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, March 22, 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 G. Rodgers Sean E. Sharer Nate Duckett
THOSE ABSENT	Gayla A. McCulloch, Councilor

constituting all the members of said Governing Body.

Also present were:

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 Father Tim Farrell of Sacred Heart Catholic Church.

Community Relations Commission member David John 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 March 8, 2016; the minutes of the Swearing-In Ceremony/Organizational Meeting of the City Council held March 7, 2016; and the minutes of the Regular Work Session of the City Council held March 15, 2016.

*PURCHASE AGREEMENT between the City and Preston Wayne Walling Family Trust for purchase by the City of 14.68 acre-feet of diversionary water rights from the Animas River delivered through the Independent Ditch (purchase price $1,900 per acre-foot).

*WARRANTS PAYABLE for the time period of March 6, 2016 through March 18, 2016, for current and prior years, in the amount of $6,732,526.72.

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

NATIONAL SERVICE RECOGNITION DAY PROCLAMATION

The Mayor presented Northwest New Mexico Seniors, Inc. Senior Companion Program ("SPC") Director Frances Miramontes with a Proclamation declaring April 5, 2016 as "National Service Recognition Day." Ms. Miramontes introduced SPC Volunteers, Debbie Stanley, Malva Jones, Mary Lou Newnum, Rafaelita Aguilar and Debbie Lockett and stated that she is very proud of the service that these ladies provide.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

*CONSENT AGENDA: Community Development Director Mary Holton 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. She asked that if the items 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 Department Petition Report to approve Petition No. PP 16-01 from Vernon Gladden, represented by George Walters, requesting preliminary plan approval for L & V Subdivision No. 1, a 5-lot subdivision of 4.73 acres located at the intersection of County Roads 6480 and 6478.

*(2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. PP 16-02 from Vernon Gladden, represented by George Walters, requesting preliminary plan approval for L & V Subdivision No. 2, a 5-lot subdivision of 4.73 acres located at the intersection of County Roads 6480 and 6478.

*(3) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Petition Report to approve Petition No. SUP 16-01 from Martha and Alexander Wu, Sy Ming Deng and Kang Ho requesting a Special Use Permit to allow nonconforming residential uses to be rebuilt to the same size and at the same location if destroyed by more than 50 percent for property located at 4307 Hannon Drive in the IND, Industrial, District.

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

COMMUNITY RELATIONS COMMISSION ANNUAL REPORT

Mayor Roberts recognized David John for his eight years of service as the Chairman of the Community Relations Commission ("CRC"), noting that he accepted the position during a time when the CRC was being tasked with the responsibility of resolving disputes against allegations of racism versus their focus now which is to mediate a common-ground outcome between the complainant and the respondent. Mayor Roberts commended Mr. John for his leadership on the CRC and he presented him with a certificate in appreciation of his service.

Utilizing a Powerpoint presentation, CRC Chairman Melissa Meechan announced that the mission of the CRC is "To promote ways in which the community provides and safeguards equal opportunities for all"; stated that two new members have joined CRC; reported that CRC sponsored the SPIRIT Workshop in conjunction with the Department of Justice; and noted that 2015 was recognized as "The Year of Civility" which resulted in the creation of a Facebook page for Civility First Four Corners. Announcing that the month of May was dedicated as Woman's History Month and the month of October was dedicated as Hispanic Month, Ms. Meechan reported that these programs were promoted through social media and resulted in more than 10,000 "likes". Furthermore, she stated that CRC members traveled to Durango, Colorado to meet with their Community Relations Commission; noted that a community assistance grant was awarded to the Veterans Services for their "Homeless Veterans Stand Down" program; reported that CRC has completed a strategic planning session that focuses their attention towards outreach for 2016; announced that CRC helped coordinate an anti-bullying presentation at San Juan College for middle and high school students; and noted that CRC co-sponsored the Cultural Harmony Conference with San Juan Partnership. In closing, Ms. Meechan explained that the Comprehensive Homeless Assistance Providers ("CHAP") group was formed as a collaboration between the CRC and the Farmington Police Department and stated that their primary mission is to facilitate information-sharing and the coordination of resources among various agencies and organizations in the Four Corners area who provide services to the homeless and those living on the streets due to substance abuse.

In response to inquiry from Mayor Roberts, Ms. Meechan reported that the CRC has made unsuccessful attempts to partner with the Navajo Nation Community Relations Commission ("NNCRC"), but pointed out that newly-appointed CRC member Catherine Abeyta actively works with that commission and stated that they are hopeful that a partnership can be established. Adding to her comments, Mr. John pointed out that CRC started out on good terms with NNCRC but explained that things turned sour when they chose to focus on the past instead of seeing the positive changes that were being made. He also noted that the NNCRC is under new leadership and stated that he is hopeful that a better relationship can be established. In response to comments from Mayor Roberts, Ms. Meechan assured him that the CRC will make it a priority to try and reconnect with NNCRC.

In closing, Ms. Meechan responded to inquiry from the Mayor by stating that the Four Corners Civility First program is not where she had hoped that it would be because of financial constraints, but stated that they are trying to bring it back into focus with the addition of signs on the Red Apple Transit buses.

FUTURE OF BROOKSIDE POOL/PROPOSED FAMILY WATER PARK/RECREATIONAL SWIMMING AT FARMINGTON LAKE

Providing opening remarks, Mayor Roberts announced that staff proposed at the March 15, 2016 Work Session that 1) Brookside Pool be closed for safety reasons; 2) Farmington Lake be opened to allow recreational swimming; and 3) that staff be directed to begin the conceptual design process for a new family water park/pool and stated that staff was directed at that meeting to schedule a public hearing prior to the Council taking any action. As a result, he reported that a public hearing was held last night whereby approximately 30 individuals who are not connected to City government attended. He asked Parks, Recreation & Cultural Affairs Director Cory Styron to provide the Council with a summary of the meeting.

Mr. Styron reported that the majority of the hour-and-a-half meeting was spent discussing Brookside Park and its nostalgic connection with the community, noting that it is evident that there is a passion to maintain an aquatic facility at that location. He stated that he believes that the attendees understood that the age of the facility is a safety concern that needs to be addressed and are, for the most part, receptive to renovations. However, he noted that their biggest concern seemed to be how long it would take to demolish the old pool and construct a new pool and whether there was a commitment from the City to rebuild at the Brookside Park location. He also reported that the attendees were supportive of Farmington Lake being opened as an alternative to Brookside Pool, but they noted concerns about inaccessible transportation for children. He pointed out, however, that he has discussed this matter with Transit Manager Andrew Montoya and he is confident that the Red Apple Transit could assist with transporting the children from Brookside Pool to Farmington Lake.

Councilor Rodgers stated that she was happy to see so many citizens in attendance at the public hearing and suggested that a water feature (similar to the one at Berg Park) be installed at Brookside Park until such time that the pool is reconstructed. In response, Mr. Styron reported that this is a feasible option, but noted that installation of such a feature is similar to that of a swimming pool but less costly. He stated that staff will be willing to prepare cost estimates if that is what the Council desires. Councilor Rodgers also asked that staff prepare cost estimates on what it would cost to repair Brookside Pool until a new facility could be constructed. She stated that she is pleased that the Red Apple Transit will be available to provide transportation during the transition phase.

Councilor Sharer noted that he grew up in the Brookside Park area and still resides there today and stated that he understands the desire to maintain a pool at that location that remains affordable to the neighborhood families. He asked staff to provide the Council with a timeline on how long it will take to design and construct a new pool at that location. He also stated that he is happy that the Red Apple Transit will be available to provide transportation and suggested that staff allow food truck vendors to sell at Farmington Lake as an added feature.

Announcing that he posted commentary on this matter on Facebook last week, Councilor Duckett stated that it was seen by nearly 26,000 individuals and noted that their comments are similar to those being expressed tonight. He agreed that Farmington Lake is a good option, but not an alternative, and stated that he is excited about the possibility of constructing an outdoor water park facility.

Reiterating the comments he made at last night's public hearing, Mayor Roberts stated that there is a long list of projects that staff believes would be beneficial to the citizens of Farmington but are costly to construct and maintain. He used the recent construction of the Animal Shelter as an illustration of how a project was elevated in status priority based upon the interest of the community, the willingness of the affected parties to compromise on the costs, and staff's ability to identify alternative funding sources. He announced that it is his belief that the reconstruction of Brookside Pool could be a similar project and stated that a couple of ideas for alternative funding are the refinancing of outstanding bonds or the imposition of a quality of life gross receipts tax.

The Mayor asked for comments from the audience.

Addressing the Council, Sarah Walker, 2611 N. Knudsen Avenue, read from a prepared statement. She recommended that the Council proceed with spending the $123,000 to repair Brookside Pool in order to make it operational for the 2016 season even though the facility is 60 years old. She stated that she has been swimming at that facility for 30 years and believes that the fear of water-borne illness should not be a factor since there has never been an outbreak. She suggested that the lifeguards on duty better patrol the shower facilities in an effort to reduce water loss and contended that the construction of a recreational swimming area at Farmington Lake is not a worthy option to replacing Brookside Pool. Furthermore, she stated that she is favorable to having the pipes scoped in an effort to determine if the facility could be operated until a plan is in place to construct a new pool because she believes that temporary closures lead to permanent closures of facilities. Lastly, she stated that if a new water park facility becomes too costly to construct, she believes that the citizens of Farmington would opt to rebuild Brookside pool as it currently stands.

Tonya Stinson addressed the Council as the Executive Director for the Convention and Visitors Bureau and stated that she hopes that the Council will consider the positive impact that a new water park could have on tourism, noting that it will be a one-of-a-kind feature for the area.

There being no further comments from the public, Mayor Roberts asked the Council whether they believe that $123,000 should be spent to repair Brookside pool for this swimming season and questioned when the pool could be opened. In response, Mr. Styron reported that it will take approximately four months to complete the needed repairs and stated that best case scenario is that it would open mid-July.

Following further discussion and consideration, Councilor Rodgers suggested that Farmington Lake be considered separate from Brookside Pool and thereupon, made a motion to direct staff to proceed with opening Farmington Lake to recreational swimming. Councilor Sharer seconded the motion and upon voice vote the motion carried unanimously.

Further discussion continued about the future of Brookside pool and the Council was in agreement that additional information needs to be presented before they can make a determination on whether to close the facility. As a result, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to table indefinitely the recommendation to close Brookside pool, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Commendation of City Staff

Councilor Rodgers thanked Assistant City Manager Bob Campbell and Public Works Director David Sypher for responding to complaints she received during her campaign about the poor condition of the sidewalks on Vine Avenue. Councilor Duckett commend Mr. Sypher and his crew for repairing damaged street signs on Piñon Hills Boulevard within 24 hours of it being reported.

Passing of two City Employees

Assistant City Manager Julie Baird recognized the loss felt by the City this week due to the passing of two employees, Chace Powell and Joe Schmidt. Noting that they were killed in a car crash while traveling home from a conference in Colorado, Ms. Baird stated that this is a tremendous loss for the community and staff and she extended her sincere sympathy to their friends and families.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented and read by title Resolution No. 2016-1584 providing for the annual determination of reasonable notice of public meetings of the City of Farmington. The title of the resolution being:

A RESOLUTION PROVIDING FOR THE ANNUAL DETERMINATION (IN A PUBLIC MEETING) OF REASONABLE NOTICE OF PUBLIC MEETINGS OF THE CITY OF FARMINGTON AS REQUIRED BY SECTION 10-15-1 ET SEQ. NMSA 1978 COMPILATION, AND READOPTING, RATIFYING AND AFFIRMING THE PROVISIONS OF RESOLUTION NO. 2013-1466 PROVIDING FOR NOTICE OF PUBLIC MEETINGS.

After consideration of Resolution No. 2016-1584, a motion was made by Councilor Duckett, seconded by Councilor Rodgers that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Nate Duckett
Those voting nay:	None
Those absent:	Gayla A. McCulloch

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2016-1584 was duly passed and adopted.

Ms. Breakell also presented and read by title Resolution No. 2016-1585 concerning the Bureau of Land Management's proposed Onshore Orders. The title of the resolution being:

A RESOLUTION OPPOSING THE BUREAU OF LAND MANAGEMENT'S PROPOSED ONSHORE ORDERS 3, 4 AND 5 AND THE "VENTING AND FLARING RULE" WHICH, IF APPROVED, WILL BECOME ONSHORE ORDER 9.

Acknowledging that Councilor McCulloch is absent from tonight's meeting, Ms. Breakell reported that Councilor McCulloch has indicated that she is supportive of the proposed resolution but suggested that the final paragraph directing the distribution of the resolution be amended to include Senators Tom Udall and Martin Heinrich; Congressmen Ben Ray Lujan and Steve Pearce; Congresswoman Michelle Lujan Grisham; and Four Corners Economic Development, Inc.

Mayor Roberts suggested that the third "Whereas" paragraph listed on page 8.1 of the agenda materials be amended to add the words, "per well" after the word "$5,000."

After consideration of Resolution No. 2016-1585, a motion was made by Councilor Duckett, seconded by Councilor Rodgers that said resolution be passed and adopted as amended. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Nate Duckett
Those voting nay:	None
Those absent:	Gayla A. McCulloch

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2016-1585 was duly passed and adopted.

Ms. Breakell presented and read by title Resolution No. 2016-1586 concerning a dilapidated building at 2800 Edgecliff Drive. The title of the resolution being:

A RESOLUTION DIRECTING THE REMOVAL OF A DANGEROUS AND DILAPIDATED BUILDING AND OF RUINS, RUBBISH, WRECKAGE AND DEBRIS FROM 2800 EDGECLIFF DRIVE IN THE CITY OF FARMINGTON, NEW MEXICO.

In response to inquiry from Councilor Duckett, Ms. Breakell stated that staff has been in contact with the property owners and the social worker assigned to this case and stated that she does not believe that there is any reason why they would be shocked to learn about the proposed condemnation proceeding. Corporal Todd Johnston with the Police Department confirmed that the property owners were both sent notices of the pending condemnation and noted that his staff has been working with the property owners for two years trying to resolve the matter.

There being no further discussion of Resolution No. 2016-1586, a motion was made by Councilor Rodgers, seconded by Councilor Duckett that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Nate Duckett
Those voting nay:	None
Those absent:	Gayla A. McCulloch

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2016-1586 was duly passed and adopted.

Lastly, Ms. Breakell requested permission to publish notice of intent to consider adoption of a proposed ordinance amending Chapters 24 and 25 of the City Code dealing with house numbering/street addressing and the individual sale of used vehicles.

There being no discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to direct the City Attorney 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 G. Rodgers Sean E. Sharer Nate Duckett
Those voting nay:	None
Those absent:	Gayla A. McCulloch

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

CLOSED MEETING

A motion was made by Councilor Duckett, seconded by Councilor Rodgers to close the meeting to discuss request for a cost of service and rate study, pursuant to Section 10-15-1H(6) NMSA 1978. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Nate Duckett
Those voting nay:	None
Those absent:	Gayla A. McCulloch

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

The Mayor convened the closed meeting at 7:20 p.m. with Councilors Rodgers, Sharer and Duckett being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 7:24 p.m. with Councilors Rodgers, Sharer and Duckett being present.

REQUEST FOR PROPOSALS/COST OF SERVICE AND RATE STUDY

Purchasing Supervisor Kristi Benson reported that proposals for a cost of service and rate study (Electric) opened on February 24, 2016 with twelve offerors participating. She requested authorization to commence negotiations with NewGen Strategies and Solutions, LLC as the top evaluated firm after application of the five percent in-state and Veterans preferences.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Duckett to authorize staff to commence negotiations on the proposal for a cost of service and rate study with NewGen Strategies and Solutions, LLC, as recommended by the Purchasing Supervisor, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 7:26 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 12th day of April, 2016.

Entered in the permanent record book this 13th day of April, 2016.

Tommy Roberts

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie

Dianne Smylie, City Clerk