

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, July 22, 2014. 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 A. McCulloch Nate Duckett

constituting all the members of said Governing Body.

Also present were:

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 Associate Pastor Larry Moore of World Harvest Center church.

Councilor Darnell 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 July 8, 2014 and the minutes of the Regular Work Session of the City Council held July 1, 2014.

*BID: The Purchasing Officer recommended that the bid for purchase of surface painted hold signs and porous friction course for Runway 7-25 (Four Corners Regional Airport) be awarded to Oldcastle SW Group, Inc. on its low bid of \$1,032,902.23, contingent upon grant funding from the State of New Mexico Department of Transportation and the Federal Aviation Administration. Bids opened July 10, 2014 with two bidders participating.

*INTERGOVERNMENTAL AGREEMENT between the City, San Juan County, the cities of Aztec and Bloomfield and San Juan County Crime Stoppers, Inc. regarding the operation of a county-wide crime prevention program.

*ADOPTION OF RESOLUTION NO. 2014-1516 accepting and approving a certain grant agreement between the City of Farmington and the Aviation Division of the New Mexico State Highway and Transportation Department for annual maintenance items at the Four Corners Regional Airport.

*ADOPTION OF RESOLUTION NO. 2014-1517 accepting and approving a certain grant agreement between the City and the Aviation Division of the New Mexico State Highway and Transportation Department for crack sealing of Runway 5-23 based on the FAA Part 139 inspection at the Four Corners Regional Airport.

*ADOPTION OF RESOLUTION NO. 2014-1518 accepting and approving a certain grant agreement (Project No. 3-35-0016-037-2014) between the City and the Federal Aviation Administration for porous friction course for Runway 7-25 and pavement markings at the Four Corners Regional Airport.

*ADOPTION OF RESOLUTION NO. 2014-1519 approving the Foothills Drive Enhancement Project (Phase I) and accepting funds from the New Mexico Department of Transportation 2014/2015 Municipal Arterial Program (M.A.P.) for such project.

*ACCEPTANCE OF PROPERTY located at 2400 Wildflower Mesa Drive (former Halvorson House) as conveyed by the San Juan County Commission at their July 1, 2014 meeting.

*WARRANTS PAYABLE for the time period of July 6, 2014 through July 19, 2014, for current and prior years, in the amount of \$7,368,572.10.

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

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 14-11 from Craig Burgess requesting a Special Use Permit to keep nine chickens at 8450 Hood Mesa Trail in the RE-2, Residential Estates, 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. PD 14-01 from Piñon Hills Community Church, represented by Brad Salzman, requesting amendments to the existing Planned Development (PD 08-01) at 5101 N. Dustin Avenue.

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.

The following recommendations from the Planning and Zoning Commission were also presented:

- (3) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. ZC 14-06 from Floyd Hinesley, represented by Sakura Engineering & Surveying, requesting a zone change from RE-20, Residential Estates, District to the SF-10, Single-Family Residential, District for 14.3262 acres of land located north of Pinecroft Drive and east of English Drive.

Mayor Roberts announced that staff has received a written request from the Petitioner to table the subject matter to the September 9, 2014 regular City Council meeting.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Duckett to table Petition No. ZC 14-06 to the September 9, 2014 regular City Council meeting, as requested by the Petitioner, and upon voice vote the motion carried unanimously.

- (4) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. ZC 14-07 from Floyd Hinesley, represented by Sakura Engineering & Surveying, requesting a zone change from RE-20, Residential Estates, District to the SF-10, Single-Family Residential, District for 39.22 acres of land located south of Antelope Junction and west of English Drive.

Mayor Roberts announced that staff has received a written request from the Petitioner to table the subject matter to the September 9, 2014 regular City Council meeting.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Duckett to table Petition No. ZC 14-07 to the September 9, 2014 regular City Council meeting, as requested by the Petitioner, and upon voice vote the motion carried unanimously.

DRAFT 2014-2018 CONSOLIDATED PLAN AND DRAFT 2014 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Community Development Director Mary Holton announced that the Draft 2014-2018 Consolidated Plan and the Draft 2014 Analysis of Impediments to Fair Housing Choice ("AI") were distributed last week to the Mayor and Council and copies were made available for public review at the City Clerk's office, the Farmington Public Library, the Community Development Department and on the City's website. She explained that the Consolidated Plan identifies the priorities and objectives and guides the Council on how to allocate the funds received from the Community Development Block Grant ("CDBG") program over the next five years. Furthermore, she reported that the AI is a requirement of the Consolidated Plan and includes a review of the laws, regulations and administrative policies, procedures and practices and how they affect the location availability and accessibility of housing. In closing, she reported that a public workshop will be held on Tuesday, July 29, 2014 from 4:00 p.m. to 6:00 p.m. in the lobby of the Civic Center and that a public hearing before the City Council regarding both reports is scheduled for the August 12, 2014 regular City Council meeting.

In response to inquiry from Mayor Roberts, Ms. Holton noted that the former AI was completed out-of-cycle from the Consolidated Plan and explained that this year's process will get the City back on schedule. She also confirmed that there are no significant changes in the demographics of the City from the last time the AI was completed and stated that if the Council has ideas for projects for CDBG funding that now is the time to submit them.

COUNCIL BUSINESS

Protest at Memory Gardens

Councilor Darnell thanked the Police Department for their assistance in directing traffic and controlling the crowd during the protest that was held at Memory Gardens earlier today where approximately 150 individuals participated.

Foreclosed House at 3000 Yale Drive

Councilor Fischer announced that she has invited several residents to attend tonight's meeting to advise the Council on the seriousness of the health issues related to a foreclosed house located at 3000 Yale Drive. Acknowledging that it is the Mayor's prerogative to decide whether the residents address the Council now or under Business from the Floor, she reported that the residents are afraid to operate their swamp coolers for fear that mold spores from the subject house will be sucked into their cooling ducts. She also noted that the ceiling has collapsed and that the house is full of trash and debris which is in various stages of decomposing and argued that the house is a health hazard that needs to be torn down since it is structurally unstable. She questioned the City's legal authority to condemn the property.

In response, Mayor Roberts reported that earlier today he spoke with City Attorney Jay Burnham about this matter and explained that the Legal Department is requesting additional time to conduct a thorough analysis of the situation due to the fact that the property is owned by the Veterans Administration ("VA"). He also noted that the cost to demolish the property will far exceed the actual cost of the land which would result in the City having to pay a portion of the costs if the condemnation process is followed.

Mr. Burnham pointed out that Legal staff was just recently made aware of the structural damage and explained that this triggers a different condemnation process that staff needs to investigate. Also, he pointed out that there is a possibility of entering into a civil/public

nuisance action with the VA, but explained that the City would be required to prove that the members of the public are being harmed.

In response to inquiry from Mayor Roberts, Mr. Burnham confirmed that there could be some logistical challenges associated with filing a lawsuit against a quasi-governmental entity.

Councilor Fischer reported that she has heard that the loan was sold to another financial institution and contended that she does not believe that staff is taking the situation serious enough. She urged them to make this matter a top priority.

Code Compliance Supervisor Todd Johnston reported that he has spoken with the New Mexico Environment Department about this matter and reported that they do not believe that the house poses a serious health risk unless the mold spores are disturbed. He also pointed out that the San Juan County Landfill will not accept hazardous materials so it would need to be hauled to Utah which would increase the costs of demolition. Furthermore, he noted that the overgrown vegetation on the property was cut down this morning by an unidentified individual and advised the Council that the Code Compliance Division has sent four letters to the VA (two of them certified and one returned unsigned for) in an effort to address the matter.

Councilor Darnell suggested that staff contact the local offices of the state's federal legislators to ask for assistance from the VA. In response to inquiry from Councilor Darnell, Mr. Johnston stated that it looks like mold on the outside of the building but confirmed that it has not been tested.

Following further discussion, the Council directed staff to provide the Council with an update on the research being done by the Legal Department at the August 5, 2014 City Council Work Session.

CITY MANAGER BUSINESS

Assistant City Manager Bob Campbell presented and read by title Resolution No. 2014-1520 approving the fourth and final revision to the FY14 budget. The title of such resolution being:

A RESOLUTION APPROVING THE FOURTH AND FINAL REVISION TO THE FY14 BUDGET AND REQUESTING STATE APPROVAL.

Administrative Services Director Andy Mason provided a brief explanation of the proposed budget revisions.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Duckett to pass and adopt Resolution No. 2014-1520, as presented. The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer Gayla A. McCulloch Nate Duckett
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2014-1520 was duly passed and adopted.

BUSINESS FROM THE FLOOR

Foreclosed House at 3000 Yale Drive

Tricia Smith, 2911 Yale Drive, advised the Council that the neighbors have been dealing with this issue for six years and she encouraged the Council members to visit the site and observe for themselves the mold that is growing along the stucco. She also reported that a former employee from the New Mexico Environment Department advised the neighbors that there is a large patch of black on the rooftop that is mold but stated that he was unable to assist them because he was transferred to another town.

CLOSED MEETING

A motion was made by Councilor Darnell, seconded by Councilor McCulloch to close the meeting to receive advice from the City's legal counsel with regard to a matter of pending litigation (Robert Perez vs. City of Farmington), pursuant to Section 10-15-1H(7) NMSA 1978 of the Open Meetings Act. The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer Gayla A. McCulloch Nate Duckett
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 7:41 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 Fischer, seconded by Councilor McCulloch to open the meeting, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 8:01 p.m. with all members of the Council being present and there being no further business to come before the Council, the meeting was adjourned at 8:02 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 12th day of August, 2014.

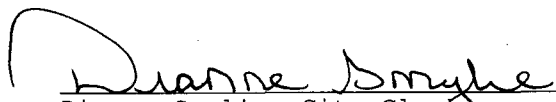
Entered in the permanent record book this 13th day of August, 2014.



Tommy Roberts, Mayor

SEAL

ATTEST:



Dianne Smylie, City Clerk