

Regular Meeting of the City Council, City of Farmington, New Mexico, held virtually using Zoom at <https://us02web.zoom.us/j/84735740040> at 6:00 p.m. on Tuesday, February 9, 2021. The virtually 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	Andrea Jones

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

The invocation was offered by Pastor Dan Mauldin of Grace Baptist Church.

City Attorney Jennifer Breakell 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.

\*MINUTES: The minutes of the Regular Work Session of the City Council held January 19, 2021 and the minutes of the Regular Meeting of the City Council held January 26, 2021.

\*RECOMMENDATION FROM THE LIQUOR HEARING OFFICER for approval of the transfer of ownership and location of Dispenser Liquor License No. 0799 from JB and Company Cheveron, LLC, formerly doing business as Chevron and Bananas, 2734 NM Highway 522, Questa, New Mexico to Tamrock Spirits, LLC, to do business as Nemesis 5 Esports, 820 North Sullivan Avenue, Farmington, New Mexico. (Hearing held February 5, 2021)

\*ADOPTION OF RESOLUTION NO. 2021-1781 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority.

\*APPOINTMENT OF HART PIERCE as a member (District 9) of the Public Utility Commission (term to October, 2021).

\*WARRANTS PAYABLE for the time period of January 24, 2021 through February 6, 2021, for current and prior years, in the amount of \$5,438,943.82.

Noting that there was miscommunication with the New Mexico Finance Authority ("NMFA") regarding the correct required language for the resolution, City Attorney Jennifer Breakell provided an amended version of Resolution No. 2021-1781 and stated that the amendments allow the City to be reimbursed for the golf course equipment costs rather than being funded directly by NMFA.

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 amended. 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.

METROPOLITAN REDEVELOPMENT AREA INCENTIVE REQUEST/TAL REALTY, INC.  
DOING BUSINESS AS ANASAZI ACES, LLC

Economic Development Director Warren Unsicker recommended approval of a request from Tal Realty, Inc., doing business as Anasazi Aces, LLC, for \$150,000 from the Community Transformation and Economic Diversification ("CTED") Fund for the purpose of demolishing blighted property at 903 West Main Street (formerly the Anasazi Inn) within the Metropolitan Redevelopment Area. He reported that Anasazi Aces, LLC, acquired the approximate 3-acre parcel for \$441,000 with plans to demolish the blighted structures to create a multi-tenant parcel. Mr. Unsicker stated that the total demolition costs are estimated at \$250,000 and reported that the Metropolitan Redevelopment Agency ("MRA") Commission unanimously approved this request on January 19, 2021.

At the Mayor's request, Adam Trubow of Tal Realty, Inc. reiterated that he intends to demolish the blighted structures of the former Anasazi Inn to create a "blank slate" for new development and he reported that he is not in negotiations with any specific businesses at this time. He stated that the property has been boarded up and fenced to mitigate any unwanted criminal activity and he announced that he has offered the use of the structures to the public safety sector for training purposes until the demolition process begins.

City Manager Rob Mayes announced that staff recommends approving the incentive request on a reimbursement basis utilizing Fiscal Year 2022 ("FY22") CTED Fund monies with the condition that demolition begin within 120 days of the executed agreement and he pointed out that the project will eliminate criminal activity and extreme blight while creating space for future brick and mortar businesses. In addition, he reminded the Council that the condemnation and demolition of the Sage Motel properties on Airport Drive cost the City approximately \$235,000 and stated that they were similar in nature to the subject property. At Mr. Mayes's request, Deputy Police Chief Taft Tracy reported that officers have responded to 961 calls for service at 903 West Main Street within the past three years and he emphasized that many of these calls are in regards to violent crimes such as rape, robbery and assault. Code Compliance Officer Mark Romero announced that Code Compliance performed an external inspection of the property on December 4, 2018 and executed an inspectorial search warrant on January 10, 2019 and he stated that they found multiple violations including extensive water damage, broken windows and unsecured access to the structures. Deputy Fire Chief Robert Sterrett reported that the inspectorial search executed on January 10, 2019 resulted in 16 Fire Code violations on the western structure that housed an office and he announced that the Fire Department has responded to 438 calls for service within the past three years, noting that most of those calls were medical in nature. Chief Building Official Derrick Childers stated that his only inspection of the subject property revealed numerous violations and evidence of minimal to no maintenance performed by qualified personnel within the past decade and he stated that the structures would need to be rebuilt entirely in order to meet current Building Code standards. Concluding staff's presentation, Mr. Mayes announced that the costs associated with the calls for service to the subject property over the past three years largely surpass the incentive request of \$150,000 and he emphasized that this type of public/private partnership exemplifies the purpose of the MRA incentives program.

Responding to several questions from Councilor Rodgers, Mr. Trubow reported that he does not believe that anyone is living on the property at this time since it is boarded up and the utilities have been disconnected and he explained that should the incentive request be denied

that the demolition of the structures would be significantly delayed or he may choose to resell the property.

In response to Councilor Jakino's inquiry, Mr. Trubow confirmed that receiving the incentive request of \$150,000 on a reimbursement basis and meeting Mr. Mayes's 120-day deadline to commence demolition would be acceptable depending on the definition of "commencing demolition."

Mayor Duckett pointed out that condemning and demolishing the subject property would cost more than the \$150,000 incentive request and he contended that the long term benefits of reduced public safety calls for service and removal of blighted structures at the entrance to the new Downtown makes this project stand apart from the recent denied incentive request regarding façade improvements and a new food truck pavilion.

There being no further discussion, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to approve the incentive request from Tal Realty, Inc., doing business as Anasazi Aces, LLC, for \$150,000 from the FY22 CTED Fund for the demolition of blighted property at 903 West Main Street to be reimbursed following the demolition of the structures and to authorize the City Manager to negotiate the good faith timeline of the agreement. 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.

Councilor Rodgers announced that Jonestown, Pennsylvania has a Blight Taskforce and questioned whether the City has something similar or would consider implementing a comparable taskforce. In response, City Manager Rob Mayes announced that staff currently has a list of approximately 10 blighted properties and confirmed that an informational presentation will be scheduled for a future Council meeting. Additionally, MRA Commissioner Dr. John McNeill provided a brief overview of the MRA's efforts to address blighted properties within their purview.

#### COUNCIL BUSINESS

Mayor Duckett presented Resolution No. 2021-1782 opposing House Bill 4 of the First Session of the 55<sup>th</sup> Legislature concerning civil rights claims and causes of action. The title of such resolution being:

OPPOSING HOUSE BILL 4 OF THE FIRST SESSION OF THE 55TH LEGISLATURE;  
URGING THE NEW MEXICO LEGISLATURE TO PROVIDE MORE RESOURCES FOR  
BEHAVIORAL HEALTH PREVENTION AND TREATMENT, SINCE BEHAVIORAL HEALTH  
ISSUES ARE THE ROOT CAUSE OF MANY CIVIL RIGHTS CLAIMS AGAINST LOCAL  
GOVERNMENTS; AND RECOMMENDING DAMAGE CAPS ON ANY NEW CIVIL RIGHTS  
CAUSES OF ACTION AS WELL AS FUNDING FOR ANY INCREASED COSTS  
ASSOCIATED WITH IT

Mayor Duckett contended that House Bill 4 (NM Civil Rights Act) along with its current substitution is "bad" for municipalities, police officers and the public and he requested the Council's support of the proposed resolution.

Councilor Rodgers asserted that legislating in this manner will negatively affect a municipality's ability to retain good, quality police officers and she expressed her full support of the proposed resolution.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Jakino to pass and adopt Resolution No. 2021-1782, 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. 2021-1782 was duly passed and adopted.

Potholes on Main Street in front of Gateway Museum

Councilor Rodgers pointed out that there are large potholes on Main Street in front of Gateway Museum and she questioned the notification process for getting potholes fixed. In response, Community Works Director David Sypher stated that he can be notified of potholes by email and reported that Main Street is a state highway that falls under the purview of the New Mexico Department of Transportation for repair, noting that he will notify them.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented for discussion a proposed ordinance amending sections of the Unified Development Code. The title of such proposed ordinance being:

AN ORDINANCE AMENDING SECTIONS OF THE FARMINGTON UNIFIED DEVELOPMENT CODE

Utilizing a PowerPoint presentation, Planning Manager Beth Escobar explained that the Unified Development Code ("UDC") is the regulatory document for public and private development within the city and she pointed out that the current version was adopted in 2007. She reviewed the revision process to-date and reported that the Planning and Zoning ("P&Z") Commission recommended presenting the proposed changes to Council at their December 10, 2020 meeting. Ms. Escobar highlighted the major changes to Article 2 (Use Regulations) and she discussed the amendments to Article 5 (Development Standards) which includes signage and outdoor lighting. She provided a high overview of the revisions to Article 6 (Subdivisions), Article 8 (Administration & Procedures), Article 9 (Nonconformities) and Article 11 (Definitions) and she announced that the P&Z Commission did not have consensus regarding the first flush requirement and making lighting and landscaping requirements retroactive. Ms. Escobar reported that public comment has been sought and encouraged regarding the proposed changes and she answered various questions from the Council.

There being no further discussion, Ms. Breakell announced that the proposed ordinance will be presented for in-depth discussion at two additional Council meetings with final action being tentatively scheduled for the March 9, 2021 regular City Council meeting.

There being no further business to come before the Council, a motion was made by Councilor Jakino, seconded by Councilor Rodgers to adjourn the meeting at 7:34 p.m. 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 City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 2013-1466, et seq.

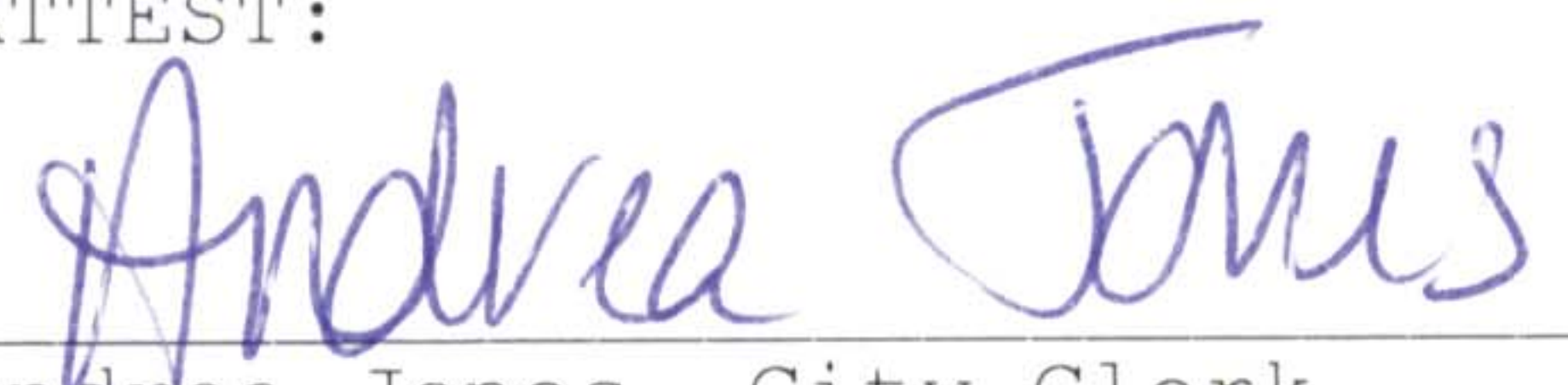
Approved this 23<sup>rd</sup> day of February, 2021.

Entered in the permanent record book this 24<sup>th</sup> day of February, 2021.

  
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Nate Duckett, Mayor

SEAL

ATTEST:

  
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Andrea Jones, City Clerk