

**CITY OF FARMINGTON
CITY COUNCIL WORK SESSION AGENDA
August 20, 2013 – 9:00 a.m.**

DEPARTMENT HEAD REPORTS

1. Consideration of Resolution No. 2013-1484 approving the first revision to the FY14 Budget and Requesting State Approval (Andy Mason) ----- 1

Action Requested of Council:

Adopt Resolution No. 2013-1484.

Background/Rationale:

The attached resolution, budget adjustment and recap sheet detail the various revenue and expense accounts requiring adjustment.

Staff Recommendation:

Adopt Resolution No. 2013-1484.

Instructions Upon Approval:

The budget adjustment will be submitted to the State Department of Finance and Administration for review and approval.

Budgetary Impact:

Budget Adjustment #1 reflects all necessary revenue and expense budget adjustments.

2. Resolution No. 2013-1483 amending and replacing Resolution No. 94-772 regarding participation by telephone in meetings of the City Council and authorizing telephone participation by members of the City's advisory boards, commissions and committees (Jay Burnham)----- 2

Action Requested of Council:

Adopt Resolution No. 2013-1483.

Background/Rationale:

Recently the City Clerk's and City Attorney's offices have received several inquiries from staff for the City's advisory boards and commissions asking whether board members could participate in board meetings over the phone. The concern is that some of these boards struggle to get a quorum to some of their meetings.

We explained that the City Council adopted a resolution back in 1994 (Resolution No. 94-772) authorizing telephone participation by council members at City Council meetings, but the resolution didn't apply to our boards and commissions so members of advisory boards are not authorized to participate by telephone. After consulting with the City Manager, we all thought that we would bring the matter to the Council for their consideration of whether they want to extend telephone participation to the advisory boards and commissions.

The proposed draft resolution would continue to authorize telephone participation to the Council, but would extend the same authorization to our advisory boards and commissions on the same conditions that apply to the Council and comply with statutory requirements.

Staff Recommendation:

Adopt the proposed resolution.

Instructions Upon Approval:

Distribute copies of the resolution to all advisory boards and commissions.

Budgetary Impact:

None.

3. Resolution No. 2013-1482 urging the Environmental Improvement Board to not adopt any "regional haze rule" State Implementation Plan (SIP) that involves closing down units at San Juan Generating Station (Jay Burnham) **[Tabled at the August 13, 2013 Regular City Council Meeting]**----- 3
4. Discussion of and direction to staff regarding Phase II of the Foothills Drive widening design project (Jeff Smaka) **[Tabled at the August 6, 2013 City Council Work Session]**----- 4

Action Requested of Council:

Direct staff on how to proceed with Phase II of the Foothills Drive widening design project.

Background/Rationale:

On July 23rd, the Council authorized staff to negotiate with Souder-Miller for Phase I of the project. The Foothills/College Boulevard Access and Circulation Study proposed Phase I of the project to consist of widening Foothills from Holmes Drive to Lakewood Street. Construction of this phase is currently budgeted in the FY16/FY17 Capital Improvement Plan ("CIP"). Phase II of the Foothills Widening Project (construction of Lakewood Street, north) is not budgeted in the CIP 5-year plan.

Option 1

City staff has begun negotiations with Souder-Miller for Phase I of the project. The scope of the project can be modified during the negotiation process to have the design consultant study the feasibility of modifying the proposed street cross-section to add a separate biking and walking trail with the existing Foothills right-of-way from Holmes Drive to Lakewood Street. Additionally, during the budget process for FY15, staff could propose the design of Phase II of the Foothills Widening Project in the CIP 201 Street Fund.

Option 2

Council could direct staff to cease negotiations with Souder-Miller on Phase I of the project and direct them to issue a new Request for Qualification-Based Proposals ("RFQP") for the Foothills Widening Project to combine the two phases recommended in the "Foothills/College Boulevard Access and Circulation Study" into one design project. Estimated cost for the new RFQP with the additional project design is \$600,000. Current funding in the 201 Street Fund for FY14 Foothills Design is \$300,000; therefore, a budget adjustment would be required to expend the additional \$300,000 in the 201 fund. Projected FY14 ending cash balance in the 201 Street Fund will be approximately \$2.5 million.

Option 3

Proceed with the negotiations with Souder-Miller with a modification to have the design consultant study the feasibility of modifying the proposed street cross-section to add a separate biking and walking trail within the existing Foothills right-of-way and direct staff to immediately advertise a separate RFQP for Phase II of the project with the subject modification. Estimated cost for the new RFQP for Phase II is \$300,000. This project is not currently budgeted in FY14; therefore, Council would need to direct staff to make a budget adjustment in the 201 Fund to add this project to the FY14 CIP. Projected cash balance in the 201 Street Fund at the end of FY14 is approximately \$2.5 million.

Based on the premise that we have successfully negotiated and executed a contract on Phase I with Souder-Miller, they would be at a disadvantage in the second RFQP process based upon language in the procurement code:

13-1-120. Competitive sealed qualifications-based proposals; architects; engineers; landscape architects; surveyors; selection process.

- A. *For each proposed state public works project, local public works project or construction management contract, the architect, engineer, landscape architect, construction management and surveyor selection committee, state highway and transportation department selection committee or local selection committee, as appropriate, shall evaluate statements of qualifications and*

performance data submitted by at least three businesses in regard to the particular project and may conduct interviews with and may require public presentation by all businesses applying for selection regarding their qualifications, their approach to the project and their ability to furnish the required services.

B. The appropriate selection committee shall select, ranked in the order of their qualifications, no less than three businesses deemed to be the most highly qualified to perform the required services, after considering **the following criteria together with any criteria, except price,** established by the using agency authorizing the project:

- (1) specialized design and technical competence of the business, including a joint venture or association, regarding the type of services required;
- (2) capacity and capability of the business, including any consultants, their representatives, qualifications and locations, to perform the work, including any specialized services, within the time limitations;
- (3) past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of work and ability to meet schedules;
- (4) proximity to or familiarity with the area in which the project is located;
- (5) the amount of design work that will be produced by a New Mexico business within this state;
- (6) **the volume of work previously done for the entity requesting proposals which is not seventy-five percent complete with respect to basic professional design services, with the objective of effecting an equitable distribution of contracts among qualified businesses and of assuring that the interest of the public in having available a substantial number of qualified businesses is protected; provided, however, that the principle of selection of the most highly qualified businesses is not violated; and**
- (7) notwithstanding any other provisions of this subsection, price may be considered in connection with construction management contracts, unless the services are those of an architect, engineer, landscape architect or surveyor.

C. Notwithstanding the requirements of Subsections A and B of this section, if fewer than three businesses have submitted a statement of qualifications for a particular project, the appropriate committee may:

- (1) rank in order of qualifications and submit to the secretary or local governing authority of the public body for award those businesses which have submitted a statement of qualifications; or
- (2) recommend termination of the selection process pursuant to [Section 13-1-131](#) NMSA 1978 and sending out of new notices of the resolicitation of the proposed procurement

pursuant to [Section 13-1-104](#) NMSA 1978. Any proposal received in response to the terminated solicitation is not public information and shall not be made available to competing offerors.

- D. *The names of all businesses submitting proposals and the names of all businesses, if any, selected for interview shall be public information. After an award has been made, the appropriate selection committee's final ranking and evaluation scores for all proposals shall become public information. Businesses which have not been selected for contract award shall be so notified in writing within fifteen days after an award is made.*

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Staff Recommendation:

- Phase I Foothills Widening - continue negotiation with Souder-Miller to design this phase to include the analysis of a modified street cross-section with a separate bike and walking trail from Holmes Drive to Lakewood Street.
- Phase II Foothills Widening - consider including this design project as a proposed FY15 CIP 201 Fund Street project.

Budgetary Impact:

- Phase I - none
- Phase II – proposed design project for FY15 - estimated cost \$300,000

5. Housing code ordinance (Jennifer Breakell) ----- 5

Action Requested of Council:

Discussion of and direction to staff on whether to proceed with drafting a housing code ordinance and, if so, what elements to include.

Background/Rationale:

At the July 16, 2013 Work Session, Council requested that staff review existing municipal housing codes in New Mexico in hopes of developing a housing code for the City.

Staff Recommendation:

In light of the consensus direction to staff that this presentation is research only, a staff recommendation is premature.

Instructions Upon Approval:

Draft the proposed ordinance.

COUNCIL BUSINESS

6. Discussion and direction to staff regarding a request from the City of Bloomfield for a \$2500 sponsorship for the 2013 Fireball Run (Councilor Darnell)----- 6

AGENDA ITEM SUPPORT MATERIALS ARE AVAILABLE FOR INSPECTION AND/OR PURCHASE AT THE OFFICE OF THE CITY CLERK, 800 MUNICIPAL DRIVE, FARMINGTON, NEW MEXICO.

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 599-1106 or 599-1101 prior to the meeting so that arrangements can be made.

RESOLUTION NO. 2013-1484

A RESOLUTION APPROVING THE FIRST REVISION TO THE FY14 BUDGET
AND REQUESTING STATE APPROVAL

WHEREAS, the City Council of the City of Farmington hereby finds that it is necessary and proper to make this first revision to the City's FY14 budget due to various revenue and expense budget adjustments; and

WHEREAS, revenue will be increased by \$1,790,268 for a grand total of \$207,345,418 and expenditures will increase by \$4,544,468 for a total expenditure budget of \$243,140,499; and

WHEREAS, the City has sufficient financial resources to fund this revision; and

WHEREAS, it is necessary to submit these budget adjustments to the New Mexico Department of Finance and Administration for review and approval.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Farmington:

That the attached first revision to the City of Farmington's FY13 Budget is hereby approved; and

That a copy of this Resolution and the approved budget revision shall be forwarded to the Department of Finance and Administration for state review and approval.

PASSED, SIGNED, APPROVED AND ADOPTED this 20th day of August, 2013.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk

County/ Municipality:

CITY OF FARMINGTON

Department of Finance and Administration

Local Government Division

Budget Recapitulation

(CENTS ROUNDED TO NEAREST DOLLAR)

Entity Code 16121

Fiscal Year 2014

FY14 PRELIMINARY BUDGET

(A) PROPERTY TAX CATEGORY	(B) ESTIMATED VALUATIONS	(C) OPERATING TAX RATE	(D) TOTAL PRODUCTION [C X D]	FOR LOCAL GOVERNMENT USE:
RESIDENTIAL	632,692,470	0.001419	897,791	
NON-RESIDENTIAL	382,495,659	0.002128	813,951	
OIL & GAS PRODUCTION	5,818,619	0.002225	12,946	
OIL & GAS EQUIPMENT	1,228,754	0.002225	2,734	
COPPER			-	
Collection Rate			97.00%	
TOTAL PRODUCTION			1,675,599	

FY14 BUDGET REVISION # 2

(E) FUND TITLE	(F) FUND NUMBER	(G) UNAUDITED BEGINNING CASH BALANCE @ JULY 1	(H) BUDGETED REVENUES	(I) BUDGETED TRANSFERS	(J) BUDGETED EXPENDITURES	(K) ESTIMATED ENDING FUND CASH BALANCE	(L) LOCAL RESERVES UNAVAILABLE FOR BUDGETING	(M) ADJUSTED ENDING CASH RESERVES
General Fund	101	13,039,856	45,178,429	8,044,876	54,567,555	11,695,606	4,547,296	7,148,309
GRT-Streets	201	7,811,159	8,340,942	(304,638)	13,472,832	2,374,631		2,374,631
GRT-Parks	202	942,619	2,437,481		2,936,866	443,234		443,234
Parks Development Fees	211	354,040	17,000		48,000	323,040		323,040
Library Gifts and Grants	213	322,464	146,700		127,500	341,664		341,664
Parks/Rec Gifts and Grants	214	939,828	684,200		968,197	655,831		655,831
Museum Gifts and Grants	217	184,494	140,000		145,000	179,494		179,494
Red Apple Transit	221	184,494	693,200	445,481	1,226,681	96,494		96,494
General Gov'n't Grants	222	184,494	558,838	68,220	626,201	185,351		185,351
CDBG Grants	223	184,494	1,006,513		1,006,513	184,494		184,494
Lodgers Tax	230	184,802	1,318,105	25,000	1,308,313	219,594		219,594
State Police Protection	240	83,711	98,900		182,611	(0)		(0)
Region II Narcotics	246	(88,897)	462,000	30,000	489,306	(86,203)		(86,203)
GOPS Grant	248	(35,956)	253,500		68,588	148,956		148,956
Law Enforcement Block Grant	249	32,631	45,129		77,760	0		0
State Fire	250	109,428	860,317	(162,806)	806,939	0		0
Penalty Assessment	251	12,352	155,000		155,000	12,352		12,352
Public Works Capital Grants	401	1,386,546	2,310,928		2,729,571	967,903		967,903
GRT 2012 Bond Projects	402	5,560,768	3,059,000		8,611,708	8,060		8,060
General Gov'n't Fund 408	408	5,635,409	15,000	(2,655,750)	2,994,659	(0)		(0)
Airport Grants	409	144,798	1,419,688	29,253	1,480,000	113,739		113,739
MRA	411	144,798	3,000	500,000	500,000	147,798		147,798
Sales Tax Bond Retirement	501	193,218	3,600	1,632,294	1,632,294	196,818		196,818
Electric Enterprise	601	63,376,017	101,370,867	(6,429,504)	103,332,441	54,984,939	14,591,299	40,393,640
Water Enterprise	602	8,918,222	14,354,732	(779,720)	17,389,501	5,103,733		5,103,733
Wastewater Enterprise	603	7,610,720	7,973,210	(341,220)	12,418,954	2,823,756		2,823,756
Sanitation Enterprise	604	2,213,380	5,741,000	(101,486)	5,541,724	2,311,170		2,311,170
Golf Enterprise	610	27,980	1,195,928	-	1,339,734	(115,826)		(115,826)
Health Insurance	701	688,154	7,502,211	-	6,956,051	1,234,314		1,234,314
Page Total		120,346,025	207,345,418	-	243,140,499	84,550,944	19,138,595	65,412,348
Grand Total								

Check [] if form a revision. Rev. No. _____ Revision Date _____ Page 1 of 1

FY14 BUDGET ADJUSTMENT #1

<u>FUND</u>	<u>PROGRAM/PROJECT</u>	<u>DEPT./DIVISION</u>	<u>ACCOUNT #</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>
1. 101	Transfer from sanitation fund to general fund	GENERAL FUND	101-0000-391.71-00	101,486	
101	Waste Management and sanitation Expense	GENERAL FUND	101-XXXX-XX XX-XX		101,486
604	Transfer to general fund from sanitation fund	SANITATION FUND	604-5550-491.80-60		101,486
				<u>101,486</u>	<u>202,972</u>
Due to a change in accounting procedure, direct bill expenses are being changed to a transfer to maintain financial history. This transfer is authorized in the FY14					
2.	Encumbrance Adjustment				
602	Watermain Construction	WATER ENTERPRISE FUND	602-5543-651.70-60		746,609
603	Sewer and Lift Station Improvements-PHBLV	WASTEWATER ENTERPRISE FUND	603-5535-751.70-60		730,224
				<u>-</u>	<u>1,476,833</u>
Encumbrances remaining at 6/30/13- Expense budget is increased for FY13 expenses paid in FY14.					
3.	402- Set up beginning balances FY14 402 Earmarked Expenses				
402	Animal Shelter	GRT 2012 BOND PROJECTS	402-3530-453.70-60		(321,505)
402	Remodel Civic Center Exhibit Hall	GRT 2012 BOND PROJECTS	402-3550-451.70-60		30,105
402	Farmington Museum Expansion	GRT 2012 BOND PROJECTS	402-3560-451.70-60		(239,625)
402	Replace Fire Station #1	GRT 2012 BOND PROJECTS	402-4510-422.70-60		156,118
402	Storm Water System-Lakewood Detention	GRT 2012 BOND PROJECTS	402-5245-431.70-60		(35,806)
402	General Government Expenditures -contingency	GRT 2012 BOND PROJECTS	402-1510-411.70-60		34,171
				<u>-</u>	<u>(376,542)</u>
Adjust FY14 Budget Balances - 402 fund					
4.	408- Set up beginning balances FY14 408 Earmarked Expenses (prior to FY14 Cash Reserve Transfer)				
408	Roof Municipal Court	GENERAL GOVERNMENTAL FUND	408-1005-411.70-70		
408	Fiber Installation Various Locations	GENERAL GOVERNMENTAL FUND	408-2505-411.70-70		(47,703)
408	Roof Repair	GENERAL GOVERNMENTAL FUND	408-3205-411.70-70		(28,880)
408	Roof Replacement - Vehicle Maintenance	GENERAL GOVERNMENTAL FUND	408-3205-411.70-15		2,955
408	Police/Safety City Data/Phone Network Upgrade	GENERAL GOVERNMENTAL FUND	408-4005-421.70-70		(18,650)
408	Fire PPE Building	GENERAL GOVERNMENTAL FUND	408-4005-421.70-70		2,671
408	Additional Paving	GENERAL GOVERNMENTAL FUND	408-5245-431.70-60		24,010
408	Ricketts Park Renovations complete	GENERAL GOVERNMENTAL FUND	408-3510-456.70-60		(20,000)
408	General Government Expenditures - non-earmarked	GENERAL GOVERNMENTAL FUND	408-1510-411.70-60		8,521
				<u>-</u>	<u>(77,076)</u>
Adjust FY14 budget balances- 408 Fund excluding FY14 Cash Reserve Transfer noted separately in BA #5.					
5.	FY14 Cash Reserve Transfer				
408	FY14 Cash Reserve Transfer	GENERAL GOV'T FUND	408-0000-391.70-00	1,344,250	
408	FY14 Cash Reserve Transfer	GENERAL GOV'T FUND	408-1510-411.70-60		1,344,250
101	FY14 Cash Reserve Transfer	GENERAL FUND	101-1510-411.80-26		1,344,250
				<u>1,344,250</u>	<u>2,688,500</u>
Transfer funds per the Cash Reserve Policy based on FY13 6/30/13 cash balance.					
6.	Adjust Grants to actual award balance-				
214	NM Clean & Beautiful Grant-Revenue	PARKS GIFTS & GRANTS FUND	214-0000-334.10-21	15,500	
214	NM Clean & Beautiful Grant-Expenditure	PARKS GIFTS & GRANTS FUND	214-3519-455.xx-xx		27,500
223	CDBG Grant-Revenue	CDBG GRANT FUND	223-0000-361.00-00	200,324	
223	CDBG Grant-Expense	CDBG GRANT FUND	223-5005-463.xx-xx		179,302
240	State Police-LEPF Grant revenue	STATE POLICE PROTECTION FUND	240-0000-334.10-00	(6,000)	
240	State Police-LEPF Grant Expense rollover from FY13	STATE POLICE PROTECTION FUND	240-4010-421.60-28		77,711
249	Byrne Justice Assistance Grant (JAG) Revenue	LAW ENFORCEMENT BLOCK GRANT	249-0000-331.xx-xx	5,129	
249	Byrne Justice Assistance Grant (JAG) Expense-FY13 rollover	LAW ENFORCEMENT BLOCK GRANT	249-4010-421.xx-xx		37,760
250	08AFG Grant Award	STATE FIRE FUND	250-0000-331.30-01	11,619	
250	10AFG Grant Award	STATE FIRE FUND	250-0000-331.30-01	3,213	
250	10AFG Grant-Expense	STATE FIRE FUND	250-4510-424.xx-xx		3,764
250	11AFG Grant Award	STATE FIRE FUND	250-0000-331.30-01	270,000	
250	11AFG/ Grant-Expense	STATE FIRE FUND	250-4510-424.xx-xx		180,953
250	Purchase helmets & equipment	STATE FIRE FUND	250-4510-422.xx-xx		103
250	State Fire Grant - Revenue	STATE FIRE FUND	250-0000-334.10-15	94,747	
250	State Fire Grant-Additional FY14 & Rollover from FY13	STATE FIRE FUND	250-4510-422.xx-xx		136,895
250	Wildland rollover from FY13	STATE FIRE FUND	250-4510-422.xx-xx		175,792
				<u>594,532</u>	<u>819,781</u>
Adjustment to grants for new grants received or adjusting to actual award amount.					
7.	Panther Trail to be accounted for in 201 fund				
401	Panther Trail FMS reimbursement moved to 201 fund	CAPITAL GRANT PROJECTS	401-0000-338.07-00	(450,000)	
401	Panther Trail anticipated Expense moved to 201 fund	CAPITAL GRANT PROJECTS	401-5245-434.70-60		(450,000)
201	Panther Trail Revenue-FMS reimbursement	GRT STREETS FUND	201-0000-338.07-00	200,000	
201	Panther Trail Expenditures moved from 401 fund	GRT STREETS FUND	201-5245.432.70-60		260,000
				<u>(250,000)</u>	<u>(190,000)</u>
Panther Trail anticipated revenue to be reimbursed by Farmington Municipal Schools and the related expenses were budgeted in the Capital Grant Projects fund but Streets Fund requiring the budget to be moved. The budgeted amount has been reduced as well with the project coming in under budget.					
Grand Total				<u>1,790,268</u>	<u>4,544,468</u>

RESOLUTION NO. 2013-1483

A RESOLUTION AMENDING AND REPLACING RESOLUTION NO. 94-772 REGARDING PARTICIPATION BY TELEPHONE IN MEETINGS OF THE CITY COUNCIL AND AUTHORIZING TELEPHONE PARTICIPATION BY MEMBERS OF THE CITY'S ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

WHEREAS, Paragraph C of Section 10-15-1 NMSA concerning Open Meetings authorizes public bodies in New Mexico to establish a policy allowing members to participate in meetings telephonically under certain specific circumstances; and

WHEREAS, the City Council has adopted Resolution 94-772 which established a policy allowing telephone participation by members of the Council; and

WHEREAS, Resolution 94-772, as written, does not apply to members of the City's advisory boards, commissions and committees or authorize those members the opportunity to participate by telephone; and

WHEREAS, the City Council has determined that telephone participation in meetings is sometimes helpful and necessary in order to carry out the City's business; and

WHEREAS, members of the City's boards, commissions and committees should have the same opportunity to participate in meetings by telephone when it is necessary to carry out the duties of those boards, commissions and committees.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON, that the Mayor and members of the City Council and all duly appointed and serving members of the City's various advisory boards, commissions and committees are authorized to participate by telephone or other electronic means in meetings of the City Council or the City's boards, commissions or committees provided that:

A. Participation by telephone or other electronic means as authorized by this resolution will only be allowed if it would be difficult or impossible for the member to attend the meeting in person and such participation is not authorized as a matter of convenience.

B. Participation by telephone or other electronic means will only be allowed when the conference telephone or other electronic device being used will function so as to allow: (1) that member to be identified when speaking, (2) all participants in the meeting to hear each other at the same time, and (3) members of the public in the audience to also hear members who speak during the meeting, including the member participating electronically.

BE IT FURTHER RESOLVED that this Resolution replaces previous Resolution No. 94-772 and said Resolution No. 94-772 is hereby rescinded.

PASSED, APPROVED, SIGNED AND ADOPTED this 20th day of August, 2013.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk