

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, May 24, 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
ABSENT	Jason Sandel, Councilor

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 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 Associate Pastor of Youth Wade Elftman of Crossroads Community Church.

Library Youth Services Coordinator Flo Trujillo 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 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 May 10, 2011 and the minutes of the Regular Work Sessions of the City Council held May 3, 2011 and May 17, 2011.

*BID: The Purchasing Officer recommended that the bid for purchase of trucking services (Public Works) be awarded to the lowest and best bidders per category based on the hourly rate after application of five percent in-state preference (Category One - Envirotech, Rafter L. Custom Services, Inc., MP&A Trucking, Monty's Trucking, Ritchey Transportation and Sierra Oilfield Services, Inc.; Category Two - Lobato Trucking, Envirotech and T-N Trucking LLC). Bids opened May 17, 2011 with ten bidders participating.

*APPROVAL OF REQUEST FOR WAIVERS TO SUBDIVISION DESIGN STANDARDS for Petition No. SP 11-21 from Steve Gabaldon, represented by George Walters, for a lot split of 12.23 acres (Lot 7 of Rancho de Animas Subdivision #4) located at 5921 Del Rio Court in the RA, Rural Agricultural, District.

*WARRANTS PAYABLE for the time period of May 9, 2011 through May 22, 2011, for current and prior years, in the amount of \$7,955,721.88.

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

RESOLUTION NO. 2011-1396/AFFORDABLE HOUSING PLAN FOR NORTHEAST SAN JUAN COUNTY

Directing the Council's attention to the document titled "Affordable Housing Plan for Northeast San Juan County, NM" ("Plan"), Phyllis Taylor of Sites Southwest reported that the comments and concerns that were expressed by the Council in October, 2010 have been addressed in the revised Plan. Furthermore, she stated that the Plan has been approved by the San Juan County Commission and the Mortgage Finance Authority. Noting that the purpose of the Plan is to meet the requirements of the State Affordable Housing Act, Ms. Taylor noted that specific goals have been developed to tie the recommendations of the Plan to the affordable housing goals established by the Community Development Block Grant. She reviewed the provisions of the Plan and requested adoption of Resolution No. 2011-1396.

In response to inquiry from Councilor Fischer, Ms. Taylor explained that the primary housing needs for San Juan County are identified as 1) affordable rentals; 2) transitional housing; 3) senior citizen housing; and 4) affordable home ownership. She also noted that there is a need for programs that address substance abuse and homelessness. She explained, however, that the economy is the driving force behind the needs, noting that the proposed Plan includes goals for accomplishing each of the housing types. Furthermore, she pointed out that there are a number of community organizations that address the various housing needs so they are not competing for the same pots of money.

Discussion followed concerning the types of actions that the City can take to facilitate and aid in the development of affordable housing. Ms. Taylor stated that the best thing the City can do is to simply make affordable housing a priority.

Councilor Darnell agreed with Councilor Fischer that there needs to be a coordination of the housing needs resources and questioned whether it would be prudent for the City to take the lead by establishing an affordable housing department. Directing the Council's attention to page 102 of the Plan, Mayor Roberts stated that he is not opposed to the reference to a Housing Trust Fund, but pointed out that there is no dedicated funding source available at this time.

In response to inquiry from Mayor Roberts, Senior Planner Cindy Lopez confirmed that the goals of the proposed Plan are attainable and do not place any undue financial commitments.

Rosalyn Fry, Housing Director for ECHO, Inc., explained how the proposed Plan is already helping to secure additional funding for affordable housing projects in San Juan County. She agreed, however, that there could be a better coordination of the services being offered.

Vanessa Boushee from the San Juan Center for Independence addressed the Council on behalf of the handicapped and elderly. She concurred that a coordination of services would be helpful and suggested that the income requirements be standardized in an effort to assist more individuals with affordable housing needs.

Following further discussion, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to adopt Resolution No. 2011-1396 as presented. The roll was called with the following result:

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

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2011-1396 was duly passed and adopted.

PERMISSION TO DRAFT AN ORDINANCE/AUTHORIZATION TO DISCOUNT THE PRICE AND/OR DONATE LAND TO PROVIDE AREAS FOR AFFORDABLE HOUSING

At the request of Senior Planner Cindy Lopez, staff was directed to draft an ordinance authorizing the Council to discount the price and/or donate land to provide areas for affordable housing.

City Attorney Jay Burnham pointed out that the Mortgage Finance Authority has 45 days to review and comment on the proposed ordinance. As a result, he stated that there will be a delay in the Council's consideration of the ordinance.

PRESENTATION/MAYOR'S TEEN ADVISORY COUNCIL

Library Youth Services Coordinator Flo Trujillo introduced Teen Services Coordinator David Trujillo. She also introduced Melanie Leeson, Norma Chacon and Nick Salazar, members of the Mayor's Teen Advisory Council ("MTAC") and reported that the goal of MTAC is positive youth development.

Ms. Leeson provided the Council with a "report card" assessing the services of the City and the Farmington School District in the areas of healthy lifestyles, safety, service learning and education. She reported that the City received a "B" and the School District received a "B-", noting that the City received a gold star for operating the Red Apple Transit and the School District received a gold star for its service learning programs. As a result of the data collected through the survey, she reported that MTAC will be spearheading an anti-bullying campaign during the 2011/2012 school year; suggested that the City consider offering a free bus pass on the Red Apple Transit to the numerous recreational facilities, Sycamore Park Community Center, Boys and Girls Club and the Farmington Public Library during the summer months for children ages 9-14; and recommends that all high school students be required to complete a service learning project and 30 hours of community service work before graduating. She also pointed out that the Daniel's Fund provides three scholarship nominations per year to MTAC members. She proudly announced that Fathom Croteau is the 2011 recipient.

Ms. Chacon reviewed the demographics of the 93 teens who participated in the survey. She happily reported that 59 percent of the teens who participated volunteer their time through service learning and/or civic projects.

Addressing the Council on behalf of the schools, Mr. Salazar contended that a campaign should be engaged to encourage students to be more respectful to their teachers.

With regard to service learning project requirements, Mayor Roberts stated that he would be willing to help MTAC approach the schools about the idea, but suggested that the students develop the plan of action. Councilor Darnell suggested that MTAC develop the criteria for programs that would qualify as a service learning project. Councilor McCulloch recommended that the youth be asked to help with the survey that is being planned this summer to determine the ridership statistics on the Red Apple Transit.

PRESENTATION/RATE STRUCTURE REVIEW AND RECOMMENDATIONS FOR PIÑON HILLS GOLF COURSE

Parks, Recreation and Cultural Affairs Director Jeff Bowman introduced Ed Getherall, Senior Project Director for National Golf Foundation Consulting, Inc., who was tasked with the responsibility of reviewing the fee structure at Piñon Hills Golf Course ("PHGC"). In response to inquiry from Mayor Roberts, Mr. Bowman reported that the Parks, Recreation and Cultural Affairs Commission ("PRCA") has reviewed the proposed recommendations and has suggested that a modified rate structure be considered. He also stated that very little effort has been made to advise the golfing community of the proposed rate increases since the PRCA just considered the issue last Thursday. He explained that depending on the direction that is provided by the Council at tonight's meeting, staff will engage in a public awareness program to advise golfers of the proposed rate increases.

Mr. Getherall provided background information on the National Golf Association and reviewed national golf trends, particularly as they relate to municipal golf courses. He also explained the methodology that

was used to determine the proposed fee structure, noting that annual pass rates at PHGC are the best value in the country based on the quality and ranking of the golf course. He noted that the City is only generating about \$10 in revenue per round of golf played based on the fee structure for the unrestricted annual pass. Furthermore, he contended that the rates being charged for the daily green fee use are appropriate based on the quality of the facility, but recommended that the current unrestricted pass holders be limited to 10 weekend/holiday "prime time rounds" and that a new 7-day unrestricted pass be implemented at a cost of \$900. Furthermore, he suggested that the restricted pass holders be limited to Monday through Thursday during Fiscal Year 2012 and that the City consider phasing-out the Restricted and Unrestricted passes in 2013. Mr. Getherall also commended staff for their abilities in keeping the maintenance and operational costs to a minimum at PHGC.

Councilor Fischer questioned whether it would behoove the City to construct an RV parking area near PHGC. In response, Mr. Getherall concurred that it is a good idea, but stated that it must be appropriately marketed in order for it to be successful.

2011 RATE PROPOSAL FOR PIÑON HILLS GOLF COURSE

Parks, Recreation and Cultural Affairs Director Jeff Bowman explained that the Parks, Recreation and Cultural Affairs Commission ("PRCA") recommended a different rate structure than the one proposed by National Golf Foundation Consulting, Inc. Directing the Council's attention to page 6.2 of the agenda materials, he explained that PRCA is recommending that the unrestricted pass be increased from \$595 to \$759 per year and that the restricted pass be increased from \$495 to \$659 per year. Furthermore, he stated that PRCA is recommending that the Four Corners rate be reintroduced for all golfers within a 100-mile radius of Farmington; and that peak, shoulder and winter season rates be applied.

Mayor Roberts stated that he would like for the golfing community to hear the presentation that was made by Mr. Getherall at tonight's meeting before any rate increase is considered.

In response to inquiry from Councilor Darnell, Mr. Bowman reported that the Golf Fund subsidizes Civitan Golf Course by \$40,000 per year. City Manager Rob Mayes noted that staff is looking at measures to reduce the expenditures and to increase revenues at Civitan Golf Course, including the construction of a miniature golf course. Discussion followed concerning the pros and cons of reallocating Civitan Golf Course to the General Fund. Mr. Bowman recommended that Civitan remain in the Golf Fund and that staff be given the opportunity to reduce expenditures to the point that PHGC is no longer subsidizing its operation.

Councilor Fischer asked for a cost analysis for repairing the irrigation system and addressing the drainage issues at PHGC. She also suggested that staff consider a walking program at PHGC as a means for generating additional funds. She explained that a fee could be charged to allow individuals to walk the cart paths an hour or two before the course opens. She also contended that there needs to be better local signage for PHGC, asked that accurate directions be posted on the Internet and that GPS systems be checked for accurate information on finding the golf course.

Councilor McCulloch stated that she would be supportive of a plan that reduces the water utility costs at PHGC.

Mayor Roberts stated that he is frustrated with the pace of play at PHGC and suggested that measures be taken to improve the playing time. There was no further discussion.

COUNCIL BUSINESS:

Illegal Fireworks

In response to inquiry from Councilor Fischer, Police Chief Kyle Westall announced that he and Fire Chief Terry Page plan to present to the Council their plan for controlling the use of illegal fireworks inside the city limits at the June 7, 2011 City Council Work Session.

City Attorney Jay Burnham presented for discussion a proposed ordinance increasing the residential and commercial charges for sanitation service. The title of such proposed ordinance being:

AN ORDINANCE AMENDING SECTION 23-2-7 OF THE FARMINGTON CITY CODE TO PROVIDE FOR AN INCREASE IN RESIDENTIAL AND COMMERCIAL CHARGES FOR SANITATION SERVICE.

There being no response to the Mayor's call for discussion, Mr. Burnham announced that the proposed ordinance will be presented for final action at the June 14, 2011 regular City Council meeting.

Mr. Burnham also presented for discussion a proposed ordinance prohibiting texting while driving. The title of such proposed ordinance being:

AN ORDINANCE PROHIBITING TEXTING WHILE DRIVING.

As directed by the Council at the May 17, 2011 City Council Work Session, Mr. Burnham noted that Section 25-3-17(a) of the proposed ordinance has been amended to state that the only exception to the proposed ordinance is for law enforcement and emergency personnel who are required to read, view, type or send text messages while driving as part of their official duty.

In response to inquiry from Councilor Fischer, Police Chief Kyle Westall stated that he does not have any statistical data on the number of crashes that are directly related to texting while driving, but announced that he has heard that the chances for getting into an accident increase by 23 percent if texting is allowed. He agreed that the provisions will be difficult to enforce but he urged the Council to adopt the ordinance because it will send a good message to the community and will promote some voluntary compliance. He also contended that teen drivers are the ones most likely to text while driving and noted that they are also the most inexperienced drivers.

Councilor Darnell maintained his position that the ordinance would be most effective if it prohibited all types of distracted driving.

Mayor Roberts agreed that the inability to adequately enforce the proposed ordinance will simply send a symbolic message to the community and questioned whether it would be more prudent to ban the use of cellular telephones while driving unless a hands-free device is being used. Councilor Darnell restated that statistical data indicates that it is the conversation itself that is distracting, not the use of the telephone.

Councilor McCulloch questioned whether it would be more effective to add texting to the current list of distracted driving activities. She also stated that she would prefer that staff initiate a campaign advising the community of the dangers of texting while driving.

There being no further response to the Mayor's call for discussion, Mr. Burnham announced that the proposed ordinance will be presented for final action at the June 14, 2011 regular City Council meeting.

Lastly, Mr. Burnham presented a proposed ordinance establishing the Animal Services Advisory Commission 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 2011-1244. The title of the ordinance being:

AN ORDINANCE ESTABLISHING THE CITY OF FARMINGTON ANIMAL SERVICES ADVISORY COMMISSION.

Councilor Fischer noted that she is supportive of the proposed ordinance but asked that Section 6-4-4 concerning the membership be amended to require one representative from the San Juan Animal League and one representative from the Humane Society of the Four Corners.

Following consideration, a motion was made by Councilor McCulloch, seconded by Councilor Darnell that said ordinance be passed and adopted as presented.

Councilor Fischer stated that she strongly believes that it is important that a member from each of the local animal organizations be a

member of the proposed Commission. As a result, she stated that she is being forced to vote against the motion.

Thereupon, Councilor McCulloch withdrew her motion and Councilor Darnell withdrew his second.

A motion was made by Councilor Fischer, seconded by Councilor McCulloch to pass and adopt Ordinance No. 2011-1244, provided that Section 6-4-4 is amended to require one representative from the San Juan Animal League, one representative from the Humane Society of the Four Corners and one veterinary professional.

Thanking the Council for considering the proposed ordinance, Betty Berry stated that she believes that the commission members will be able to work with staff from the Animal Shelter to improve the services and decrease the number of animals that are euthanized each year. She also contended that a public awareness campaign promoting responsible pet ownership should be commenced.

Donna Ogilvie asked the Mayor to consider appointing individuals to the Committee who have an interest in the welfare of all animals, such as birds and horses, and not just cats and dogs.

The Mayor called for the vote upon the motion to pass and adopt Ordinance No. 2011-1244, provided that Section 6-4-4 is amended to require one representative from the San Juan Animal League, one representative from the Humane Society of the Four Corners and one veterinary professional. The roll was called with the following result:

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

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion was carried and Ordinance No. 2011-1244 was duly passed and adopted as amended.

There being no further business to come before the Council, the meeting was adjourned at 9:46 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 14th day of June, 2011.

Entered in the permanent record book this 15th day of June , 2011.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Fuhrman, City Clerk