

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, July 8, 2014. 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 A. McCulloch Nate Duckett

constituting all the members of said Governing Body.

Also present were:

ASSISTANT CITY MANAGER	Bob Campbell
DEPUTY 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 Reverend George Harris of Fellowship of Spirit Church.

John Roe, member of the Animal Services Advisory Commission, 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 24, 2014 and the minutes of the Regular Work Session of the City Council held June 17, 2014.

*ADOPTION OF RESOLUTION NO. 2014-1515 approving and authorizing the city manager to prepare and submit an application for funds pursuant to the New Mexico Forest Re-Leaf Funding Program.

*WARRANTS PAYABLE for the time period of June 22, 2014 through July 5, 2014, for current and prior years, in the amount of \$10,440,300.22.

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

RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Community Development Director Mary Holton requested that the Planning and Zoning Commission recommendation 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 item 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. SUP 14-10 from Brad Carley requesting a Special Use Permit to keep two horses at 5524 Hill 'N Dale Drive in the SF-10, Single-Family Residential, District, subject to:

- (a) the fenced area being more than 50,000 square feet which is larger than the required minimum 20,000 square feet; and
- (b) the fenced area for the horses being a minimum of 30 feet from the northern property line and being developed and maintained as shown on the submitted site plan.

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

RECOMMENDATION FROM THE ANIMAL SERVICES ADVISORY COMMITTEE
CONCERNING PROPOSED AMENDMENTS TO THE ANIMAL ORDINANCES

Parks, Recreation & Cultural Affairs Director Cory Styron introduced David Fosdeck, John Roe, Leslie Jedrey, Dana Park, Betty Berry and Shiela Noyes, members of the Animal Services Advisory Commission ("ASAC").

Mayor Roberts acknowledged the efforts that have been made by the ASAC members in developing the proposed amendments to the City's animal ordinances and asked that the members be understanding if he or a member of the Council challenge some or all of the proposed amendments since this is a critical issue that must be fully vetted. He explained that if the Council chooses to direct staff to publish notice of intent to adopt an ordinance incorporating the proposed amendments, the public will have several more opportunities to provide input prior to adoption.

Utilizing a Powerpoint presentation, Mr. Styron contended that the proposed amendments to the City's animal ordinances provide the "third leg" to the measures that have been done to improve animal welfare inside the city limits. He explained that the first leg was the construction of the new regional animal shelter facility and the second leg was the implementation of the spay/neuter program. He reported that the process of amending the proposed ordinances started in September of last year with a series of meetings from an ad-hoc committee consisting of himself, Deputy City Attorney Jennifer Breakell and Ms. Berry and Ms. Parks from ASAC. He noted that they reviewed "best practices" from communities in Delaware, Rhode Island, Texas, Colorado, New Mexico, Oregon and California and drafted a set of amendments that they believe improves animal welfare, encourages responsible pet ownership and manages overpopulation. Mr. Styron reviewed statistical data compiled by staff from the animal shelter and noted that 56,403 animals were taken into the shelter between Fiscal Years 2007 and 2013 and that 55 percent of the animals were from Farmington rather than San Juan County as previously believed. He also pointed out that many of the animal ordinances have not been revised in 20 to 40 years; noted that some additional ordinances are being recommended to improve animal welfare; advised that the proposed amendments have also been reviewed by staff from the Police Department and the Regional Animal Shelter and by other interested parties; and pointed out that the theme of the proposed amendments is to improve animal health and welfare in our community.

In response to inquiry from Mayor Roberts, Ms. Breakell confirmed that she was responsible for drafting the proposed amendments and stated that she believes that staff has thoroughly scrutinized the proposed amendments and has determined that they are not in conflict with the existing animal ordinances that are not being amended.

Councilor Fischer took exception to Mr. Styron's statement that animal ordinances have not been reviewed for 20-40 years, noting that the Council recently amended the ordinance to prohibit the use of steel leg traps and the sale of animals along the street.

Addressing the Council, Mr. Fosdeck pointed out that the ASAC members are not experts but are simply a group of people who are concerned about animal welfare. He announced that he does not have a formal presentation to make, but is willing to answer questions concerning the proposed amendments. Mayor Roberts initiated discussion concerning pet licensing and asked Mr. Fosdeck to explain 1) the costs associated with implementing, managing and enforcing the program; 2) the anticipated revenue to be generated; 3) the expected rate of compliance; 4) the enforceability of the licensing program (e.g. voluntary compliance under a mandatory rule); and 5) the value of the program for pet owners.

In response, Mr. Fosdeck explained that one of the most valuable aspects is the ability for a lost pet to be returned to its owner. He also reported that he has learned through his research that pet licensing increases the value of an animal to its owner and encourages responsible pet ownership. Announcing that he believes that he is a responsible pet owner because his dog resides in the house, is neutered and has been inoculated, Mayor Roberts stated that he does not see the personal value of a mandatory pet licensing program when there is no chance that his dog will ever get lost. Mr. Fosdeck pointed out that, statistically, about three percent of animals go missing in their lifetime and noted that a house fire or natural disaster could create a situation where a housebound pet goes missing. He noted that Hurricane Katrina is one example where pet licensing could have helped return pets to their rightful owners. In response to further comments from Mayor Roberts, Mr. Fosdeck stated that ASAC did not explore the possibility of a voluntary licensing program but assured him that they would if so directed. He also pointed out that the revenues collected from pet licensing programs typically assist communities with their spay/neuter programs which ultimately reduces the number of animals being sent to shelter facilities. He attributed the overall success of animal welfare programs in other communities to active partnerships between private and public entities and paradigm shifts from animal control to animal welfare programs. He commended the Council for their efforts thus far, contending that the new facility and the spay/neuter program are steps in the right direction. However, he stated that he believes that public education programs are a critical component of the process. He advised the Council that a group of animal activists from the State of New Hampshire convinced the legislature to adopt a law that mandates and funds a \$10 fee for spaying or neutering along with a mandatory licensing program which has resulted in a reduction in the number of animals being euthanized from approximately 14,000 to 2,500 annually over a six-year period of time. He explained that New Hampshire marketed the legislation as a means for tracking rabies vaccinations at veterinary clinics. Mayor Roberts announced that he is not favorable to a pet licensing program if the sole purpose is to generate revenue, noting that he believes the premise of the program should be animal welfare. In response to further inquiry from Mayor Roberts, Mr. Fosdeck reported that there are several options for implementing and managing the licensing program, including the purchase of a new module for the PetPoint software program being used by the Animal Shelter or outsourcing the program to another company.

Councilor Fischer asked Mr. Fosdeck how a licensing program will make her a more responsible pet owner if the animal is wearing its rabies tag which is a form of identification through her veterinarian and is also microchipped. In response, he reported that the revenues collected through rabies vaccination programs do not support any type of animal welfare program such as sterilization. In response to his comments, Councilor Fischer stated that his comments have the undercurrent of generating revenue which she is opposed to. She stated that she is "lukewarm" with the idea of pet licensing because she does not believe that it will make her cherish her animals any more, nor will it make her a more responsible pet owner. She stated that she would support a free licensing program because she does not want to financially burden those responsible pet owners who are on a fixed-income. She also pointed out that the City of Aztec offers free pet licensing during the month of July and expressed some concern for those pet owners who have a cat that will not wear a collar.

Councilor Darnell also voiced hesitation with regard to the proposed pet licensing program because he cannot see the benefit to the owner. He pointed out that Section 6-1-4(3)(b) requires veterinarians to issue a numbered vaccination certificate and tag which can be used to help return lost pets. Contending that it appears that the proposed program will simply penalize the responsible pet owners, he questioned whether a hard-nosed approach to irresponsible pet ownership should be pursued instead. He stated that he believes that pet licensing that is implemented for the sake of generating revenue is counterproductive. In response to the comments, Mr. Fosdeck stated that he is willing to consider a voluntary licensing program or a mandatory free program since it could help improve the recordkeeping of rabies vaccinations.

Councilor McCulloch echoed the comments of her fellow colleagues and stated that she believes that the responsible pet owners will comply with a pet licensing program while the irresponsible ones will not. She also agreed that the rabies certification program could be improved; relayed comments from constituents who are concerned that pets may be

surrendered for financial reasons if the pet licensing program is approved; stated that she does not believe that pets should be forced to wear their collars/tags on their own property; contended that animals should be surrendered to their owners "in the field" if they are on their own property but outside a fenced area; and questioned how the City is going to enforce the proposed mandatory grooming policy. Furthermore, Councilor McCulloch stated that she believes that the first offense should be a tolerable penalty with an escalating fee for repeat offenders.

Councilor Duckett suggested that the pet licensing program be started with those animals that are adopted at the Animal Shelter and then expanded over time. He also stated that he supports a trap and release program for feral cats and questioned how the proposed litter permit fees will be applied.

Councilor Fischer pointed out that she has reviewed the animal control ordinances as a whole and stated that there are several inconsistencies that need to be amended. For example, she pointed out that Section 6-1-1 of City Code indicates that administration and maintenance of the animal shelter is the responsibility of the park rangers-animal control officers instead of the Animal Welfare Director. Furthermore, she stated that she believes that the fines are too steep; that the ordinance should prevent an animal from being returned to an owner who has been convicted of malicious treatment or neglect; asked that the proposed ordinance specifically exempt dog parks from the leash laws; suggested that the Municipal Judges be asked to review the proposed amendments; requested that a "definitions" section be included in the ordinance and that verbiage dealing with livestock be added; and that Section 6-1-6(c) be amended to require owners to provide food and water more often than the 24-hours being proposed.

Acknowledging that the Council has significant concerns with the proposed amendments, Mayor Roberts suggested that each Councilor memorialize their concerns in writing and provide them to the legal department which will coordinate a meeting with ASAC for consideration. There were no objections from the Council.

Mayor Roberts asked for comments from the members of the audience.

Nancy Krass, 4020 Country Club Drive, contended that several of the proposed provisions interfere with personal pet ownership and voiced concern that some of the provisions may also discourage individuals from caring for pregnant/abandoned animals because of costs associated with litter permits and licensing fees.

Jim Krass, 4020 Country Club Drive, advised the Council that he is opposed to pet licensing fees, permit fees for feral cat colonies and fines associated with owning an intact animal. He argued that these fees and fines are actually "taxes" that are being imposed upon responsible pet owners.

Tamara Evans, 1106 Mesa Verde Avenue, voiced concern for those individuals who are living on a fixed income and cannot afford to pay the pet licensing fees or grooming costs. She urged the Council to take this into consideration when formulating the new ordinances.

Joel Farrell addressed the Council as the President of the San Juan Animal League and spoke in favor of the proposed ordinances. He acknowledged that several steps have already been taken to improve animal welfare inside the city limits including the construction of the new shelter facility, the implementation of the spay/neuter program and the philosophical transition from animal control to animal welfare. He urged the Council to take the steps necessary to move the community into the next phases of the project through the adoption of pet licensing fees and the implementation of fines that will encourage more responsible pet ownership. He acknowledged that transition will take some time and he also agreed that community input is a critical piece of the process.

Addressing the Council as a member of ASAC, Leslie Jedrey noted that they have already vetted the questions that are being asked by the Council and she urged them to consider adopting the proposed ordinances as proposed. She also pointed out that there are health benefits for spaying and neutering and contended that it should be illegal for individuals to make money selling animals.

Councilor Fischer asked that a mandatory spay and neuter program be considered and that staff consider offering classes that focus on responsible pet ownership for first time offenders instead of imposing a monetary fine. In response to inquiry from Councilor Fischer, Ms. Breakell explained that the proposed amendments do not address cock/dog fighting because those are felony acts under State law. Councilor Fischer suggested that the City's ordinance reference the State law.

In closing, Mayor Roberts summarized that the Council should provide the Legal Department with their written amendments to the proposed ordinances within the next two weeks. Furthermore, he stated that ASAC shall consider the proposed amendments and present their new recommendations to the Council at the August 12, 2014 regular City Council meeting.

COUNCIL BUSINESS

Update on Fourth of July Fireworks Use

At the request of Mayor Roberts, Fire Chief Terry Page happily reported that this year was the calmest Fourth of July holiday that he has experienced in his tenure with the Fire Department. He stated that the number of complaints received and the number of citations issued was significantly less than prior years and he attributed this success to the community service campaign aimed at reducing the use of fireworks due to the drought conditions. He also noted that 56 hours of overtime were dedicated by the fire and police departments for fireworks enforcement purposes and stated that only five citations were issued as a result.

Police Chief Steve Hebbe attributed part of the community's voluntary compliance to the recent brush fire and he reiterated Chief Pages' comment that police and fire personnel aggressively pursued enforcement of the City's fireworks restrictions.

In response to inquiry from Councilor Duckett, Chief Page reported that there were five fires that were investigated that were of a suspicious nature and stated that three of those have been confirmed as fireworks related.

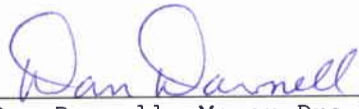
Councilor Fischer agreed that the fireworks use seemed to have gotten better in her neighborhood until the Fourth of July when they were shot-off until 1:30 a.m. She suspected that it was the same individuals that she has had problems with in the past who use illegal fireworks in their back yard and acknowledged that it makes it impossible for police and fire personnel to enforce.

There being no further business to come before the Council, the meeting was adjourned at 8:59 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 22nd day of July, 2014.

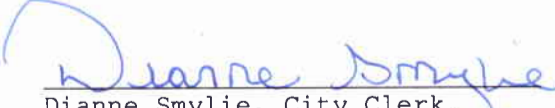
Entered in the permanent record book this 23rd day of July, 2014.



 Dan Darnell, Mayor Pro Tem

SEAL

ATTEST:



 Dianne Smylie, City Clerk