

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, February 1, 2011 at 9:00 a.m. in the Executive Conference Room at City Hall, 800 Municipal Drive, Farmington, New Mexico, in full conformity with the rules, regulations and ordinances of the municipality.

At such meeting the following were present, constituting a quorum:

MAYOR PRO TEM	Dan Darnell
COUNCILORS	Mary M. Fischer Gayla McCulloch Jason Sandel
PRESENT FOR THE MEETING BY TELEPHONE PURSUANT TO RESOLUTION NO. 94-772	Tommy Roberts, Mayor

Constituting all the members of the Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Bob Campbell
ASSISTANT CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Fuhrman
DEPUTY CITY CLERK	Melody Coyner

Mayor Pro Tem Dan Darnell announced that Mayor Roberts is absent from today's meeting. However, he noted that Mayor Roberts has asked that he be contacted by speaker telephone for participation in the meeting. Thereupon, Mayor Roberts was contacted by speaker telephone.

#### FEDERAL LOBBYIST REPORT/AUTOMATIC RENEWAL OF CONTRACT

Mayor Pro Tem Darnell asked that George Ramonas of The Advocacy Group be contacted by speaker telephone to present the federal lobbyist report.

Providing opening remarks, Mr. Ramonas reported that President Barrack Obama has indicated that any legislation containing earmarks will be reviewed for a possible veto. However, he stated that congressional leaders disagree with the President's reasoning, contending that the United States Constitution allows earmarking in appropriations as a matter of Congressional priority. He noted that the City's appropriation requests were provided to Senator Udall by his deadline of November 30, 2010 and that appropriation requests are due to Senator Bingaman by February 18, 2011.

Directing the Council's attention to a memorandum dated January 26, 2011, as contained on page 1.0 of the agenda materials, Mr. Ramonas pointed out that in 2010 (Federal Fiscal Year 2011) Senators Bingaman and Udall co-sponsored \$300,000 for water and waste water infrastructure improvements through the Senate Omnibus bill. However, he reported that the legislation was not enacted and the Environmental Protection Agency ("EPA") received the money without direction on how to spend it. Mr. Romanas stated that next week his firm will be requesting that Senators Bingaman and Udall send a letter to the EPA asking them to disburse the money to the City as it was intended.

Mayor Roberts stated that, philosophically, he agrees with the concept of government controlling the federal deficit by reducing spending. However, he stated that if Congress makes federal monies available for appropriations, he thinks that the City should pursue the funding opportunities. As a result, he expressed his support of the automatic renewal of the contract between the City and The Advocacy Group.

In response to inquiry from Mayor Roberts, Mr. Ramonas stated that he and City staff have identified two projects as suitable for Federal appropriation requests, the Zone 2P waterline improvements and Civic

Center upgrades. Assistant City Manager Bob Campbell briefly reviewed the scope of the proposed projects.

Responding to inquiry from Mayor Roberts, Mr. Ramonas explained that he monitors all funding opportunities for which the City might qualify and relays those opportunities to staff.

In response to inquiry from Councilor Fischer, Mr. Ramonas stated that he will not know if there is funding available for natural gas powered power plants until after the President's budget is released on February 14th. Furthermore, he explained that the Federal government will not fund an entire power plant construction project, but stated that it may create programs where partnerships are available for funding opportunities. Following brief discussion, Councilor Fischer requested that construction of a natural gas-powered power plant be identified as a top priority for federal funding requests.

Mr. Ramonas responded to numerous questions from Councilor Sandel concerning the appropriations and project prioritization processes. Following brief discussion, Councilor Sandel asked that he be provided a copy of the list of priorities that was sent to the congressional delegation.

Councilor Sandel also initiated discussion concerning the Piñon Hills Bridge project (the "Bridge") and contended that Mr. Ramonas is not presenting the project to our representatives as the City's number one priority. In response, City Manager Rob Mayes pointed out that the Bridge is listed as the number one priority on the City's Infrastructure Capital Improvement Plan ("ICIP"). Mr. Ramonas explained that requests for funding for the Bridge should come from the Highway Trust Fund, commonly referred to as the Highway Bill. He briefly explained the funding and appropriation processes for the Highway Bill, noting that funding is available every two to five years. He also pointed out that the Highway Bill was scheduled to go forward two years ago, but the monies were diverted to the stimulus package instead. He assured the Council that he understands that the Bridge is the City's number one priority and stated that he and his staff will work with the City to identify a source of funding for the \$10 to \$15 million project.

Following further discussion, Councilor Sandel expressed concern that the Council is not being kept abreast of the communication between staff and the City's lobbyist concerning federal appropriation requests/project prioritization.

Mayor Pro Tem Darnell expressed his support for the work that Mr. Ramonas has done on behalf of the City and announced his support for the automatic renewal of the contract. In response, Mr. Ramonas pointed out that the automatic renewal does not include an increase in the amount and he pointed out that last year's contract was voluntarily reduced by three percent due to the economic conditions.

In response to inquiries from Mayor Pro Tem Darnell, Public Works Director Jeff Smaka reported that the total cost of the Zone 2P waterline improvement project is approximately \$5 million. Mr. Campbell noted that the City has requested \$765,000 in Federal funding for the project.

In response to inquiry from Councilor McCulloch, Mr. Mayes reported that Mr. Ramonas has been instrumental in securing \$2,027,375 in federal funding for the City since 2007. He noted that the total cost to the city for his services has been \$336,000.

Following further discussion, a motion was made by Mayor Pro Tem Darnell, seconded by Councilor McCulloch to authorize the City Manager to execute an automatic renewal of the Federal Legislative Consulting Services Agreement between the City and The Advocacy Group. 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.

Councilor Fischer requested that, in the future, the Council be given the opportunity to provide input to appropriation requests prior to the projects being submitted to the Federal lobbyist and suggested that the list of projects be broadened to include the needs of the police and fire departments. She also suggested that a review of potential projects that were submitted for federal funding consideration be discussed at a future City Council meeting.

#### QUARTERLY FINANCIAL REVIEW

Utilizing a powerpoint presentation to display financial data that he provided to the Council, Administrative Services Director Andy Mason reviewed the FY11 Second Quarter Financial Report for the period ending December 31, 2010. He noted that gross receipts tax revenues for all funds for the second quarter are 1.3 percent lower than those received for the same period last year. He also reported that revenues in the General Fund are 8.2 percent above budget and that expenditures are 8.4 percent below budget; revenues in the Electric Fund exceeded expenditures by \$7.8 million; revenues in the Water Fund exceeded expenditures by \$1.96 million; and that revenues in the Wastewater Fund exceeded expenditures by \$621,000.

Councilor Fischer initiated discussion regarding the large increase in the Water Fund revenues since FY07. She attributed the increase to high water rates. Mr. Mason confirmed that revenues for repair and replacement fees and water sales have increased \$135,000 and \$270,000 respectively over last year. Public Works Director Jeff Smaka pointed out that the revenues also include \$6.7 million in grant funding that the City received from the Bureau of Reclamation for the Farmington Reach of the Navajo Municipal Pipeline, noting that this revenue is skewing the data. Following brief discussion, Councilor Fischer asked that future reports include a footnote indicating which funds were received from outside sources. Mr. Mason agreed to modify the charts to reflect those amounts in the future. Councilor Sandel requested a report of federal and state funds the City has received for water system upgrades since the implementation of the water rate increases, contending that enough money has been collected to support a decrease in the water rates.

Following further discussion, Councilor Fischer asked that she be provided a report on those water lines that have been replaced and staff's plan for future water line replacement. Mayor Roberts asked for a spreadsheet on the cost of the City's water and wastewater rates in comparison to those of other cities in the region.

Following further discussion, Councilor Fischer expressed concern for the money that was spent on installing the televisions and computer monitors in the Council Chamber. She also asked for a report on those projects that have been cut from the budget (such as computer purchases) and the method for prioritizing projects in the future. In response, Mr. Mayes stated that prioritization and funding of projects will be addressed in the upcoming budget process.

Following brief discussion, Councilor Fischer asked that staff provide the budgetary impact for all projects that are being considered by the Council.

#### PROPOSED ORDINANCE/ANNEXATION/FARMINGTON MUNICIPAL SCHOOL DISTRICT

Assistant City Attorney Jennifer Breakell introduced a proposed ordinance providing for the annexation of 439.02 acres of land located west of La Plata Highway (NM Highway 170), north and south of Twin Peaks Boulevard and east of Troy King Road. She requested permission to proceed with publication of a Notice of Intent to Consider said ordinance.

Following brief discussion, a motion was made by Mayor Roberts, seconded by Mayor Pro Tem Darnell to direct the City Attorney to publish notice of intent to consider adoption of a proposed ordinance in accordance with State Statutes.

Directing the Council's attention to page 4.5 of the agenda materials, Community Development Director Mary Holton responded to questions from Councilor Fischer concerning the \$745,560 one-time capital costs associated with the proposed annexation.

Councilor Sandel expressed his appreciation to staff for providing the financial information relative to the subject annexation.

The Mayor Pro Tem called for the vote upon the motion to direct the City Attorney to publish notice of intent to consider adoption of a proposed ordinance in accordance with State Statutes. 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
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

PERMISSION TO DRAFT AND/OR AMEND ORDINANCE/TREES ENCROACHING ON POWER LINES

Mayor Pro Tem Darnell reminded the Council that he had asked staff to investigate options for dealing with dead trees that are located on private property that fall onto power lines and result in power outages.

Discussion followed concerning the cost and risk of injury if property owners attempt to remove or trim trees that are located in power lines.

Following further discussion, a motion was made by Mayor Pro Tem Darnell, seconded by Councilor Sandel to direct staff to draft and/or amend an ordinance revising certain sections or add provisions in Chapter 24-4-1 of the City Code that deals with privately-owned trees that encroach in the power lines, and upon voice vote the motion carried unanimously.

PROPOSED ORDINANCE/REVISIONS TO CHAPTERS 12, 18, 23 AND 25/NONOPERATING MOTOR VEHICLES, WEEDS AND DEBRIS, PUBLIC NUISANCES AND ILLEGAL CAR SALES

Assistant City Attorney Jennifer Breakell introduced a proposed ordinance revising certain sections of Chapters 12, 18, 23 and 25 of the City Code dealing with nonoperating motor vehicles, weeds and debris, public nuisances and illegal car sales. She requested permission to proceed with publication of a Notice of Intent to Consider said ordinance.

Following discussion concerning the fines for such violations, it was the consensus of the Council to direct staff to determine the fees being charged by other communities for these types of violations and to provide the Council with options for adopting accelerating fines for repeat offenders.

Following brief discussion, a motion was made by Councilor McCulloch, seconded by Councilor Sandel to direct the City Attorney to publish notice of intent to consider adoption of a proposed ordinance in accordance with State Statutes.

Contending that the proposed amendment to subparagraph (a) of Section 12-2-56 does not read well, Mayor Roberts asked that the existing verbiage be reconsidered.

The Mayor Pro Tem called for the vote upon the motion to direct the City Attorney to publish notice of intent to consider adoption of a proposed ordinance in accordance with State Statutes. 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
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

COUNCIL BUSINESS

Vehicles Parked Near the Front Door of Residences

Councilor McCulloch relayed a complaint from a constituent regarding the parking of a motor vehicle near the front door of the residence. In response, Community Development Director Mary Holton asked Councilor McCulloch to provide her the address of the residence so that the City's Zoning Inspector can investigate the situation. She confirmed that such act is a violation of the Unified Development Code.

The telephone call with Mayor Roberts was terminated at 10:50 a.m.

There being no further business to come before the Council, the meeting was adjourned at 10:51 a.m.

APPROVED this 22<sup>nd</sup> day of February, 2011.

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Tommy Roberts, Mayor

SEAL

ATTEST:

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Dianne Fuhrman, City Clerk