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, May 28, 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 PRO TEM Dan Darnell

COUNCILORS Mary M. Fischer

Gayla McCulloch Jason Sandel

ABSENT Tommy Roberts, Mayor

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER Rob Mayes

CITY ATTORNEY Jay B. Burnham

CITY CLERK Dianne Fuhrman

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

 ${\tt INVOCATION:}$ The invocation was offered by Pastor Michael Justice of Word of Life Christian Center.

Councilor Fischer led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor Pro Tem 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 May 15, 2013; the minutes of the Regular Work Session of the City Council held May 7, 2013; and the minutes of the Special Work Session of the City Council held May 10, 2013.
- *DECLARATION OF SURPLUS PROPERTY: The Purchasing Officer recommended that worn-out, unusable or obsolete vehicles (Administrative Services, Central Warehouse, General Services and Vehicle Maintenance) be declared surplus to the needs of the City and not essential for municipal purposes and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.
- *DECLARATION OF SURPLUS PROPERTY: The Purchasing Officer recommended that worn-out, unusable or obsolete electrical control (tray) cable (Administrative Services, Central Warehouse, Electric and Transmission and Distribution) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.
- *BID: The Purchasing Officer recommended that the bid for electrical transmission and distribution construction labor only (Electric Engineering) be awarded to WEC Powerline Construction on its low bid of \$984,556.91. Bids opened May 21, 2013 with two bidders participating.
- *BID: The Purchasing Officer recommended that the bid for purchase of suspended flooring for the Municipal Operations Center (Electric Utility) be awarded to Klein Enterprises as the sole bid of \$23,890 is deemed to be fair and reasonable. Bids opened May 21, 2013 with one bidder participating.
- *GRANT MODIFICATION AWARD NO. G12SN0010A between the City and the Office of National Drug Control Policy increasing the award

amount by \$25,000 for the High Intensity Drug Trafficking Areas Program (HIDTA) (total award is \$191,878).

- *MEMORANDUM OF AGREEMENT between the Cities of Aztec, Bloomfield and Farmington and San Juan County authorizing a joint application to the New Mexico Highway and Transportation Department, Traffic Safety Bureau, for funding of a comprehensive Community DWI (CDWI) Program for Fiscal Year 2013/2014 (funding amount of \$43,288).
- *FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT between the City and the New Mexico Department of Transportation to continue the Safe Routes to School (SRTS) Phase 2 non-infrastructure educational and encouragement program through Federal Fiscal Year 2014 and increase funding by \$25,000 (total funding amount is \$50,000).
- *ADOPTION OF RESOLUTION NO. 2013-1468 approving the Adaptive Traffic Signal Control System Project for the East Main corridor (NM516), Hutton Avenue to English Road, and accepting Federal Highway Administration (FHWA) funds from the New Mexico Department of Transportation's 2012/2013 Transportation, Community and System Preservation, Project NM003 (TCSP) funds for such project.
- *ADOPTION OF RESOLUTION NO. 2013-1469 approving the Safe Routes to School Phase 2 Infrastructure Project and accepting funds from the New Mexico Department of Transportation Federal Highway Administration 2012/2013 Safe Routes to School-Infrastructure (SRSI) for such project.
- *RECOMMENDATION FROM THE PARKS, RECREATION AND CULTURAL AFFAIRS

 DEPARTMENT AND THE ANIMAL SERVICES ADVISORY COMMISSION to name
 the new animal shelter, "Farmington Regional Animal Shelter."
- *WARRANTS PAYABLE for the time period of May 12, 2013 through May 26, 2013, for current and prior years, in the amount of \$9,551,693.26.

Councilor Sandel requested that Resolution No. 2013-1468 be removed from the Consent Agenda.

In response to inquiry from Councilor Sandel concerning the proposed Memorandum of Agreement between the City and the New Mexico Department of Transportation concerning the Safe Routes to School Phase 2 funding increase, Public Works Director Jeff Smaka reported that the Farmington Municipal School District submitted the names of the schools for sponsorship by the City and explained that the additional funds will simply be used to complete those ongoing projects. He noted that the subject program is being revised and, as a result, the City is not seeking recommendations for future sponsorship of schools.

There being no further requests to remove any items, a motion was made by Councilor Sandel, seconded by Councilor McCulloch to approve the Consent Agenda, with the exception of Resolution No. 2013-1468, and upon voice vote the motion carried unanimously.

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 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. ZC 13-02 from Charles Hagen, represented by Paul Martin, requesting a zone change from the LNC, Local Neighborhood Commercial, District to the GC, General Commercial, District for 0.36 acres located at 2618 E. 20th Street, subject to the vehicles exiting the property onto 20th Street being restricted to "right-out" only.
- *(2) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development

Department Petition Report, to approve Petition No. ZC 13-04 from Tennille Taylor requesting a zone change from the LNC, Local Neighborhood Commercial, District to the MU/RPO, Mixed-Use with a Residential Preservation Overlay, District for 0.25 acres located at 508 W. Arrington Street.

*(3) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. ZC 13-05 from Manuel L. Chavez requesting a zone change from the SF-7/SMHAO Single-Family/Special Mobile Home Area Overlay, District to the MF-L/SMHAO, Multi-Family/Low Density Special Mobile Home Area Overlay, District for 0.85 acres located at 3002 English Road.

With regard to Petition No. ZC 13-02 (Item No. (1)), Associate Planner Fran Fillerup assured Councilor Sandel that staff will ensure that the driveway access to the subject property is designed to impede traffic from making a left turn onto $20^{\rm th}$ Street.

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

COUNCIL BUSINESS

Fireworks Use

At the request of Councilor Fischer, City Attorney Jay Burnham reported that staff intends to schedule a hearing for the June 4, 2013 City Council Work Session for the purpose of determining whether additional restrictions should be imposed on the use of fireworks during the upcoming 4th of July holiday season. He explained that if it is determined that severe drought conditions exist, then a proclamation banning the use of legal fireworks in wildland areas and to areas that are paved or barren or have a source of water readily accessible will be scheduled for consideration at the June 11, 2013 regular City Council meeting. He also pointed out that such proclamation cannot be issued less than 20 days prior to the holiday (June 14) and cannot be effective for more than 30 days.

Councilor Fischer asked Fire Chief Terry Page to schedule a meeting with the San Juan County Fire Marshall to determine whether they are interested in imposing additional restrictions on the use of fireworks. She also asked if it would be possible to cite individuals if their fireworks exceed the noise levels because they have a tendency to scare domestic animals.

<u>Procedures at the Animal Shelter</u>

Referring to an article that was published in the Tri-City Tribune on Friday, May 24, 2013 concerning a dog named "Bear", Councilor Sandel asked for an explanation on what happened. In response, Parks, Recreation & Cultural Affairs Director Cory Styron reported that on April 12, 2013 an Animal Control Officer responded to a call concerning a loose dog and when she arrived on scene, the dog made an aggressive move at her. He explained that the owner was located but decided to surrender the dog because he did not have enough money to pay the animal at-large fine. The animal was taken to the shelter and euthanized because of the aggressive behavior. Noting that the animal control officer did not violate policy because the three to five day hold does not apply to surrendered animals, Mr. Styron stated that he believes the situation could have been handled more appropriately and has initiated an Internal Affairs investigation which should be complete next week. As a result of this incident, he announced that the Animal Shelter has amended its policy and now requires surrendered animals to be held for a minimum of 24 hours (a "cooling off" period) before it is euthanized for aggressive behavior. He stated that staff is researching whether there is a longer "best practices" policy that should be considered and advised the Council that animal control officers must now document the reason why an animal is euthanized.

CITY ATTORNEY BUSINESS

In accordance with the State Open Meetings Act, City Attorney Jay Burnham presented and read by title a resolution setting and establishing the regular day, time and place for regular City Council meetings as the second and fourth Tuesdays of each month at 7:00 p.m. in the Council

Chamber of the Municipal Building, 800 Municipal Drive, Farmington, New Mexico. The title of the resolution being:

A RESOLUTION SETTING AND ESTABLISHING A REGULAR MEETING DAY, TIME AND PLACE FOR CITY COUNCIL MEETINGS PURSUANT TO CITY COUNCIL RESOLUTION NO. 2013-1466.

After consideration of the proposed resolution, a motion was made by Councilor Sandel, seconded by Councilor McCulloch that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye: Dan Darnell

Mary M. Fischer Gayla McCulloch Jason Sandel

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and the resolution was duly passed and adopted.

Mr. Burnham also presented for discussion a proposed ordinance increasing the residential and commercial charges for sanitation service. The title of such proposed ordinance being:

AN ORDINANCE AMENDING SECTION 23-2-7 OF THE FARMINGTON CITY CODE TO PROVIDE FOR AN INCREASE IN RESIDENTIAL AND COMMERCIAL CHARGES FOR SANITATION SERVICE.

There being no response to the Mayor Pro Tem's call for discussion, Mr. Burnham announced that the proposed ordinance will be presented for final action at the June 11, 2013 regular City Council meeting.

DISCUSSION OF AND ACTION ON ITEM REMOVED FROM THE CONSENT AGENDA:

(1) Approval for adoption of Resolution No. 2013-1468 approving the Adaptive Traffic Signal Control System Project for the East Main corridor (NM516), Hutton Avenue to English Road, and accepting Federal Highway Administration (FHWA) funds from the New Mexico Department of Transportation's 2012/2013 Transportation, Community and System Preservation, Project NM003 (TCSP) funds for such project.

In response to inquiry from Councilor Sandel, Public Works Director Jeff Smaka confirmed that the proposed adaptive traffic signal control system will improve traffic congestion on East Main Street from Hutton Avenue to English road since the signals will automatically adjust depending upon the amount of traffic. He stated that this project should be complete in less than a year.

Councilor Sandel requested a copy of the East Main traffic study that was done several years back and asked for a cursory review of the findings.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Fischer to adopt Resolution No. 2013-1468 approving the Adaptive Traffic Signal Control System Project for the East Main corridor (NM516), Hutton Avenue to English Road, and accepting Federal Highway Administration (FHWA) funds from the New Mexico Department of Transportation's 2012/2013 Transportation, Community and System Preservation, Project NM003 (TCSP) funds for such project, as presented. The roll was called with the following result:

Those voting aye: Dan Darnell

Mary M. Fischer Gayla McCulloch Jason Sandel

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the motion was carried and Resolution No. 2013-1468 was duly passed and adopted.

CAPITAL PROJECT PRESENTATIONS/COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2013 ANNUAL ACTION PLAN

Community Development Director Mary Holton explained that the purpose for tonight's presentations is to give the Council an opportunity to hear and evaluate the proposals that were received in response to the request for proposals for the Community Development Block Grant ("CDBG") 2013 Annual Action Plan capital projects. She explained that the evaluation committee has recommended that the seven offerors make a presentation to the Council for further evaluation and funding consideration and that, following the closed meeting, staff be directed on how to proceed with the 2013 Annual Action Plan capital projects. Purchasing Officer Eddie Smylie pointed out that the presenters are listed in alphabetical order.

Big Brothers Big Sisters

Chris Garcia, Executive Director of Big Brothers Big Sisters ("BBBS") reviewed the mission, vision and accountability statements for BBBS and reported that the program has grown 86 percent in the past six years. She reported that statistical data shows that children who have been matched with an adult mentor have better academic performance, achieve a higher level of education, are less likely to drop out of high school and make better choices in childhood and throughout their life. She stated that BBBS has four strategic pillars of success which are 1) program quality, growth and efficiency; 2) intentionality; 3) sustainable resources; and 4) leading to "impact at scale". Ms. Garcia reported that BBBS is requesting \$217,474.24 to assist with the construction of a new 3,361 square foot facility with 10 offices, a reception area, community meeting room, kitchen area and storage rooms at 3400 Messina Drive. She reported that they have secured \$100,000 in cash and have been preapproved for a loan by Vectra Bank to cover construction costs of the estimated \$504,000 project. Furthermore, she stated that they are slated to break ground on the project on June 24 with completion being in January, 2014. She strongly urged the Council to consider allocating the full amount requested to help offset the costs of construction, noting that BBBS is targeted to service 310 children in 2013.

Exodus Homeless Shelter

Lilah Westrick and Anita Perez addressed the Council on behalf of Exodus Peer to Peer Native Recovery Drop-In Center, noting that they are requesting \$187,975 to help purchase a new facility for the purpose of expanding their program to provide a shelter for homeless inebriates and sober adults suffering from addiction and mental health issues. Ms. Perez reviewed the services that are offered at Exodus, including volunteer programs, arts and crafts, counseling and educational support. Utilizing a Powerpoint presentation, Ms. Perez pointed out how small their current facility is and stated that it is necessary to purchase a building that is compliant with building codes (including a sprinkler system) in order to provide overnight services.

In response to inquiry from Mayor Pro Tem Darnell, Ms. Westrick reported that she is hopeful that they will receive \$75,000 in donations to help offset the cost of the project, noting that the plan is to pay off the mortgage in three years.

Four Corners Foundation

Dr. Matt DeKay addressed the Council on behalf of Four Corners Foundation. He stated that they are requesting \$155,000 to help complete the \$3 million construction of "A Path Home" at 520 Hydro Plant Road, noting that the emergency shelter will be completed by November, 2013. He thanked the Council for their past support of the project through various CDBG grant allocations and their assistance in securing the subject property.

Utilizing a Powerpoint presentation, Executive Director Karen Broten reviewed the site plan of the proposed facility, noting that Four Corners Foundation is requesting funding assistance for exterior lighting, fencing, paving, walkways, landscaping, and construction of a volleyball court, horseshoe pit and a student bus stop.

In response to inquiry from Councilor Fischer, Jonna Sharpe, Executive Director for PATH (People Assisting the Homeless), reported that there are between 900 and 1500 homeless individuals in our area at any given time and stated that last year PATH provided services to 852 individuals. She noted that PATH is currently operating at capacity and

stated that within the past week she has had to turn away four families who were seeking assistance because there was no room available.

Councilor Fischer suggested that a program be implemented to house homeless pets. In response, Ms. Sharpe announced that PATH has four kennels and works with the local humane society to find foster homes for pets that are displaced due to homelessness.

Masada House

Sue Hodgeman announced that Masada House is requesting \$77,800 to renovate the former Family Crisis Center house located on Schofield Lane for the expanding their services to include a men's transitional living program. Noting that Masada House opened in November 2011 and has served 36 women during that time, she reported that 1/3 of those women are now gainfully employed and are living on their own; that 1/3 of them are still in the process of living clean and sober; and that 1/3 of them have returned to the streets or are in jail. Announcing that she is fairly happy with the results, she stated that they are now considering the operation of an intensive outpatient program for men and urged the Council to consider allocating funds towards the project.

My Father's House Church

Pastor Bob Moon reported that My Father's House Church, located at 308 & 310 West Broadway, is requesting \$58,918.75 to repair the roof on their building and urged the Council to consider helping the congregation with this insurmountable expense. He provided photographs of the damage that has been caused to the interior of the building and stated that they have repeatedly patched the roof in an effort to stop the leaking.

Nona Beckstead

Reading an excerpt from the book *Tohta*, *The history of Farmington* from 1875 to 1900, John Beckstead made a plea to the Council to allocate \$33,000 for roof repair and stucco of the exterior of the old General Supply store located at 201 W. Main Street where a Valentine's Social and bow and arrow contest was held in the late 1800's. He provided the Council with photographs of the interior of the subject building showing that the original wood flooring and stenciling in the saloon are still intact and he strongly urged them to consider funding all or part of their request, noting that he was told by the Metropolitan Redevelopment Agency (MRA) that there is no funding available to support his project. Furthermore, he stated that he met with Government Relations Director/Downtown Coordinator Elizabeth Isenberg and a representative from New Mexico MainStreet and is currently in the process of applying for architectural assistance to help maintain the historical value of the building.

<u>Presbyterian Medical Services</u>

Mike Renaud, Northwest Region Director for Presbyterian Medical Services ("PMS") announced that PMS is requesting \$100,000 to assist with the construction of a new Healthcare Facility. He reported that the existing facility was opened in 1978 in the old Piggly Wiggly grocery store and has been remodeled repeatedly during its 35-year history. He stated that PMS has experienced a 115 percent growth in patient visits over the past 36 months which has more than doubled the patient visits at the clinic. He also noted that PMS provides care to over 1,500 homeless patients per year. Mr. Renaud reported that the requested funds will provide 28 percent of the estimated construction costs associated with the Community Room which will be available to all community organizations for use. In closing, he reviewed the funding sources for the proposed \$9 million project (including a \$1 million remodel of the existing facility) and stated that a groundbreaking ceremony is scheduled for June with project completion being anticipated in the fall of 2014.

CLOSED MEETING

A motion was made by Councilor Sandel, seconded by Councilor McCulloch to close the meeting to discuss requests for proposals for the Community Development Block Grant (CDBG) 2013 Annual Action Plan and animal shelter consulting services pursuant to Section 10-15-1H(6) NMSA 1978. The roll was called with the following result:

Those voting aye:

Dan Darnell Mary M. Fischer Gayla McCulloch

Jason Sandel

Those voting nay:

None

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

The Mayor Pro Tem convened the closed meeting at 8:36~p.m. with all members of the Council 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 Sandel, 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 Pro tem at 9:01~p.m. with all members of the Council being present.

REQUEST FOR PROPOSALS FOR COMMUNITY DEVELOPMENT BLOCK GRANT 2013 ANNUAL ACTION PLAN

Purchasing Officer Eddie Smylie requested direction from the Council on how to proceed with the Community Development Block Grant ("CDBG") 2013 Annual Action Plan capital projects. He announced that proposals opened on April 10, 2013 with eight offerors participating, but noted that Childhaven has since withdrawn its proposal because it received funding from the 2012 CDBG Annual Action Plan Amendment.

Following brief consideration, it was the consensus of the Council to direct staff to present for final consideration at the June 11, 2013 regular City Council meeting contracts to Four Corners Foundation in the amount of \$155,000 and Masada House in the amount of \$62,474.24.

REQUEST FOR PROPOSALS FOR ANIMAL SHELTER CONSULTING SERVICES

Purchasing Officer Eddie Smylie announced that proposals for animal shelter consulting services (Parks, Recreation & Cultural Affairs) opened on April 23, 2013 with one offeror participating. He recommended that the contract be awarded to ProShelter as the sole proposal is deemed to be advantageous and in the best interest of the City.

A motion was made by Councilor Sandel, seconded by Councilor McCulloch to award the contract for animal shelter consulting services to ProShelter, as recommended by the Purchasing Officer, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 9:06 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 11th day of June, 2013.

Melody Coyner, Deputy City Clerk

Entered in the permanent record book this 12th day of June, 2013.

SEAL	Tommy Roberts,	Mayor
DEAL		
ATTEST:		