

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, June 25, 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 Senior Pastor Dr. Dan Mauldin of Grace Baptist Church.

Trinidad Ballew of Boy Scout Troop 321 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 June 11, 2013 and the minutes of the Regular Work Sessions of the City Council held June 4, 2013 and June 18, 2013.

*DECLARATION OF SURPLUS PROPERTY: The Purchasing Officer recommended that worn-out, unusable or obsolete fire hose and firefighting protective clothing (Fire Department) be declared surplus to the needs of the City and not essential for municipal purposes and that the City Manager or his designee are authorized to dispose of such surplus property pursuant to State Statutes.

*DWI GRANT AGREEMENT NO. 14-X-I-G-25 between the City and the State of New Mexico Department of Finance and Administration providing for funding in an amount not to exceed \$300,000 for alcohol treatment and detoxification programs (expiration June 30, 2014).

*APPROVAL OF CONCESSION AGREEMENTS:

- (1) Between the City and the Diamonds for lease of the concession building located at the Farmington Sports Complex (2301 Piñon Hills Boulevard) from January 1 through December 31, 2013;
- (2) Between the City and the Farmington United Soccer Association for lease of the concession stand located at the soccer complex adjacent to 901 Fairgrounds Road from January 1 through December 31, 2013;

- (3) Between the City and the Homerunners Club for lease of the concession building located at the Farmington Sports Complex (2301 Piñon Hills Boulevard) from January 1 through December 31, 2013;
- (4) Between the City and the Homerunners Club for lease of concession buildings located at Worley Field (30th Street/Butler Avenue), Ricketts Park (Fairgrounds Road) and Farmington High School from January 1 through December 31, 2013;
- (5) Between the City and the Homerunners Club for lease of the concession buildings located between the Roberto Clemente Fields (formerly known as the Willie Mays Fields) (Fairgrounds Road) and at Justis Park (Fairgrounds Road and Cooper Street) from January 1 through December 31, 2013; and
- (6) Between the City and the Four Corners Fastpitch Association for lease of the concession building located at the Fairgrounds Park Softball Fields (1001 Fairgrounds Road) from January 1 through December 31, 2013.

*WARRANTS PAYABLE for the time period of June 9, 2013 through June 22, 2013, for current and prior years, in the amount of \$12,347,838.65.

Councilor Sandel requested that the DWI Grant Agreement between the City and the State of New Mexico Department of Finance and Administration be removed from the Consent Agenda.

In response to inquiry from Councilor Sandel, City Attorney Jay Burnham explained that the reason that the proposed Concession Agreements are dated February 12, 2013 but are just now being presented to the Council for consideration is because legal staff had suggested that amendments be made in order to ensure that fair rentals were being charged and that the Anti-Donation Clause was not being violated. Councilor Sandel asked that the Council be provided information on the concerns expressed by the Legal Department before the agreements are presented to the Council next year for consideration.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Darnell to approve the Consent Agenda, with the exception of DWI Grant Agreement No. 14-X-I-G-25, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

"Welcome to Farmington" Sign/Sidewalks on 30th Street

Councilor Fischer thanked City Engineer Nica Westerling for her quick response to her request for information at the June 18, 2013 City Council Work Session regarding sidewalks on 30th Street near Namaste House, sewer infrastructure on Comanche Street and Behrend Avenue and the possible relocation of the "Welcome to Farmington" sign located on the west side of town.

In response to questions from Councilor Fischer, Ms. Westerling stated that she will try to have the "Welcome to Farmington" sign relocated to an area that is further away from the recently-opened gentleman's club and assured her that she will look for funding sources for the estimated \$130,000 that it will cost to extend the sidewalks on 30th Street, noting that the subject area will not qualify for Community Development Block Grant funding.

Four Corners Regional Airport

Councilor Sandel expressed concerns for the future of the Four Corners Regional Airport, noting that enplanements for May 2013 are the lowest they have been in the past 24 to 30 months and are steadily decreasing. He stated that he is also concerned about the lack of service that is being provided by Great Lakes Airlines with regard to flight cancellations and late arrivals and asked that Airport Manager Todd Gressick address the Council at an upcoming Work Session to advise them of the future plans for the airport. He also suggested that it may

be prudent to ask Great Lakes Airlines to make a report to the Council.

In response, City Manager Rob Mayes announced that he is also concerned, but stated that Mr. Gressick has actively made attempts to secure new airline service at the airport to no avail. He noted that Great Lakes Airlines has reported that the four daily flights to Denver, Colorado are profitable and he attributed the drop in the number of enplanements to the cancellation of the flights to Las Vegas, Nevada and Phoenix, Arizona.

Following further discussion, it was the consensus of the Council to direct staff to schedule a presentation by the Airport Manager at an upcoming City Council Work Session, as suggested by Councilor Sandel.

Upcoming Fourth of July Holiday Season

In response to inquiry from Councilor Fischer, Fire Chief Terry Page reported that there does not seem to be as many fireworks this year, but stated that one citation for illegal fireworks use has been issued. He also reported that there was one suspicious fire near a residence that was started by the use of legal fireworks but stated that the homeowner surrendered all of the remaining fireworks in his possession as a result of the fire. He stated that he and Police Chief Kyle Westall are recording public service announcements tomorrow to warn about the consequences of using illegal fireworks and noted that staff is working to post such warnings on electronic message boards around town. He also stated that the Police and Fire Departments are actively patrolling and will be issuing citations for all fireworks violations.

CITY MANAGER BUSINESS

- (1) Report on the comparison of concept and planning estimates, opinions of probable cost and actual cost for the Regional Animal Shelter.

City Manager Rob Mayes provided a historical report on how the regional animal shelter project progressed over the years, noting that one of his first assignments under the direction of former City Manager Bob Hudson in 2006 was to resurrect the community group that was spearheading the project. He stated that those discussions ultimately led to the hiring of Animal Arts who designed a 19,350 square foot facility on Andrea Drive at a proposed construction cost of \$7.1 million. Directing the Council's attention to pages 9.0 and 9.1 of the agenda materials, City Manager Rob Mayes reported that staff was asked to determine if the facility could be built at a more reasonable price and, as a result, Rodahl & Hummell Architecture designed a 15,160 square foot facility at a projected cost of \$3 to \$3.3 million that proposed a much less expensive HVAC system than what was proposed by Animal Arts. He noted that the architectural costs for Rodahl & Hummell were split between the City and San Juan County. Mr. Mayes reported that in the fall of 2011, the Council authorized staff to refinance an existing bond issue for the purpose of completing five capital improvement projects, including construction of the regional animal shelter (\$400,000), the addition of a wing at Gateway Museum (\$2.5 million), the remodel of the Exhibit Halls at the Civic Center (\$1 million), construction of Fire Station No. 1 (\$3.2 million) and construction of the Lakewood Detention Pond (\$1 million). As a result, a request for proposals was issued for architectural services for the design of the regional animal shelter and it was awarded to BDA Architecture in September, 2012. He reported that during the final design phase, the size of the building was increased from 15,160 to 15,667 square feet and the HVAC system proposed by Animal Arts was added back into the project for an estimated construction cost of \$4.2 million. Mr. Mayes reported that today's estimate of the project's total construction cost is \$4.6 million, which includes a contribution of \$432,588 from The Pet Project for the upgrade of the cages; \$105,000 from the 202 Fund for landscaping; \$9,032 for upgrades to the fiber; and \$21,326 from the 602 Fund for upgrades to the water infrastructure due to a waterline improvement project that was initiated by the Public Works Department. He also reviewed the major sources of revenue which include \$2.7 million from the State of New Mexico Severance Tax Bonds; \$680,000 from the City's 402 Bond Fund; and \$650,000 from San Juan County. Noting that \$900,000 was designated as a contingency in the 402 Fund, Mr. Mayes reported that \$280,000 has been used for the animal shelter project and that \$88,000 was used for the Civic Center Exhibit Hall project.

Mr. Mayes and General Services Director Julie Baird responded to numerous questions from Councilor Sandel concerning the projected and actual costs of the project. Following the discussion, Councilor Sandel questioned why the Council was not notified that the project is over budget and is requiring funding assistance from the 402 Fund. Furthermore, he expressed concern for staff's decision to ask The Pet Project to pay for the cage upgrades without the Council's consent.

Councilor McCulloch announced that she is not surprised by the budget numbers and stated that she feels that the project has been well coordinated between the architect, staff and the members of The Pet Project.

At the request of Mayor Roberts, Phil Morin, Chairman of The Pet Project, announced that the committee members offered to pay for the upgraded cages instead of the HVAC unit because they felt that it would be easier to raise funds for a project that directly benefitted the animals.

Councilor Darnell noted that the project is slightly more expensive than he was anticipating, but stated that he is comfortable with the project's progression and is not concerned about the project costs.

In response to inquiry from Mayor Roberts, Mr. Mayes stated that the project is within the budget and will remain within the budget as the project proceeds.

Councilor Fischer contended that Rodahl & Hummell Architects had no prior experience in designing animal shelters and stated she believes that staff should not have relied so heavily on their estimates. She stated that she believes that there are significant problems with the building that is being constructed, mostly with regard to size. She speculated that euthanasia rates will not decrease with the new facility because it is not large enough to accommodate the number of animals that are being processed through the facility. She stated that she does not want her name included on the plaque on the building unless the euthanasia rates are decreased. Furthermore, Councilor Fischer claimed that the City lost \$1 million in prior grant funding because the project was stalled for such a long period of time and stated that she is seriously concerned about the policies and procedures that are currently being employed at the animal shelter and contended that the operation is seriously understaffed.

There was no further discussion of the item.

- (2) Recommendation from staff and the Animal Services Advisory Commission to include a crematorium at the Regional Animal Shelter.

City Manager Rob Mayes explained that during the programming phase of the regional animal shelter project it was characterized to him that it was thought that animal advocates would not support a crematorium. However, he stated that it was recently recommended by staff that one be included because the disposal of euthanized animals at the San Juan County landfill is an undignified process and costs the City about \$25,000 per year. As a result, staff is requesting permission to expend \$75,000 to "rough-in" and purchase a crematorium for the regional animal shelter, noting that the unit will pay for itself in two years due to the annual decrease in landfill fees. Mr. Mayes explained that time is of the essence since it is necessary to "rough-in" a space for the crematorium while construction is underway. He also noted that The Pet Project has indicated that there is an individual who is interested in donating \$10,000 to the project, and but stated that staff would like permission to proceed.

In response to inquiry from Mayor Roberts, General Services Director Julie Baird reported that the crematorium will be located inside the intake garage which is secured by a fence and will not be visible to the public. She stated that the negatives of the proposed crematorium are the exhaust fumes.

Councilor Fischer announced that she spoke with the owner of the locally-owned pet crematorium and he indicated that disposition of 50 to 75 animals per month might require 24-hour operation of the unit and the addition of another staff member. She also stated that he indicated that the ash is heavy and will still need to be taken to the landfill.

Councilor Fischer stated that she would prefer to table action on this item for one week to afford the Council an opportunity to review the specifications of the proposed crematorium and questioned whether staff has contacted the Aztec Animal Shelter to determine if they are interested in utilizing the proposed facility. She stated that she is in favor of the proposal, but stated that she does not think that the costs have been fully calculated.

In response to inquiry from Councilor Sandel, Mr. Mayes explained that he is not proposing that San Juan County be charged for half of the costs associated with purchasing and installing the crematorium. However, he stated that the ongoing operational cost of the facility will be calculated into the annual cost-sharing agreement between the City and San Juan County.

Councilor Sandel stated that he believes that the City should bear the entire cost of the proposed purchase.

In response to inquiry from Councilor Fischer, Parks, Recreation and Cultural Affairs Director Cory Styron stated that he will provide the Council with a copy of the specifications of the unit that is being proposed for purchase.

Following further consideration, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to direct staff to proceed with the purchase of a crematorium for the regional animal shelter, as recommended by staff and the Animal Services Advisory Commission, and upon voice vote the motion carried unanimously.

In response to inquiry from Councilor Sandel, Mr. Mayes assured the Council that they will be updated if the proposed costs exceed the projected \$75,000.

- (3) Cost-sharing agreement between the City and San Juan County for construction of the Regional Animal Shelter.

City Manager Rob Mayes requested approval of a one-time cost-sharing agreement between the City and San Juan County for funding the construction of the Regional Animal Shelter.

Following brief consideration, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to approve a cost-sharing agreement between the City and San Juan County for funding construction of the Regional Animal Shelter, and upon voice vote the motion carried unanimously.

- (4) Renewal of Animal Shelter Intergovernmental Services Agreement between the City and San Juan County to house and care for animals picked up in San Juan County (indefinite term).

City Manager Rob Mayes requested approval of the Intergovernmental Services Agreement between the City and San Juan County for the housing and care of animals that are picked up in San Juan County.

Assistant City Manager Bob Campbell complimented Parks, Recreation and Cultural Affairs Director Cory Styron for negotiating a higher reimbursement from the County than what has been done in the past. He also noted that the County's annual cost will be adjusted once the new shelter is constructed and in operation.

In response to inquiry from Councilor Darnell, Mr. Mayes stated that operation of the crematorium will not increase overall costs since there will be a \$25,000 annual savings in landfill fees.

Councilor Fischer questioned whether the County is still interested in sharing the operational costs of the Regional Animal Shelter, noting that she recently read in the newspaper that they were upset about the increase in costs. In response, Mr. Campbell explained that the County's share of the operational costs have increased because veterinary services are now being offered daily rather than an on-call basis.

Councilor Fischer reminded staff that she has yet to receive the information that she requested concerning the amount costs would increase if a full-time veterinarian is hired. Also, she questioned whether staff has approached the Navajo Nation asking them to contribute funding to the

operation of the animal shelter and stated that she believes that the spay/neuter clinic should be offered to low-income residents.

In response to further discussion, Mr. Mayes assured the Council that San Juan County is still supportive of the Regional Animal Shelter project.

Councilor Fischer asked that Marcy Eckhardt, the city's consultant on the animal shelter, make a presentation to the Council in the near future on the status of the operations and the goals for the new facility with regard to rescue efforts, euthanasia, spay/neuter and adoption rates. It was the consensus of the Council to direct staff to proceed with this request.

Councilor Sandel also suggested that the Animal Services Advisory Commission review the current City Code pertaining to animals and to make any recommendations for amendments to the Council that they feel are necessary.

Following further consideration, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to approve an Intergovernmental Services Agreement between the City and San Juan County to house and care for animals that are picked-up in San Juan County, and upon voice vote the motion carried unanimously.

CITY ATTORNEY BUSINESS

City Attorney Jay Burnham presented a proposed ordinance dealing with campaign finance reporting 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. He recommended the ordinance, if adopted, be given the number 2013-1265. The title of the ordinance being:

AN ORDINANCE ADDING DIVISION 3 TO ARTICLE 2 OF CHAPTER 2 (ADMINISTRATION) OF THE CITY CODE ENTITLED "CAMPAIGN FINANCING."

Mr. Burnham reviewed the amendments that have been made to the proposed ordinance, as directed at the June 11, 2013 Regular City Council meeting and noted that a redlined version is included on pages 12.0 through 12.5 of the agenda materials.

Mayor Roberts stated that he recalled that all anonymous contributions were to be contributed to charitable organization, not just those exceeding \$25.

Councilor Darnell took exception to Section 2-3-53(a) which limits the total contribution amount to \$100 for individuals and business. He stated that he believes that this provision may prevent individuals from running for municipal office because it will be difficult to raise the necessary funds. He suggested that the amount be raised to \$250. He also stated that he is not supportive of a provision that allows for public financing of campaigns.

Councilor Sandel stated that he does not support a provision that limits the amount of campaign contributions that can be collected by a candidate but does not limit the amount that the candidate can contribute to their own campaign since this could hinder less wealthy candidates. Following further discussion and consideration, it was the consensus of a majority of the Council to limit the total contributions from an individual or business to \$2,300 and contributions by a political committee to \$5,000, in accordance with State law. The Mayor and Councilor Darnell stated that they would prefer a lower limit that is around \$500.

Councilor Sandel initiated discussion concerning the proposed reporting periods. Following discussion and consideration, it was the consensus of the Council to amend the proposed ordinance to require candidates to file a contribution report in January, February and the Thursday prior to the election, similar to the State's reporting requirements in Section 1-19-29 NMSA 1978. Furthermore, it was the consensus of the Council to direct that annual contribution reports be filed with the City Clerk in October if a revenue or expenditure has occurred or if there is a balance in the account.

Councilor Sandel also suggested that anyone who raises \$1,000 in campaign contributions, regardless of whether a Declaration of Candidacy has been filed, be required to file a contribution report with the City Clerk. Following brief discussion and consideration, there was no consensus from the Council to proceed.

Lastly, Councilor Sandel questioned if the definition of political committee includes religious organizations that are raising funds outside of its 501(c)3 designation and issue-based organizations that are raising funds for a particular matter (such as opposition to roundabouts). In response, Mr. Burnham stated that the definition of political committee as proposed in the ordinance is limited to groups that are supporting or opposing a candidate. Councilor Sandel stated that he believes that any group that is gathering funds to influence the outcome of a municipal election should be required to submit contribution reports. Following brief consideration, Councilor Fischer stated that she supports the measure, but Councilors Darnell and McCulloch and Mayor Roberts stated that they do not.

There being no further discussion of the proposed ordinance, a motion was made by Councilor Sandel, seconded by Councilor Fischer to table action upon the proposed ordinance to the July 9, 2013 regular City Council meeting, and upon voice vote the motion carried unanimously.

DISCUSSION AND ACTION UPON ITEM REMOVED FROM THE CONSENT AGENDA:

- (1) DWI Grant Agreement No. 14-X-I-G-25 between the City and the State of New Mexico Department of Finance and Administration providing for funding in an amount not to exceed \$300,000 for alcohol treatment and detoxification programs (expiration June 30, 2014).

City Manager Rob Mayes and Assistant City Manager Bob Campbell responded to numerous questions from Councilor Sandel concerning the use of the proposed funds and the success rate of Four Winds Recovery Center.

In response to his questions, Jolene Schneider, Executive Director for Four Winds Recovery Center explained that recidivism rates are fairly high because state laws prohibit them from keeping street inebriates longer than three days. Furthermore, she stated that geography plays a huge role in the recidivism rate due to the close proximity of the Navajo Nation.

Following the discussion, Councilor Sandel maintained his position that there should be a more comprehensive approach for dealing with street inebriates.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to approve DWI Grant Agreement No. 14-X-I-G-25 between the City and the State of New Mexico Department of Finance and Administration providing for funding in an amount not to exceed \$300,000 for alcohol treatment and detoxification programs. The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer Gayla McCulloch
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Those voting nay:	Jason Sandel
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

CLOSED MEETING

A motion was made by Councilor Darnell, seconded by Councilor McCulloch to close the meeting to discuss request for proposals for professional legal services and the administration and operation of the public defender program, pursuant to Section 10-15-1H(6). The roll was called with the following result:

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

None

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

The Mayor convened the closed meeting at 9:47 p.m. with all members of the Council 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 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 9:54 p.m. with all members of the Council being present.

PROPOSAL FOR PROFESSIONAL LEGAL SERVICES

Purchasing Supervisor Kristi Benson reported that proposals for professional legal services opened on May 22, 2013 with 17 offerors participating. She recommended that the proposal be awarded to the top evaluated firms per category based on the pricing schedules for services. She provided the Council with a copy of the corrected list of the top evaluated firms, noting that the evaluation committee had recommended that legal services for personnel and labor be awarded to the top five offerors instead of the top four (as stated in the agenda materials).

Thereupon, a motion made by Councilor Darnell, seconded by Councilor Sandel that the proposal for professional legal services be awarded to the top evaluated firms per category based on the pricing schedules for services, as recommended by the Purchasing Supervisor, and upon voice vote the motion carried unanimously.

PROPOSAL FOR ADMINISTRATION AND OPERATION OF THE PUBLIC DEFENDER PROGRAM

Purchasing Supervisor Kristi Benson reported that proposals for administration and operation of the public defender program opened on May 29, 2013 with two offerors participating. She recommended that the proposal be awarded to Tucker, Burns, Yoder & Hatfield Law Firm based on the pricing schedule for services.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Darnell that the proposal for administration and operation of the public defender program be awarded to Tucker, Burns, Yoder & Hatfield Law Firm based on its evaluated proposal of \$5,000 per month, as recommended by the Purchasing Supervisor, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 9:57 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 9th day of July, 2013.

Entered in the permanent record book this 10th day of July, 2013.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk