

CITY OF BLOOMFIELD
REGULAR COUNCIL MINUTES
May 28, 2019

The Regular Meeting of the Bloomfield City Council was held at 6 p.m. in the Council Chambers at 915 N. First Street, Bloomfield, NM. The meeting was in full conformity with the laws and rules of the Municipality.

In attendance were Mayor Cynthia Atencio and Councilors Ken Hare and Matt Pennington. Councilor Sue Finch was absent, but was available via phone for a vote on the Letter Agreement with Guzman Energy.

Also present were City Manager George Duncan, City Attorney Ryan Lane, and City Clerk Dorothy Nobis. Department Heads present were Brad Ellsworth, Jason Thomas, and Fire Chief John Mohler.

Councilor Matt Pennington offered the invocation and led the Pledge of Allegiance.

Councilor Hare moved to approve the Agenda for the meeting and **Councilor Lynch** seconded. Approval was unanimous

Councilor Pennington moved to approve the Council Meeting Minutes from May 13, 2019, and **Councilor Lynch** seconded. Approval was unanimous.

Mayor Atencio read a Proclamation stating June as National Safety Month.

New Business

Public Works Director/City Engineer Jason Thomas requested approval of Amendment No. 1 to the Agreement for Engineering Services with CHC Engineers, LLC for the East Tank. Mr. Thomas stated that there have been delays in scheduling inspection of the tank, performing lead-based sampling, and performing destructive tank testing (spot sand blasting and cutting coupons). The evaluation is currently underway. The multiple inspections and testing have delayed completion of the evaluation, the additional information will result in a more reliable Preliminary Engineering Report (PER). Mr. Thomas requested additional time to complete the PER, which will add two months for completion of the PER. The Planning and Design services are being paid for out of a \$500,000 Capital Outlay Grant. **Councilor Lynch** moved to approve the agreement and **Councilor Hare** seconded. Approval was unanimous.

City Manager George Duncan requested approval of Ordinance 481 , An Ordinance Amending Ordinance Nos. 54, 107, 126, 127, 135, 148, 159, 168, 173, 175, 182, 184, 197, 200, 206, 210,

212, 241, 243, 244, 250, 278, 286, 287, 288, 306, 308, 315, 330, 352, 353, 369, 387B, 388, 393, 402, 418, 424, 475, which relates to the City of Bloomfield utilities. **Councilor Hare** moved to approve the request and **Councilor Pennington** seconded. Approval was unanimous.

City Attorney Ryan Lane advised the Mayor and Council that the Public Defender position, held by Attorney Jay Faurot, has been a pro bono position for the city since 2013. Mr. Faurot is retiring and will no longer serve as the city's pro bono Public Defender. While Mr. Faurot has not yet given a definite retirement date, Mr. Lane suggested the Mayor and Council consider putting a RFP (Request for Proposal) to hire a new Public Defender. **Since this was a discussion only item, no action was taken.**

City Attorney Ryan Lane presented to the Council regarding authorizing the City Manager to enter into a Letter Agreement with Guzman Energy. The agreement relates to the lawsuit between the City of Farmington and the City of Bloomfield regarding the city's desire to acquire the rights to have its own electric utility facility. Litigation between the two cities has been ongoing for several years and is currently waiting on the parties regarding Phase 2 of the litigation. Guzman Energy has looked at the Phase 1 study and believes the city can be successful in forming its own electric utility. Guzman Energy is also willing to partner with the City of Bloomfield and pay legal fees through the Phase 2 process. The Letter Agreement, Mr. Lane said, allow the City to move forward with the Phase II litigation without having to pay for attorney fees and expert opinions associated with the lawsuit. **Councilor Pennington** moved to approve the authorization of Mr. Duncan to sign the Letter of Agreement and **Councilor Hare** seconded. **Councilor Lynch** voted yes and **Councilor Finch** voted no. The motion was approved. **Mayor Atencio and City Manager Duncan** invited the public to a public meeting, scheduled for 6:30 p.m. Wednesday, May 29, 2019, at the Bloomfield High School auditorium. The public will be able to ask questions of representatives from Guzman Energy and City representatives. Councilor Pennington also encouraged the public to attend and ask questions and share their concerns

The Planning and Zoning Chair, TJ Richards, wasn't present to ask Council approval of a Planning and Zoning Commission recommendation to approve a request of Susie Blackburn and Burt Blackburn to have property at 1451 W. Blanco rezoned from Residential to Agriculture. City Manager asked City Clerk Dorothy Nobis to present that recommendation to the Council. **Councilor Hare** had several concerns about the request and the way the request was handled. He said the notification to property owners who live within 150 feet of the Blackburn property were sent a letter stating the request was for a variance and not a zone change. Because of that, the City of Bloomfield could be challenged in the future if the Council approved it as a zone change. In addition, **Councilor Hare** said there was no sign on the property stating the request, which is not in compliance with the city's ordinances. **Councilor Hare** stated the city's master zoning plan shows all property surrounding the Blackburn property is zoned R-1 and Planning and Zoning Commissioners stated, according to a copy of the minutes of the P&Z meeting held on May, 7, 2019, that the city is against spot zoning, which would be the case if the Council approved the Blackburn request. With nice homes to the south of the property and

a subdivision on the north of the property, **Councilor Hare** stated he would be against the zone change.

Councilor Hare referred to the minutes of the P&Z Commission meeting on May 7, which stated a property owner to the east of the Blackburn property expressed her concerns that if the property was rezoned to R-1, there would be the possibility that someone would purchase the property and put in single wide mobile homes or multi-family apartments. **Councilor Hare** said that, by keeping the property R-1, it protects those property owners from having mobile homes or apartments on the Blackburn property because of ordinances that prohibit mobile homes/apartments on property zoned R-1. In addition, **Councilor Hare** said the city benefits financially from properties zoned R-1 because of the property tax revenues the city would receive. The City of Bloomfield has a history of chaotic zoning, **Councilor Hare** added, and the city has a plan that focuses on the evaluation code enforcement and zoning to change that perspective of others.

Councilor Hare stated that, while he understood the need for the Blackburn's to sell their property, the council must consider what is best for the city. He also said that in moving forward there must be better communication and discussion between the City and the Planning and Zoning Commission.

Councilor Hare again stated that if the Council were to approve the zone change, it would set a precedence for the future, which would not be in the best interests of the City. He then moved to deny the request of the Blackburn's to rezone their property from R-2 to Agriculture.

Councilor Pennington seconded and approval was unanimous.

There was no Unfinished Business to discuss.

Public Input

There was no input from the public.

Councilor Pennington again expressed his appreciation to the Bloomfield Police Department and first responders regarding several medical emergencies at his business. He thanked **Police Chief David Karst** and **Fire Chief John Mohler** for doing a great job for the city.

Mayor Atencio said she had received concerns from residents regarding the school buses at Mesa Alta Junior High School on Bergin Lane. Buses lining up to pick up students have caused Bergin Lane to turn into a one way street, creating safety issues for students walking home from school. **City Manager George Duncan** stated Public Works Director/City Engineer Jason Thomas has been looking at a study regarding that issue. **Councilor Lynch** said at one time, the city received funding for curbs and gutters on Bergin Lane and encouraged the city to get with Bloomfield Municipal Schools to discuss the issue.

City Manager George Duncan updated the Council on the free libraries DJ Cristello has put up in parks throughout the City of Bloomfield. DJ requested permission from the Council to place those libraries in area parks in April. The free libraries were part of DJ's desire to earn his Eagle

Scout badge. City Manager Duncan said the libraries are installed and unique and he expressed his appreciation for DJ's efforts.

CLOSED EXECUTIVE SESSION

There was no Closed Executive Session scheduled.

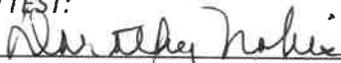
Adjournment:

Mayor Atencio thanked everyone for attending the meeting and called for a motion to adjourn the meeting at 7:04 p.m. **Councilor Pennington** made that motion and **Councilor Lynch** seconded. Approval was unanimous.



Mayor Cynthia Atencio

ATTEST:



Dorothy Nobis, City Clerk