

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, February 9, 2016. 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	Tommy Roberts
COUNCILORS	Linda Rodgers Mary M. Fischer Gayla A. McCulloch Nate Duckett

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Bob Campbell
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 Celebrate Recovery Director Gerry Stickler of Crossroads Community Church.

Farmington High School Senior Samantha Chang 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 January 26, 2016 and the minutes of the Regular Work Session of the City Council held January 19, 2016.

*PURCHASE AGREEMENT between the City and the Ray C. and Mattie R. Buller Living Trust for purchase of 0.39 acres of City-owned property located at 2101 Southside River Road (sale price \$21,000).

*ADOPTION OF RESOLUTION NO. 2016-1580 authorizing the City to submit an Alcohol Detoxification Grant Application to the Department of Finance and Administration, Local Government Division, to participate in the Local Detoxification Grant Program.

*WARRANTS PAYABLE for the time period of January 24, 2016 through February 6, 2016, for current and prior years, in the amount of \$5,895,668.99.

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

BLACK HISTORY MONTH PROCLAMATION

The Mayor presented Community Relations Commission members Melissa Meechan and Katherine Abeyta with a Proclamation declaring February 15 through March 15, 2016 as "Black History Month."

RECOMMENDATION FROM THE METROPOLITAN REDEVELOPMENT AGENCY/PHASE I
OF COMPLETE STREETS

Senior Planner Cindy Lopez reported that the Metropolitan Redevelopment Agency ("MRA") is recommending that \$225,000 be utilized from the MRA Fund for the propose of hiring a consultant to design and complete construction plans for Phase I of the Complete Streets project, as proposed by Blue Zones, and that staff be authorized to issue a Request for Proposals for engineering services. She reported that Phase I of the project encompasses Miller Avenue to Orchard Avenue and will include two roundabouts at both of those intersections. Furthermore, she reported that the length of the pedestrian crossing will be reduced by narrowing the vehicle lanes and adding curb extensions and stated that parallel parking on one side of the street and back-in, angled parking on the other side of the street will be constructed with a transition lane in the middle. She also noted that she expects the consultant to include improvements that will accommodate the Gateway signage project as designed and approved by the Council.

Mayor Roberts noted that the Council has allocated \$1.5 million over the past five years to the MRA Fund for the purpose of funding projects that will revitalize the downtown area. City Manager Rob Mayes reported that there is an uncommitted balance of approximately \$1.3 million in the MRA Fund at this time.

In response to inquiry from Councilor Fischer, Ms. Lopez announced that no additional property will be needed to construct the roundabout at the intersection of Orchard Avenue and Main Street, but noted that some additional property will be needed from the dirt parking lot owned by the Taylor family at the intersection of Miller Avenue and Main Street. Responding to additional questions from Councilors McCulloch and Duckett, Ms. Lopez explained that the property where the Gateway monuments will be located has not yet been identified and developed; noted that there are three phases being planned for completion of the Complete Streets project with Allen Avenue to Behrend Avenue being the second phase and Locke Avenue to Auburn Avenue being the final phase; reported that she has not received any feedback on the proposed back-in, angled parking except for the fact that no objection was voiced through the public input process; and confirmed that staff did discuss with Blue Zones the option of restriping Main Street to two lanes instead of reconstructing the roadway.

Announcing that he has been working on the downtown revitalization project for several years and has witnessed a lack of enthusiasm for the previous plans that were proposed, Mayor Roberts stated that he is sensing that there is a much greater buy-in with the Complete Streets proposal. However, he stated that he wants to make sure that the property and business owners are aware that if the Council chooses to proceed with authorizing the proposed expenditure that it will be an inconvenience while the construction is being done. In response, Ms. Lopez assured the Council that staff will make every effort to ensure that the property and business owners are kept abreast of the construction plans as they occur in order to alleviate some of the frustration that may occur.

The Mayor asked for comments from the members of the audience. In response, Dr. John McNeill addressed the Council on behalf of the MRA and expressed his strong support for the proposed Complete Streets project. He confirmed that restriping downtown Main Street was considered but stated that the MRA believes that drastic change is needed in order to bring the project into fruition, instead of minor tweaks here and there. He urged the Council to proceed with the project, noting that he agrees that constant communication with the downtown property owners and businesses will be crucial for the project to be successful.

In response to inquiry from Councilor Fischer, Dr. McNeill reported that the entire project will cost a little over \$10 million with the first phase costing between \$2-4 million. He pointed out, however, that part of the infrastructure improvements will be electrical upgrades that will be paid for by the Electric Utility Department and stated that he hopes that the water and sewer infrastructure improvements can be completed at the same time in order to eliminate the need for additional trenches.

Councilor Fischer announced that she cannot support the proposal because of the cost, noting that the City is facing economic challenges.

Tom Taylor addressed the Council as a business owner in the downtown area and expressed his support for the project. He pointed out that the blocks in the downtown area are fairly small in size which could alleviate some of the inconveniences and he announced that he intends to donate that portion of the dirt parking lot that is needed for the roundabout at the intersection of Miller Avenue and Main Street.

Paul Martin also addressed the Council as a business owner in the downtown area and stated that he supports the Complete Streets project. He suggested that the downtown merchants resurrect the Main Street organization in an effort to become a stronger, more viable enterprise.

Karen Ellsbury, owner of Studio 116, contended that now is the time to invest in the downtown area even though the economy is unstable because it could establish a different revenue stream that is more focused on tourism instead of the oil and gas industry.

There being no further discussion, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to authorize an expenditure of up to \$225,000 from the Metropolitan Redevelopment Area Fund for the purpose of hiring a consultant to design and complete construction plans for Phase I of Complete Streets, as proposed by Blue Zones, and to direct staff to issue a Request for Proposals for engineering services. The role was called with the following result:

Those voting aye:	Linda Rodgers Gayla A. McCulloch Nate Duckett
Those voting nay:	Mary M. Fischer

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

UNFINISHED BUSINESS:

- (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. PFP 15-01 from Four Corners Land LLC, represented by George Walters, requesting preliminary plan/final plat approval for 3.94 acres of land located at 2500 Farmington Avenue.

Mayor Roberts announced that this item was tabled at the January 26, 2016 regular City Council Meeting at the request of the petitioner, and stated that the petitioner is now requesting that the item be tabled to the February 23, 2016 regular City Council Meeting.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to table Petition No. PFP 15-01 to the February 23, 2016 regular City Council meeting, as requested by the Petitioner, and upon voice vote the motion carried unanimously.

Councilor Fischer asked City Attorney Jennifer Breakell to advise whether it is appropriate for the Council to meet individually with the petitioner or his representatives prior to the item being discussed at a City Council meeting. In response, Ms. Breakell advised against ex parte discussion because the parties who may be opposed to the petition are not privy to the same information. She clarified that this will not apply to every matter that comes before the Council for consideration but should be applied to matters of due process and land use. She also noted that this guideline is being taught by Randy Van Vleck, Attorney for the New Mexico Municipal League.

Mayor Roberts announced that he appreciates the advice, but stated that it was his understanding that this only applied to matters that are addressed through a quasi-judicial proceeding.

Councilor Duckett announced that he has already met with the petitioner. In response, Mayor Roberts stated that it is his opinion that the Council has the right to meet with constituents if they so choose.

Addressing the Council on behalf of the petitioner, Attorney Seth Bingham argued that the heart of representative democracy is that the citizens and their representatives have an opportunity to speak with

Councilors and pointed out that this has been the practice of the Council for many years.

In response to inquiry from Mayor Roberts, Ms. Lopez reported that State Statutes do not require adjoining property owners to be notified when a preliminary plan and/or final plat for a subdivision is considered by the Council.

Councilor McCulloch announced that she has also discussed the matter with the petitioner and stated that it has been her practice as a Councilor to discuss concerns with every constituent who contacts her.

Ms. Breakell reiterated that she believes that the Council should be allowed to speak with constituents regarding concerns, but explained that a rolling quorum could be created if the Councilors discuss the matter amongst themselves outside of a public meeting.

In closing, Mayor Roberts stated that he believes that the Council needs to determine for themselves whether they will choose to participate in individual meetings with constituents.

COUNCIL BUSINESS

Recognition of Samantha Chang

Mayor Roberts reintroduced Farmington High School Senior Samantha Chang, noting that she is a volunteer participant of the San Juan Mentors Program and stated that she will be shadowing him for the next few months. He noted that Ms. Chang has an interest in politics and may pursue a career in policy analysis.

Councilor Duckett announced that he is one of the founding members of San Juan Mentors and stated that he is proud of Ms. Chang since this is the second time that she has applied and participated in the program.

Recognition of Former Farmington Police Officer Ron McNeal and Apache Elementary School Teacher Johnny Hanika

In response to comments from Councilor Fischer, City Manager Rob Mayes reported that Mayor Roberts and Police Chief Steve Hebbe recognized former Farmington Police Officer Ron McNeal and Apache Elementary School Teacher Johnny Hanika for their efforts in helping to subdue a DWI suspect that was being disobedient to police commands during a traffic stop near Apache Elementary School earlier this week.

House Bill 233/Hold Harmless Payments and Tax Distributions

Councilor Duckett commended Mayor Roberts and City Manager Rob Mayes for their efforts in meeting with the legislative delegation last week in Santa Fe to advise them of the negative impacts that House Bill 233 would have on the City of Farmington, noting that he has heard that the bill has lost support.

Mayor Roberts also commended the San Juan County Legislative Delegation for recognizing the devastating financial implications that would occur with an accelerated phase-out of the hold harmless gross receipts tax payments. He also stated that he believes that they understand that the City of Farmington acted within the letter and the spirit of the law when it imposed two of the three quarter-percent tax increments since it did not result in a "windfall" of revenue.

CITY MANAGER BUSINESS

Permission to Publish Notice of Proposed Ordinance/Lake Farmington

City Manager Rob Mayes reported that staff has received requests from members of the public to use Lake Farmington for training and special events and stated that it is also necessary to allow maintenance workers access to the water. As a result, staff is recommending that Section 20-3-7 of City Code be amended to state that the city manager shall have discretion to grant a waiver allowing wading and swimming in Lake Farmington for training purposes, special events and maintenance of the dam and lake. He noted that the proposed amendment will not alter the current policy prohibiting swimming, wading, etc. in Lake Farmington without a permit and assured the Council that any policy amendment concerning recreational use will be presented to them for consideration.

There being no discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to direct staff to publish notice of intent to consider adoption of a proposed ordinance in accordance with State Statutes. The roll was called with the following result:

Those voting aye: Linda Rodgers
Mary M. Fischer
Gayla A. McCulloch
Nate Duckett

Those voting nay: None

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

CITY CLERK BUSINESS

Early Voting for the March 1, 2016 Regular Municipal Election

City Clerk Dianne Smylie announced that early voting for the March 1, 2016 Regular Municipal Election will be conducted in her office beginning tomorrow during normal work hours (8:00 a.m. to 5:00 p.m.) through Friday, February 26. She also noted that Samantha Chang was the only person to respond to her email request for poll workers that was sent to Dr. Judy Palier, Director of Political Science at San Juan College. She noted, however, that Ms. Chang resides in the wrong district and was unable to participate.

Recognition of Boy Scout Troop 151

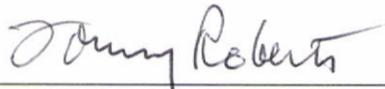
Mayor Roberts recognized the members of Boy Scout Troop 151 and he asked each member to stand and introduce themselves.

There being no further business to come before the Council, the meeting was adjourned at 7:10 p.m.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 2013-1466, et seq.

Approved this 23rd day of February, 2016.

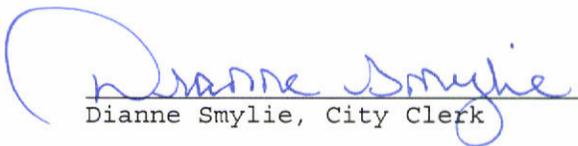
Entered in the permanent record book this 24th day of February, 2016.



Tommy Roberts, Mayor

SEAL

ATTEST:



Dianne Smylie, City Clerk