

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, October 8, 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.

Councilor Jakino led the Pledge of Allegiance.

RESOLUTION NO. 2019-1732/SUPPORTING ALL HUMAN LIFE

Due to the size of the audience, Mayor Duckett stated that it is his intent to move Resolution No. 2019-1732 from the end of the agenda to the beginning. There were no objections from the Council.

Noting that Councilor Sharer received consensus from the Council at the September 24, 2019 regular City Council meeting to direct staff to draft a resolution supporting the protection of all human life, Mayor Duckett asked Councilor Sharer for his opening remarks.

Councilor Sharer thanked those who attended tonight's meeting, stating that it is nice to see the community getting involved in local government. He announced that, in retrospect, he should have given his fellow Councilors a "heads up" that he was going to seek consensus to draft a resolution on this topic, acknowledging that they were surprised and he apologized. However, he announced that he is proud to bring forth this resolution because it is about all life, the born, the unborn, the children, the elderly and the homeless and stated that he believes that it is something that everyone can be proud of. Noting that there are children who are neglected and people who are hungry, Councilor Sharer stated that the intent of the proposed resolution is to promote love for all members of the community. He stated that he has received a large outpour of support with very little opposition and contended that the reason for this is because the resolution is not about an act of activism or a single cause or viewpoint but is about loving thy neighbor. He encouraged everyone in the audience to feed someone who is hungry, clothe someone who is naked and visit someone who is lonely and to also donate their money and time to a cause that they support. He read the proposed resolution in its entirety and urged the Council to adopt it as presented.

Mayor Duckett announced that he supports the statements of the resolution on a personal level and acknowledged that there are many individuals in the audience who volunteer their time, donate their money or dedicate their service to promoting positive outcomes for human life. He stated that he has prayed about and engaged in conversations with individuals in the community about this matter and believes that this is not the proper venue for this type of resolution because the federal government authorizes abortion and local government has no power to deny

that. He explained that he quit issuing proclamations because he was being used as a "mouth piece" for certain political agendas and stated that it is his goal to promote unity within the community by avoiding issues that create divisiveness. He also pointed out that the responsibility of the City Council is to establish the budget and utilize the funds in a manner that is beneficial to the residents, the local businesses, the public service providers and the school system. He noted that the proposed resolution would only state that the governing body will govern in a manner that promotes human life and argued that "we are already doing that." He agreed that there has been a tremendous amount of feedback from the community, mostly in support, but reiterated that he does not believe that this is a matter that needs to be addressed at the local level. He contended that it is possible that this item would not have even been brought forward in the first place if the Council had been given more time to consider the request. As a result, he made a motion to withdraw Resolution No. 2019-1732 from consideration because it is not germane to the duties of the local governing body. Councilor Rodgers seconded the motion.

Mayor Duckett explained that if the motion dies, then he will open the floor to public comment. He asked the Council for comments.

Councilor Jakino requested that her statement be recorded in the minutes verbatim.

[Begin verbatim record]

Councilor Jakino: I am a pro-life Christian and while I agree the subject before us is of great magnitude, this venue is not the appropriate place to consider such a matter. This elected body has no effect of law on the statements outlined nor the positions eluded to in this proposed resolution. The energy and resources of this Council should be focused on the policies on which we do have jurisdiction. This Council has a specific purpose and putting forth politicized special interest resolutions is not conducive to building and sustaining public trust.

[End verbatim record]

Councilor Rodgers also read from a prepared statement announcing that she ran for City Council because she wanted to help the community remain a great place to live. She agreed that the primary responsibilities of the Council are to ensure public safety, provide infrastructure, develop parks, provide stability and repair streets and stated that she took an oath to uphold the laws whether she agrees with them or not. She questioned whether anything could be gained by adopting citywide resolutions on select issues that are polarizing and/or contentious at the local and national levels. Councilor Rodgers announced that she supports human life and agreed that it is valuable but explained that she also believes that the Council should avoid inserting itself into socially controversial topics that are divisive and have no legal standing and will not result in a material change in law.

Councilor Sharer stated that he had hoped that the Council could agree on some of the points, noting that he tried to write a resolution about his love for the community.

Councilor Bingham-Kelly announced that she has received overwhelming support for the proposed resolution and she announced her support as well.

Thereupon, the Mayor called for the vote upon the motion to withdraw Resolution No. 2019-1732 in support of protecting all human life. The roll was called with the following result:

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

The Mayor voted in favor of the motion and declared that the proposed resolution has been withdrawn from consideration.

In closing, Mayor Duckett thanked the audience for their engagement on this matter and he encouraged them to remain active in local government.

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 September 24, 2019.

*BID: The Chief Procurement Officer recommended that the bid for purchase of wire and cable (Electric) be awarded to Western United Electric for Category 2 on its low bid after application of the in-state and Veterans preferences of \$94,150. Category 1 is still under evaluation at this time. Bids opened October 1, 2019 with five bidders participating.

*GRANT AGREEMENT between the City and the New Mexico Department of Transportation for funding for the following projects: 1) End Driving While Impaired (No. 20-AL-64-035) in the amount of \$82,160; 2) Buckle Up/Click It or Ticket (No. 20-OP-RF-035) in the amount of \$20,012; and 3) Selective Traffic Enforcement Program/100 Days and Nights of Summer (No. 20-PT-RF-035) in the amount of \$45,011. Project terms expire September 30, 2020.

*2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM - LOCAL SOLICITATION (2019-DJ-BX-0149) for funding in the amount of \$26,372 (term to September 30, 2022).

*RESOLUTION NO. 2019-1730 authorizing participation in the Capital Outlay Program administered by the New Mexico Department of Transportation for the Villa View flood control detention facility (funding in the amount of \$1,084,000).

*WARRANTS PAYABLE for the time period of September 22, 2019 through October 5, 2019, for current and prior years, in the amount of \$9,543,514.32.

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.

RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Planning Manager Beth Escobar 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 Division Petition Report to approve Petition No. SUP 19-78 from ABC Concrete & Manufacturing, represented by Nathan A. Barton, requesting an extension of an existing Special Use Permit to allow mining of sand and gravel of 10.38 acres of vacant property located at 3030 Troy King Road in the GC, General Commercial, District subject to:

- (a) the operations being limited to those listed in the petition application dated August 19, 2019;
- (b) the operations being in accordance with the requirements of Section 5.11 of the Unified Development Code (UDC) and Chapter 12 of the City Code; and
- (c) the applicant maintaining all required federal and state permits related to the operations.

There being no requests to remove the item, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to approve the Planning

and Zoning Commission Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

PUBLIC HEARING/RESOLUTION NO. 2019-1731/SUBSTANTIAL AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") 2018 ANNUAL ACTION PLAN

Mayor Duckett called the public hearing to order.

Associate Planner Francisco Alvarado reported that staff is proposing a substantial amendment to the 2018 CDBG Annual Action Plan for the purpose of reallocating \$130,000 of capital funds earmarked for a homeless shelter improvements project to ADA (Americans with Disabilities Act) improvements at Sycamore Park Community Center, the Recreation Center and Civitan Park North. He noted that People Assisting the Homeless (PATH) was able to complete the homeless shelter project utilizing other funds and pointed out that there is also \$1,625 remaining from the 2015 CDBG ADA capital improvements project that will be reallocated to the proposed project. Noting that he has not received any comments on the proposed reallocations, he requested adoption of Resolution No. 2019-1731 approving the proposed amendment.

There being no response to the Mayor's call for public comments, the public hearing was closed.

Thereupon, a motion was made by Councilor Jakino, seconded by Councilor Sharer that Resolution No. 2019-1731 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. 2019-1731 was duly passed and adopted.

COUNCIL BUSINESS

2019 New Mexico Outdoor Economics Conference

Mayor Duckett announced that he, Economic Development Director Warren Unsicker, Parks Planner Rachelle Crosby, Convention & Visitors Bureau Executive Director Tonya Stinson, 505 Cycles owner Dale Davis, and Jim Glover and Marianne Tennebaum from Once A Day Marketing attended the 2019 New Mexico Outdoor Economics Conference in Silver City last week and stated that Farmington was touted as the "star of the show" with regard to the strides being made to promote outdoor recreation and bring awareness to the amenities that we have to offer. He announced that he has petitioned the hosts in hopes that they will hold next year's conference in Farmington. Furthermore, he noted that staff has met newly-appointed State Outdoor Recreation Director Axie Navas and stated that he is excited to work and partner with her.

New Mexico Oil & Gas Association

Mayor Duckett announced that he attended the New Mexico Oil & Gas Association meeting yesterday in Santa Fe and reported that there was good discussion about promoting a "dual basin state" even though the investment at this time is in the south. He noted that the biggest challenge facing that part of the state is housing and jokingly offered our housing availability as an option.

Fly-In, Drive-In & Dine-In

Councilor Bingham-Kelly commended Airport Manager Mike Lewis and Administrative Aide Jody Carmen for sponsoring the Fly-In, Drive-In & Dine-In event at the Four Corners Regional Airport on Saturday, September 28, 2019. She stated that she has received positive feedback from the community and believes that this was a great event.