

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, September 17, 2013 at 9:00 a.m. in the Executive Conference Room at City Hall, 800 Municipal Drive, Farmington, New Mexico, in full conformity with the rules, regulations and ordinances of the municipality.

At such meeting the following were present, constituting a quorum:

MAYOR	Tommy Roberts
COUNCILORS	Dan Darnell Mary M. Fischer Gayla McCulloch Jason Sandel

Constituting all the members of the Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Bob Campbell
DEPUTY CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie
DEPUTY CITY CLERK	Melody Coyner

EMPLOYEE OF THE MONTH PROGRAM AWARD

Employee Council Vice President Kathy Farley recognized School Resource Officer Lead Coordinator Michelle DeLese as the Employee of the Month award recipient for July 2013. Ms. DeLese was presented with a plaque and a gift certificate and the Mayor and Council expressed their appreciation for her dedication to the City.

PUBLIC HEARING/REQUEST FOR WAIVER TO THE 300-FOOT SEPERATION REQUIREMENT/LA HACIENDA RESTAURANT

Associate Planner Fran Fillerup reported that La Hacienda Restaurant is requesting a waiver to the 300-foot separation requirement from a church to allow beer and wine to be served at 2501 E. 20th Street, Suite 12 in the GC, General Commercial, District. He reported that the restaurant is located approximately 120 feet from the boundary line of United Pentecostal Church located on Fairview Avenue, but noted that Pastor Steve Carrington has submitted a letter to staff indicating that he does not object to the requested waiver.

Mayor Roberts called the public hearing to order and requested comments from members of the audience and the Council. There being no response to his call for comments, the Mayor declared the public hearing closed.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Fischer to grant a waiver to the 300-foot separation requirement from a church to allow beer and wine to be served at La Hacienda Restaurant located at 2501 E. 20th Street, Suite 12 in the General Commercial District, and upon voice vote the motion carried unanimously.

TRAFFIC CONTROL SIGNAL POLICY

Public Works Director Jeff Smaka introduced Nevin Harwick, of Harwick Transportation Group.

Utilizing a PowerPoint presentation, Mr. Harwick explained that a traffic signal policy and engineering study guidelines would help guide decisions, minimize risk, identify engineering "best practices", create reproducible studies, demonstrate benefits to safety and operations and identify alternatives to signalization, if appropriate. He reviewed the draft policy and guidelines and explained the pros and cons of traffic signals, traffic signal alternatives and engineering study procedures.

In response to inquiry from Councilor Fischer, Mr. Smaka stated that the City does not currently have a signalization policy but follows the *Manual on Uniform Traffic Control Devices* ("MUTCD").

In response to inquiries from Mayor Roberts, Mr. Harwick confirmed that the policy would require that at least one MUTCD traffic signal warrant be met before further consideration is given to signalization and Mr. Smaka pointed out that the City currently follows the one warrant requirement. In addition, Mr. Harwick stated that most jurisdictions do not have a written signalization policy but noted that the absence of a policy setting forth guidelines and/or requirements can make decisions regarding signalization difficult.

Following brief discussion, Mr. Smaka stated that staff is satisfied with how the policy was developed and supports the implementation of a policy.

Contending that staff implemented a speed hump policy to prevent a neighborhood from getting speed humps, Councilor Sandel stated that he is skeptical of the proposed policy and questioned whether public feedback should be included in the engineering study procedures. In response, Mr. Harwick stated that public feedback was not specifically considered as part of the study and contended that the goal of the study is to gather the facts in order for the Council to make the best decisions. However, he stated that a public involvement component could be added.

Directing Mr. Harwick's attention to proposed Section 5.2. of the proposed guidelines, Councilor Sandel questioned whether the word "shall" in the statement "A minimum of one traffic signal warrant shall be satisfied before a traffic signal installation will be considered..." takes away the power of the Council to authorize signalization if no warrant is met. In response, Mr. Harwick stated that the guidelines do not affect the power of the Council to authorize signalization absent a warrant and contended that the statement is intended for the engineer who is evaluating an intersection.

Councilor Sandel expressed concern that the policy will make it very difficult for the Council to approve the installation a new traffic signal if a warrant is not met and stated that he is skeptical of a policy that is inflexible and does not consider public feedback.

Councilor Darnell also expressed concern with the use of the word "shall" but stated that he is supportive of formalizing a signalization policy.

Contending that there are too many traffic signals in downtown Farmington, Councilor Fischer questioned whether there is a policy for removing traffic signals. In response, Mr. Harwick stated that the MUTCD and the *Traffic Control Handbook* address the removal of traffic signals. Following brief discussion, Councilor Fischer expressed a desire to consider including traffic signal removal in the policy. She stated that, generally, she favors policies but stated that she does not like the "editorializing" that is included in the guidelines. She asked that the guidelines include an explanation on what the warrants are and how they are applied. In addition, she contended that the policy is biased against traffic signals and supportive of roundabouts. She suggested that the policy be revised to include more scientific information and that the pros and cons of traffic signalization be a footnote.

Announcing that she appreciates the pros and cons of traffic signalization being included in the guidelines, Councilor McCulloch stated that she is generally supportive of a written policy.

Mayor Roberts expressed his appreciation for the effort that was put into drafting the policy and bringing it before the Council for consideration and stated that he has no problems with the proposed guidelines. He noted that he does not see a bias for or against traffic signalization and agreed with Councilor Fischer that consideration be given to include the removal of traffic signals in the policy. He suggested that the Council focus primarily on the objective threshold that at least one of the nine warrants be met before signalization is pursued, stating that he supports the threshold because it removes the subjective component of the decision-making process. Furthermore, he contended that there is time for public input after the threshold is met.

In response to inquiry from Councilor Fischer, Traffic Engineering Administrator Steve Krest noted that the City does have a policy/guideline that it follows in determining which signalized intersections get turn arrows and agreed that it should be incorporated it into the proposed policy.

Mayor Roberts noted that there appears to be no objections from the Council in directing staff to pursue the proposed policy.

Regarding the threshold that at least one of nine warrants must be met before signalization is pursued, Councilor Sandel announced that he needs more information and that he wants to see the signalization policies from the City of Albuquerque and similar-sized towns in the region. He also asked that he be provided a copy of the engineering study, including the outcome, for the traffic signals that were installed at the intersections of San Juan Boulevard and Tucker Avenue and 30th Street and Piñon Hills Boulevard. In addition, he expressed a desire for the policy to be less editorializing; that the pros and cons of every option/alternative to signalization be included in the policy; and that the policy provide a better explanation of the nine warrants.

In response to inquiry from Councilor Sandel, Mr. Harwick noted that an engineering study costs around \$5,000.

Following discussion, it was the consensus of a majority of the Council that the minimum threshold that at least one of the nine warrants being met before signalization is pursued remain in the policy guidelines for further discussion. Councilor Sandel noted that the policy, as presented with the warrant requirement, would prevent the Council from approving the signalization of the Piñon Hills Boulevard/Dustin Avenue intersection. In response, Mr. Harwick stated that the guidelines are not binding on the Council and that the policy allows the Council to authorize a traffic signal based on a political reason and not on the advice of an engineer (known as a political warrant). Following further discussion, it was the consensus of a majority of the Council to replace the word "shall" with the word "should" in Section 5.2. of the proposed guidelines.

Mayor Roberts stated that it appears that the Council supports the inclusion of 1) a public involvement component in the proposed policy; 2) guidelines for signal removal; 3) and guidelines explaining which intersections get turn arrows; and 4) a list of the types of warrants included as an appendix. There were no objections from the Council. In addition, he reiterated that Councilor Sandel has requested a copy of the City of Albuquerque signalization policy and the engineering studies that were completed for the intersections of San Juan Boulevard and Tucker Avenue and 30th Street and Piñon Hills Boulevard.

Responding to inquiry from Mayor Roberts, City Manager Rob Mayes assured him that every effort will be made to have the revised policy on the agenda for further discussion at the October 1, 2013 City Council Work Session.

INTERSECTION OF PIÑON HILLS BOULEVARD AND BUTLER AVENUE

Based on the recommendation from Nevin Harwick of Harwick Transportation Group, City Manager Rob Mayes announced that staff intends to proceed with restriping the westbound lane of Piñon Hills Boulevard in an effort to improve operations of that intersection and provide clearer guidance for drivers unless he is given different direction from the Council.

Directing the Council's attention to his September 10, 2013 letter to Public Works Director Jeff Smaka, Nevin Harwick of Harwick Transportation Group explained that the Piñon Hills Boulevard/Butler Avenue intersection meets Warrant 2 (Four-Hour Vehicular Volume) of the *Manual of Uniform Traffic Control Devices* ("MUTCD"), but that no other traffic signal warrants were satisfied. Contending that satisfaction of a single traffic warrant should not, in itself, indicate that a traffic signal be installed, he recommended restriping westbound Piñon Hills Boulevard as indicated on the graphic attached to his letter.

Mayor Roberts suggested that action on the proposed recommendation should be deferred pending the outcome of the proposed Traffic Control Signal Policy.

Following discussion, a motion was made by Councilor Sandel, seconded by Councilor Fischer to direct staff to proceed with restriping the westbound lane of Piñon Hills Boulevard in an effort to improve operations of that intersection and provide clearer guidance for drivers, as recommended by Mr. Harwick, and upon voice vote the motion carried unanimously.

SIGNALIZATION AT THE INTERSECTION OF PIÑON HILLS BOULEVARD AND DUSTIN AVENUE

A motion was made by Councilor Darnell, seconded by Mayor Roberts to table the discussion and direction to staff concerning signalization of the Piñon Hills Boulevard and Dustin Avenue intersection pending the outcome of the proposed Traffic Control Signal Policy. The roll was called with the following result:

Those voting aye: Dan Darnell
Gayla McCulloch

Those voting nay: Mary M. Fischer
Jason Sandel

The Mayor voted in favor of the motion and declared the motion carried.

In response to inquiry from Councilor Sandel, City Manager Rob Mayes reported that staff conducted a survey of the residences and churches near intersection of Piñon Hills Boulevard and Dustin Avenue and stated that Piñon Hills Community Church has agreed to contribute \$40,000 over a period of time towards the cost of a traffic control signal. Expanding on Mr. Mayes' comments, Assistant City Manager Bob Campbell reported that 54 surveys were sent out with 32 responses (22 in favor of a traffic signal, 10 opposed and one in favor of a roundabout). He stated that, in response to the survey, First Assembly of God Church indicated that they are in favor of a traffic signal but are not willing to contribute financially. Furthermore, he noted that Jerry Sandel offered to contribute "several thousand" dollars; Dustin O'Brien offered \$100, Rick Wallace offered \$500; the John and Maxine Dean Trust offered \$100 and Lynn Brumbaugh offered to provide an undisclosed amount. In response to inquiries from Councilor Sandel, Mr. Campbell confirmed that in 2008 the First Assembly of God Church was willing to contribute \$40,000 towards the cost of a traffic control signal. He also noted that staff received no response from the assisted living facility that is located in the area.

Responding to inquiry from Mayor Roberts, City Manager Rob Mayes announced that this item will be scheduled for discussion at the October 1, 2013 City Council Work Session in addition to the Traffic Control Signal Policy.

BUILDING SPACE LEASE/SAN JUAN COUNTY COMMUNICATIONS AUTHORITY

Airport Manager Todd Gressick stated that the San Juan County Communications Authority is interested in leasing 1040 square feet of office space in Building M-1 located at 1401 West Navajo Street for their backup communications center. He noted that the backup communications center currently occupies a small portion of M-1 but that it is necessary to expand to meet their future needs. Furthermore, he stated that, if the lease is approved, they intend to invest an estimated \$300,000 to upgrade the backup communications center. He requested Council approval of the of the proposed building space lease.

Following brief discussion, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to approve the Building Space Lease between the City and San Juan County Communications Authority to lease 1040 square feet of office space in Building M-1 located at 1401 West Navajo Street, and upon voice vote the motion carried unanimously.

BUILDING SPACE LEASE AGREEMENT/CHIEF PILOT, LLC

Airport Manager Todd Gressick stated that the current lease agreement between the City and Chief Pilot, LLC ("Chief") for Hangar H-10 located at 1090 West Navajo Street will expire on September 30, 2013 and noted that Chief has requested a new lease that includes updated rental rates and insurance requirements. He requested Council approval of the building space lease.

Responding to Mayor Roberts concerning questions about Chief's principals, Mr. Gressick stated that Robert Chavez is the agent for T. Greg Merrion, Robert Bayless and Dawn Trucking. Noting that that Robert Bayless does not have an ownership interest in Chief Pilot, LLC and stating that he knows that Butch Matthews does, Mayor Roberts asked for the names of the owners. In response, Mr. Gressick stated that according to a letter from Robert Chavez, the owners are T. Greg Merrion and Dawn Trucking. Assistant City Manager Bob Campbell reported that following discussions with T. Greg Merrion regarding who would be the lease holders, it was decided that Robert Chavez, as agent of Chief Pilot, LLC, would be the sole party that the City would deal with.

In response to inquiry from Councilor Sandel, Mr. Gressick confirmed that the Airport Advisory Commission has approved the subject lease agreement.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to approve the Building Space Lease between the City and Chief Pilot, LLC for Hangar H-10 located at 1090 West Navajo Street, and upon voice vote the motion carried unanimously.

RESOLUTION NO. 2013-1486/GRANT AGREEMENT/FEDERAL AVIATION
ADMINISTRATION PROJECT NO. 3-35-0016-036-2013

Airport Manager Todd Gressick reported that staff has been working with the Federal Aviation Administration ("FAA") for FAA Airport Improvement Program ("AIP") grant funding to reconstruct Taxiway B and construct an animal control fence. He stated that the estimated cost of the projects is \$2,044,146 with the FAA funding 93.75 percent and the State and City each funding 3.125 percent. He requested adoption of Resolution No. 2013-1486.

In response to inquiry from Councilor Sandel, Mr. Gressick reported that approximately \$20,000 of the project cost is for the animal control fencing.

After consideration of proposed Resolution No. 2013-1486, a motion was made by Councilor Darnell, 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
Those voting nay:	Jason Sandel

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2013-1486 was duly passed and adopted.

RESOLUTION NO. 2013-1487/GRANT AGREEMENT/PURCHASE OF HERBICIDE FOR
THE FOUR CORNERS REGIONAL AIRPORT

Airport Manager Todd Gressick noted that the Aviation Division of the New Mexico State Highway and Transportation Department will reimburse 90 percent, or up to \$10,000, for airfield maintenance supplies to ensure that state airports are maintained and operated in optimum condition. He announced that staff is requesting reimbursement for herbicides for the Four Corners Regional Airport and requested adoption of Resolution No. 2013-1487.

After consideration of proposed Resolution No. 2013-1487, a motion was made by Councilor Darnell, 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. 2013-1487 was duly passed and adopted.

RESOLUTION NOS. 2013-1488 AND 2013-1489/FEDERAL FUNDING ASSISTANCE UNDER THE TRANSPORTATION ALTERNATIVES PROGRAM/PHASE 1 (CLAYTON TO FAIRVIEW) AND PHASE 2 (FAIRVIEW TO SULLIVAN) OF THE 20TH STREET SIDEWALK PROJECT

Noting that the 20th Street Sidewalk project (from Clayton to Sunset) has been on the State Transportation Infrastructure Program ("STIP") for many years, Public Works Director Jeff Smaka reported that the new Federal MAP 21 legislation sets forth new requirements for funding and that the amounts are significantly lower than previous years under the SAFETEA-LU program using Transportation Enhancement Program (TEP) funds. He stated that staff evaluated the possible funding amounts, divided the project into four sections (each approximately a half mile in length), submitted applications to the Farmington Metropolitan Planning Organization ("MPO") and were successful in attaining the MPO's recommendation for funding under the new Transportation Alternatives Program (TAP) guidelines. He requested adoption of Resolution Nos. 2013-1488 (Phase 1, Clayton to Fairview) and 2013-1489 (Phase 2, Fairview to Sullivan). He noted that staff intends to apply for funding for the next two phases as funds become available.

Following discussion regarding previous funding amounts and sources for the project and the length of time the project has been on the STIP, Councilor Sandel stated that he would prefer to know how much money is available and evaluate all eligible projects for prioritization rather than approving this project.

After consideration of proposed Resolution Nos. 2013-1488 and 2013-1489, a motion was made by Councilor Darnell, seconded by Councilor McCulloch that said resolutions be passed and adopted as presented.

Councilor Sandel asked that staff provide a memo stating the amount of funding available and a list of eligible projects. MPO Planner Joe Delmagori agreed to provide the information.

The Mayor called for the vote upon the motion to pass and adopt Resolution Nos. 2013-1488 and 2013-1489, as presented. The roll was called with the following result:

Those voting aye:	Dan Darnell
	Mary M. Fischer
	Gayla McCulloch

Those voting nay:	Jason Sandel
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution Nos. 2013-1488 and 2013-1489 were duly passed and adopted.

RESOLUTION NO. 2013-1490/FEDERAL FUNDING ASSISTANCE UNDER THE TRANSPORTATION ALTERNATIVES PROGRAM/SOUTHSIDE RIVER ROAD TRAIL DEVELOPMENT

Parks, Recreation and Cultural Affairs Director Cory Styron noted that the Southside River Road trail development project is a critical link to completing the trail system along the Animas River since it provides a needed link to the east side of Farmington that has the potential to connect the Animas Valley Mall area to the trail system. He reported that new requirements for funding were implemented with the Federal MAP 21 under the TEA-21 using Transportation Pedestrian Enhancement (TPE) funds. He stated that staff reviewed the projects along the river trail for possible funding and that, after identifying a possible segment, an application was submitted to the Farmington Metropolitan Planning Organization ("MPO") and was successful in attaining the MPO's recommendation for funding under the new Transportation Alternatives Program ("TAP") guidelines. He requested adoption of Resolution No. 2013-1490.

Following brief discussion, Councilor Sandel stated that he supports the project but has issues with the haphazard way that TAP funding is being allocated without Council input.

After consideration of proposed Resolution No. 2013-1490, a motion was made by Councilor Darnell, 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

Those voting nay: Jason Sandel

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2013-1490 was duly passed and adopted.

RESOLUTION NO. 2013-1491 ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN ("ICIP")

City Manager Rob Mayes reminded the Council that at last week's Regular City Council Meeting staff was directed to submit last year's ICIP list to the Council for final consideration at today's meeting and stated that Scott Scanland, the City's contract lobbyist, recommends that the City also submit the "Alphabetical Listing of Additional Projects for Consideration" as presented on pages 8.3 through 8.6 of the agenda material. He requested adoption of Resolution No. 2013-1491.

Councilor Fischer suggested that the damage from the recent floods be added to the ICIP list of projects. In response, Mayor Roberts announced that he has declared the City of Farmington a disaster area due to severe damage caused by flash flooding on or about August 13 through September 13, 2013, in accordance with the San Juan Emergency Operations Plan and the New Mexico All Hazard Emergency Management Act. Noting that it could cost the City as much as \$2 million to repair the damages and clean-up the residue, Mayor Roberts stated that such declaration could make the City eligible for financial assistance through the New Mexico Department of Homeland Security and Emergency Management. He also reported that he is requesting that Governor Susanna Martinez declare the City of Farmington a disaster area in order to make it eligible for assistance through the Federal Emergency Management Agency ("FEMA").

Citing the delay in receiving FEMA funding for the Porter Arroyo Detention Pond, Councilor Fischer suggested listing it as one of the top five projects on the ICIP list to be submitted to the State. Following discussion regarding FEMA funding for the project, Councilor Sandel agreed with Councilor Fischer and suggested that the Porter Arroyo Detention Pond replace the River Trail and Walking Bridges project on the ICIP list. He pointed out that it can be removed from the list if FEMA funding is received.

Referring to Mr. Scanland's recommendation to also submit the "Alphabetical Listing of Additional Projects for Consideration," Councilor Sandel stated that he prefers submitting just the top five projects. Furthermore, he stated that he is willing to discuss submitting five alternatives but not the entire list because it does not prioritize the projects.

Following further consideration, it was the consensus of the Council to list the following projects on the City's ICIP in the following priority: Piñon Hills Bridge & Extension; Porter Arroyo Detention Pond; Fire Station #7 and Apparatus/Equipment; Zone 2P Waterline; and Civic Center Expansion - Phase II.

Following brief discussion, it was also the consensus of the Council to submit only the top five projects to the State for consideration.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Sandel that Resolution No. 2013-1491 be passed and adopted as presented along with the list of priority projects as determined by the Council. 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 Mayor thereupon declared that four Councilors having voted in favor thereof, the said motion was carried and Resolution No. 2013-1491 was duly passed and adopted.

POLLING PLACES FOR THE MARCH 4, 2014 REGULAR MUNICIPAL ELECTION

City Clerk Dianne Smylie reported that representatives from the Farmington School District have expressed concern about the use of Piedra Vista and Farmington High Schools as polling places during the upcoming election because the two campuses are closed and monitored by security guards making it necessary for voters to go through security before they are allowed to enter the building. Noting that this may not be an ideal situation for the voters, she stated that staff is recommending that other facilities in District 4 be considered (i.e., Piñon Hills Community Church, Country Club Elementary School and the School District Administration building). She requested direction from the Council on how to proceed with establishing the District 4 polling places for the March 4, 2014 Regular Municipal election, noting that City Code requires at least one polling place per district.

Contending that Piñon Hills Community Church engaged in selective political activity during the last election, Councilor Sandel expressed concern with using it as a polling place.

Following brief discussion, staff was directed to contact the Seventh Day Adventist Church, Sunrise Christian Church, Country Club Elementary School and the Farmington School District Administration about the possibility of utilizing their facilities as District 4 polling places for the March 4, 2014 Regular Municipal Election and that two locations be selected.

COUNCIL BUSINESS

Declaration of Disaster

Mayor Roberts reiterated that he has declared the City of Farmington a disaster area due to severe damage caused by flash flooding on or about August 13 through September 13, 2013. He commended staff for their efforts in coordinating the response to the many concerns related to the recent flooding and noted that he has received positive comments regarding their efforts. Councilor Darnell echoed the Mayor's comments regarding staff.

Flooding/Alley Behind Monterey Court Apartments

Referring to a letter that was addressed to the Mayor and Council from Daniel Westbury (509 East Hopi Street), Councilor Fischer expressed concern that the owner/manager of the Monterey Court Apartments used a backhoe in the alley behind the apartments to alleviate flooding on his property that resulted in the flooding of Mr. Westbury's property and damage to the Independent Ditch Company pipe and underground utilities. Contending that the responsible party is a licensed contractor, she questioned whether the New Mexico Construction Industries Division should be notified and if criminal charges can be filed. In response, City Manager Rob Mayes stated that the utility companies have been notified of the incident and anticipates that they will take appropriate action. He also assured the Council that the alley elevations were intact and noted that the individual who caused the damage is responsive to mitigating the damages. Contending that a "slap on the wrist" will not prevent this from happening again, Councilor Fischer stated that she would personally like staff to determine if he violated any construction codes.

In response to inquiry from Mayor Roberts, Deputy City Attorney Jennifer Breakell reported that the City does not have standing to bring a civil lawsuit on behalf of individual citizens due to damage to their property.

Mayor Roberts asked if the Council agreed to direct staff to research whether any construction codes were violated as a result of the owner/manager of the Monterey Court Apartments using a backhoe in the alley behind the apartments to alleviate flooding on his property. In response, Councilor Sandel expressed a desire to hear all sides to the story before moving forward with directing staff to do any research. Councilor Fischer stated that she does not disagree but contended that it

"takes it to a different level" because the individual is a licensed contractor.

Following further discussion, Councilor Fischer contended that there is a need for staff to develop an action plan to prevent future flooding and to identify problem areas that continuously flood. She also recommended that staff budget monies for flood remediation and prevention. Mayor Roberts assured her that this process is well under way.

Councilor Darnell expressed support for development of an action plan and stated that he would like the opportunity, as a representative of District 1, to debrief on surface drainage issues. In addition, he suggested that the Council be given the opportunity to provide input on prioritization of future projects. Mayor Roberts reminded the Council that they were asked to provide staff a list of problem areas in their districts.

Responding to Mayor Roberts, Public Works Director Jeff Smaka stated that the City has expended \$3.7 million on drainage remediation and repair since the 2010 rain event, noting that nearly \$2.5 million of that amount was strictly debris removal.

Drainage Within the Country Club

Announcing that he has been told that there is a written agreement between the City and the Country Club identifying all of the drainage inside of the Country Club as the City's responsibility, Councilor Sandel asked for clarification from staff. In response, City Manager Rob Mayes stated that the main channel through the middle of the Country Club belongs to the City and explained that the main channel had been blocked prior to the 2010 rain event resulting in flood damage. Being more specific, Councilor Sandel stated that the Country Club Board claims that the City is responsible for the damage to the streets caused by the heavy rains because the City owns the erosion control. City Manager Rob Mayes stated that staff will further investigate the matter.

Councilor Sandel expressed appreciation for staff's responsiveness to recent flooding issues.

Municipal Separate Storm Sewer System/MS4

In response to inquiry from Councilor Sandel, Public Works Director Jeff Smaka explained that the MS4 is the City's storm water permit from the federal government and that the draft of the document is complete. Following brief discussion, Councilor Sandel asked that the draft MS4 be distributed to the Council for review.

CLOSED MEETING

A motion was made by Councilor Darnell, seconded by Councilor McCulloch to close the meeting to discuss requests for proposals for professional engineering services for the Foothills Drive widening project 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
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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.

Mayor Roberts left the meeting at 12:01 p.m.

Mayor Pro Tem Darnell convened the closed meeting at 12:02 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that 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 12:04 p.m. with all members of the Council being present.

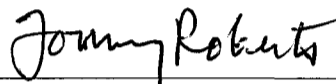
REQUEST FOR PROPOSALS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE
FOOTHILLS DRIVE WIDENING PROJECT

Purchasing Officer Eddie Smylie announced that proposals for professional engineering services for the Foothills Drive Widening project (Public Works) opened on May 29, 2013 with five offerors participating. He recommended that the contract be awarded to Souder, Miller & Associates as the top evaluated firm based on the pricing schedule for services.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor McCulloch to award the proposal for professional engineering services for the Foothills Drive Widening project to Souder, Miller & Associates, 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 12:05 p.m.

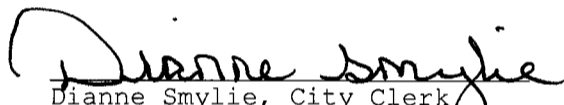
APPROVED this 8th day of October, 2013.



Tommy Roberts, Mayor

SEAL

ATTEST:


Dianne Smylie, City Clerk