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, April 23, 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**
Sean E. Sharer
Jeanine Bingham-Kelly
Janis Jakino

**ABSENT**
Linda G. Rogers, Councilor

constituting all members of said Governing Body.

Also present were:

**CITY MANAGER**
Rob Mayes

**ASSISTANT CITY MANAGER**
Julie Baird

**CITY ATTORNEY**
Jennifer Breakell

**DEPUTY CITY CLERK**
Andrea Jones

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

**INVOCATION:** The invocation was offered by Pastor Burson Corley of College Heights Baptist Church.

Boy Scout Aaron Bartley 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 April 9, 2019.

**ADOPTION OF RESOLUTION NO. 2019-1708** authorizing the execution and delivery of a Local Government Planning Grant Agreement between the City and the New Mexico Finance Authority for funding in the amount of $50,000 for the purpose of financing the costs of updating the City's Metropolitan Redevelopment Area Plan.

**ADOPTION OF RESOLUTION NO. 2019-1709** requesting a time extension from the New Mexico Department of Transportation for the Foothills Drive Enhancement project (Phase II).

**WARRANTS PAYABLE** for the time period of April 6, 2019 through April 20, 2019, for current and prior years, in the amount of $6,833,004.11.

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

**RECOGNITION OF THE JOHN OLIPHANT/TACO BELL TEEN CENTER AND MARIAH JOHNSON**

Mayor Duckett recognized the John Oliphant/Taco Bell Teen Center at the Farmington Boys & Girls Club ("FB&GC") for being named New Mexico's Teen Center Program of the Year and Mariah Johnson for being named New Mexico's Junior Youth of the Year.

FB&GC Executive Director Maria Rodman briefly reviewed the award process and she thanked the Council for their continued support of the FB&GC. Ms. Rodman announced that the grand opening for the teen center will be held on May 31, 2019 from 4:00 p.m. to 7:00 p.m. and invited everyone to attend. Kay Sayler of the FB&GC explained the qualifications.
necessary for the Junior Youth of the Year award and she announced that Ms. Johnson is a sixth grader at Hermosa Middle School who earns straight "As" and loves to play volleyball.

The Mayor presented Ms. Rodman and Ms. Johnson with Citizenship Awards and the presentation was concluded with a hearty round of applause.

GOLD STAR MONUMENT PROJECT

Parks, Recreation and Cultural Affairs ("PRCA") Director Shana Reeves reported that the FRCA Commission unanimously recommended approval of acceptance of the Gold Star Monument project and she introduced Gary Smouse, Co-Chairman of the San Juan County Gold Star Monument Committee ("Committee").

Mr. Smouse introduced his fellow Committee members and recognized two local Gold Star families that were in attendance: Gerri Sue and Clayton Roberts, parents of Army Staff Sergeant Kevin C. Roberts who was killed on May 7, 2008 while serving in Afghanistan, and Jeanette and C.Y. Yazzie, parents of Army Specialist Clifton J. Yazzie who was killed on January 20, 2006 while serving in Operation Iraqi Freedom. Utilizing a PowerPoint presentation, Mr. Smouse provided a brief history of Medal of Honor recipient Hershel "Woody" Williams and stated that the Committee will host Mr. Williams in Farmington on June 26-27, 2019 to kick-off the project’s fundraising campaign and to perform a groundbreaking ceremony at All Veterans Park contingent upon Council’s acceptance of the project. He provided sample pictures of the monument and reported that it will consist of four panels and four base stones weighing a total of approximately 15,000 pounds and measuring a total length of 159 inches and peak height of 89 inches. Concluding his presentation, Mr. Smouse stated that the ideal location for the monument is at All Veterans Park to the west of the plaza near the floating globe.

Ms. Reeves reported that there are no plans to expand All Veterans Park and stated that staff will ensure that the exact location of the monument does not interfere with any underground infrastructure. She also pointed out that the Committee will provide the funding for the construction of the monument through fundraising and then gift it to the City once it is complete, noting that the City will provide the land and any necessary future maintenance for the monument.

Following brief discussion, a motion was made by Councilor Jakino, seconded by Councilor Sharer to accept the Gold Star Monument project, as presented, and upon voice vote the motion carried unanimously.

REAPPOINTMENTS TO THE COMMUNITY RELATIONS COMMISSION

Mayor Duckett asked the Council’s consideration of the reappointments of Sherrie Chenault, Diana Kinney, Lynn Love and Pat Gross as members of the Community Relations Commission (term to April 2021).

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Bingham-Kelly to confirm the reappointments of Sherrie Chenault, Diana Kinney, Lynn Love and Pat Gross as members of the Community Relations Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENT TO THE PLANNING AND ZONING COMMISSION

Mayor Duckett asked the Council’s consideration of the appointment of Gary Smouse as an alternate member of the Planning and Zoning Commission (term to May 2020).

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Bingham-Kelly to confirm the appointment of Gary Smouse as an alternate member of the Planning and Zoning Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENT TO THE AIRPORT ADVISORY COMMISSION

Mayor Duckett asked the Council’s consideration of the appointment of Jonathan Rudolf as an alternate member of the Airport Advisory Commission (term to December 2019).

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Bingham-Kelly to confirm the appointment of Jonathan Rudolf as an alternate member of the Airport Advisory Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.
FINANCIAL PARTICIPATION/ENGINEERING PLAN FOR A REGIONAL FIBER BACKBONE LOOP/SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

At the Mayor's request, Economic Development Director Warren Unsicker provided a brief summary of the presentation that was given to the Council at the April 16, 2019 Work Session and he stated that staff is recommending that the City's proposed financial participation of $15,000 toward the engineering plan be allocated from the Community Transformation and Economic Diversification (CTED) Fund.

Following brief consideration, a motion was made by Councilor Sharer, seconded by Councilor Jakino to allocate $15,000 from the Community Transformation and Economic Diversification (CTED) Fund to the Southwest Colorado Council of Governments to help fund the engineering plan of a regional fiber backbone loop, and upon voice vote the motion carried unanimously.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented and read by title Resolution No. 2019-1710 relating to the natural gas supply agreement with the New Mexico Municipal Energy Acquisition Authority. The title of the resolution being:

A RESOLUTION RELATING TO THE NATURAL GAS SUPPLY AGREEMENT BETWEEN THE CITY OF FARMINGTON AND THE NEW MEXICO MUNICIPAL ENERGY ACQUISITION AUTHORITY, AS AMENDED BY A FIRST AMENDMENT; AUTHORIZING ACTION NECESSARY OR ADVISABLE TO OBTAIN A GAS DISCOUNT PURSUANT TO THE SUPPLY AGREEMENT, AS AMENDED, INCLUDING THE EXECUTION AND DELIVERY OF CERTIFICATES AND AGREEMENTS RELATING TO THE FOREGOING; RATIFYING, APPROVING, AND CONFIRMING PRIOR ACTION TAKEN RELATED TO THE FOREGOING; AND REPEALING ACTION INCONSISTENT HEREWIT.

Electric Utility Director Hank Adair reported that the New Mexico Municipal Energy Acquisition Authority ("NMMEA") consists of the cities of Farmington, Las Cruces and Los Alamos and allows for the prepayment of the purchase of natural gas at a discounted rate for its members, noting that utility customers saved approximately $1.2 million in a one-year interval. He stated that there is no inherent risk and he reported that the Public Utility Commission unanimously recommended approval at the April 10, 2019 meeting.

Following consideration of Resolution No. 2019-1710, a motion was made by Councilor Sharer, seconded by Councilor Jakino that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye: Sean E. Sharer
Jeanine Bingham-Kelly
Janie Jakino

Those voting nay: None

Those absent: Linda G. Rodgers

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2019-1710 was duly passed and adopted.

Ms. Breakell also presented and read by title Resolution No. 2019-1711 declaring the City's intent to amend Ordinance No. 2019-1315 pertaining to street improvements. The title of the resolution being:

Following consideration of Resolution No. 2019-1711, a motion was made by Councillor Sharer, seconded by Councilor Jakino that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye:  
Sean E. Sharer  
Jeanine Bingham-Kelly  
Janie Jakino

Those voting nay:  
None

Those absent:  
Linda G. Rodgers

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2019-1711 was duly passed and adopted.

Noting that there was a miscommunication with outside counsel, Ms. Breakev requested that permission to publish Ordinance No. 2019-02 pertaining to gas supply revenue bonds for the New Mexico Municipal Energy Acquisition Authority be removed from tonight's agenda because it does not require action from the Council.

Ms. Breakev also presented for discussion a proposed ordinance declaring the City's intent to amend Ordinance No. 2019-1315 pertaining to street improvements. The title of such ordinance being:

AMENDING AND RESTATING ORDINANCE NO. 2019-1315; AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF THE CITY OF FARMINGTON, NEW MEXICO MUNICIPAL GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $13,500,000 FOR THE PURPOSE OF DEFRAING THE COSTS OF DESIGNING, ENGINEERING, CONSTRUCTING, ACQUIRING AND IMPROVING STREETS AND TRAFFIC IMPROVEMENTS, AND PAYING COSTS OF ISSUANCE OF THE SERIES 2019 BONDS; PROVIDING THAT THE BONDS WILL BE PAYABLE FROM MUNICIPAL GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY PURSUANT TO SECTION 7-1-6.12 NMSA 1978, PROVIDING THAT THE MATURITY DATES, PRINCIPAL AMOUNTS, INTEREST RATES, REDEMPTION PROVISIONS AND OTHER DETAILS OF THE BONDS WILL BE ESTABLISHED IN A BOND PURCHASE AGREEMENT AND PRICING CERTIFICATE, AND DELEGATING AUTHORITY TO THE CITY MANAGER AND CITY ADMINISTRATIVE SERVICES DIRECTOR TO APPROVE THE FINAL TERMS OF THE BONDS AND TO EXECUTE AND DELIVER THE BOND PURCHASE AGREEMENT; PROVIDING FOR THE EXECUTION OF THE BONDS AND OTHER DOCUMENTS AND AGREEMENTS RELATING TO THE BONDS BY AUTHORIZED OFFICERS OF THE CITY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THERewith; AND REPEALING ALL ORDINANCE IN CONFLICT HEREWITH.

There being no discussion, Ms. Breakev announced that the proposed ordinance will be presented for final action at the May 7, 2019 Special City Council Work Session.

Lastly, Ms. Breakev presented an ordinance dealing with wireless (small cell) communication facilities and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978 Compilation. She recommended the ordinance, if adopted, be given the number 2019-1316. The title of the ordinance being:

AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY CODE BY ADDING A NEW ARTICLE 8 ENTITLED "WIRELESS COMMUNICATION FACILITIES;" PROVIDING DEFINITIONS; PROVIDING FOR PERMITS; AND PROVIDING FOR SEVERABILITY.

After consideration of Ordinance No. 2019-1316, a motion was made by Councilor Jakino, seconded by Councilor Sharer that said ordinance be passed and adopted as presented. The roll was called with the following result:

Those voting aye:  
Sean E. Sharer  
Jeanine Bingham-Kelly  
Janie Jakino

Those voting nay:  
None

Those absent:  
Linda G. Rodgers

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2019-1316 was duly passed and adopted.
There being no further business to come before the Council, a motion was made by Councilor Jakino, seconded by Councilor Sharer to adjourn the meeting at 6:42 p.m., and upon voice vote the motion carried unanimously.

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

Approved this 14th day of May, 2019.

Entered in the permanent record book this 15th day of May, 2019.

[Signature]
Nate Duckett, Mayor

SEAL

ATTEST:

[Signature]
Dianne Smylie, City Clerk