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, July 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**
- 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 Reverend Megan Cullip of First Presbyterian Church.

Senior Center Adult Programs Manager Jack Lowery 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 July 9, 2019.

*REQUEST FOR STATEWIDE FUNDING* from the Aging and Long Term Services Department for purchase and installation of kitchen and exercise equipment at the Bonnie Dallas Senior Center in the amount of $9,944.72.

*REQUEST FOR STATEWIDE FUNDING* from the Aging and Long Term Services Department for purchase and installation of kitchen and exercise equipment at the Bonnie Dallas Senior Center in the amount of $23,518.75.

*LETTER OF INTEREST AND ACCEPTANCE* to the New Mexico Environment Department, Constructions Program Bureau, for $2,000,000 in loan funding from the Clean Water State Revolving Loan Fund for the Downtown Revitalization/Stormwater Management project.

*WARRANTS PAYABLE* for the time period of June 24, 2019 through July 6, 2019, for current and prior years, in the amount of $6,648,084.96.

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

**ENERGY TRANSITION ACT**

Bill McCamley, Cabinet Secretary for the New Mexico Department of Workforce Solutions, introduced Nadine Padilla, Deputy Cabinet Secretary for the New Mexico Indian Affairs Department, and Fred Shepherd, Regional
Representative for the New Mexico Economic Development Department, noting that these departments have been tasked with the responsibility of developing a plan for utilizing funds authorized by the Energy Transition Act ("ETTA") to assist communities and workers that will be impacted by the closure of San Juan Generating Station ("SJGS") in 2022. Furthermore, he introduced former Farmington Mayor and state representative Tom Taylor and former Farmington City Councilor Jason Sandel who have been appointed as conveners for Workforce Solutions and the Economic Development Department, respectively, for the purpose of appointing a Community Advisory Committee and conducting public meetings. Utilizing a PowerPoint presentation, Secretary McCamley reported that the ETTA increases the state's renewable energy portfolio standards and requires all new energy projects to have 25 percent of the workforce comprised of registered apprentices by the mid 2020's. He reported that the ETTA provides a financing mechanism to lower the costs associated with closure of SJGS and allocates multiple funding sources to help the communities plan and diversify in an effort to mitigate the job losses. Continuing with his presentation, he noted that $30 million has been allocated to Public Service Company of New Mexico ("PNM") for decommissioning of SJGS and mine restoration; $20 million to PNM for severance and training for workers directly affected; $12 million to the Department of Workforce Solutions for training of the displaced workers; $6 million to the Economic Development Department for the purpose of bolstering the economy in areas unrelated to fossil fuel use; and $2 million to the Department of Indian Affairs for the purpose of addressing specific issues on Tribal land associated with the closure. Secretary McCamley reported that the ETTA also requires each state department receiving funding to hold three community meetings, but noted that they believe it will be more beneficial to combine the meetings and have one advisory board that will gain public input and focus on funding on targeted areas for diversification and growth. He explained that the Community Advisory Committee must include a representative from each municipality in the affected community (defined as "a New Mexico county located within 100 miles of a New Mexico facility producing electricity that closes, resulting in at least 40 displaced workers"); a representative from each county in the affected community; a representative from each Indian nation, pueblo, and tribe in the affected community; a representative from each land grant in the affected community; four appointees representing diverse economic and cultural perspectives of the affected community; and at least one appointee representing displaced workers in the affected community. He reported that the proposed timeline is for the three conveners be appointed in July with the Community Advisory Committee being appointed by September. He stated that the first required public meeting is being planned for October with the second meeting being scheduled for March or April 2020 and the third meeting being scheduled for September of that same year. He reported that the money for the departments is expected to be available after the Public Regulation Commission approves the bonds sales in 2022. In closing, he noted that it is their intent to also solicit ideas for economic diversification from Four Corners Economic Development and San Juan Citizens Alliance.

Mayor Duckett thanked Secretary McCamley for his presentation and his interest in the community and stated that one area that he believes is critical for economic diversification is the construction of a railroad through the Navajo Nation.

Councilor Sharer asked what happens to the monies when Enchant Energy is successful in installing carbon sequestration technology at SJGS which will keep the plant operational for years to come. In response, Secretary McCamley explained that it is his responsibility to carry out the law as it is currently written, noting that best practices show that the success of the community requires quick and early response, cooperation from the communities and support for the efforts.

In response to inquiry from Councilor Rodgers, Secretary McCamley explained that the Community Advisory Committee is responsible for creating the agendas for the three required public meetings and are accountable to the affected community members.

Mayor Duckett asked if either convener would be interested in addressing the Council.

In response to Councilor Rodgers' question, Mr. Sandel explained that he believes that he is accountable to the people of the community and stated that his goal is to represent as many people as possible. He
also explained that if carbon sequestration is successful, then a different route will be pursued but he contended that the community must be "ready to jump" regardless of the outcome.

Mr. Taylor noted that a lot of changes could occur over the next year-and-a-half, but he pointed out that this area has lost 6,500 jobs since 2008 and stated that it is imperative for the community to focus on growing from where we are instead of trying to get back to where we were. He stated that he believes that the state legislature's focus on this area is an opportunity that should be embraced.

PROPOSED ANNEXATION/US 64

Utilizing a map to show the Council the area that is being proposed, Public Works Director David Sypher requested permission from the Council to proceed with gathering information from San Juan County, the water association, large employers, and business and property owners to determine if they are interested in being annexed into the city limits of Farmington. He noted that the proposed area is located along the US 64 corridor between the existing city limits and County Road 350 and is primarily industrial in nature.

In response to inquiry from Councilor Sharer, Mr. Sypher explained that staff is not considering the residential area known as Wildhorse Valley because the residents previously indicated that they are not supportive of annexation.

City Manager Rob Mayes pointed out that this process was initiated several years ago when the City extended the sewer line to McGee Park, noting that those property owners who tapped into the sewer line have signed an agreement in support of annexation. Furthermore, he emphasized that this area would serve as a ready-made industrial site and would help increase the City's gross receipts tax revenues.

Noting that she is the Chief Financial Officer for PESCO which is located within the proposed annexation area, Councilor Rodgers announced that she will be abstaining from any vote on the matter.

Following further consideration, a motion was made by Councilor Sharer, seconded by Councilor Jakino to direct staff to proceed with gathering information from the affected parties to determine the feasibility for annexing the area proposed. The roll was called with the following result:

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

Those voting nay: None

Those abstaining: Linda G. Rodgers

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

INTRODUCTION OF PLANNING MANAGER BETH ESCOBAR

Public Works Director David Sypher proudly introduced newly-hired Planning Manager Beth Escobar, noting that she has 15 years of experience and is certified by the American Institute of Certified Planners.

APPOINTMENTS TO THE NORTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS

Mayor Duckett asked the Council's consideration of the appointment of Councilor Rodgers as the regular member (term ending June, 2020) and the appointment of Assistant City Manager Julie Baird as the alternate member (indefinite term) to the Northwest New Mexico Council of Governments Board of Directors.

Thereupon, a motion was made by Councilor Jakino, seconded by Councilor Sharer to confirm the appointment of Councilor Rodgers as the regular member and Julie Baird as the alternate member to the Northwest New Mexico Council of Governments Board of Directors, as recommended by the Mayor, and upon voice vote the motion carried unanimously.
REAPPOINTMENT TO THE LODGERS’ TAX ADVISORY BOARD

Mayor Duckett asked the Council’s consideration of the reappointment of Addie Betancourt as a member of the Lodgers’ Tax Advisory Board (term to July, 2021).

Thereupon, a motion was made by Councilor Jakino, seconded by Councilor Sharer to confirm the reappointment of Addie Betancourt as a member of the Lodgers’ Tax Advisory Board, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Commendation of Emergency Medical Services Personnel

Mayor Duckett read in full a letter that he received from Sally Bramhall commending the professionalism of the paramedics and firefighters who assisted in lifting and transporting her injured son.

Mountain Bike Trail Signs

Councilor Rodgers announced that she has received positive feedback about the mountain bike trail signs recently installed in the Foothills area.

Bisti Bay at Brookside Park

Mayor Duckett stated that he believes that the new waterpark, Bisti Bay at Brookside Park, is a true success, noting that there were more than 700 visitors throughout the day on Sunday.

CITY MANAGER BUSINESS

2019 Most Improved Airport Award

City Manager Rob Mayes proudly reported that Four Corners Regional Airport received the 2019 Most Improved Airport award from the New Mexico Manager’s Association and he recognized Airport Manager Mike Lewis, Administrative Aide Jody Carmen and Airport Maintenance Worker John Quinta for their hard work and dedicated service.

Mr. Lewis proudly reported that the airport received a flawless audit from the Federal Aviation Administration and he commended the Fire Chief for the superb manner in which the department is operated at the airport. The presentation was concluded with a hearty round of applause.

Light Up Navajo Nation Initiative/Certificates of Appreciation

City Manager Rob Mayes proudly presented Certificates of Appreciation given to the City of Farmington and the Farmington Electric Utility System (“FEUS”) during the 2019 American Public Power Association National Conference for their participation in the Light Up the Navajo Nation initiative. The conference was held in Austin, Texas on June 7 through 12, 2019 and he stated that FEUS helped raise the standard of life for 233 Navajo families by bringing power to their homes for the first time.

Electric Utility Director Hank Adair reported that his crews traveled to worksites to help build power lines across the 27,000 square miles of the Navajo Nation. He introduced crew members Dennis Nosker, Dalon Myers, Lucas Morgan and Marlon Begay and the presentation was concluded with a hearty round of applause.

Pickleball Courts/Direction to Staff

Parks, Recreation & Cultural Affairs Director Shahna Reeves reported that the tennis courts at Brookside Park could be converted into eight pickleball courts at a cost of $68,735 and asked for permission to proceed with the project utilizing funds from the Community Transformation and Economic Diversification (“CTED”) Fund. She noted that the fencing between the courts is not included in the cost estimate and will be paid for by the Parks Department.

Councilor Sharer suggested that staff also consider renovating the tennis courts located near the senior center.
Following brief consideration, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to direct staff to proceed with converting the tennis courts at Brookside Park into eight pickleball courts utilizing CTED funds, and upon voice vote the motion carried unanimously.

Resolution No. 2019-1721/FY19 Final Budget Revision

City Manager Rob Mayes presented and read by title Resolution No. 2019-1721 approving the final revision to the FY19 budget. The title of such resolution being:

A RESOLUTION APPROVING THE SIXTH AND FINAL REVISION TO THE FY19 BUDGET AND REQUESTING STATE APPROVAL.

Newly-appointed Administrative Services Director Teresa Emrich provided a brief explanation of the proposed revisions.

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to pass and adopt Resolution No. 2019-1721, 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. 2019-1721 was duly passed and adopted.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented for discussion a proposed ordinance dealing with elections and campaign financing. The title of such proposed ordinance being:

AN ORDINANCE REPEALING AND AMENDING CERTAIN SECTIONS OF CHAPTER 2, ARTICLE 2, DIVISIONS 2 AND 3 OF THE CITY CODE DEALING WITH ELECTIONS AND CAMPAIGN FINANCING.

There being no discussion, Ms. Breakell announced that the proposed ordinance will be presented for final action at the August 13, 2019 regular City Council meeting.

Ms. Breakell also presented an ordinance dealing with sanitation rates 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 MMSA 1978 Compilation. She recommended the ordinance, if adopted, be given the number 2019-1319. The title of the ordinance being:

AN ORDNANCE AMENDING SECTION 23-2-7 OF THE CITY CODE PROVIDING FOR AN INCREASE IN RESIDENTIAL AND COMMERCIAL CHARGES FOR SANITATION SERVICE.

There being no discussion, a motion was made by Councilor Jakino, seconded by Councilor Sharer that Ordinance No. 2019-1319 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

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2019-1319 was duly passed and adopted.
CLOSED MEETING

A motion was made by Councilor Rodgers, seconded by Councilor Sharer to close the meeting to discuss a request for proposals for the Community Development Block Grant (CDBG) 2019 Annual Action Plan for public service projects, pursuant to Section 10-15-18(6) NMSA 1978. The roll was called with the following result:

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

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 7:18 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 Councilor Rodgers, seconded by Councilor Sharer to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 7:28 p.m. with all members of the Council being present.

REQUEST FOR PROPOSALS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
2019 ANNUAL ACTION PLAN PUBLIC SERVICE PROJECTS

Chief Procurement Officer Kristi Benson announced that proposals for the Community Development Block Grant ("CDBG") 2019 Annual Action Plan for public service projects opened on June 25, 2019 with six offerors participating and noted that presentations were held before the Council on July 16, 2019. She reported that there is $54,207 available to fund public service contracts and pointed out that the service providers have requested a total of $78,500.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to award $8,000 to Big Brothers Big Sisters; $8,500 to Navajo United Methodist Center; $15,000 to People Assisting the Homeless (PATH); $2,707 to Identity, Inc.; $5,000 to Masada House, Inc.; and $15,000 to San Juan County Partnership, Inc., 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 7:32 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 13th day of August, 2019.

Entered in the permanent record book this 14th day of August, 2019.

Nate Duckett, Mayor

SEAL

ATTEST:

Dianne Smythe, City Clerk