

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 7:00 p.m. on Tuesday, March 26, 2013. 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	Dan Darnell Mary M. Fischer Gayla McCulloch
ABSENT	Jason Sandel, Councilor

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Bob Campbell
CITY ATTORNEY	Jay B. Burnham
CITY CLERK	Dianne Fuhrman

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

INVOCATION: The invocation was offered by Pastor Gary McMillan of Providence Presbyterian Church.

Councilor McCulloch led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor announced that those items on the agenda that are marked with an asterisk (\*) have been placed on the Consent Agenda and will be voted on 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 12, 2013 and the minutes of the Regular Work Session of the City Council held March 5, 2013.

\*RECEIPT OF GRANT FUNDS FROM THE NEW MEXICO DEPARTMENT OF HOMELAND SECURITY (Sub-Grant No. 2012-DOT-Farmington Fire Department-Haz Mat Refresher) in the amount of \$10,050 for the annual Haz Mat Team Refresher (City's match is \$2,512.50).

\*PUBLIC CELEBRATION PERMIT APPLICATION AND WAIVER OF 300-FOOT SEPARATION REQUIREMENT from a Church from Wines of the San Juan (License No. 6085) for the Downtown Farmington Art Walk & Artist Reception to be held on April 12, 2013 at Affordable Furniture, 224 W. Main Street.

\*WARRANTS PAYABLE for the time period of March 10, 2013 through March 23, 2013, for current and prior years, in the amount of \$7,969,671.94.

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

COUNCIL BUSINESS

Printed Copies of Email/Mayor's Email to Governor Susana Martinez

Stating that it was her understanding that she would be provided printed copies of all emails that are sent to her email account, Councilor Fischer noted that she was not given copies of the Mayor's recent email to Governor Susana Martinez until the start of tonight's meeting. Furthermore, she voiced concern for the tone of the email since

it told the Governor that she should veto HBIC/Sub 641 titled, Public Peace, Health, Safety & Welfare Film Production Tax Credit Changes. She strongly reminded staff that she wants printed copies of all emails that are sent to her email account.

In response, Mayor Roberts reported that there are three items of correspondence from his office to Governor Martinez concerning HBIC/Sub 641. He explained that the proposed legislation will reduce the corporate tax rate from 7.9 to 5.9 percent over a period of five years, which is beneficial to business and also includes some other provisions that are beneficial to both the individual and corporate citizens. However, he pointed out that it contains a measure that does great harm to municipalities and county governments, noting that the City of Farmington will lose \$45 million in gross receipts tax over a period of 15 years. Announcing that the legislation will commence in two years, Mayor Roberts stated that it has the potential to be devastating to the City of Farmington. As a result, he stated that he wrote an email to Governor Martinez asking her to veto the proposed legislation as she had promised three weeks earlier to the member entities of the New Mexico Municipal League. Noting that the email was returned as undeliverable, he stated that he then asked the Administrative Aide in Administration to find another means for communicating the message to the Governor and that the same message was resent via a state website. Mayor Roberts explained that later that same day he came across another email address for an Administrative Aide to the Governor and was told that if he sent the correspondence to that email address Governor Martinez would receive it. As a result, he sent a second email message that was less blunt than the first and explained the problem and the negative consequences that the proposed legislation would have on the City and asked her to veto it. He contended that this type of communication is something that the mayor of a community has the authority to do since it is consistent with the position that the Council took when it established its legislative priorities. Furthermore, he stated that he is often asked, as Mayor, to give his opinion on issues and to endorse programs and projects since he is the only elected official in Farmington that is elected throughout the city. He accepted the criticism that his first email may have been too blunt, but stated that the impact on the city is significant and severe and he believes the message needed to be communicated.

Councilor Darnell cautioned the Mayor about sending correspondence without the consent of the Council but stated that he believes that the emails were written in such a manner to imply that this was his opinion and not necessarily that of the Council. He also reviewed the tremendous impact that the legislation will have on the City, contending that it will be impossible for a community to grow enough in 15 years to absorb the severe financial impact. He agreed that there are some good provisions of HBIC/Sub 641, but pointed out that the subject legislation is the result of actions taken by the 2004 State Legislature and former Governor Bill Richardson. He stated that he believes that it is unfair that the local governments have been put in a position to "fix" the problem.

#### CLOSED MEETING

A motion was made by Councilor McCulloch, seconded by Councilor Darnell to close the meeting to discuss requests for proposals for temporary employment services and projects pursuant to an amendment to the Community Development Block Grant (CDBG) 2012 Annual Action Plan. The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer Gayla McCulloch
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Those absent:	Jason Sandel
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 7:14 p.m. with Councilors Darnell, Fischer and McCulloch being present.

Following the closed meeting, during which meeting the matters discussed were limited only to those specified in the motion for closure, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to open the meeting for further business, and upon voice vote the motion

carried unanimously.

The open meeting was reconvened by the Mayor at 7:40 p.m. with Councilors Darnell, Fischer and McCulloch being present.

#### REQUEST FOR PROPOSALS FOR TEMPORARY EMPLOYMENT SERVICES

Purchasing Supervisor Kristi Benson announced that proposals for temporary employment services (General Services) opened on February 20, 2013 with two offerors participating. She recommended that the contract be awarded to SOS Staffing Services, Inc. as the top evaluated firm based on the pricing schedule for services.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to award the proposal for temporary employment services to SOS Staffing Services, Inc., as recommended by the Purchasing Supervisor. The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer Gayla McCulloch
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Those absent:	Jason Sandel
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

#### REQUEST FOR PROPOSALS FOR PROJECTS PURSUANT TO AN AMENDMENT TO THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN

Purchasing Supervisor Kristi Benson announced that proposals for projects pursuant to an amendment to the 2012 Community Development Block Grant (CDBG) Annual Action Plan (Community Development) opened on March 5, 2013 with eight offerors participating. She asked the Council to consider the proposed projects and associated budgets and provide direction to staff and/or award the projects.

Pointing out that the Council is being asked to consider the award of \$99,000 in unspent CDBG funds, Councilor Darnell noted that Councilor Sandel is absent from tonight's meeting and stated that he believes that a decision of this magnitude should involve all of the Councilors. Furthermore, he contended that the Council should have the opportunity to evaluate and rank the proposals instead of a committee and stated that he would prefer to have a process that allows each offeror to make a presentation before the Council.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to cancel the Request for Proposal process and to direct staff to issue a new request for proposals that will provide the Council with a list of qualified offerors who are then asked to make a presentation before the City Council for funding consideration and final award.

In response to inquiry from Councilor Fischer, Purchasing Officer Eddie Smylie reported that staff will initiate the new request for proposal process as quickly as possible, but noted that it must be open to the public for at least 10 days.

Mayor Roberts asked if anyone in the audience has a question regarding the proposed process. He explained that the reason for the subject motion is to direct staff to start over with a proposal process that is less specific and allows the offerors to make presentations to the Council. He explained that if the Council were to proceed with the proposals as presented at tonight's meeting, they would be required to award the funding to the highest evaluated offeror.

Erin Hourihan, Executive Director for Childhaven, asked for clarification on the process. In response, Mr. Smylie explained that staff will develop the new criteria and issue a new request for proposals, but stated that it is very likely that the offerors will be able to submit exactly the same proposal if they choose to do so.

The Mayor called for the vote upon the motion to cancel the Request for Proposal process and to direct staff to issue a new request for proposals that will provide the Council with a list of qualified offerors who are then asked to make a presentation before the City Council for

funding consideration and final award. The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer Gayla McCulloch
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Those absent:	Jason Sandel
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

There being no further business to come before the Council, the meeting was adjourned at 7:50 p.m.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 96-844, et seq.

Approved this 9<sup>th</sup> day of April, 2013.

Entered in the permanent record book this day of April, 2013.

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Tommy Roberts, Mayor

SEAL

ATTEST:

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Dianne Fuhrman, City Clerk