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, October 22, 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 Guy Mackey of St. John's Episcopal Church.

Hermosa Middle School student Esther Rogge 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 October 8, 2013 and the minutes of the Regular Work Session of the City Council held October 1, 2013.
- *DECLARATION OF SURPLUS PROPERTY: The Purchasing Officer recommended that worn-out, unusable or obsolete vehicles and equipment (Administrative Services, Central Warehouse, General Services and Vehicle Maintenance) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.
- *CONFIRMATION OF REAPPOINTMENTS of City Attorney Jay Burnham and Electric Utility Financial Analyst Susan Nipper to the New Mexico Municipal Energy Acquisition Authority (NMEAA) Board of Directors.
- *WARRANTS PAYABLE for the time period of October 6, 2013 through October 19, 2013, for current and prior years, in the amount of \$8,057,057.99.

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

EXTRA MILE DAY PROCLAMATION

The Mayor presented Esther Rogge, a 13-year-old student from Hermosa Middle School, with a Proclamation declaring November 1, 2013 as "Extra Mile Day." He thanked Ms. Rogge for honoring the local emergency response personnel, senior citizens and military personnel with Golden Eagle plaques and awards that were personally made by her.

Reading from a prepared statement, Ms. Rogge thanked the Mayor and Council for presenting her with the Proclamation and she encouraged today's youth and adults to participate in volunteerism. In response to inquiry from Mayor Roberts, Ms. Rogge announced that her long-term goal is to attend Norte Dame University and major in politics and minor in dance. She stated that she aspires to be President of the United States.

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. SUP 13-10 from Evers & Sons, represented by John Stewart, requesting a Special Use Permit to allow light manufacturing and outside storage at 130 Airport Drive in the GC, General Commercial, District.
- *(2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. SUP 13-11 from Derrick Rangel requesting a Special Use Permit to allow a single-family residential use at 115 N. Wall Avenue in the CB, Central Business, District.

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

PARKS, RECREATION & CULTURAL AFFAIRS MASTER PLAN

Parks, Recreation and Cultural Affairs Director Cory Styron introduced Chief Executive Officer Teresa Penbrooke and Project Manager Pat O'Toole from GreenPlay, LLC the City's consultant for the development of a Parks, Recreation and Cultural Affairs Master Plan.

Utilizing a Powerpoint presentation, Mr. O'Toole reported that a comprehensive analysis of the conditions of existing facilities and programs will be conducted along with a public input process that involves the Council, staff, focus groups and the community at-large. He noted that a community survey will be randomly mailed in an effort to identify the importance and community satisfaction with the programs and amenities that are currently being offered and stated that an online survey (MindMixer) will also be available through the City's website in an effort to broaden the outreach of the public input component. Mr. O'Toole reported that they will also conduct an analysis of the revenue sources and identify service gaps and potential partners for recreational activities. In closing, he stated that he expects to present the findings to the Council in February with the final plan being completed in May, 2014.

In response to inquiry from Mayor Roberts, Mr. Styron explained that rates and user fees will be considered after the master plan is complete and staff has vetted the information that was received from the community through the public input process.

Noting that she will not be able to meet with Mr. O'Toole later this week for their one-on-one session because she was in a car accident, Councilor Fischer announced that she is most supportive of free recreational activities and asked that creative programs that help the community be identified (i.e. providing free swimming at the aquatic center with the donation of a can of food). She also suggested that new ideas be considered for some of the annual events such as Riverfest and Freedom Days, contending that the events have become routine. Lastly, Councilor Fischer noted that most of the recreational facilities are located within the central part of town and speculated that transportation for children living on the south side is a problem. She

suggested that a partnership with the Red Apple Transit bus system be considered.

In response to inquiry from Councilor Darnell, Mr. O'Toole reported that the mailed survey will contain some standardized questions but will also include some that are specific to the recreational needs of Farmington.

CITY MANAGER BUSINESS

Spay-Neutering and Veterinarian Programs/Regional Animal Shelter

Providing opening remarks, City Manager Rob Mayes reported that staff has further analyzed the operations of the Animal Shelter and is now recommending that a full-time veterinarian be hired to provide basic and minor emergency care and treatment for shelter animals and to implement a low-to-no cost spay and neuter program for residents of the city and San Juan County based on annual income levels.

Announcing that he believes that this is a transformative change in strategy, Mayor Roberts pointed out that this recommendation was developed through several meetings of the ad hoc community of veterinarians, animal welfare groups, City staff and interested community members.

Parks, Recreation and Cultural Affairs Director Cory Styron recognized Fred Brooks from the San Juan Animal League and veterinarians Margie Alvarez and Sheila Noyes who were present in the audience in support of the proposed programs. He noted that the goal of the spay/neuter program is to sterilize an additional 1,500 to 2,000 animals annually and stated that it is recommended that a full-time veterinarian be hired at an annual rate of \$70,000 plus benefits (\$20,300). He explained that the net impact to the budget will only be \$42,720 even with the additional costs of supplies and miscellaneous expenses (\$32,420) because there will be a \$20,000 annual savings in contracted veterinary services and approximately \$60,000 in added revenue through the spay/neuter program. Furthermore, he noted that the additional \$42,720 will be divided between the City and San Juan County since they have agreed to participate in the program. He also assured the Council that the intent of this program is to ensure that shelter animals get immediate and consistent medical attention and that a low-to-no cost sterilization program be implemented and that services not compete with local veterinarians. Furthermore, he noted that it was also recommended that \$20,000 be set aside for the solicitation of proposals from local non-profits and businesses for operation of a no-cost spay and neuter program (such as Dogsters).

In response to inquiry from Councilor Darnell, Mr. Styron explained that pet owners must provide income verification in order to be considered for the sterilization program and stated that there will be no charge to those who make less than \$20,000 per year based on the adjusted net income on their federal tax returns. He also noted that a \$30 fee will be charged for incomes that fall between \$20,001 and \$30,000; \$60 for incomes between \$30,001 and \$50,000; and \$85 for incomes that are between \$50,001 and \$60,000. He pointed out that persons whose incomes are over \$60,000 per year may be eligible for special coupons developed by local partners for spay/neuter services based on need and availability. Mr. Styron also noted that the Animal Services Advisory Commission ("ASAC") and 21 local veterinarians have expressed their support for the proposed programs.

Mr. Styron responded to numerous questions from Councilor Fischer concerning the types of medical care that will be provided by the veterinarian and the hiring process that will be followed to fill the position. He also confirmed that there is adequate room in the spay/neuter facility to sterilize 20 animals per day and stated that the Navajo Nation has not expressed an interest in financially supporting the spay/neuter program at this time. Furthermore, he noted that it takes approximately three to five years after a spay/neuter program is enacted before there is a decrease in the number of unwanted animals.

Councilor Sandel strongly urged staff to initiate direct discussions with the Navajo Nation instead of relying on information provided by representatives of San Juan County to determine whether they are interested in participating in the spay/neuter program. He also asked how amendments will be made to the proposed policy if it is adopted by the Council. In response, Mr. Mayes explained that staff is asking

the Council to approve the concept of the spay/neuter program and grant permission to add a veterinarian to the City's staffing level, but noted that the actual policies associated with the programs are administrative and will be amended by staff as needed. He also noted that staff is not seeking a budget adjustment at this time because he is confident that the added expenses can be absorbed through the existing budget.

Councilor Sandel pointed out that the letter from the veterinarians supports the implementation of a pet registration/licensing program and questioned whether this measure can be accomplished since he previously suggested that such a program be implemented but the idea was rejected by the Council. In response, Mayor Roberts recalled that there was not support for the program at that time because it was being pitched as a revenue generator and not a measure for controlling the animal population.

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

Addressing the Council as a member of the veterinarian community who helped formulate the proposed programs, Dr. Margie Alvarez announced that she would prefer that the policies be formally adopted by the Council to ensure that the scope of services are not changed beyond what was negotiated. She also pointed out that income guidelines initially capped the income level for low-cost spay/neutering services at \$80,000 and asked that she be provided some assurance that staff will not increase the amounts without the approval of the Council and/or the veterinarian community. In response, Mayor Roberts pointed out that any policy change would require approval from ASAC whose membership includes a local veterinarian and members from the San Juan Animal League and the Humane Society of the Four Corners.

ASAC member Dana Park stated that she is supportive of the proposed policies, particularly the hiring of a full-time veterinarian in an effort to curtail the amount of disease at the animal shelter.

In response to inquiry from Councilor Fischer, Dr. Alvarez reported that it is her understanding that the current policy at the animal shelter is that the contracted veterinarian examines the animals but that the shelter director determines whether the animal is euthanized. She emphasized that there needs to be a good working relationship between the shelter director and the veterinarian to prevent a power struggle between medical care and animal welfare concerns.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to approve: 1) the Guidelines for Low or No Cost Spay and Neuter Services; 2) the hiring of a full-time veterinarian; and 3) the development of a policy that will require Council action.

Mayor Roberts asked for clarification on the parameters of the proposed policy. In response, Councilor Darnell explained that the intent of the motion is that the policy be formally adopted by the Council in an effort to keep the veterinarians aware of any proposed changes. Councilor Fischer suggested that a formal policy be adopted and that it be reviewed on an annual basis. Councilor Sandel contended that he believes that the policy should be administrative in nature and suggested that the ordinances pertaining to animals be amended to provide clarity on how such policies will be amended.

Following further consideration, Councilor Darnell amended the motion to approve the Guidelines for Low or No Cost Spay and Neuter Services and the hiring of a full-time veterinarian and to direct staff to draft a policy that will include the scope of services to be provided by the veterinarian. Councilor McCulloch seconded the amended motion.

Noting that it is his opinion that the guidelines for the spay and neuter program are not ready to be approved, Councilor Sandel pointed out that it is difficult to prove income based on a school reduced lunch card or a Medicaid card (which reads Medicare in the proposed guidelines and pertains to the age of the individual and not their income level). He stated that he would prefer to simply give staff direction to proceed with the programs as proposed and give them the opportunity to clarify the policy as needed.

The Mayor asked the members of the veterinarians and the members of ASAC to comment on the proposed guidelines. In response, Dr. Alvarez stated that she is satisfied with the proposed guidelines but wants the assurance that the City does not intend to compete with the local

veterinarians. She questioned whether the scope of services could be developed after the veterinarian is hired. Mr. Brooks pointed out that the proposed guidelines were developed after several meetings of a diverse group of individuals and urged the Council to proceed as presented and to allow staff to modify the processes as needed.

Following further consideration, the Mayor called for the vote upon the amended motion to approve the Guidelines for Low or No Cost Spay and Neuter Services and the hiring of a full-time veterinarian and to direct staff to draft a policy that will include the scope of services to be provided by the veterinarian. 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.

Councilor Fischer explained that she is supportive of the spay/neuter program and the hiring of a veterinarian but would prefer that the new Animal Welfare Director have the opportunity to review and comment on the policy and guidelines prior to Council action.

Councilor Sandel asked for clarification on how the policy and guidelines will be amended now that they have been adopted by the Council. In response, City Attorney Jay Burnham stated that he believes that the intent of the motion was to approve the program and the general guidelines as outlined tonight and that they can be amended administratively. However, he stated that he will give this more thought and report back to the Council.

Mr. Mayes stated that he intends to provide the Council with a revised set of guidelines that will include the scope of care that will be provided by the veterinarian for consideration in the near future.

Permission to Publish/Proposed Ordinance Dealing with Park Ranger-Animal Control Officers

Providing opening remarks, City Manager Rob Mayes explained that staff is recommending that the Park Ranger/Animal Control Officers be reassigned from the Parks, Recreation and Cultural Affairs Department to the Police Department for safety reasons due to the nature of their job duties.

Expanding on his comments, Deputy Police Chief Vince Mitchell explained that the Park Ranger/Animal Control Officers patrol the parks during the early morning and late-night hours and are authorized to issue citations for crimes that occur in a park if it is observed. He also noted that he is recommending that they be switched to the primary police channel to give them more opportunity to call for help if their safety is being compromised. He stated that two other benefits of reassigning the officers is that the police department can provide routine training and that it will authorize them to present in court their case for charges of felony animal abuse. He also noted that, typically, such a division is structured under the control of the police department.

Councilor Fischer expressed concerns for the proposed reassignment, contending that she believes the Park Ranger/Animal Control Officers will be put in more jeopardy under the auspices of the Police Department since they may be asked to do jobs that are quasi-community service officer oriented, such as directing traffic and controlling crowds. Pointing out that the Park Ranger/Animal Control Officers are charged to assist with some of those tasks already, Deputy Chief Mitchell pointed out that the new structure will give them more training opportunities that will increase their abilities to do their jobs more safely. Councilor Fischer also noted that she has received complaints about the harsh manner in which the Code Compliance Division operates since it was transferred to the Police Department and stated that she believes that the new Animal Welfare Director should have an opportunity to review and comment on the proposed reassignment. Furthermore, she stated that it is her understanding that the proposed reassignment is being made because of conflicts between the Park Ranger/Animal Control Officers and the Interim Animal Shelter Director/Consultant. She questioned whether the Police

Department has considered establishing a Special Parks Task force to deal with the unsavory activities that are occurring in City parks. In response, Deputy Chief Mitchell advised that is has been discussed in the past and assured her that the District Coordinators try to address these concerns as best they can.

In response to inquiry from Mayor Roberts, Mr. Mayes reported that staff has not presented the proposal to the Animal Services Advisory Commission for consideration since it is an internal/operational matter. He also assured the Council that the motivation behind the proposal is training and safety and stated that all Park Ranger/Animal Control Officers will keep their job if the reassignment is made.

In response to inquiry from Councilor McCulloch, Mr. Styron explained that the reason that he is supportive of this measure is because he has determined that the Animal Control/Park Rangers have received limited training in how to detain individuals who are committing crimes in City parks. He also noted that the reassignment to the Police Department will provide the City with better protection against liability.

There was no response to the Mayor's call for comments from the audience.

Responding to inquiry from Councilor Sandel concerning best practices in New Mexico, Police Chief Kyle Westall explained that Colorado programs were considered because they are accredited by CALEA (Commission on Accreditation for Law Enforcement Agencies). Councilor Sandel asked that staff identify the specific types of training and the tools (e.g. pepper spray) that will be made available to the Animal Control/Park Rangers if they are reassigned to the Police Department.

At the request of Mayor Roberts, Mr. Burnham reported that if staff is granted permission to publish notice of intent to adopt the proposed ordinance, it will be scheduled for discussion at the November 12, 2013 regular City Council meeting with final action being scheduled for the December 10, 2013 regular City Council meeting. Mayor Roberts pointed out that this schedule will give staff enough time to present the proposal to the Animal Services Advisory Commission and for the new Animal Welfare Director to review and comment since she is scheduled to start work on December 3.

Councilor Fischer reiterated her concerns about the current operations of the Animal Shelter and questioned whether reassigning the Park Rangers-Animal Control Officers will negatively affect the operations since the officers are assisting the shelter workers due to the inability to fill positions.

There being no further discussion, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to direct staff to proceed with publication of notice of intent to adopt the said ordinance with final action being scheduled for December 10, 2013. The roll was called with the following result:

Those voting aye:

Dan Darnell Gayla McCulloch Jason Sandel

Those voting nay:

Mary M. Fischer

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

COUNCIL BUSINESS

Traffic Control Signal Policy

A motion was made by Councilor McCulloch, seconded by Councilor Darnell to remove from the table the Traffic Control Signal Policy.

Referring to Roberts Rules of Order and the Governing Body Rules of Procedure, Councilor Sandel argued that an item that has been tabled indefinitely cannot be removed from the table unless a Council member who voted in the majority of the first action makes a motion to reconsider. He also stated that he believes that reconsideration of the item should have been scheduled for a future meeting instead of at the same meeting that the motion to reconsider was made. In response, City Attorney Jay

Burnham stated that it is his opinion that a motion to table indefinitely is the same as "laying the item on the table" and contended that the action being requested tonight by Councilor McCulloch is appropriate since it is scheduled as an item for action on tonight's agenda.

Thereupon, the Mayor called for the vote upon the motion to remove from the table the Traffic Control Signal Policy. The roll was called with the following result:

Those voting aye:

Gayla McCulloch

Dan Darnell

Those voting nay:

Mary M. Fischer

Jason Sandel

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

Councilor McCulloch made a motion to adopt the second draft of the Traffic Control Signal Policy, as presented to the Council at the October 1, 2013 City Council Work Session. Councilor Darnell seconded the motion.

Mayor Roberts pointed out that Nevin Harwick from Harwick Transportation Group conducted further analysis on the intersection of Piñon Hills Boulevard and Dustin Avenue and is now recommending that a traffic signal be installed based upon increased traffic, poor operations and the satisfaction of signalization warrants. Noting that the subject intersection is a good example of why a policy is needed, Mayor Roberts stated that he believes that the policy should still be adopted to prevent the influence of money and other subjective reasons from becoming a factor in the Council's decision on whether a traffic signal should be installed.

In response to inquiry from Councilor Fischer, Councilor McCulloch explained that she is supportive of the subject policy because it includes guidelines for removing traffic signals, installing turn arrows, the warrant requirements identified in the Manual on Uniform Traffic Control Devices and provides for public input. She also explained that she received several calls from constituents about the matter and decided that it would be helpful if the procedures were written down to provide as reference.

Councilor Fischer maintained her opposition to the subject policy and questioned whether the City will be subject to increased liability if the policy is adopted and the Council chooses not to install a traffic signal at an intersection that meets warrants. In response, City Manager Rob Mayes explained that the subject policy simply memorializes the process that is currently being followed.

Referring to the second sentence in the Purpose statement of the proposed guidelines, Councilor Sandel contended that the policy as written will prevent traffic signals from being installed if the engineering study is conducted by a third party and he voiced frustration for the process because staff is unclear about how the policy will be amended in the future.

Following further discussion and consideration, the Mayor called for the vote upon the motion to adopt the second draft of the Traffic Control Signal Policy, as presented to the Council at the October 1, 2013 City Council Work Session. The roll was called with the following result:

Those voting aye:

Gayla McCulloch

Dan Darnell

Those voting nay:

Mary M. Fischer Jason Sandel

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

Councilor Sandel maintained his opposition to the process that was followed at tonight's meeting and asked for Council consensus to direct Mr. Burnham to draft a memorandum identifying the use of "pulling from the table" versus "reconsideration" with regard to Roberts Rules of Order

and also asked for a legal opinion on how policies that are adopted by the Council are amended. There were no objections from the Council.

Road Apple Rally/Clean-Up Following Events

Councilor Sandel reported that there are trail markings (ribbons on trees; directional signs) left on the trails following the Road Apple Rally and Xterra Triathlon and questioned whether there is a policy in place to ensure that the trails are cleaned in a timely manner following the events.

Complaints about Waste Management

Announcing that she has tried for two days to make contact with representatives from Waste Management concerning a complaint that the trash pick-up service on North Allen ran nearly a week late, Councilor Fischer voiced frustration for the lack of customer service since her telephone calls have not been returned. Mr. Mayes stated that he will look into the matter.

Consultant Agreement/Regional Animal Shelter

Councilor Fischer questioned whether the change in the scope of services to include the supervision of staff and the day-to-day management of the animal shelter, which has resulted in an additional \$6,000 per month being paid to the consultant, was handled in accordance with the procurement code. She noted that with the additional fees, the consultant will have been paid approximately \$90,000 in the past year. In response, Mr. Mayes stated that he will look into the matter and report back to the Council.

MAYORAL BUSINESS

Appointment/Metropolitan Redevelopment Agency Commission

Mayor Roberts asked the Council's consideration of the appointment of John McNeill to the Metropolitan Redevelopment Agency Commission (term to August 2015). He explained that the is requesting that this appointment be effective on December 1, 2013 as Mr. McNeill has travel plans during the month of November and does not want to miss a meeting.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to confirm the appointment of John McNeill to the Metropolitan Redevelopment Agency Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

Four Corners Economic Development Service (4CED)

Mayor Roberts explained that at the October 15, 2013 City Council Work Session, Councilor Sandel asserted that Four Corners Economic Development (4CED) "celebrated" in their weekly newsletter that the La Plata County Airport was unsuccessful in attaining a flight to Houston, Texas. Characterizing his comments as "setting the record straight", Mayor Roberts read the actual article that was published by 4CED on October 3, 2013. He noted that the article was titled, "United Airlines will not be increasing winter service to Durango", and stated that the article read, "After the announcement that Frontier Airlines is dropping its winter flights in and out of the Durango Airport, United announced that it will not be increasing their service. They will remain at six flights per day. It was also announced by United Airlines that there are no current plans to have flights from Durango to Houston." He stated that it is difficult to find any celebratory connotation in that statement but does see where it harms the credibility of 4CED because a local reporter published Councilor Sandel's comments in the newspaper without a counterbalance to the facts.

Telephonic Survey

Noting that he was made aware of this matter just prior to tonight's meeting by a friend, Mayor Roberts asked the Council if they are aware of, or helped develop the questions for, a recorded telephonic opinion poll that is being conducted whereby a number of questions pertaining the operations of the City and his performance as Mayor are being asked. He pointed out that the recording does not indicate who is sponsoring and/or paying for the opinion poll and stated that he believes that the citizens have a right to know this information.

In response, Councilor Sandel announced that he is funding the opinion poll and the remaining Council members stated that they were not aware that the poll was being conducted.

CLOSED MEETING

A motion was made by Councilor Darnell, seconded by Councilor Fischer to close the meeting to discuss the acquisition of real properties located within the MRA district, pursuant to Section 10-15-1H(8). 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.

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 Darnell, 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 at 10:15 p.m. with all members of the Council being present.

LAND ACQUISITION AGREEMENT/ROBERT AND MARY CULPEPPER/NATIVE AMERICAN ART MUSEUM

Mayor Roberts announced that, as discussed in closed meeting, staff is requesting approval of a Land Acquisition Agreement between the City and Robert and Mary Culpepper for donation to the City of two pieces of property located in the 300 block of West Main Street for the purpose of housing and operating a Native American Art Museum for a minimum of five years.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to approve a Land Acquisition Agreement between the City and Robert and Mary Culpepper for donation to the City of two pieces of property located in the 300 block of West Main Street for the purpose of housing and operating a Native American Art Museum for a minimum of five years, and upon voce vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at $10:16~\mathrm{p.m.}$

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 96-844, et seq.

Approved this 12th day of November, 2013.

Entered in the permanent record book this 13th day of November, 2013.

John Roberts Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk