and the minutes of the Special Meeting of the City Council held August 15, 2019.

*DECLARATION OF SURPLUS PROPERTY: The Chief Procurement Officer recommended that worn-out, unusable or obsolete vehicles (General Services) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

*BID: The Chief Procurement Officer recommended that the bid for purchase of wire and cable (Electric) be awarded to the lowest and best bidders per category after application of the in-state and Veterans preferences (Category 1 - American Wire Group, $185,430.70; Category 2 - Border States Electric, $64,537.66; and Category 3 - Western United Electric, $69,360.72); that the bid received for Category 2 from WESCO Utility be rejected for not meeting specifications; and that Categories 4 and 5 be canceled in their entirety. Bids opened August 20, 2019 with four bidders participating.

*MEMORANDUM OF UNDERSTANDING between the City and the City of Aztec to assist one another in the completion of four mutually beneficial electric utility projects.

*WARRANTS PAYABLE for the time period of August 11, 2019 through September 7, 2019, for current and prior years, in the amount of $16,514,489.99.

- 7.0 -
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, and upon voice vote the motion carried unanimously.

RECOGNITION OF CHRIS HUNTER/PUBLIC UTILITY COMMISSION

Mayor Duckett recognized Chris Hunter for his 6 years of dedicated service to the Public Utility Commission. The Mayor presented Mr. Hunter with a plaque and the presentation was concluded with a hearty round of applause.

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. He asked that if the items 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 Development Division Action Summary to deny Petition No. ZC 19-67 from Leaf Properties, Inc., represented by Doug Kinsey, requesting a zone change from the SF-7, Single-Family Residential, District to the LNC, Local Neighborhood Commercial, District, and a variance to increase the height of a freestanding sign from 10 feet to 20 feet and a reduction to the required minimum off-street parking for property located at 1451 East 30th Street. [The petitioner submitted a written request to withdraw Petition No. ZC 19-67.]

(2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Division Petition Report to approve Petition No. ABD 19-74 from Doug Murray, represented by Sakura Engineering & Surveying, requesting abandonment of a portion of Poplar Street (Lots 6 and 7 of Block 7 and Lots 9-11 of Block 8) in the Tnez Subdivision, subject to:

(a) all technical corrective changes or easements being required;
(b) all technical corrective changes to the right-of-way abandonment and plat being completed and approved by the City prior to submission of the final plat;
(c) all conditions of approval being completed before the abandonment is recorded and finalized;
(d) the newly aligned cul-de-sac located at the end of Poplar Street being dedicated to the City;
(e) the abandonment being effective after the execution of the Findings of Fact and recordation of the abandonment/vacation plat pursuant to Section 8.8.7 of the Unified Development Code; and
(f) the property being surveyed with the corners being marked.

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

PRESENTATION/ALL ABILITIES PARK

Parks, Recreation & Cultural Affairs Director Shaña Reeves introduced retired school counselor Marilyn Montoya and Doctor of Physical Therapy Katie Ashley and reported that staff is seeking approval from the Council to proceed with a feasibility and conceptual study for development of an All Abilities Park at the former Tibbetts Middle School located at the intersection of North Butler Avenue and East Apache Street at an estimated cost of $75,000.

After displaying a video depicting the amenities offered at similar parks, Ms. Montoya utilized a PowerPoint presentation to pose the question of why Farmington needs another park. Providing statistical data, Ms. Reeves reported that the City currently has 58 parks with 34 of
them having play structures. She noted that of those 34 parks, only 25 of them have adaptable elements for children 2 to 5 years of age only. Ms. Ashley reported that the surrounding school statistics indicate that there are 3,405 children with some type of disability, excluding those who are homeschooled and the roughly 18 percent of adults who are also disabled. Ms. Reeves noted that people with disabilities are the nation's largest minority group and pointed out that any one of us could join that group at any time due to a myriad of reasons (i.e. stroke, car accident, etc.), and she stated that the proposed park could help make Farmington a destination since it will enhance the ability to live, work and play. Noting that the proposed feasibility and conceptual study is site specific, she reported that the property is centrally located and offers substantial importance because it is the site of the first high school. Expanding on her comments, City Manager Rob Mayes reported that staff is nearing the end of the negotiation process with Farmington Municipal Schools for the purpose of securing the property either through a long-term lease or deed. He assured the Council that final action on the property will be subject to approval by the School Board and the City Council.

Continuing with the presentation, Ms. Montoya reported that she has visited two All Ability Parks, one being located in Roundrock, Texas and the other in Rio Rancho, which is the only one located in New Mexico. She noted that these parks offer a unique sense of community for those who require care for sensory, cognitive and physical challenges and also for the caregivers themselves because they help alleviate the sense of isolation. Ms. Ashley expressed her excitement for the proposed project because it will offer occupational, physical and speech therapists an opportunity to expand their services at a safe, outdoor environment that mimics everyday life (i.e. a visually impaired person practicing crossing the street utilizing only their auditory skills). Ms. Montoya pointed out that Chick-fil-A constructed a building at the park in Texas for the purpose of teaching individuals to order from a menu and prepare the meal and noted that Nyle Maxwell auto dealership constructed a building for the purpose of teaching individuals how to pump gasoline and service vehicles. She assured the Council that there are many sponsorship and grant opportunities associated with this project and stated that she envisions it being a community effort that provides a variety of fun, learning opportunities. She also reviewed several of the play structures being offered at other parks, noting that they are envisioning a variety of elements that could also accommodate those on the autism spectrum. In closing, Ms. Ashley reported that the Carrie Tingley Hospital Foundation and the San Juan County Adaptive Sports Program have expressed interest in the project and stated that it is their vision that: the Tibbetts track remain intact; there be no entry fee to the park; staffing will not be required; independent donations will be accepted and remain in San Juan County.

In response to inquiry from Mayor Dukett, Mr. Mayes assured the Council that the action being requested at tonight’s meeting will be contingent upon staff successfully negotiating the property transfer with the Farmington School District. Mayor Dukett expressed his support for the project but stated that he believes that it is important that the existing track be retained and suggested that the building be utilized for indoor play activities. He announced that he likes the idea of sponsorship because it comes with ownership and stated that he believes that this is a transformational project for the community.

Councilor Sharer also expressed his support for the project and stated that he wants to be involved in the fundraising efforts. Following further comments from Councilor Sharer, it was suggested that the existing building be considered as a location for a concession stand.

Councilor Rodgers voiced her support and stated that she would like to see the park also utilized by adults and senior citizens.

In response to inquiry from Councilor Jakino, Ms. Montoya stated that she has been hesitant to request funding assistance at this time because the property has not yet been secured, but noted that the Daughters of the American Revolution, Special Olympics and other non-profit organizations have expressed an interest in the project. Furthermore, she stated that she envisions local businesses, such as construction and concrete companies, donating their time and/or materials for construction.
There being no further discussion, it was the consensus of the Council to direct staff to proceed with the feasibility and conceptual plan for the Tibbetts property at a cost of $75,000 utilizing funds from the Community Transformation and Economic Diversification (CTED) Fund.

PRESENTATION/COMPLETE STREETS PROJECT

Utilizing a PowerPoint presentation, Main Street Revitalization Project Coordinator Sherry Roach reviewed the objectives of the Downtown Complete Streets/Revitalization project which is focused on right-sizing Main Street; increasing safety by adding modern roundabouts and lighting; creating a corridor that is more people and business friendly; increasing walkability to promote downtown as a destination (turning the hallway into a living room); celebrating the historic and cultural character; and creating an attractive corridor with trees, furnishings and amenities. She also reviewed in detail the proposed traffic improvements, streetscape elements, signage and gateway features along with the proposed waterline and electrical improvements. Furthermore, Ms. Roach reported that the projected expenses for the project are estimated at $11,786,970 with the projected revenues being $12,718,600. She noted that later in tonight’s meeting staff is requesting permission to publish an ordinance to enter into a Clean Water loan with the New Mexico Environment Department for $2 million for the purpose of upgrading the waterlines. Directing the Council’s attention to the proposed timeline for construction, Ms. Roach reported that staff is planning to award the waterline construction bid at the December 10, 2019 regular City Council meeting but acknowledged that this is a tight schedule that offers no room for delay.

In response to comments made by Mayor Duckett, City Manager Rob Hayes pointed out that the original scope of the project did not include the infrastructure upgrades which is the reason why the proposed cost estimates have significantly increased. He also noted that the proposed construction costs are based on the engineer’s opinion of probable cost and could be higher once the bids are received.

Assistant City Manager Julie Baird reported that staff has been diligently working with the New Mexico Historic Preservation Division and had received preliminary approval on the 30 percent design drawings. However, they have since expressed concern with regard to the 90 percent design drawings and she stated that staff is willing to acquiesce in some of the aesthetic issues but is standing firm on others (such as the width of the sidewalks). This has resulted in a conditional opinion of no adverse effect, but advised the Council that if the issues cannot be resolved, it may force the City to decide between the historic preservation designation or our vision for economic transformation of downtown.

In closing, Ms. Roach explained the steps that are being taken prior to construction to engage the merchants and the public in the process.

In response to inquiry from Councilor Sharer, Electric Utility Director Hank Adair confirmed that four electric charging stations are being proposed with one of those locations being behind Browns Shoe Fit Company and noted that consideration of this item will be presented to the Council at the September 24, 2019 regular City Council meeting.

APPOINTMENT OF CITY TREASURER

Mayor Duckett requested that Administrative Services Director Teresa Emrich be appointed as City Treasurer.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to confirm the appointment of Teresa Emrich as City Treasurer for the City of Farmington, and upon voice vote the motion carried unanimously.

REQUEST FOR CONSENSUS/CONSTITUTION WEEK RESOLUTION

At the request of Mayor Duckett, the Council granted consensus for staff to draft a resolution declaring September 17 through 23, 2019 as Constitution Week.
COUNCIL BUSINESS

W.E. Rock aka World Extreme Rock Crawling Nationals

Noting that the W.E. Rock National competition was held this past weekend in Chokecherry Canyon, Mayor Duckett noted that this is the only event held on public lands. He thanked Alan Elmore and the Cliffhangers for organizing the event and City staff and the volunteers for all of their work.

Comprehensive Plan Steering Committee

Mayor Duckett happily reported that the Comprehensive Plan Steering Committee held its first meeting last Friday.

Four Corners 9/11 Memorial Stair Climb

Mayor Duckett reported that the Four Corners 9/11 Memorial Stair Climb will be held on Saturday, September 14, 2019 at Ricketts Park in remembrance of the 343 firefighters who selflessly gave their lives during the terrorist attacks on September 11, 2001.

National Coal Council Meeting in Washington, DC

Mayor Duckett announced that he, City Manager Rob Mayes and Electric Utility Director Hank Adair will be traveling to Washington, DC tomorrow for the purpose of presenting at a meeting of the National Coal Council to discuss the carbon sequestration project being proposed at San Juan Generating Station.

Special Needs Swim Day at Bisti Bay

Councilor Jakino commended the staff of the Parks and Recreation Department for sponsoring a special needs swim day at Bisti Bay waterpark, noting that it is scheduled for this Thursday from 1:00 p.m. to 3:00 p.m. and only costs $2 per person.

Commemoration of the Parks and Recreation Department

Announcing that this is his first time to serve as a youth soccer coach, Councilor Sharer expressed his sincere appreciation to the Parks and Recreation Department for the manner in which the fields are maintained.

CITY MANAGER BUSINESS

Recognition/Municipal Officers Leadership Institute

City Manager Rob Mayes reported that Councilor Bingham-Kelly and Jakino recently graduated from the New Mexico Municipal League Municipal Officers Leadership Institute (MOLI) and stated that they will be formally recognized at an upcoming City Council meeting.

Recognition/IT Director James Campbell

City Manager Rob Mayes proudly recognized IT Director James Campbell for completing the requirements and criteria for the Certified Chief Information Security Officer professional designation from the International Council of E-Commerce Consultants. The presentation was concluded with a hearty round of applause.

Financial Report for the 12 Months Ending June 30, 2019

Utilizing a PowerPoint presentation, Administrative Services Director Teresa Emrich reported that revenues for the General Fund on June 30, 2019 were 4.1 percent below budget (unfavorable) with expenditures being 1 percent below (favorable) resulting in an ending cash balance of $8.7 million. She also reviewed the various revenue sources, noting that gross receipts tax represented 62.64 percent of the entire budget in Fiscal Year 2019 which is 9.21 percent less than last year. Continuing with the presentation, she explained the major variances in the revenues for the last two fiscal years; reviewed the gross receipts tax trends for the past 10 years; and described the significant variances from last year in the General Fund expenditures. With regard to the Electric Utility fund, Ms. Emrich reported that revenues were 9.5 percent above (favorable) budget projections with
expenditures being 14.4 percent above (unfavorable) resulting in an unrestricted cash balance of $57.1 million. She reported that the Water Enterprise Fund ended the fiscal year with revenues being 11.9 percent below budget (unfavorable) and expenditures being 16.4 percent below (favorable) resulting in an ending unrestricted cash balance of $14 million. City Manager Rob Mayes pointed out that the revenues were down because of the drought and the mandatory water restrictions. With regard to the Wastewater Enterprise Fund, Ms. Emrich stated that revenues were 10.5 percent above (favorable) budget and expenditures were 36 percent below budget (favorable) resulting in an unrestricted cash balance of $5.5 million. In closing, she reported that the Sanitation Enterprise Fund ended Fiscal Year 2019 with revenues being 2.3 percent above (favorable) and expenditures being 1.2 percent below (favorable) resulting in an ending cash balance of $713,000.

RESOLUTION NO. 2019-1727 APPROVING THE FINAL REVISIONS TO THE FISCAL YEAR 2019 BUDGET AND REQUESTING STATE APPROVAL

City Manager Rob Mayes requested adoption of Resolution No. 2019-1727 approving the final revisions to the Fiscal Year 2019 budget.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to pass and adopt Resolution No. 2019-1727, 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 and Resolution No. 2019-1727 was duly passed and adopted.

RESOLUTION NO. 2019-1728/NEW MEXICO ENVIRONMENT DEPARTMENT LOAN AGREEMENT/DOWNTOWN COMPLETE STREETS PROJECT

City Attorney Jennifer Breakell requested adoption of Resolution No. 2019-1728 authorizing the assignment of authorized officers and agents for a loan agreement with the New Mexico Environment Department for waterline improvements in the downtown area.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to pass and adopt Resolution No. 2019-1728 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.

PERMISSION TO PUBLISH NOTICE OF PROPOSED ORDINANCE/NEW MEXICO ENVIRONMENT DEPARTMENT LOAN/DOWNTOWN COMPLETE STREETS PROJECT

City Attorney Jennifer Breakell requested that staff be directed to publish notice of intent to consider adoption of a proposed ordinance authorizing the City to enter into a loan agreement with the New Mexico Environment Department for the purpose of obtaining project loan funds in the principal amount of $2 million for the Downtown Complete Streets project.

Following consideration, 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 in accordance with State Statutes. The roll was called with the following result:

Those voting aye: Linda Rodgers
                   Sean E. Sharer
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 Councillor Rodgers, seconded by Councillor Sharer to close the meeting to discuss acquisition of real property for administrative office use, 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

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 8:06 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councillor Rodgers, seconded by Councillor Sharer to open the meeting, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 8:09 p.m. with all members of the Council being present and there being no further business to come before the Council, a motion was made by Councillor Sharer, seconded by Councillor Rodgers to adjourn the meeting, 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 24th day of September, 2019.

Entered in the permanent record book this day of , 2019.

Nate Duckett, Mayor

SEAL

ATTEST:

Andrea Jones, Deputy City Clerk

- 7.6 -
Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, September 17, 2019 at 9:00 a.m. in the Executive Conference Room at City Hall, 800 Municipal Drive, Farmington, New Mexico, in full conformity with the rules, regulations and ordinances of the municipality.

At such meeting the following were present, constituting a quorum:

MAYOR
Nate Duckett

COUNCILORS
Linda G. Rodgers
Sean E. Sharer
Jeanine Bingham-Kelly
Janis Jakino

constituting all the members of the Governing Body.

Also present were:

CITY MANAGER
Rob Mayes

ASSISTANT CITY MANAGER
Julie Baird

CITY ATTORNEY
Jennifer Breakell

DEPUTY CITY CLERK
Andrea Jones

STREET NAME ASSIGNMENTS FOR MESA MOBILE HOME PARK

Utilizing a PowerPoint presentation, Planning Manager Beth Escobar reported that the Farmington Electric Utility System ("FEUS") will be converting electric service for Mesa Mobile Home Park ("MMHP") from one master meter to individual meters at each residence and she stated that the new 466 individual meters will need to be assigned separate addresses. She pointed out that MMHP is made up of private streets and she stated that the sole owner of the park is supportive of the proposed addressing system except for the bird theme chosen for the street names, noting that Fire and Police personnel are supportive of the bird theme to help readily identify where the streets are located in relation to the city. Ms. Escobar provided an aerial view of MMHP along with an illustration of the proposed street names and she reported that staff is requesting the approval of existing street name continuations of Robin Avenue, Oriole Avenue, Finch Avenue and Meadow Lark Avenue and new street names of Wren Avenue, Loon Street, Crane Avenue, Heron Street, Magpie Street, Pelican Street and Toucan Street.

Following brief discussion, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to approve the proposed street name assignments for Mesa Mobile Home Park, as presented, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Recognition of Councilors Bingham-Kelly and Jakino/Municipal Officers Leadership Institute

Mayor Duckett recognized Councilors Bingham-Kelly and Jakino for their recent graduation from the New Mexico Municipal League Municipal Officers Leadership Institute (MOLI) and he thanked them for their time and effort dedicated to exploring the intricacies of municipal government.

Resolution No. 2019-1729/Constitution Week

Noting that the Council had previously authorized staff to draft Resolution No. 2019-1729 declaring September 17 through 23, 2019 as Constitution Week, Mayor Duckett read the resolution in full and asked the Council to adopt the resolution as presented.

Following brief consideration, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to pass and adopt Resolution No. 2019-1729, as presented. The roll was called with the following result:

Those voting aye: Linda G. Rodgers
Sean E. Sharer
The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2019-1729 was duly passed and adopted.

Four Corners 9/11 Memorial Stair Climb

Councilor Jakino announced that she had a great time at the Four Corners 9/11 Memorial Stair Climb and she thanked Parks, Recreation and Cultural Affairs ("PRCA") Director Shana Reeves, PRCA Assistant Director Natalie Spruill, Fire Chief David Burke, Police Chief Steve Hebbe and all of those who helped to make it such a wonderful event. Mayor Duckett and Councilor Rodgers echoed her sentiments and they commended Stair Climb Coordinator Gary Groomer, Phillip Logan and all of the firefighters for their dedicated efforts.

National Coal Council Meeting in Washington, DC

Mayor Duckett thanked City Manager Bob Mayes and Electric Utility Director Hank Adair for their participation in the successful trip to Washington, DC where they presented the proposed carbon sequestration project at San Juan Generating Station at a meeting of the National Coal Council ("NCC"). He provided a brief summary of the meeting and he announced that he is more optimistic than ever of the project and its national support. Additionally, Mr. Mayes applauded the bipartisan support of the project; announced that Farmington will be the epicenter of an emerging technology that is needed globally; and stated that City Attorney Jennifer Breckell has been an important part of the process even though she was not in attendance at the NCC’s meeting.

Councilor Rodgers announced that she is very proud to have Mayor Duckett, Mr. Mayes and Mr. Adair represent Farmington at the national level and she commended them for their tireless efforts.

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 9:21 a.m., and upon voice vote the motion carried unanimously.

APPROVED this 24th day of September, 2019.

Nate Duckett, Mayor

Seal

ATTEST:

Andrea Jones, Deputy City Clerk