

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, January 8, 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	Mary M. Fischer Gayla McCulloch Jason Sandel
ABSENT	Dan Darnell, Councilor

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 Fuhrman

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

INVOCATION: The invocation was offered by Pastor Steve Carrington of United Pentecostal Church.

The Mayor 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 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 December 11, 2012 and the minutes of the Regular Work Sessions of the City Council held December 4, 2012 and December 18, 2012.

*BID: The Purchasing Officer recommended that the bid for purchase of wood transmission poles (Electric Warehouse/Electric Engineering) be awarded to McFarland Cascade Holdings, Inc. on its low bid of \$149,272. Bids opened December 19, 2012 with three bidders participating.

*ADOPTION OF RESOLUTION NO. 2013-1459 authorizing the City to submit an Alcohol Detoxification Grant Application to the Department of Finance and Administration, Local Government Division, to participate in the Local DWI Grant Program.

*ASSIGNMENT OF RIGHT, TITLE AND INTEREST from San Juan County to the City for property located at 410 N. Wall Avenue and of San Juan County's obligations to Family Crisis Center, as set forth in the Lease Agreement dated August 19, 2010 and the Addendum dated December 7, 2010.

*RECOMMENDATION FROM THE LIQUOR HEARING OFFICER for approval of Application for transfer of ownership and location of Liquor License #2522 from Steak and Ale of New Mexico, Inc., 6321 San Mateo NE, Albuquerque, New Mexico to PI Farmington, Inc., doing business as Red Lion Hotel Farmington, 700 Scott Avenue, Farmington, New Mexico. (Hearing held December 19, 2012)

*RECOMMENDATION FROM THE LIQUOR HEARING OFFICER for approval of Application No. 836063 for transfer of ownership and location

of Liquor License #0347 from PI Farmington, Inc., doing business as Best Western Red Lion Inn-Farmington, 700 Scott Ave., Farmington, New Mexico to Western Refining Southwest, Inc., doing business as Giant #6014, 3341 East Main Street, Farmington, New Mexico. (Hearing held December 19, 2012)

*RECOMMENDATION FROM THE LIQUOR HEARING OFFICER for approval of Application #836424 for a new restaurant (beer and wine) license from Luby's Fuddruckers Restaurants, LLC, doing business as Fuddruckers, 4601 E. Main Street, Suite 1006, Farmington, New Mexico. (Hearing held January 3, 2013)

*WARRANTS PAYABLE for the time period of December 10, 2012 through January 6, 2013, for current and prior years, in the amount of \$12,096,835.19.

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

PRESENTATION FROM THE ANIMAL SERVICES ADVISORY COMMISSION

Mayor Roberts announced that Molly Bondow is present at tonight's meeting for the purpose of providing an overview of the work that has been done by the Animal Services Advisory Commission ("ASAC"). At the request of the Mayor, Ms. Bondow introduced her fellow commission members who were present in the audience: Betty Berry, John Roe, Dr. Manual Garcia and Marcy Eckhardt.

Utilizing a Powerpoint presentation, Ms. Bondow noted that the ASAC was organized in August 2011 and reported that the first year was full of transition and organization. She proudly announced that the commission has developed a mission statement; set short and long-term goals; and has established a goal for the new animal shelter which is to keep animals for a longer period of time to encourage adoptions, offer conference rooms for counseling and education, provide the animals with special physical and mental care and to create a positive animal/client experience. She stated that the ASAC hopes that the live release rate will increase from 32 percent to the national goal of 90 percent once the new facility is opened. She reviewed the specific recommendations from ASAC on how to increase the live release rates including: 1) decrease the number of animals being held through a public education program and the promotion of low-cost spay/neuter options; 2) offer animal behavior assessment and training; 3) implement an adoption counseling program; 4) increase the number of adoptions through outreach programs; 5) support a foster care/adoption program; 6) increase the transport of healthy animals to rescue facilities; 7) propose amendments to the local animal ordinances; and 8) establish a volunteer program. Ms. Bondow also reviewed the staffing levels for the new animal shelter, noting that the number of employees should increase from 7 to 18 with the transition from a four day holding period to 10. Furthermore, she stated that ASAC is recommending that the nine seasonal positions at the Farmington Animal Shelter be converted to permanent, full-time positions that include benefits; that eight new kennel technician positions be authorized in Fiscal Year 2014; and that four other key positions be created by revising current job descriptions (Assistant Shelter Manager, Animal Shelter Lead Vet-Tech, Administrative Assistant/Volunteer Coordinator, and Animal Shelter Front Desk/Coordinator and Receptionist) in an effort to improve shelter operations. She reported that the additional personnel costs will be \$440,400 in Fiscal Year 2014 and \$702,500 in subsequent years. In closing, Ms. Bondow directed the Council's attention to page 7.7 of the agenda materials and encouraged them to consider adopting a resolution that approves the staffing recommendations for the new Farmington animal Shelter which is scheduled for completion in Fiscal Year 2014.

Mayor Roberts suggested that ASAC consider a sponsorship program to help raise funds for adoptions and asked what role volunteers would play in the new shelter. In response, Ms. Bondow contended that volunteers are best suited for counseling, adoption, transport or fostering programs and that the kennel technician positions are best suited for employees since they require dependability and precision.

Councilor Fischer suggested that the governmental entities of Farmington, Aztec, Bloomfield and San Juan County consider adopting animal ordinances that are consistent in an effort to ease enforcement

issues. She thanked the Farmington Animal Shelter employees who were present in the audience for their dedication and support and requested a copy of the policy recommendations that are being formulated by contract employee Marcy Eckhardt. Furthermore, she stated that she would like for staff to consider the possibility of hiring a full-time veterinarian and expanding the spay-neuter program. Lastly, Councilor Fischer contended that there are still a number of personnel concerns at the shelter and urged staff to quickly rectify the matter.

Mayor Roberts pointed out that the gross receipts tax revenues being collected by the City are declining and stated that it will be difficult to fund the requested positions. However, he voiced his support for the new facility and stated that it may be necessary to phase-in the positions over a period of time.

In response to inquiry from Councilor Sandel, Assistant City Manager Bob Campbell responded to a series of questions concerning the current and projected budgets for the animal shelter. Ms. Bondow reported that ASAC has not yet considered additional revenue sources, but stated that she personally believes that the implementation of a pet licensing program and the pursuit of grant funds are possibilities. Councilor Sandel stated that he is concerned about the financial security of the City and urged ASAC to seriously consider additional revenue sources.

Councilor McCulloch asked for statistical data on the number of animals that are being housed at the Farmington Animal Shelter that were picked up from the Navajo Reservation. She stated that she does not support imposing more laws on Farmington residents if the problem is stemming from areas outside of the city limits.

In closing, the Mayor commended Ms. Bondow for her presentation and the members of ASAC for their work over the past year and stated that their recommendations will be considered through the upcoming Fiscal Year 2014 budgeting process.

REPORT FROM AIRPORT MANAGER

Airport Manager Todd Gressick introduced Airport Advisory Commission ("AAC") members Steve White, Tony Bennett, John Arrington and Richard Neely who were present in the audience. Announcing that he has been employed with the City for seven months, Mr. Gressick reported that, overall, the Four Corners Regional Airport (the "airport") is stable and that enplanements have increased by 1 percent from last year; deplanements have increased by 4 percent; air traffic operations have decreased slightly; fuel flowage has decreased by more than 4 percent; car rental revenues have increased by 10 percent; and that revenue from Zebra's Sports Grill has increased by 16 percent. Furthermore, he reported that of the 1,079 departures within the last six months, 731 (or 67.5 percent) were on-time (within 15 minutes) and 140 (or 13 percent) were more than 60 minutes late. With regard to departure cancellations, he stated that there were 26 (or 2.41 percent) which is slightly higher than the national average. He explained that most of the cancellations were due to maintenance issues since the airport is the maintenance base for Great Lakes Airlines. When comparing the cost of an airline ticket to or from Denver, Colorado from the airport versus La Plata County Airport, Mr. Gressick stated that Farmington is double the price if the ticket is purchased within 30 days of the flight but is within \$40 if the ticket is purchased within 60 days of the flight. If the destination is beyond Denver, Colorado, he stated that ticket prices at the airport are within \$60 of those being offered at La Plata County Airport. Mr. Gressick also noted that AAC has been working to revise the airport minimum standards and stated that a recommendation to the City Council will be forthcoming in the next few months; reported that AAC and the Planning Advisory Committee ("PAC") are working to prepare a draft Airport Master Plan which will be presented to the Council for consideration in the near future; stated that the de-icing apron has been completed; announced that a snow plow has been purchased; reported that the airport is in good standing with the Federal Aviation Administration ("FAA"); and announced that minor repairs and improvements are being made to the airport terminal and to the sign located at the corner of Navajo Street and Municipal Drive. Mr. Gressick also pointed out that the airport is now listed with Denver International, Salt Lake City International and Albuquerque International Sunport as a diversionary airport during irregular operations since we now have a true passenger air stair. In closing, he reported that the future of the airport will

be guided by the strategic/master plan since it will identify the capital improvement needs for the next 5 to 20 years. He noted that the short-term goal is to maintain current levels of service at the airport but to work with Great Lakes Airlines to improve the cancellation and on-time rates. Furthermore, Mr. Gressick stated that he plans to market the airport to businesses and other aircraft owners, noting that the Boyd Group predicted today that within 2013 there will be a 1.5 to 2 percent decrease in enplanements due to cost and financial instabilities.

Mayor Roberts questioned how much control the City has with regard to airline reliability and questioned whether the crew's flight times could be better managed. In response, Mr. Gressick stated that ticket sales are the primary control for ensuring reliability since airlines are not regulated. City Manager Rob Mayes reported that Great Lakes Airlines now stations crew members in Farmington in an attempt to increase the number of on-time flights and reported that it is not true that flights are canceled because there were not enough tickets sold.

In response to additional questions from Mayor Roberts, Mr. Gressick reported that he has been working with Atlantic Aviation to encourage them to lower their fuel prices and to be more competitive with the La Plata County Airport. He explained that self-fueling options cannot be offered until the airport minimum standards are amended, but pointed out that the City could operate such a facility under the existing standards.

Mayor Roberts initiated discussion about the potential for commercial development and asked Mr. Gressick to explain the types of opportunities that are available. In response, he reported that the AAC and PAC have recommended that 30 acres be set aside on the north end for the purpose of constructing an industrial and/or a business park. He stated that the remaining 30 acres would remain available for commercial aviation and the construction of a new airport terminal. In response to Mayor Roberts, Mr. Gressick confirmed that staff did not receive any responses to the request for proposals for leasing of the H-08 vacant lot due to the uncertain effect of the economy on airport services.

Councilor Sandel voiced frustration for the lack of statistical data that is being provided to the Council, contending that the information that is submitted monthly to AAC with regard to enplanements and deplanements is more detailed and provides a clearer picture of the actual airport usage. In response to inquiry from Councilor Sandel, Mr. Gressick reported that halfway through the budget cycle, the airport has collected 68 percent of its revenues. He stated that the drop in fuel sales has not negatively impacted the airport at this time. Councilor Sandel expressed frustration for the fact that the airport does not offer self-service fueling and questioned why there is no interest in H-08. Mr. Gressick reiterated uncertainty in the future of the airport as the primary reason, but assured the Council that staff will be employing a marketing plan to try and gain more interest. Councilor Sandel contended that he recalls the Council recently approving an airport master plan and questioned why staff is proceeding with a new plan that includes the relocation of the airport terminal without Council approval. In response, Assistant City Manager Bob Campbell reported that the existing airport master plan is more than 10 years old and explained that the recent amendment to the master plan was a "stop-gap" measure to keep the airport in compliance with the FAA. He stated that the proposed master plan is in the public input phase and assured Councilor Sandel that it will be presented to the Council for their consideration in the near future. Mr. Campbell also reported that the reason that staff has not pursued a self-service fueling station is because they have been waiting for the contract between the City and Bisti Aviation to expire.

Following further discussion, Councilor Sandel requested a report on the history of the airport master plan, noting that he recalls voting on two updates that did not include the relocation of the airport terminal. Furthermore, he asked that staff provide operational comparisons between the airport and La Plata County Airport.

Lastly, Councilor Sandel questioned whether staff has resolved the advertising dispute between City staff and Lance Johnson of Zebra's Sports Grill. Mr. Gressick reported that he will be meeting with Mr. Johnson tomorrow to negotiate a solution and an amendment to the contract.

In response to inquiry from Councilor Fischer, Mr. Gressick reported that he is working with the General Services Department to schedule a time to repaint the airport terminal and to refurbish or replace the counters. Furthermore, he reported that the inclement weather has not had a negative impact on the runways at this time and assured her that staff is advertising on a weekly basis in the Tri-City Tribune and will be advertising in the Cortez Journal and the Durango Herald in the near future in an effort to secure more passengers.

COUNCIL BUSINESS

New Year's Eve Fireworks

In response to inquiry from Councilor Fischer, Fire Chief Terry Page reported that he was driving around town on New Year's Eve trying to locate the individuals that were shooting off the illegal fireworks, but explained that it was a difficult task since he could see them but not pinpoint the exact location. As a result, he and Police Chief Kyle Westall reported that no citations were issued. Councilor Fischer suggested that staff initiate a marketing campaign that advises citizens that the City's ordinance on the use of fireworks is enforceable all year long, not just during the Fourth of July.

Councilor McCulloch agreed that the fireworks on New Year's Eve were extremely loud and stated that the ones in her neighborhood lasted until 1:43 a.m.

Waste Management Holiday Collection Schedule

Councilor Fischer voiced frustration for the fact that she was not notified of Waste Management's holiday collection schedule and asked that staff check to determine whether courtesy telephone calls were made to residents. Furthermore, she contended that the City's marketing division should be addressing this issue to keep its citizens better informed.

Water Drip Credit

Due to the cold weather, Councilor Fischer suggested that the Council consider implementing a water drip credit in an effort to avoid waterline breaks.

Condition of City Streets

Councilor Fischer contended that the cold weather is causing severe deterioration on City streets and stated that it might be wise to budget additional funds for repair in Fiscal Year 2014.

Recently Adopted Pay Plan

Councilor Sandel asked that the recently-adopted pay plan be placed on a future City Council agenda for discussion, explaining that he has concerns regarding the appeal process and the status of the 18 employees who are maxed-out and will not receive a pay increase. There were no objections from the Council.

City Attorney Jay Burnham presented for discussion a proposed ordinance amending certain sections of the Unified Development Code ("UDC"). The title of such proposed ordinance being:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT CODE.

Mr. Burnham explained that the proposed amendments are simply clarifying or updating sections of the UDC with regard to fence heights for telecommunication towers; sanitary sewer; sidewalks; and the expiration of summary and minor subdivision plats.

Community Development Director Mary Holton noted a slight error on her handout titled, "Proposed Unified Development Code Revisions" with regard to sidewalks. Councilor Fischer asked that a revised copy of the handout be included in the January 22, 2013 agenda packet.

There being no further request to the Mayor's call for discussion, Mr. Burnham announced that the proposed ordinance will be presented for final action at the January 22, 2013 regular City Council meeting.

CLOSED MEETING

A motion was made by Councilor McCulloch, seconded by Councilor Sandel to close the meeting to discuss requests for proposals for third-party administrator for Worker's Compensation and data center infrastructure improvements. The roll was called with the following result:

Those voting aye:	Mary M. Fischer Gayla McCulloch Jason Sandel
Those voting nay:	None
Those absent:	Dan Darnell

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

The Mayor convened the closed meeting at 8:41 p.m. with Councilors Fischer, McCulloch and Sandel being present.

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 McCulloch, seconded by Councilor Sandel to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 8:55 p.m. with Councilors Fischer, McCulloch and Sandel being present.

AUTHORIZATION TO COMMENCE NEGOTIATIONS ON THE PROPOSAL FOR THIRD-PARTY ADMINISTRATOR FOR WORKER'S COMPENSATION

Purchasing Supervisor Kristi Benson announced that proposals for third-party administrator for worker's compensation (Human Resources) opened on December 12, 2012 with three offerors participating. She requested authorization to begin negotiations with Canon Cochran Management Services, Inc. as the top evaluated firm.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor McCulloch to authorize staff to commence negotiations on the proposal for third-party administrator for worker's compensation with Canon Cochran Management Services, Inc. (CCMSI), as recommended by the Purchasing Supervisor, and upon voice vote the motion carried unanimously.

AUTHORIZATION TO COMMENCE NEGOTIATIONS ON THE PROPOSAL FOR DATA CENTER INFRASTRUCTURE IMPROVEMENTS

Purchasing Officer Eddie Smylie announced that proposals for data center infrastructure improvements (Electric Utility Data Control Center) opened on November 28, 2012 with five offerors participating. He recommended that negotiations be commenced with B & D Industries, Inc. as the top evaluated firm.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor McCulloch to authorize staff to commence negotiations for a contract for data center infrastructure improvements with B & D Industries, Inc., 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 8:57 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 22nd day of January, 2013.

Entered in the permanent record book this 23rd day of January,
2013.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Fuhrman, City Clerk