Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 6:00 p.m. on Tuesday, October 25, 2016. The open regular session was held in full conformity with the laws and ordinances and rules of the Municipality.

Upon roll call, the following were found to be present, constituting a quorum:

MAYOR	Tommy Roberts
COUNCILORS	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett

constituting all members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Julie Baird
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie

The meeting was convened by the Mayor. Thereupon the following proceedings were duly had and taken:

INVOCATION: The invocation was offered by Pastor Nathan Wheeler of East Side Church of Christ.

City Attorney Jennifer Breakell 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 October 11, 2016 and the Regular Work Session of the City Council held October 18, 2016.

*Bid: The Chief Procurement Officer recommended that the bid for purchase of a steerable pole trailer (Electric) be awarded to Moran Welding, Inc., doing business as Brooks Brothers Trailers, on its low bid of $73,600 after application of the five percent in-state preference. Bids opened October 18, 2016 with two bidders participating.

*PURCHASE AGREEMENT between the City and Animas Valley Land and Water Company, LLC, for purchase by the City of 0.22 acres of land located in the 4P Subdivision (Lot 1) for a new domestic water pump station (purchase price $8,200).

*RECOMMENDATION FROM THE LIQUOR HEARING OFFICER for approval of Application #1013424 for a new Restaurant License (beer and wine for on premise consumption only) from Shanmon Food Services, 612 Fern Drive, Farmington, New Mexico, doing business as The Chile Pod, 121 West Main Street, Farmington, New Mexico. (Hearing held October 21, 2016)

*WARRANTS PAYABLE for the time period of October 9, 2016 through October 22, 2016, for current and prior years, in the amount of $7,883,144.62.

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

EXTRA MILE DAY PROCLAMATION

The Mayor presented and read in full a Proclamation declaring November 1, 2016 as "Extra Mile Day" and he encouraged each individual in the community to take the time to "go the extra mile" in his or her own life and to acknowledge those who are committed to making the world a better place.

NATIONAL NURSE PRACTITIONERS WEEK PROCLAMATION

Mayor Roberts presented Melissa Rietz and Anne Daniels with a Proclamation declaring November 13 through 19, 2016 as "National Nurse Practitioners Week."

LAKE FARMINGTON END-OF-SEASON REPORT

Utilizing a Powerpoint presentation, Parks, Recreation & Cultural Affairs Director Cory Styron reported that the dates of operation for non-motorized watercraft on Lake Farmington were extended this year (April 16 through October 30) based on comments received from citizens; stated that more than 4,230 watercraft were inspected; and noted that the swim area (known as "The Beach") was created at the direction of the Council and was operational from the Friday prior to Memorial Day to the weekend after Labor Day. He reported that The Beach was open daily from 12:00 p.m. to 6:00 p.m. and had a total of 40,443 visitors, which far surpassed the number of visitors at Brookside Pool when it was open. Mr. Styron noted that Greg Vick, owner of Paddle and Shiver Shack, expressed to him that the attendance far exceeded his expectations and resulted in him expanding his services to include the rental of life jackets and increasing the number of paddle craft available for rent from 6 to 28. He also pointed out that the local Dick's Sporting Goods store had the largest sale of paddle craft items in the region and noted that the San Juan College Outdoor Equipment Rental Center experienced a peak in the number of inflatable stand-up paddle boards being rented. He stated that 100 visitors were surveyed with an overwhelming number of them indicating that The Beach is a positive addition to the community and noted that the participants indicated that they enjoyed the floating play structures and the snack and watercraft concessionaire but stated that they would like to see more shade, a larger beach and more food options. Furthermore, Mr. Styron reported that swimming outside of designated boundaries, unauthorized camping and fires, a significant increase in traffic and the close proximity of the road to The Beach area were all challenges that staff faced this year. In closing, he reported that staff will be working to 1) provide additional shade options; 2) increase the number of water elements; 3) expand the beach size up to 10,000 square feet; 4) redirect the roadway to cut down on dust; 5) promote out-of-area marketing; and 6) identify funding sources and programs to help expand the programs being provided. He noted that staff is recommending that the Parks, Recreation & Cultural Affairs Commission be authorized to evaluate a fee structure and provide a recommendation to the Council in the near future.

Councilor Duckett stated that he believes that The Beach has turned into a dynamic addition to the community with a lot of potential for growth. He questioned whether there are measures that could be taken to account for the fluctuation of the water levels and he asked about future floatable play structure ideas and picnic tables. In response, Mr. Styron reported that staff will be further surveying the lake bottom in the next few months to determine if the designated area could be expanded if the lake levels decrease. With regard to the floatable play structures, he stated that staff is looking for unique items, such as hamster balls, in an effort to remain different from Blue Hole in Santa Rosa, New Mexico. He also stated that shade was identified as a higher priority than picnic tables and stated that they are also considering adding the rental of lounge chairs and shade structures.

Councilor Rodgers announced that she has heard many positive comments about The Beach and is amazed that staff completed the project with such little funding. She stated that she has also heard comments that picnic tables are needed and questioned the number of people who took advantage of the Red Apple Transit bus stop at Lake Farmington. In response, Mr. Styron reported that the construction costs were approximately $78,000 ($100,000 was budgeted) and stated that to his knowledge no one took advantage of the bus stop because the rider would have to go to Aztec and then be dropped off on the way back into town.

Responding to inquiry from Councilor McCulloch, Mr. Styron explained that the theory behind the fee structure is to provide some additional revenue to further develop the park area and help pay for increases in operational costs due to the success of the program.

Lastly, in response to a question from Mayor Roberts, Mr. Styron reported that the Paddle and Shiver Shack provided the best letter of interest for operation of the concessionaire, noting that he paid $800 for three months of operation and pays an additional $20 annual fee for each boat that is rented. He also noted that there is a 10 percent escalator programmed into the three-year contract.

REAPPOINTMENTS TO THE ADMINISTRATIVE REVIEW BOARD

Mayor Roberts asked the Council's consideration of the reappointments of Jim Dennis and Ireke Cooper (terms to October 2018) to the Administrative Review Board.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to confirm the reappointments of Jim Dennis and Ireke Cooper to the Administrative Review Board, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

REAPPOINTMENT TO THE PUBLIC UTILITY COMMISION

Mayor Roberts asked the Council's consideration of the reappointment of Jeff Parkes (District 2) (term to October 2019) to the Public Utility Commission.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to confirm the reappointment of Jeff Parkes to the Public Utility Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Complaints on Roadway Conditions

Councilor Duckett commended Public Works Director David Sypher for his willingness to address complaints expressed by his constituents with regard to the conditions of 20th Street and Foothills Drive due to construction.

CITY MANAGER BUSINESS

City Manager Rob Mayes presented a proposed ordinance pertaining to the 2016 Civic Center Improvement Revenue Bonds 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 Compilation. He recommended the ordinance, if adopted, be given the number 2016-1294. The title of the ordinance being:

AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF THE CITY OF FARMINGTON, NEW MEXICO GROSS RECEIPTS TAX CIVIC CENTER IMPROVEMENT REVENUE BONDS, SERIES 2016 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $12,500,000 FOR THE PURPOSE OF DEFRAYING THE COST OF DESIGNING, CONSTRUCTING, INSTALLING, EQUIPPING AND IMPROVING CIVIC CENTER FACILITIES OWNED BY THE CITY; PROVIDING THAT THE BONDS WILL BE PAYABLE FROM STATE SHARED GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY PURSUANT TO SECTION 7-1-6.4 NMSA 1978, HOLD HARMLESS GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY PURSUANT TO SECTION 7-1-6.12 NMSA 1978, AND CONVENTION CENTER FEE REVENUES COLLECTED BY THE CITY PURSUANT TO SECTIONS 5-13-1 THROUGH 5-13-15 NMSA 1978 AND CITY ORDINANCE NO. 2014-1272; PROVIDING THAT THE MATURITY DATES, PRINCIPAL AMOUNTS, INTEREST RATES, REDEMPTION PROVISIONS AND OTHER DETAILS OF THE BONDS WILL BE ESTABLISHED IN A SUPPLEMENTAL RESOLUTION; PROVIDING FOR THE EXECUTION OF THE BONDS AND OTHER DOCUMENTS AND AGREEMENTS RELATING TO THE BONDS BY AUTHORIZED OFFICERS OF THE CITY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

Mr. Mayes pointed out that staff was successful in obtaining approval of the federally-subsidized rebate program associated with the proposed energy efficiency improvements and, as a result, stated that the amount of the Civic Center Improvement Revenue Bond has been decreased by

$5 million. He noted that a separate ordinance pertaining to the $5 million Qualified Energy Conservation Bonds will be presented for discussion at the November 8, 2016 regular City Council meeting and that both bonds will be marketed on November 30 which requires the rescheduling of the Special City Council meeting on November 17, 2016 to November 30, 2016 at noon.

There being no discussion, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to pass and adopt Ordinance No. 2016-1294 as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett
Those voting nay:	None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2016-1294 was duly passed and adopted.

BUSINESS FROM THE FLOOR

Lake Farmington/Internet Sales Transactions

Greg Vick, owner of Paddle and Shiver Shack, apologized for being late to the meeting, explaining that he thought it was scheduled for tomorrow night. He thanked the Mayor and Council for the opportunity to operate the concession at Lake Farmington and reported that he heard good responses from all the visitors, especially the out-of-towners. He stated that there were several repeat visitors from Durango, Colorado, Rio Rancho, New Mexico and Bernalillo, New Mexico and contended that Lake Farmington is a gem that offers lots of possibility for expansion. He praised Parks, Recreation & Cultural Affairs Director Cory Styron and his staff for their development and operation of The Beach and stated that he has some ideas for expanding services next year, including sponsorship of a triathlon.

On another note, Mr. Vick announced that he buys many of his items from Amazon because they are not available locally and questioned why New Mexico has not adopted legislation to capture the sales tax on those transactions. In response, Mayor Roberts reported that the Council has, on numerous occasions, urged the legislative delegation to adopt legislation that would remedy the problem and has been told that it would require federal action. However, he noted that there are several states that have already adopted legislation and he contended that one option would be to enforce the existing compensating tax that requires buyers to self-report and pay the gross receipts tax. He acknowledged that a better system would be to adopt measures that require the seller of the goods to report to the State of New Mexico the nexus and location of the internet sales transaction. He also assured Mr. Vick that he is an advocate for this effort and stated that he suspects that the Council will also display strong support during the upcoming legislative session. In the meantime, he urged all citizens to shop locally.

CLOSED MEETING

A motion was made by Councilor McCulloch, seconded by Councilor Rodgers to close the meeting to discuss request for proposals for advanced metering infrastructure, pursuant to Section 10-15-1H(6). The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett
Those voting nay:	None

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

The Mayor convened the closed meeting at 6:40 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 6:43 p.m. with all members of the Council being present.

REQUEST FOR PROPOSALS/ADVANCED METERING INFRASTRUCTURE

Chief Procurement Officer Kristi Benson reported that proposals for advanced metering infrastructure (Electric) opened on September 28, 2016 with six offerors participating. She recommended that negotiations be commenced with Eaton Corporation as the top evaluated offeror after application of the Veterans preference.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to direct staff to commence negotiations on the proposal for advanced metering infrastructure with Eaton Corporation, as recommended by the Chief Procurement Officer, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 6:44 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 8th day of November, 2016.

Entered in the permanent record book this 9th day of November, 2016.

Tommy Roberts

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie

Dianne Smylie, City Clerk