

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, June 28, 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 Gayla A. McCulloch Nate Duckett

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
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 Pastor David Florez of The Journey Church.

City Manager Rob Mayes 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 June 14, 2016.

*BID: The Chief Procurement Officer recommended that the bid for demolition of the old Aztec Substation (Electric) be awarded to Uselman Construction on its low bid after application of five percent in-state preference of \$78,933.60. Bids opened June 8, 2016 with four bidders participating.

*STOP VIOLENCE AGAINST WOMEN FORMULA GRANT NO. 2015-WF-AX-0014 (Subgrant #2017-WF-307) for funding in the amount of \$39,052 (local match of \$13,017) for advocacy services for victims of domestic violence, sexual assault and stalking (term to June 30, 2017).

*DWI GRANT AGREEMENT NO. 17-X-I-G-24 between the City and the State of New Mexico Department of Finance and Administration, Local Government Division, providing for funding in the amount of \$300,000 for alcohol treatment and detoxification programs (expiration June 30, 2017).

*FIRST AMENDMENT TO THE AMENDED AND RESTATED MINE RECLAMATION AND TRUST FUNDS AGREEMENT between the City and Public Service Company of New Mexico, Tucson Electric Power Company, M-S-R Public Power Agency, The Incorporated County of Los Alamos, New Mexico, Southern California Public Power Authority, City of Anaheim, Utah Associated Municipal Power Systems, Tri-State Generation and Transmission Association, Inc. and PNMR Development and Management Corporation.

*ADOPTION OF RESOLUTION NO. 2016-1594 authorizing a seven and forty-seven hundredth (7.47) percent pick-up of PERA Municipal Police Plan 5 contributions.

*WARRANTS PAYABLE for the time period of June 11, 2016 through June 25, 2016, for current and prior years, in the amount of \$12,474,636.32.

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.

RESCIND BID AWARD/WIRE AND CABLE

Chief Procurement Officer Kristi Benson recommended that the bid for purchase of wire and cable (Category 3), as awarded to Border States Electric on June 14, 2016, be rescinded due to it being non-responsive and not meeting specifications and that the bids received for Category 3 from Western United Electrical Supply, Stuart C. Irby and Graybar be rejected for not meeting specifications or for not quoting an approved manufacturer. As a result, Ms. Benson recommended that the subject bid be awarded to Wesco as the lowest and best bidder meeting specifications after application of five percent in-state preference and she pointed out that the bid awards for Categories 1 and 2 will remain unchanged. Bids opened May 25, 2016 with six bidders participating. Ms. Benson explained that the proposed recommendation is the result of an email from a competing vendor alleging that the bid from Border States did not meet specifications because the manufacturer would be mixing polyethylene into the insulating compound. In response to inquiry from Mayor Roberts, Ms. Benson noted that the cable is being used for the 20th Street improvement project and stated that it is her opinion to rebid the item but is sympathetic to the time constraints which would delay the project by about five weeks. Responding to a question from Councilor Duckett, Ms. Benson confirmed that the other bidders could protest the bid which would likely lead to rebidding and the associated delay.

Following further discussion, City Manager Rob Mayes announced that, after having a side bar discussion with the Acting Electric Utility Director and the City Attorney, staff now concurs with the recommendation of the Chief Procurement Officer to rebid the item.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to rescind the bid award to Border States Electric for the purchase of wire and cable (Category 3) and to direct staff to issue a rebid, and upon voice vote the motion carried unanimously.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

- (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to deny Petition No. ZC 16-35 from Vera Matthews requesting a zone change from the RE-1, Residential Estate, District to the RA, Rural Agricultural, District, and variance to allow three horses on 2.5 acres of property located at 7000 Hood Mesa Trail.

Mayor Roberts announced that the petitioner has submitted a written request to withdrawn Petition No. ZC 16-35 from consideration.

- (2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. ANX 16-02 from the City of Farmington requesting annexation and recommended zoning assignment of 235.23 acres of land located southeast of the existing municipal boundary along US 64.

Directing the Council's attention to page 9.2 of the agenda materials, Community Development Director Mary Holton briefly reviewed the history of the annexation proposal and stated that staff is recommending that the Mayor and City Clerk be authorized to sign the Petition of Annexation that will be submitted to the New Mexico Municipal Boundary Commission for consideration. She noted that the Boundary Commission will ensure that the property to be annexed is contiguous to the municipality and can be provided with municipal services. In addition, Ms. Holton reported that the proposed area has been a topic of discussion for at least 17 years and noted that it is designated in the City's 2002 Comprehensive Plan as an annexation area. She also referred to page 9.4 of the agenda materials whereby the status of the petition method of annexation is outlined, noting that staff has only been able to secure 78.7128 acres when 117.6173 is needed to reach the minimum of

50.001 percent of the land area. Ms. Holton also reported that staff has received a letter of consent from the Bureau of Land Management, but stated that their consent does not meet the percentage requirement. In closing, Ms. Holton pointed out that staff is proposing to zone the property as Industrial (IND) except for the property located east of Andrea Drive that is being proposed as General Commercial (GC). She directed the Council's attention to page 9.5 of the agenda materials depicting the proposed zoning map, noting that the zoning preferences are consistent with the desires of the existing property owners who have signed the annexation petition.

In response to inquiry from Mayor Roberts, Ms. Holton confirmed that the primary reason that staff is recommending that this area be annexed is because of the amount of gross receipts tax revenue that will be received by the City. City Manager Rob Mayes pointed out that the potential tax revenue estimates are speculative since the individual amount of gross receipts tax paid by a company is confidential. However, he stated that he believes that the long-term benefits would far outweigh the short-term deficits with regard to the proposed annexation since the area is primarily industrial in use.

There being no further discussion, a motion was made by Councilor Duckett, seconded by Councilor McCulloch to adopt the recommendation from the Planning and Zoning Commission to direct staff to submit a petition to the New Mexico Municipal Boundary Commission for the annexation of 235.23 acres of land located southeast of the existing municipal boundary along US Highway 64 utilizing the recommended zone designations, and upon voice vote the motion carried unanimously.

PUBLIC HEARING/2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Mayor Tommy Roberts convened the public hearing concerning the Fiscal Year 2016 Justice Assistance Grant (JAG). He announced that the City will be receiving \$33,277 and stated that staff is seeking comments from the public on how to expend the City's portion of the funds.

Police Lieutenant Dale Bode announced that staff is proposing to use the grant funds to purchase police equipment required to maintain operational efficiency and regional response capabilities (Imaging Laser Scanner and GPS-related equipment).

There being no response to the Mayor's call for comments, the public hearing was closed.

APPOINTMENT TO THE PLANNING AND ZONING COMMISSION

Mayor Roberts asked the Council's consideration of the appointment of Dacia Yazzie (term to May, 2018) as a member of the Planning and Zoning Commission.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to confirm the appointment of Dacia Yazzie as a member of the Planning and Zoning Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENT TO THE COMMUNITY RELATIONS COMMISSION

Mayor Roberts asked the Council's consideration of the appointment of Alicia Middleton (term to April, 2017) as a member of the Community Relations Commission.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to confirm the appointment of Alicia Middleton as a member of the Community Relations Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENTS TO THE ANIMAL SERVICES ADVISORY COMMISSION

Mayor Roberts asked the Council's consideration of the appointments of Shiela Noyes (term to August, 2016), Deborah Cutler, and Karen Bayless (1st Alternate) ~~and Andrea Utton (2nd Alternate)~~ (terms to August, 2017) as members of the Animal Services Advisory Commission.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to confirm the appointments of Shiela Noyes, Deborah Cutler, and Karen Bayless (1st Alternate) ~~and Andrea Utton (2nd Alternate)~~

as members of the Animal Services Advisory Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

APPOINTMENT AND REAPPOINTMENTS TO THE CITIZEN POLICE ADVISORY COMMITTEE

Mayor Roberts asked the Council's consideration of the appointment of Rose Grey (term to June, 2019) and the reappointments of David Bratcher, Patricia Simpson and Chuck Culpepper (terms to June, 2019) as members of the Citizen Police Advisory Committee.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to confirm the appointment of Rose Grey and the reappointments of David Bratcher, Patricia Simpson and Chuck Culpepper as members of the Citizen Police Advisory Committee, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Request for Status Report on the Joint Intervention Program

Councilor Duckett requested that the Council be provided an update on the Joint Intervention Program (JIP) because he has been hearing some negative comments about the manner in which it is being operated.

CITY MANAGER BUSINESS

Passing of Retired Police Chief Robert Schmerheim

City Manager Rob Mayes reported that the Police Department is mourning the passing of retired Police Chief Robert Schmerheim who served from 1975 to 1983 and stated that all officers are wearing a badge band in recognition of his passing.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented Ordinance No. 2016-1289 pertaining to a loan from the New Mexico Finance Authority for improvements to the City's water system. She stated that notice of intent to consider said ordinance has been published two weeks prior to final action, as required by Section 3-17-3 NMSA 1978 Compilation, and noted that the subject ordinance was tabled at the June 14, 2016 regular City Council meeting in order to comply with the publication requirements. The title of the ordinance being:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT ("LOAN AGREEMENT") BETWEEN THE CITY AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$2,448,240, TOGETHER WITH INTEREST, EXPENSES AND ADMINISTRATIVE FEES, AND TO ACCEPT A LOAN SUBSIDY OF NO MORE THAN \$816,080, FOR THE PURPOSE OF FINANCING THE COSTS OF A WATER SYSTEM IMPROVEMENT PROJECT; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE CITY'S WATER SYSTEM; SETTING AN INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.

After consideration of Ordinance No. 2016-1289, a motion was made by Councilor Duckett, seconded by Councilor Rodgers that said ordinance be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Linda Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2016-1289 was duly passed and adopted.

CLOSED MEETING

A motion was made by Councilor McCulloch, seconded by Councilor Duckett to close the meeting to discuss request for proposals for solid waste collection services and convention and visitors services, 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
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.

The Mayor convened the closed meeting at 6:40 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 Rodgers, seconded by Councilor Duckett to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 7:06 p.m. with all members of the Council being present.

PROPOSAL/CONVENTION AND VISITORS SERVICES

Chief Procurement Officer Kristi Benson announced that proposals for convention and visitors services (Parks, Recreation & Cultural Affairs) opened on June 8, 2016 with one offeror participating. She recommended that the contract be awarded to the Farmington Convention and Visitors Bureau as the sole proposal is deemed to be advantageous and in the best interest of the City.

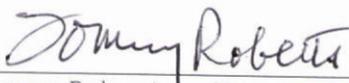
Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch to award the contract for convention and visitors services to the Farmington Convention and Visitors Bureau, as recommended by the Chief Procurement Officer, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 7:07 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~~ 26th day of July, 2016.

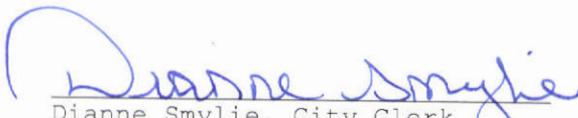
Entered in the permanent record book this ~~13th~~ 27th day of July, 2016.



Tommy Roberts, Mayor

SEAL

ATTEST:



Dianne Smylie, City Clerk