

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, May 17, 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	Tommy Roberts
COUNCILORS	Dan Darnell Mary M. Fischer Jason Sandel
ABSENT	Gayla McCulloch, Councilor

Constituting all the members of the Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
CITY ATTORNEY	Jay B. Burnham
CITY CLERK	Dianne Fuhrman
DEPUTY CITY CLERK	Melody Coyner

EMPLOYEE OF THE MONTH PROGRAM AWARDS

Employee Council President Annette Lobato recognized Electric New Service Secretary Lorinda Kellywood and School Resource Officer Kris Chavez as the Employee of the Month award recipients for March and April, 2011, respectively. The recipients were presented with plaques and gift certificates and the Mayor expressed his appreciation for their dedication to the City.

RESOLUTION ADOPTING AN OFFICIAL PRELIMINARY BUDGET FOR FISCAL YEAR 2012

Expressing a desire to have a full Council present for consideration of the subject resolution, a motion was made by Councilor Darnell, seconded by Councilor Sandel to table the proposed resolution adopting an official preliminary budget for the City of Farmington, New Mexico for Fiscal Year 2012 to a Special Work Session of the City Council scheduled for 9:00 a.m. on May 24, 2011.

Contending that the library budget is inflated, Councilor Fischer stated that she will not vote in favor of the subject resolution unless there are significant reductions to the library budget while maintaining adequate services to the community.

Councilor Sandel briefly left the meeting.

The Mayor called for a vote on the motion to table the proposed resolution to a Special Work Session scheduled for 9:00 a.m. on May 24, 2011. The roll was called with the following result:

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

The presiding officer thereupon declared that two Councilors, constituting a majority of the Councilors present, having voted in favor thereof, the said motion carried.

Councilor Sandel returned to the meeting.

PROPOSED ORDINANCE INCREASING SANITATION RATES

City Attorney Jay Burnham requested permission to publish notice of intent to consider adoption of a proposed ordinance providing for the annual adjustment of the sanitation rates based upon the Consumer Price Index ("CPI") and fuel costs, pursuant to the terms of the contract with Waste Management of Four Corners. He introduced Government and Public Affairs Manager Marlene Feuer. Ms. Feuer introduced Landfill District Manager Billy "Shote" Forrester and New Mexico Director of Operations Alberto Guardado.

Staff responded to inquiries from Councilor Sandel concerning the CPI, cost of fuel and commercial recycling.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Darnell 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 Jason Sandel
Those voting nay:	None
Those absent:	Gayla McCulloch

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

PROPOSAL FROM WASTE MANAGEMENT TO CONSTRUCT A NEW RECYCLING CENTER/SECOND ADDENDUM TO REFUSE COLLECTION CONTRACT

Expressing a desire to have a full Council present for the discussion and consideration of the subject proposal and Second Addendum, a motion was made by Councilor Darnell, seconded by Councilor Fischer to table the item to the June 7, 2011 City Council Work Session. The roll was called with the following result:

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

The presiding officer thereupon declared that two Councilors, constituting a majority of the Councilors present, having voted in favor thereof, the said motion carried.

PRESENTATION/MUNICIPAL OPERATIONS CENTER EXTENSION

Electric Utility Director Maude Grantham-Richards introduced Steven Perich and Robert Rocheleau of Dekker/Perich/Sabatini, architects for the proposed Municipal Operations Center extension/remodel project.

Providing opening remarks, Ms. Grantham-Richards stated that in mid-2004 the Electric Utility building, which also houses the Streets and Traffic divisions, was expanded and renovated to house Customer Service and the System Operations Control Center. She pointed out, that due to structural issues on the west end of the facility, little work was done at that time. However, she stated that now the area at the west end of the building needs to be expanded and remodeled to enable crews to bring field equipment inside to work on such items as transformers, relay panels, etc. She stated that contemplated in this remodel/expansion are 12-foot bay doors to allow for the loading and unloading of equipment from trucks, overhead cranes and winches, hazardous material storage, offices, bathrooms, a dayroom/kitchen and conference rooms. Furthermore, she stated that a project budget of \$3.5 million has been included in the FY 2012 proposed budget, noting that approximately \$3,086,000 will be spent on the expansion and remodel of the west-end and approximately \$434,000 will be spent on constructing a large vehicle maintenance bay. She also noted that the cost includes a full-time project manager. She requested permission to proceed with the Request for Proposals process for architectural services for development of a complete set of design plans.

Former General Services Director Rod Hunt pointed out that the canopy parking for the large Electric Utility trucks is necessary to protect the hoses, connectors and buckets from degradation by direct sunlight.

Ms. Grantham-Richards and Mr. Hunt responded to inquiries from Councilor Sandel regarding hazardous material storage and the flow of traffic around the canopy and storage area.

In response to inquiry from Councilor Fischer regarding the structural integrity of the building, Mr. Perich identified the portion of the building that will be demolished and rebuilt.

Councilor Fischer initiated discussion regarding the available parking for customers and visitors to the MOC. Following discussion, staff was directed to address customer and visitor parking during the expansion and remodel of the MOC.

In response to inquiry from Mayor Roberts, Ms. Grantham-Richards stated that it will take approximately one year to complete the project.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Fischer to approve the issuance of a Request for Proposals for architectural services for development of a complete set of design plans to enable the bidding of the construction and remodel of the west end of the MOC building and the construction of one, multiple-truck maintenance bay to allow Vehicle Maintenance to work on large electric utility vehicles, as recommended. The roll was called with the following result:

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

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

OPEN MEETINGS RESOLUTION - REGULAR WORK SESSION DAY, TIME AND PLACE

In accordance with the State Open Meetings Act, City Attorney Jay Burnham presented and read by title a resolution setting and establishing the regular day, time and place for City Council Work Sessions as the first and third Tuesdays of each month at 9:00 a.m. in the Executive Conference Room of the Municipal Building, 800 Municipal Drive, Farmington, New Mexico.

After consideration of the proposed resolution, a motion was made by Councilor Sandel, seconded by Councilor Darnell that said resolution be passed and adopted as presented. The roll was called with the following result:

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

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and the resolution was duly passed and adopted.

PROPOSED ORDINANCE PROHIBITING TEXTING WHILE DRIVING

City Attorney Jay Burnham requested permission to publish notice of intent to consider adoption of a proposed ordinance prohibiting texting while driving. Directing the Council's attention to page 5.0 of the agenda materials, he stated that the proposed exceptions to the prohibition of texting while driving are (1) to summon medical or other emergency assistance; (2) to report a driver suspected of being under the influence of intoxicating liquor or drugs; and (3) in the operation of an

authorized law enforcement or emergency vehicle as required by the driver's official duties.

Discussion followed concerning expanding exception (2) to include "any other suspected criminal activity" and the need to safely pull over and stop the vehicle before texting. Police Chief Kyle Westall stated that exception (2) will be difficult to enforce as written and more difficult to enforce if it is expanded to include "any other suspected criminal activity". In response to Mayor Roberts, Chief Westall stated that he would prefer that exception (2) be deleted.

Councilor Sandel stated that he would prefer to require the use of hands-free devices while driving which would preclude texting or dialing. Councilor Darnell stated that he would not support an ordinance requiring the use of hands-free devices.

In response to inquiry by Mayor Roberts, Chief Westall stated that while an ordinance prohibiting texting while driving will be difficult to enforce, it will reduce the number of drivers that text while driving.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Darnell to amend Sec. 25-3-17(a) to remove "(1) to summon medical or other emergency assistance" and "(2) to report a driver suspected of being under the influence of intoxicating liquor or drugs" and to direct the City Attorney to publish notice of intent to consider adoption of a proposed ordinance, as amended, in accordance with State Statutes. The roll was called with the following result:

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

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

COUNCIL BUSINESS

Fireworks

Noting that the Fourth of July holiday is approaching, Councilor Fischer asked if staff is prepared to enforce the ordinance banning the use of certain fireworks within the city limits ("fireworks ordinance"). In response, Fire Chief Terry Page stated that he and Police Chief Kyle Westall have discussed the issues with enforcing the fireworks ordinance and plan to meet with City Manager Rob Mayes to discuss options on how to proceed. Following brief discussion, Chief Westall stated that they will present their findings to the Council at a meeting in the near future.

In response to inquiry from Councilor Darnell, Chief Page stated that tying the fireworks ordinance to the fire danger level would be helpful, but that it would be difficult to enforce because people will claim they were unaware of changes to the fire danger level.

Following further discussion, Councilor Fischer stated that she would support a substantial mandatory fine for violation of the fireworks ordinance.

CLOSED MEETING

Motion made by Councilor Sandel, seconded by Councilor Darnell to close the meeting to discuss bargaining strategies preliminary to collective bargaining negotiations (IBEW). The roll was called with the following result:

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

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

The Mayor convened the closed meeting at 10:15 a.m. with Councilors Darnell, Fischer and Sandel 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 Sandel, seconded by Councilor Darnell to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 10:23 a.m. with Councilors Darnell, Fischer and Sandel being present.

There being no further business to come before the Council, the meeting was adjourned at 10:24 a.m.

APPROVED this 24th day of May, 2011.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Fuhrman, City Clerk