

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, March 22, 2011. 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
ASSISTANT CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Fuhrman

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

INVOCATION: The invocation was offered by Pastor Joe O'Neal of Mountain Vista Baptist Church.

Tom Dugan led the Pledge of Allegiance.

The Mayor recognized members from Boy Scout Troop 157.

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 March 8, 2011 and the minutes of the Regular Work Session of the City Council held March 1, 2011.

*BID: The Purchasing Officer recommended that the bid for purchase of 15kV power circuit breakers (Electric Engineering) be awarded to Wesco Distribution, Inc. on its low bid after application of five percent in-state preference of \$58,780. Bids opened March 11, 2011 with two bidders participating.

*RE-BID: The Purchasing Officer recommended that the re-bid for the traffic signal upgrade for the intersection of Main (U.S. Highway 64) and Apache Streets (Public Works) be awarded to MWI, Inc. on its low bid of \$299,407. Bids opened March 2, 2011 with three bidders participating.

*ASSIGNMENT OF AIRPORT LEASE FOR HANGAR H-9.5, dated February 19, 1997, from Four-Four, Inc. to Dugan Production Corporation.

*SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR DETENTION CENTER SERVICES between the City and San Juan County for the purpose of establishing the day rate of \$63.32 for City prisoners (an increase of \$.09 per day) (term July 1, 2011 to June 30, 2012).

*WARRANTS PAYABLE for the time period of March 6, 2011 through March 19, 2011, for current and prior years, in the amount of \$6,852,956.98.

Councilor Sandel requested that the Second Amendment to the Intergovernmental Agreement for Detention Center Services be removed from the Consent Agenda.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Sandel to approve the Consent Agenda, with the exception of the Intergovernmental Agreement for Detention Center Services, and upon voice vote the motion carried unanimously.

TRIBUTE TO TEACHER EXCELLENCE DAY PROCLAMATION

The Mayor read a Proclamation declaring April 1, 2011 as "Tribute to Teacher Excellence Day".

NATIONAL CONGRESSIONAL MEDAL OF HONOR DAY PROCLAMATION

The Mayor presented retired U.S. Air Force and Korean War Veteran Bruce Salisbury with a Proclamation declaring March 25, 2011 as "National Congressional Medal of Honor Day."

RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Community Development Director Mary Holton requested that the Planning and Zoning Commission recommendation marked with an asterisk () be placed on the Planning and Zoning Commission Consent Agenda and voted on by one motion. She asked that if the item 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 of the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. ZC 11-03 from Jason Little requesting a zone change from the GC, General Commercial, District to the MU, Mixed Use, District for 0.287 acre located at 608 West Animas Street.

There being no requests to remove the item, a motion was made by Councilor Sandel, seconded by Councilor Darnell to approve the Planning and Zoning Commission Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

UNFINISHED BUSINESS:

Appeal of the Decision of the Administrative Review Board:

- (1) Appeal filed by Sandra Tucker regarding the decision of the Administrative Review Board to deny Petition No. ARB 10-20 requesting a variance to operate a kennel within 500 feet of a residence at 616 Industrial Avenue in the IND, Industrial, District.

The Mayor announced that this item was tabled at the February 22, 2011 regular City Council meeting and explained that the appellant, Sandra Tucker, has now submitted a written request to withdraw her appeal of the decision of the Administrative Review Board concerning Petition No. ARB 10-20.

COUNCIL BUSINESS:

Proposed Cap Program on Greenhouse Gas Emissions

With regard to the lawsuit regarding the cap program that is being proposed for greenhouse gas emissions by the New Mexico Environmental Improvement Board, Councilor Sandel announced that there has been a recommendation to revise the State Implementation Plan as it relates to the best available retrofit technology for power plants. He requested an update from staff on the types of actions that have been taken by the Environmental Improvement Board and their impact on the City. He also suggested that the update include options for utilizing the available natural gas as a means for generating additional electricity.

Assistant City Attorney Jennifer Breakell presented for discussion a proposed ordinance pertaining to the fencing and landscaping of well sites. The title of such proposed ordinance being:

AN ORDINANCE AMENDING SECTION 19-3-10 OF THE CITY CODE DEALING WITH FENCING AND LANDSCAPING OF WELL SITES.

There being no response to the Mayor's call for discussion, Ms. Breakell announced that the proposed ordinance will be presented for final action at the April 12, 2011 regular City Council meeting.

ACTION AND DISCUSSION UPON ITEM REMOVED FROM THE CONSENT AGENDA:

- (1) Second Amendment to Intergovernmental Agreement for Detention Center Services between the City and San Juan County for the purpose of establishing the day rate of \$63.32 for City prisoners (an increase of \$.09 per day) (term July 1, 2011 to June 30, 2012).

In response to inquiry from Councilor Sandel, City Manager Rob Mayes announced that the proposed increase will impact the City's budget by \$2,000 in Fiscal Year 2012. He also assured him that the City's agreement with San Juan County for animal services will include a similar increase since the services are based on a formula that provides for annual adjustments.

There being no further discussion, a motion was made by Councilor Sandel, seconded by Councilor Darnell to approve a Second Amendment to Intergovernmental Agreement for Detention Center Services between the City and San Juan County for the purpose of establishing the day rate of \$63.32 for City prisoners, and upon voice vote the motion carried unanimously.

BUSINESS FROM THE FLOOR:

Complaints Against the Police Department

Ben Sanchez, 2911 30th Place, voiced his strong objection to the Police Department's policy that all officers, even those living outside the city limits of Farmington, are allowed to drive their patrol cars home. He stated that it is his understanding that this policy is being marketed as a recruiting tool and as an employee benefit instead of promoting its original intent of keeping Farmington neighborhoods safe. Referring to budgetary information that he had requested from staff earlier in the day, Mr. Sanchez reported that the police department spends \$28,218 per month in fuel and a total \$45,225 per month for all vehicle costs. He also voiced frustration for the fact that he has been pulled over three times within the past year without any probable cause and speculated that the reason is because of the year and condition of his truck. Mr. Sanchez contended that it is his opinion that several of the police officers have a poor demeanor that should be addressed and voiced his opinion that the City Manager, Police Chief and Captains should be driving fuel-efficiency cars instead of gas-guzzling sport utility vehicles.

In response to Mr. Sanchez's comments, Mayor Roberts announced that the Police Department's policy on take-home vehicles will be discussed at the April 26, 2011 regular City Council meeting.

CLOSED MEETING

A motion was made by Councilor Darnell, seconded by Councilor Sandel to close the meeting to discuss request for proposals for the purchase of self-contained breathing apparatus test and repair services. 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.

The Mayor convened the closed meeting at 7:40 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 Darnell, 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 7:45 p.m. with all members of the Council being present.

REQUEST FOR PROPOSALS FOR SELF-CONTAINED BREATHING APPARATUS TEST AND REPAIR SERVICES

Purchasing Supervisor Kristi Benson announced that proposals for the purchase of self-contained breathing apparatus test and repair services (Fire) opened on February 22, 2011 with two offerors participating. She recommended that the contract be awarded to Municipal Emergency Services, Inc. as the top evaluated firm based on the pricing schedule for services.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Sandel to award the proposal for purchase of self-contained breathing apparatus test and repair services to Municipal Emergency Services, Inc., as recommended by the Purchasing Supervisor. 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.

There being no further business to come before the Council, the meeting was adjourned at 7:47 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 12th day of April, 2011.

Entered in the permanent record book this 13th day of April, 2011.

Tommy Roberts, Mayor

SEAL

ATTEST:

Melody Coyner, Deputy City Clerk