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 9, 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 Jason Sandel

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 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.

O.D. Bryan, member of the Insight Citizen's Academy, 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 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 25, 2013.
- *GRANT AWARD NUMBER G13SN0010A between the City and the Office of National Drug Control Policy for funding in the amount of \$88,821 for the Region II High Intensity Drug Trafficking Area (HIDTA) Narcotics Task Force from January 1, 2013 to December 31, 2014.
- *GRANT MODIFICATION AWARD NO. G13SN0010A between the City and the Office of National Drug Control Policy increasing the award amount by \$96,223 (for a total award of \$185,044) for the Region II High Intensity Drug Trafficking Areas (HIDTA) Narcotics Task Force from January 1, 2013 to December 31, 2014.
- *WARRANTS PAYABLE for the time period of June 23, 2013 through July 6, 2013, for current and prior years, in the amount of \$6,875,310.28.

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

PUBLIC HEARING/2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Police Captain Keith McPheeters reported that the City of Farmington and San Juan County have received \$66,251 from the Fiscal Year 2013 Justice Assistance Grant (JAG) and stated that staff is seeking comments from the public on how to expend the City's portion of \$44,129. He announced that the Memorandum of Understanding authorizing the use of the grant funds will be presented to the Council for final action at the

July 16, 2013 Work Session.

Mayor Roberts convened the public hearing and there being no response to his call for public comments, the hearing was closed.

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. ZC 13-03 from Anthony Montoya requesting a zone change from the SF-10, Single-Family Residential, District to the SF-A PUD, Single-Family Attached Planned Unit Development, District for 0.68 acres located at 5601 Mickey Drive.
- *(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 13-06 from Jesse Beard requesting a zone change from the RE-20, Residential Estate, District to the IND, Industrial, District for 0.57 acres located at 1899 W. Navajo Street.

In response to Councilor Sandel's announcement that he has questions concerning both petitions, Mayor Roberts suggested that they be removed from the Planning and Zoning Commission Consent Agenda. There were no objections from the Council.

DISCUSSION OF AND ACTION ON ITEMS REMOVED FROM THE PLANNING AND ZONING COMMISSION CONSENT AGENDA:

(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 13-03 from Anthony Montoya requesting a zone change from the SF-10, Single-Family Residential, District to the SF-A PUD, Single-Family Attached Planned Unit Development, District for 0.68 acres located at 5601 Mickey Drive.

Referring to the minutes from the Planning and Zoning Commission, Councilor Sandel pointed out that a resident was concerned about traffic flow and infrastructure needs on Mickey Drive and Carl Street. He asked staff whether any improvements are being planned as a result of the subject petition. In response, Senior Planner Cindy Lopez announced that the Petitioner will be required to install a stop sign on the east corner of the intersection of Carl Street and Mickey Drive and assured him that staff will ensure that the intersection is well aligned. She also pointed out that the traffic flows will likely be improved once Lakewood Drive is extended to East Main Street, as proposed by the City's Major Thoroughfare Plan.

Councilor Sandel requested consensus from the Council to direct staff to thoroughly review the traffic issues on Carl Street and Mickey Drive. Following brief discussion, City Manager Rob Mayes suggested that staff be directed to proceed with the request if adequate time can be allocated but, if it is determined that the project is beyond the resources available, staff will report this to the Council and suggest that the traffic issues be reviewed by an outside consultant.

There being no further discussion, a motion was made by Councilor Sandel, seconded by Councilor Darnell to adopt the recommendation from the Planning and Zoning Commission and to grant a zone change from the SF-10 District to the SF-A PUD District for 0.68 acres of land located at 5601 Mickey Drive, and upon voice vote the motion carried unanimously.

(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 13-06 from Jesse Beard requesting a zone change from the RE-20,

Residential Estate, District to the IND, Industrial, District for 0.57 acres located at 1899 W. Navajo Street.

In response to inquiry from Councilor Sandel, Associate Planner Fran Fillerup stated that the Airport Advisory Commission has not reviewed the proposed zone change but stated that the Airport Manager has indicated that the Industrial zone designation is consistent with the 2004 Airport Master Plan. Mr. Fillerup reported that the petitioner has been contacted by an individual who is interested in building a new hangar on the property but explained that the current zone designation would limit new construction to a residential nature. He stated that staff believes that the proposed Industrial zone designation will encourage that future development is associated to airport use.

Following further discussion and consideration, a motion was made by Councilor Sandel, seconded by Councilor McCulloch to adopt the recommendation from the Planning and Zoning Commission and to grant a zone change from the RE-20 District to the IND District for 0.57 acres of land located at 1899 W. Navajo Street, and upon voice vote the motion carried unanimously.

UNFINISHED BUSINESS

Ordinance No. 2013-1265 Dealing with Campaign Finance Reporting

City Attorney Jay Burnham presented a proposed ordinance dealing with campaign finance reporting and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978. He recommended the ordinance, if adopted, be given the number 2013-1265. The title of the ordinance being:

AN ORDINANCE ADDING DIVISION 3 TO ARTICLE 2 OF CHAPTER 2 (ADMINISTRATION) OF THE CITY CODE ENTITLED "CAMPAIGN FINANCING."

He noted that the subject ordinance was tabled at the June 25, 2013 Regular City Council Meeting to afford staff an opportunity to amend the ordinance as directed by the Council. He directed their attention to pages 6.0 to 6.5 of the agenda materials, noting that the highlighted areas indicate the most recent amendments to the proposed ordinance.

Councilor Darnell voiced disapproval for the fourth "Whereas" statement since it suggests that a campaign contributor could have undue influence on a candidate. Announcing that it was his understanding that the purpose of the proposed ordinance was to create transparency in the campaign process, he contended that the most recent draft has created a new level of bureaucracy and, as a result, announced that he does not support the proposed ordinance.

Mayor Roberts stated that he sees the proposed ordinance as an opportunity for the Council to give serious attention to the issue of campaign spending, speculating that constituents are tired of seeing exorbitant amounts of money being spent on political campaigns. He stated that he would have preferred an ordinance that limited the amount of money that a candidate can spend on a campaign, but explained that the City Attorney's office has given its opinion that the Supreme Court has ruled that such provision is unconstitutional. He stated that he believes that one method for controlling campaign spending is to limit the amount that an individual can contribute to a candidate's campaign and asked the Council to consider an amendment to Section 2-3-53(a) to limit the contribution amount for an individual to \$250. Furthermore, he suggested that Section 2-3-53(b) be amended to clarify that a candidate must donate all anonymous contributions, regardless of the amount, to a charitable organization of their choice.

Councilor Fischer asked Mr. Burnham to explain how he thinks that the proposed ordinance could be abused, stating that she has heard about instances where a business donated money to a campaign but reported that each employee of the business collectively donated the funds. In response, Mr. Burnham stated that he cannot answer the question because he is not aware of any specific cases of past abuse. Councilor Fischer asked if a candidate would need to report the time spent by an employee of a business who has been asked to participate in a "phone bank." In response, Mr. Burnham referred to the definition of "contribution", stating that the monies raised are reportable but that the volunteer's time and personal expenses are not considered a contribution. Following

further discussion, Councilor Fischer stated that she believes that the proposed ordinance is a laudable effort but will not prevent campaign contribution abuse. Furthermore, she stated that she is not opposed to the \$2,300 contribution amount that is being proposed in the most recent draft of the ordinance.

Councilor Sandel thanked the Council for considering the proposed ordinance, noting that he believes that it has been a thorough vetting process. He agreed that the proposed ordinance is not perfect, but stated that it is a good start in providing transparency of campaign contributions.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Fischer to adopt Ordinance No. 2013-1265, with an amendment to Section 2-3-53(b) to clarify that candidates are required to donate all anonymous contributions, regardless of the amount, to a charitable organization.

Councilor Darnell made a motion to amend the original motion to also include an amendment to Section 2-3-53(a) to limit individual contributions to \$250. Mayor Roberts seconded the motion. The roll was called with the following result:

Those voting aye: Dan Darnell

Those voting nay: Mary M. Fischer Gayla McCulloch

Jason Sandel

The presiding officer thereupon declared that only one Councilor having voted in favor thereof, the said motion failed.

Mayor Roberts called for the vote upon the original motion to adopt Ordinance No. 2013-1265, with an amendment to Section 2-3-53(b) to clarify that candidates are required to donate all anonymous contributions, regardless of the amount, to a charitable organization. The roll was called with the following result:

Those voting aye: Mary M. Fischer

Gayla McCulloch Jason Sandel

Those voting nay: Dan Darnell

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2013-1265 was duly passed as amended.

COUNCIL BUSINESS

<u>Citizens Local Government Academy</u>

Announcing that the second class of the INSIGHTS Citizens
Government Academy was launched in February, Mayor Roberts reported that
the purpose of the program is to familiarize residents with the various
functions of local government; encourage involvement; enhance residents'
ability to navigate through the complex system of government services;
and provide an avenue for open communication with City officials. He
proudly reported that the second class was full with 15 participants and
he sincerely thanked Government Relations Director Elizabeth Isenberg for
coordinating the project. He introduced the class members who were
present in the audience: Dean Beck, Bev Bentz, Kim Booth, Brian Booth
O.D. Bryan, Lisa Chavez, Scott Griffith, Matt Owens, James Simmons,
Gloria Jean Wendeborn and Amy Werner, and noted that Allen Elmore, Corey
Freeman, Ashley McElroy and Toni Temples were unable to attend tonight's
meeting. Mayor Roberts handed out certificates of completion to the
class members and thanked them for their participation in the program.

Intersection of North Dustin Avenue and Piñon Hills Boulevard

Councilor Sandel urged the Council to consider installing a traffic control signal at the intersection of North Dustin Avenue and Piñon Hills Boulevard even though it does not meet warrants at this time. Mayor Roberts pointed out that during the budget hearings staff indicated that they are working to develop a formal policy dealing with intersection signalization and suggested that no decision be made until such policy is

considered and approved by the Council.

Councilor Darnell expressed his support for moving forward with the project, noting that Piñon Hills Community Church may be willing to help fund the cost of signalizing that intersection since they have an arrangement to pay overtime to police officers to direct traffic during church services.

Councilor McCulloch stated that she would prefer to wait until after staff has presented the proposed policy since they have indicated that the item will be presented to the Council in the near future.

Following further discussion of the issue, it was the consensus of the Council to direct staff to initiate discussions with the neighborhood and the two churches that are located near the subject intersection to determine if they are interested in helping fund a traffic signal.

Proposed Roadway Improvements to Foothills Drive

Noting that the Council tabled action on the request for proposals for professional engineering services for the Foothills Drive widening project at the June 18, 2013 Work Session, Councilor Sandel asked for an update on the project. In response, City Manager Rob Mayes reported that the Council will be receiving a memorandum later this week concerning the options available for proceeding with the project.

Councilor Darnell pointed out that the purchasing staff had recommended that the contract be awarded to a local company and questioned whether the scope of the project could be expanded without a new request for proposal being issued. In response, Purchasing Officer Eddie Smylie stated that it is his professional opinion that a new request for proposals will need to be issued if the scope is expanded because it may generate additional offers on in the project.

<u>Environmental Improvement Board - Haze Rule</u>

Councilor Sandel noted that the State of New Mexico Environmental Improvement Board will be deciding whether to approve the State Implementation Plan concerning regional haze and suggested that the Council consider adopting a resolution in opposition of the proposed rule. Following brief consideration, it was the consensus of the Council to direct staff to schedule on a future Work Session agenda a rebriefing of the proposed settlement agreement for San Juan Generating Station as it pertains to regional haze.

<u>Fireworks</u>

Councilor Fischer unhappily reported that her dogs were terrified by the fireworks that were being shot-off in her neighborhood until 12:30 a.m. on July 4, 5 and 6. She announced that she intends to fight the fireworks industry with vigor if the area is still in a drought next year.

Waste Management

Councilor Fischer stated that it appears that Waste Management of New Mexico has encouraged their truck drivers to complete their routes as quickly as possible because the polycarts are not being placed back on the curb after dumping but are being tossed in the street. Also, she reported that Waste Management is issuing refurbished polycarts instead of new ones and asked that someone from staff investigate these matters.

Red Apple Transit

Referring to an editorial letter that was written by Daisy Swadesh and printed in the *Daily Times*, Councilor Fischer asked for a report on the ridership numbers for the Red Apple Transit to determine whether they have decreased as a result of the recent route changes.

Animal Shelter

Noting that three employees have quit in three days, Councilor Fischer stated that she is seriously concerned about the operations of the Farmington Animal Shelter. She stated that a reliable source has told her that the animals are going without food, water and veterinary care. Furthermore, she stated that she has also heard that shelter

staff, animal control officers and the spay/neuter operators are working against each other; that the shelter is plagued with a respiratory virus that is affecting kittens; that staff is euthanizing animals because more space is needed; and that animal control officers are no longer picking up traps or dead animals that are on City streets. She asked staff to provide the Council with a memorandum addressing these issues.

In response, Parks, Recreation & Cultural Affairs Director Cory Styron confirmed that the animal shelter is in crisis mode because they are over capacity. He stated that staff is adopting and transferring as many animals as possible, but noted that it is also necessary to euthanize because of the overcrowding. He assured her that the animals are being provided food and water and stated that staff is doing everything they can to improve the conditions.

CITY ATTORNEY BUSINESS

City Attorney Jay Burnham presented and read by title Resolution No. 2013-1474 establishing regular meeting days, times and places for the various commissions, boards, public bodies and the City Council. The title of the resolution being:

A RESOLUTION RATIFYING, CONFIRMING AND ESTABLISHING REGULAR MEETING DAYS, TIMES AND PLACES OF THE VARIOUS COMMISSIONS, BOARDS, PUBLIC BODIES AND THE CITY COUNCIL OF THE CITY OF FARMINGTON IN ACCORDANCE WITH RESOLUTION NO. 2013-1466.

After consideration of Resolution No. 2013-1474, a motion was made by Councilor Fischer, 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 Resolution No. 2013-1474 was duly passed and adopted.

There being no further business to come before the Council, the meeting was adjourned at 8:26 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 $23^{\rm rd}$ day of July, 2013.

Entered in the permanent record book this $24^{\rm th}$ day of July, 2013.

SEAL	Dan Darnell, Mayor Pro Tem
ATTEST:	
Dianne Smylie, City Clerk	