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, August 13, 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 David Florez of The Journey Church.

Councillor Bingham-Kelly 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 23, 2019 and the minutes of the Regular Work Session of the City Council held July 16, 2019.

*BID: The Chief Procurement Officer recommended that the bid for safety area improvements on Runways 5/23 and 7/25 at the Four Corners Regional Airport be awarded to Oldcastle SW Group, Inc. as the sole bid of $3,020,887 is deemed to be fair and reasonable and meets specifications. Bids opened June 26, 2019. [Award is contingent upon approval by the Federal Aviation Administration and upon receipt of funding.]

*GRANT MODIFICATION 3 TO AWARD NO. G18SN0010A between the City and the Office of National Drug Control Policy decreasing the award amount by $19,808 for the FY18 High Intensity Drug Trafficking Areas Program (HIDTA) (total award $332,692).

*ADOPTION OF RESOLUTION NO. 2019-1722 approving the San Juan Boulevard Pavement Restoration Project (South Butler Avenue to East Main Street) and accepting funds from the New Mexico Department of Transportation 2020 Municipal Arterial Program (M.A.P) for such project.

*ADOPTION OF RESOLUTION NO. 2019-1723 approving the East Main Street Resurfacing Project (South Miller Avenue to North Butler Avenue) and accepting funds from the New Mexico Department of Transportation’s 2019/2020 Local Government Road Fund (LGRF) for such project.

*WARRANTS PAYABLE for the time period of July 21, 2019 through August 10, 2019, for current and prior years, in the amount of $13,814,892.96.
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.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

*CONSENT AGENDA: Public Works Director David Sypher 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 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 Division Action Summary to approve Petition No. ZC 19-55 from J.W. Easley requesting a zone change from the LNC, Local Neighborhood Commercial, District to the MF-L, Multi-Family Low Density, District and a variance to the street-side yard setback from 20 feet to 7 feet for an existing structure located at 706 West Apache Street, subject to the variance applying only to the existing structure. If the existing structure is removed or demolished for any reason, any new structure shall be placed at least 20 feet from the property line.

*(2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Division Action Summary to approve Petition No. SUP 19-60 from Security Finance of New Mexico, LLC, doing business as Continental Loans, represented by Robert Dinning, requesting a Special Use Permit to allow a loan company/financial service office to be located in the LNC, Local Neighborhood Commercial, District for property located at 2222 East 20th Street, Suite B, subject to the applicant designating a minimum of eight off-street parking spaces (including ADA), pursuant to Section 5.2.11 of the Unified Development Code. The surface markings shall be visible and accessible at all times including handicapped-designated areas.

With regard to Petition No. ZC 19-55 (Item No. (1)), Gretchen Cain, 510 San Juan Place, announced that she has concerns about the property being developed with more residential units because the tenants currently in the area do not maintain their property. She also stated that there have been reports of drug use in the area.

In response, City Manager Rob Mayes pointed out that the proposed zone designation of MF-L, Multi-Family Low Density, is more restrictive than the current zone designation of LNC, Local Neighborhood Commercial.

James W. Easley, 708 Douglas Street, announced that he is the petitioner and stated that he intends to utilize the property as a residential and to close the commercial business that is currently being operated. He stated that he may add at least four more housing units in the future, but assured the Council that he will maintain the property in good condition.

There being no requests to remove any items, 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.

PUBLIC HEARING/RESOLUTION NO. 2019-1724/COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN AND 2019 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Mayor Duckett called to order a public hearing concerning the Community Development Block Grant ("CDBG") Draft 2019-2023 Consolidated Plan and the Draft 2019 Analysis of Impediments to Fair Housing Choice which identifies priorities and objectives, guides the Council on how to allocate the CDBG funding and establishes the regulations and administrative policies, procedures and practices affecting the availability and accessibility of housing.
There being no response to the Mayor's call for public comment, the public hearing was closed.

Following brief consideration, a motion was made by Councillor Sharer, seconded by Councillor Jakino to adopt Resolution No. 2019-1724 adopting the 2019-2023 CDBG Consolidated Plan, Program Year One Action Plan and the 2019 Analysis of Impediments to Fair Housing Choice, 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. 2019-1724 was duly passed and adopted.

PUBLIC HEARING/2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Mayor Duckett convened the public hearing concerning the Fiscal Year 2019 Justice Assistance Grant (JAG) whereby staff is proposing to use $21,800 to purchase applications and software related to the JAPpro system and $2,145 to fulfill the requirement of setting aside at least three percent in order to become National Incident-Based Reporting System (NIBRS) compliant by the year 2021.

There being no response to the Mayor’s call for comments from neither the public nor the Council, the public hearing was closed.

APPOINTMENT TO THE ANIMAL SERVICES ADVISORY COMMISSION

Mayor Duckett asked the Council’s consideration of the appointment of Judith Paquin (2nd Alternate) (term to August, 2020) as a member of the Animal Services Advisory Commission.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councillor Sharer to confirm the appointment of Judith Paquin (2nd Alternate) as a member of the Animal Services Advisory Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

City Commendation

Mayor Duckett proudly relayed comments made to him by a new member of the community who relocated from Indiana after looking at Farmington on Google Earth street view and reviewing online data. He reported Keith Bockhold told him that he was impressed with the cleanliness of the streets and the manner in which they are maintained and with the number of bicycle lanes being offered. Furthermore, Mr. Bockhold stated that he likes the "Jolt Your Journey" slogan and is proud to be a member of the community.

Article on the Outdoor Recreation Industry Initiative (ORII)

Mayor Duckett proudly reported that Matador Network, a digital media company based in San Francisco, California that focuses on travel, outdoor adventure, food, nightlife, language learning and culture, recently published an article titled, "How outdoor recreation is saving the economy of a former oil town in New Mexico". Stating that he is happy to see that our story is being told, he encouraged everyone in the audience to read the article.

Commendation of City Staff

Councilor Rodgers thanked City Attorney Jennifer Breakell, Code Compliance Officer Todd Johnston, and Police Officers Robert Decker and Michelle Delese for assisting her with a constituent complaint.
Commendation of the Parks and Recreation Staff

Councilors Rodgers, Sharer and Jakino commended the Parks and Recreation staff for their tireless efforts during the 2019 Connie Mack World Series.

Appreciation of the Various Recreational Amenities

Councilor Sharer expressed his sincere appreciation for the numerous recreational opportunities being offered by the city of Farmington, including the museums, golf courses, water park and baseball. He stated that it is a pleasure to live in Farmington and is excited about our future.

CITY MANAGER BUSINESS

Fiscal Year 2020 Capital Projects and Infrastructure Capital Improvement Plan [ICIP]

City Manager Rob Mayes directed the Council’s attention to pages 10.0 through 10.20 of the agenda materials and explained that tonight the Fiscal Year 2021-2025 Infrastructure Capital Improvement Plan ("ICIP") is being introduced for the purpose of granting the Council the opportunity to review the projects. He directed the Council’s attention to a handout adding the Broadway Bridge repairs to the ICIP Potential Project Listing. In closing, he stated that the Council will be asked to select the top priority projects at the August 20, 2019 City Council Work Session.

In response to inquiry from Councilor Sharer concerning the Piñon Hills Bridge and Extension project, Mr. Mayes pointed out that it is important for projects to be listed on the ICIP when applying for various grants even if the project is unlikely to be considered for State capital outlay funding.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented an ordinance dealing with elections and campaign financing 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 2019-1320. The title of the 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.

After brief consideration of Ordinance No. 2019-1320, a motion was made by Councilor Sharer, seconded by Councilor Rodgers that said ordinance 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. 2019-1320 was duly passed and adopted.

BUSINESS FROM THE FLOOR

Commendation of the Parks and Recreation Department

Addressing the Council as the President of the American Amateur Baseball Congress, Richard Neely read in full a letter commending the Parks and Recreation Department for their work in renovating and maintaining Rickatti’s Park for the 2019 Connie Mack World Series. He reported that the park was in the best shape that it has been in the past 20 years, not only aesthetically but as it relates to playability. He sincerely expressed his appreciation and stated that the Baseball
Congress is committed to ensure that the city of Farmington remains the
"Amateur Baseball Capital of America."

CLOSED MEETING

A motion was made by Councilor Rodgers, seconded by Councilor Sharer to close the meeting to discuss requests for proposals for the 115kV upgrade for the Hare to Dwight Arthur Substation and the Farmington Metropolitan Planning Organization 2045 Metropolitan Transportation Plan, pursuant to Section 10-15-1H(6) NMSA 1978; and to receive advice from the City's legal counsel regarding a matter of pending litigation (Mary Ann Randall v. City of Farmington), pursuant to Section 10-15-1H(7) 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 6:35 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 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 6:49 p.m. with all members of the Council being present.

REQUEST FOR PROPOSALS/115kV UPGRADE FOR THE HARE TO DWIGHT ARTHUR SUBSTATION

Chief Procurement Officer Kristi Benson reported that proposals for the 115kV upgrade for the Hare to Dwight Arthur Substation (Electric) opened on May 7, 2019 with four offerors participating. She recommended that the proposal be awarded to Probst Electric, Inc. as the top evaluated firm with all required registrations and licenses. She noted that the Council previously authorized negotiations with North Houston Pole Line but staff determined that they are not registered with the New Mexico Department of Workforce Solutions as required by Section 13-4-13.1 NMRA 1977. As a result, the proposal from North Houston Pole Line was rejected and negotiations were commenced with Probst Electric, Inc. as the next highest evaluated offeror.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to award the proposal for the 115kV upgrade for the Hare to Dwight Substation to Probst Electric, Inc., as recommended by the Chief Procurement Officer, and upon voice vote the motion carried unanimously.

REQUEST FOR PROPOSALS/2045 METROPOLITAN TRANSPORTATION PLAN

Chief Procurement Officer Kristi Benson reported that proposals for the Farmington Metropolitan Planning Organization 2045 Metropolitan Transportation Plan (Community Development) opened on July 9, 2019 with one offeror participating. She recommended that the proposal be awarded to Bohannan Huston, Inc. as the sole proposal is deemed to be advantageous and in the best interest of the City.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to award the proposal for the Farmington Metropolitan Planning Organization 2045 Metropolitan Transportation Plan to Bohannan Huston, Inc., as recommended by the Chief Procurement Officer, 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 6:53 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 10th day of September, 2019.

Entered in the permanent record book this 11th day of September, 2019.

Sean E. Sharer, Mayor Pro Tem

SEAL

ATTEST:

Dianne Smylie, City Clerk