

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, March 26, 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 Janis Jakino
PRESENT BY TELEPHONE PURSUANT TO RESOLUTION NO. 2013-1483	Jeanine Bingham-Kelly, Councilor

constituting all members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Julie Baird
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie

Councilor Bingham-Kelly was absent from the meeting but was contacted by speaker telephone for participation, pursuant to Paragraph C, Section 10-15-1, NMSA 1978, and City of Farmington Resolution No. 2013-1483.

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

INVOCATION: The invocation was offered by Minister Nathan Wheeler of Eastside Church of Christ.

Acting Administrative Services Director Teresa Emrich led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor announced that those items on the agenda marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on without discussion by one motion. He stated that if any item did not meet with approval of all Councilors or if a citizen so requested, that item would be removed from the Consent Agenda and heard under Business from the Floor.

*MINUTES: The minutes of the Regular Meeting of the City Council held March 12, 2019.

*SECOND AMENDMENT TO AGREEMENT between the City and Operations Management International, Inc. ("OMI") for operation and maintenance of the City's water and wastewater plants, collection and distribution systems and maintenance of selected storm water and irrigation system components.

*PURCHASE AGREEMENT between the City and San Juan Regional Medical Center, Inc. for purchase by the City of 11.926 acres of land located in the Robinson Subdivision (Tracts I and II) for future utility purposes (purchase price \$955,000).

*ADOPTION OF RESOLUTION NO. 2019-1703 granting a waiver to the North Allen Events Center allowing the dispensing of alcoholic beverages within 300 feet of a church (San Juan Unitarian Universalist Fellowship).

*WARRANTS PAYABLE for the time period of March 10, 2019 through March 23, 2019, for current and prior years, in the amount of \$6,942,459.85.

Mayor Duckett requested that the Second Amendment to the Agreement between the City and Operations Management International, Inc. be removed from the Consent Agenda.

In response to inquiry from Councilor Sharer, City Manager Rob Mayes reported that the property being proposed for purchase from San Juan Regional Medical Center is located adjacent to the wastewater treatment plant and has been on the City's "planning horizon" for a number of years. He noted that the purchase is budgeted in the Waste Water Fund.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to approve the Consent Agenda, with the exception of the Second Amendment to the Agreement between the City and Operations Management International, Inc., and upon voice vote the motion carried unanimously.

RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Acting Community Development/Public Works Director David Sypher requested that the Planning and Zoning Commission recommendation marked with an asterisk () be placed on the Planning and Zoning Commission Consent Agenda and voted on without discussion. She asked that if the item proposed did not meet with approval of all Councilors or if a citizen so requested, the item would be removed from the Consent Agenda and heard in regular order.

- * (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Action Summary to approve Petition No. SUP 19-08 from Thatcher Company, represented by Nathan Bergal, requesting a Special Use Permit for outside storage of hazardous materials for property located at 3111 Bloomfield Highway in the IND, Industrial, District, subject to:
 - (a) the applicant submitting a summary plat application for building permits;
 - (b) the applicant submitting building plans that are consistent with all City building and fire standards and/or other agency permits prior to construction of the hazardous storage area;
 - (c) all required federal, state and local permits and approvals being obtained by the applicant and submitted to the City prior to any construction or commencement of any work. Any required alteration to the proposal as a result of state or federal agency review must be submitted as a revision to applicable City-issued permits and be reviewed by the Community Development Department. The following minor amendments shall be reviewed and approved:
 - (1) Changes that result in a decrease or intensity for the storage of hazardous materials;
 - (2) Change in the designation/location of the hazardous storage area on the subject property;
 - (3) Change in major infrastructure (e.g. roads/access, sewer, water, storm drainage) for the subject property.
 - (d) All other proposed amendments not specifically addressed above shall be considered major amendments and must be processed in accordance with the procedures and requirements of Section 8.9.3 of the Unified Development Code pertaining to the special use application process.

As a contingency to acquire and maintain the Special Use Permit, the Fire Department sets forth the following requirements as outlined in the 2003 International Fire Code (IFC 2003 - 105.1.2, 2003 IFC - 105.2). Before any hazardous materials are stored or used, the following shall occur:

- (e) provide engineered plans for review and approval to include:
 - (1) site layout with all control areas;

- (2) control area identifying all chemicals and the amounts stored or used;
 - (3) scalable distances for each control area from all lot lines, buildings and other control areas;
 - (4) code analysis being conducted by a fire protection or chemical engineer to ensure compliance with the International Building Code (IBC) and the International Fire Code (IFC);
 - (5) all Material Data Sheets, including all mixtures, being available;
 - (6) all chemicals being identified by their hazard class as outlined in the IFC;
 - (7) all chemicals being identified as meeting the Mass Allowable Quantity (MAQ), or exceeding the MAQ as outlined in the IFC; and
 - (8) detailed construction plans for all needed permits.
- (f) The development of an Emergency Action Plan (EAP);
 - (g) a detailed description of all processes and storage and intended use of all chemicals being provided;
 - (h) the following chapters in the 2003 IFC being met:
 - (1) Hazardous Materials General Provisions;
 - (2) Corrosive Materials;
 - (3) Flammable and Combustible;
 - (4) Flammable Solids;
 - (5) Highly Toxic and Toxic Materials; and
 - (6) Water Reactive Solids and Liquids.
 - (i) all requirements being met for the addition of any new chemicals, the use of chemicals, control areas or buildings and an updated EAP being submitted.

The following conditions are requirements of the Public Works Engineering Division:

- (j) compliance with the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Industrial Uses which requires Halliburton to seek coverage pursuant to Part 8, Subpart I, Sector I of the MSGP;
- (k) the petitioner submitting evidence of compliance with the EPA's NPDES MSGP permit for protection of the City's Municipal Separate Storm Sewer System (MS4) and associated surface waters within the city limits;
- (l) a copy of the Notice of Intent (NOI) for coverage submitted to the EPA and a copy of the required Drainage Area Site Map, to include storm water discharge points from the property, Potential Pollutant Sources, and Erosion and Sediment Controls being submitted to the City for our records;
- (m) the petitioner meeting all additional requirements of EPA's NPDES MSGP permitting process;
- (n) the petitioner maintaining the National Pollutant Discharge Elimination System (NPDES) Multi Use General Permit.

The following recommended operational conditions shall be required for the life of the project:

- (o) the special use permit remaining in effect, provided that the use meets the conditions imposed by the subject petition and Thatcher Chemical maintains a valid City of Farmington business registration;
- (p) any contamination/leaks/releases that occur on the property being immediately reported to the Police and Fire Departments, the Building Inspection Division of the Community Development Department and to all relevant local, state and federal authorities;
- (q) the City reserving the right to revoke the special use permit, by future action of the City Council, if the operations pose detrimental health impacts to the surrounding area or environment; and

- (r) the special use permit being revoked if any of the above conditions are not met.

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

APPOINTMENT TO THE LODGERS' TAX ADVISORY BOARD

Mayor Duckett asked the Council's consideration of the appointment of Amy Scanlan as a member of the Lodgers' Tax Advisory Board (term to July 2020).

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to confirm the appointment of Amy Scanlan as a member of the Lodgers' Tax Advisory Board, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Addition of Household and Hazardous Waste Collections

Mayor Duckett announced that there is a "Canyon Cleanup" scheduled for Saturday, April 6, 2019 at 8:00 a.m. for the purpose of removing illegally-discarded mattresses, couches, televisions, trash, etc. from the Glade Run area. As a result, he asked the Council for permission to direct staff to obtain a quote from Waste Management to add curbside collection of household and hazardous waste in an effort to prevent illegal dumping. There were no objections from the Council.

San Juan Generating Station

City Manager Rob Mayes announced that Councilor Jakino is planning to meet with representatives of Acme Equities, LLC (the company interested in purchasing San Juan Generating Station) during her upcoming vacation.

Termination of Stage 1 - Water Shortage Advisory

Utilizing a PowerPoint presentation, Public Works Director David Sypher reported that the City's ordinance identifies six drought management criteria for determining whether water conservation measures should be implemented. The criteria are: 1) capacity of Farmington Lake; 2) snow pack conditions; 3) current precipitation; 4) precipitation projections; 5) the Palmer Drought Severity Index; and 6) stream flow. He reported that Farmington Lake is currently at 96.6 percent of capacity with current snowpack being 174 percent of the seasonal median. Furthermore, he noted that current precipitation levels are slightly above normal with the 90-day forecast showing a reasonable chance that the trend will continue. Mr. Sypher also reported that the Palmer Drought Severity Index indicates that this area is "in a very moist period" and that stream flow is 85.88 percent of normal. As a result, he announced that staff is requesting approval to terminate the Stage 1 - Water Shortage Advisory.

There being no discussion, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to terminate the Stage 1 - Water Shortage Advisory as requested by staff, and upon voice vote the motion carried unanimously.

CITY MANAGER BUSINESS

City Manager Rob Mayes presented and read by title Resolution No. 2019-1704 approving the fourth revision to the Fiscal Year 2019 budget. The title of such resolution being:

A RESOLUTION APPROVING THE FOURTH REVISION TO THE FY2019 BUDGET AND REQUESTING STATE APPROVAL.

Acting Administrative Services Director Teresa Emrich directed the Council's attention to page 5.2 of the agenda materials and briefly reviewed the proposed budget revisions, noting that the Civic Center chilled water coils and pumps installation project is actually being funded by Lodgers' Tax instead of the Community Transformation and

Economic Diversification Fund (CTED). She requested adoption of Resolution No. 2019-1704.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to pass and adopt Resolution No. 2019-1704, as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Jeanine Bingham-Kelly Janis Jakino
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2019-1704 was duly passed and adopted.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented and read by title Resolution No. 2019-1705 providing for the annual determination of reasonable notice of public meetings of the City of Farmington. The title of the resolution being:

A RESOLUTION PROVIDING FOR THE ANNUAL DETERMINATION (IN A PUBLIC MEETING) OF REASONABLE NOTICE OF PUBLIC MEETINGS OF THE CITY OF FARMINGTON AS REQUIRED BY SECTION 10-15-1 ET SEQ. NMSA 1978 COMPILATION, AND READOPTING, RATIFYING AND AFFIRMING THE PROVISIONS OF RESOLUTION NO. 2013-1466 PROVIDING FOR NOTICE OF PUBLIC MEETINGS.

After consideration of Resolution No. 2019-1705, a motion was made by Councilor Sharer, seconded by Councilor Rodgers that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Jeanine Bingham-Kelly Janis Jakino
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2019-1705 was duly passed and adopted.

PERMISSION TO PUBLISH NOTICE OF PROPOSED ORDINANCE/WIRELESS COMMUNICATION FACILITIES

Ms. Breakell also requested that staff be directed to publish notice of intent to consider adoption of a proposed ordinance amending Chapter 22 of the City Code to add a new Article 8 dealing with wireless communication facilities. She directed the Council's attention to a revised ordinance that amends Section 22-8-4(e) pertaining to the colocation and maintenance of small cell facilities.

Following brief consideration, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to direct staff to publish notice of intent to consider adoption of the amended ordinance in accordance with State Statutes. The roll was called with the following result:

Those voting aye:	Linda Rodgers Sean E. Sharer Janine Bingham-Kelly Janis Jakino
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

BUSINESS FROM THE FLOOR

Discussion of and Action on Item Removed from the Consent Agenda:

- (1) SECOND AMENDMENT TO AGREEMENT between the City and Operations Management International, Inc. ("OMI") for operation and maintenance of the City's water and wastewater plants, collection and distribution systems and maintenance of selected storm water and irrigation system components.

Utilizing a PowerPoint presentation, Public Works Director David Sypher explained that the proposed second amendment to the agreement between the City and Operations Management International, Inc. reduces the budget for the water valve abandonment project by \$71,747 and the sewer video and linear feet inspections by \$26,756 and increases the budget by \$98,503 for the purpose of purchasing a unidirectional flushing truck which results in a cost-neutral amendment.

Following brief consideration, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to approve the Second Amendment to Agreement between the City and Operations Management International, Inc. for operation and maintenance of the City's water and wastewater plants, collection and distribution systems and maintenance of selected storm water and irrigation system components, as presented, and upon voice vote the motion carried unanimously.

Bridging the Gap/Law Enforcement Appreciation Day

James Penrod, President of Identity, Inc., announced that the organization is hosting a law enforcement appreciation event called, "Bridging the Gap," tomorrow from 3:00 p.m. to 7:00 p.m. at 204 West Main Street and he invited the Mayor and Council to attend.

CLOSED MEETING

A motion was made by Councilor Rodgers, seconded by Councilor Sharer to close the meeting to discuss requests for qualification-based proposals for substation apparatus testing and professional engineering services for water treatment plant improvements, pursuant to Section 10-15-1H(6) NMSA 1978. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Jeanine Bingham-Kelly Janis Jakino
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 6:32 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matters discussed were limited only to those specified in the motion for closure, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 6:38 p.m. with all members of the Council being present.

REQUEST FOR QUALIFICATION-BASED PROPOSALS/SUBSTATION APPARATUS TESTING

Chief Procurement Officer Kristi Benson reported that qualification-based proposals for substation apparatus testing (Electric) opened on November 13, 2018 with six offerors participating. She recommended that the proposal be awarded to Eaton Corporation as the top evaluated firm based on the pricing schedule for services.

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to award the qualification-based proposal for substation apparatus testing to Eaton Corporation, as recommended by the

Chief Procurement Officer, and upon voice vote the motion carried unanimously.

REQUEST FOR QUALIFICATION-BASED PROPOSALS/PROFESSIONAL ENGINEERING SERVICES FOR WATER TREATMENT PLANT IMPROVEMENTS

Contracts Administrator Rosalyn Potter reported that qualification-based proposals for professional engineering services for water treatment plant improvements (Public Works) opened on January 9, 2019 with four offerors participating. She recommended that the proposal be awarded to Jacobs Engineering as the top evaluated firm after application of five percent in-state preference.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to award the qualification-based proposal for professional engineering services for water treatment plant improvements to Jacobs Engineering, as recommended by the Contracts Administrator, and upon voice vote the motion carried unanimously.

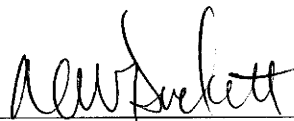
There being no further business to come before the Council, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to adjourn the meeting at 6:42 p.m., and upon voice vote the motion carried unanimously.

The telephone call with Councilor Bingham-Kelly was terminated.

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

Approved this 9th day of April, 2019.

Entered in the permanent record book this 10th day of April, 2019.



Nate Duckett, Mayor

SEAL

ATTEST:



Andrea Jones, Deputy
Dianne Smylie, City Clerk