

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, June 21, 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 Gayla McCulloch Jason Sandel

Constituting all the members of the Governing Body.

Also present were:

ASSISTANT CITY MANAGER	Bob Campbell
CITY ATTORNEY	Jay B. Burnham
CITY CLERK	Dianne Fuhrman
DEPUTY CITY CLERK	Melody Coyner

POTENTIAL PROJECTS/2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ACTION PLAN

Providing opening remarks, CDBG Associate Planner Jay Peterman announced that, beginning this year, staff has implemented a new process to evaluate potential projects for the 2011 Community Development Block Grant ("CDBG") Annual Action Plan ("Action Plan") that encourages citizen participation, including the presentation of all potential projects during a public meeting and allowing questions from the Council regarding the projects. He noted that Council will be asked to decide which projects they want to include in the Action Plan at the June 28, 2011 regular City Council meeting.

A Path Home

Dr. Matt deKay introduced his wife Jeanette deKay, Karen Broten, Pat Gross, Catholic Charities Executive Director Debbie Betts, People Assisting The Homeless ("PATH") Executive Director Jonna Sharpe, project manager Bernard Quintana and architect Jim Dennis, all of whom have been working on this project. He stated that he and his wife established the Four Corners Foundation ("Foundation") in 2010 with a primary goal of assisting the homeless and noted that their transitional housing project fulfills a priority need identified in the City's 2009 Consolidated Plan for "transitional housing for a variety of special needs populations but especially for families and children" and meets 15 of the 18 Department of Housing and Urban Development ("HUD") criteria for eligible projects. He explained that they initially plan to construct a 12,500 square foot facility for PATH to house 60 individuals and four families with children, noting that a second facility to house 21 families is planned for the future. He stated that the Foundation is partnered with PATH and Catholic Charities and announced that they plan to incorporate other organizations to assist with achieving their goal. In closing, he stated that the Foundation is working with staff to acquire 4.87 acres of City-owned property for their project, noting that the property is safe, secluded, has direct pedestrian access and public transportation and is near important downtown support services and potential jobs for transitional housing clients.

Childhaven

Erin Hourihan, Childhaven Chief Executive Officer, presented two proposed projects for CDBG funding, 1) to provide child care for children of non-traditional parents (homeless or transitional); and 2) to remodel the children's emergency shelter to upgrade and improve the facilities and to address fire safety and mechanical issues.

San Juan College

Lyn Garrison, Child and Family Development Center ("CFDC") Coordinator, introduced Grants Development and Compliance Officer Aurelia Begaye and CFDC Administrative Assistant Vanessa Wilcox. She proudly announced that the San Juan College Child and Family Development Center is one of two child care centers in Farmington to be accredited by the National Association for the Education of Young Children (NAEYC) which recognizes programs that comply with nationally recognized criteria for high-quality early childhood programs. She stated that CFDC provides child care and early education services only to San Juan College students in an effort to aid them in completing their college education. She noted, however, that there is a 1-1/2 year waiting list. In addition, she stated that CFDC serves as a lab school for San Juan College early child care students.

San Juan County Partnership

Pamela Drake, San Juan County Partnership ("SJCP") Executive Director, introduced SJCP Housing Assistance Program Manager Lynn Love. She announced that SJCP has had a rental assistance program for 10 years, has received CDBG funding from the City in the past and is currently contracted with the City to operate an emergency rental assistance program funded with CDBG funding. Mr. Love stated that SJCP has assisted over 700 families since 2009.

Northwest New Mexico Seniors

Dawn Facka, Director of Northwest New Mexico Seniors ("NWNMS"), stated that NWNMS serves economically disadvantaged and socially isolated seniors. Furthermore, she explained that the "Homemaker Program" provides assistance with home maintenance and cleaning, meal preparation and shopping; stated that the "Respite Program" provides temporary substitute support services for homebound elderly and disabled persons in order to provide brief periods of relief or rest for family members or other caregivers; and announced that the services are provided at no cost to the recipient.

Councilor Fischer stated that she is a member of the NWNMS board of directors and is amazed at the services the organization provides to seniors.

Potential City-sponsored Projects

Community Development Director Mary Holton presented three potential City-sponsored projects for CDBG funding consideration:

- 1) Cannery Court Pedestrian Connection - construction of a 300-foot meandering sidewalk and installation of landscaping within City-owned land located on the north side of Piñon Street to provide a pedestrian connection between the developments along Cannery Court and Lake Street adjacent to San Juan Regional Medical Center;
- 2) "The Roof" Parking Lot & Landscaping - paving the parking lot and landscaping the site; and
- 3) Continuation of the Downtown Façade Improvement Program - extending the current program for one additional year, specifying that the \$2,000 mini-grants will be awarded for minor aesthetic improvements to building frontages and/or signage on buildings which are located within Area 1 of the Priority Funding Area.

In addition, Ms. Holton stated that staff is open to suggestions from Council for additional projects that may qualify for CDBG funding. Assistant City Manager Bob Campbell asked that the Council provide staff with any additional projects they wish to consider as soon as possible in order to have them evaluated prior to the award of CDBG funding currently scheduled for the June 28, 2011 regular City Council meeting.

Mayor Roberts pointed out that there is approximately \$267,000 available for capital projects and that requests total more than \$733,000 and that there is approximately \$61,000 available for non-capital projects and that requests total \$70,000.

Councilor Darnell left the meeting at 9:50 a.m.

Mr. Peterman responded to questions from Councilor Sandel regarding the new process that has been established to evaluate potential CDBG projects.

Following brief discussion, Councilor Fischer stated that she would prefer to award CDBG funding to the entities that responded to the request for proposal rather than to City-sponsored projects.

CITY COUNCIL REDISTRICTING PLAN

Michael Sharp, Vice President of Research & Polling, Inc., reminded the Council that at the May 10, 2011 regular City Council meeting he presented the Council with five alternative redistricting plans (Plans A thru E) and stated that it was the consensus of the Council to further consider Plans A and B and to eliminate the other options. He announced that, based on comments made at that meeting, he has also developed Plan B-1 making a slight modification to Plan B resulting in the west boundary of District 1 being much the same as it is today.

Noting that Councilor Darnell had to leave the meeting to attend a funeral, Mayor Roberts announced that Councilor Darnell has indicated that he prefers Plan A.

Councilor McCulloch stated that she also prefers Plan A.

Discussion followed concerning the issues involved in moving a small area north of 30th Street and south of Piñon Hills Golf Course from District 4 to District 3.

Following further consideration, a motion was made by Councilor McCulloch, seconded by Councilor Fischer to adopt Redistricting Plan A.

In response to inquiry from Councilor Sandel, City Clerk Dianne Fuhrman stated that following adoption of a redistricting plan, Section 2-2-32(f) of the City Code requires that changes to the official election district map must be commemorated by resolution and that Section 2-2-32(g) requires the City Clerk to publish the proposed resolution in the newspaper at least 10 days prior to its adoption.

The Mayor called for a vote on the motion to adopt Redistricting Plan A (Exhibit A). The roll was called with the following result:

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

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

PRESENTATION/GAS PIPELINE SAFETY

Enterprise Field Services ("EFS") Senior Land Representative Michael Waszut introduced EFS representatives Beecher Garrison, Gilbert Huntsman, Maron Obrien, Larry Sandoval and Jim Varnell who were present in the audience to answer any questions from the Council.

Utilizing a powerpoint presentation prepared by the Four Corners Damage Prevention Group, Mr. Garrison briefly reviewed the steps taken to prevent damage to pipelines in the Four Corners area and noted that monthly aerial surveillance is conducted on every pipeline within the Farmington, Aztec and Bloomfield city limits.

EFS representatives responded to questions from the Council regarding the frequency of inspections and the life expectancy of a pipeline.

DISCUSSION/DIRECTION TO STAFF/AGREEMENT BETWEEN THE CITY AND VALLEY WATER AND SANITATION DISTRICT/TREATMENT AND DISPOSAL OF WASTEWATER

Public Works Director Jeff Smaka introduced Valley Water and Sanitation District board member Bill Flack.

Providing background information, Mr. Smaka stated that the Valley Water and Sanitation District ("District") is constructing, and will be operating, a sanitary sewer collection system ("system") in and around the community of Kirtland, New Mexico and that because the District does not have a wastewater treatment plant and lacks the economic means to construct such a facility, San Juan County, prior to formation of the District, approached the City to provide the necessary sanitary sewage treatment services. He noted that the City's wastewater treatment plant has unused capacity and is able to provide these services. Furthermore, he stated that if the Agreement between the City and the District is approved, the annual revenue to the City would be approximately \$20,000.

In response to inquiry from Mayor Roberts, Mr. Smaka stated that the proposed agreement has the same provision for rate increases as in the City's potable water contracts.

In response to inquiry from Councilor Fischer, Mr. Flack confirmed that CH2M Hill OMI will operate and maintain the District's system.

Following discussion, it was the consensus of the Council to direct staff to place the proposed agreement between the City and Valley Water and Sanitation District on the June 28, 2011 Consent Agenda for Council consideration.

REVERSION OF ZONING DESIGNATION/SOUTHWEST CORNER OF MESSINA STREET AND CAMARON AVENUE/PETITION NO. CR 11-01

Mayor Roberts reported that, at the June 14, 2011 regular City Council meeting, the Council considered Petition No. CR 11-01 and found that the condition of approval for the original zone change (Petition No. ZC 1430) that development of an apartment complex commence within five years of the date of approval (March 12, 1996) was not met so the zone designation will revert to SF-10 (formerly known as R1-A), Single-Family Residential, District. He explained that the action being requested today is an administrative act following the June 14, 2011 meeting.

Community Development Director Mary Holton stated that staff is seeking confirmation that the zone designation for 5.61 acres of land located south of Messina Drive and west of Camaron Avenue is SF-10.

Councilor Sandel asked that staff provide him assurance that this type of zoning error will not occur in the future. He also asked that staff be directed to investigate and report to the Council on the legal issues concerning the approval of a zone designation prior to the conditions of approval being met and how it binds future Councilors. In closing, he explained that he is supportive of the reversion of the zone designation from R-3 to R-1A because he does not believe that the zone designation for the subject property should have been changed since the petitioner did not meet all of the conditions imposed upon Petition No. 1430. However, he clarified that he believes that the petitioner is in compliance with condition (a) requiring the commencement of development within five years from the date of approval.

Thereupon, a motion was made by Councilor Fischer, seconded by Councilor McCulloch to confirm that the proper zone designation for 5.61 acres of land located south of Messina Drive and west of Camaron Avenue is SF-10, Single Family Residential.

Addressing the Council, Craig Stoabs of Socuno, Ltd. stated that it was his understanding that there would be a hearing at which he could protest the zoning reversion prior to Council approval. In response, Mayor Roberts stated that the process was structured so that the zone designation would revert if it were determined by the Council that the condition was not met. However, he pointed out that Mr. Stoabs can file a petition with the Community Development Department to request a zone change for the subject property which will require a public hearing before the Planning and Zoning Commission and Council consideration.

Following discussion regarding an alternate location for the apartment project, City Attorney Jay Burnham stated that he has spoken with Mr. Stoabs and his attorney concerning rezoning of the alternate location, but that requirements of due process for a zone change call for each request to be handled separately. In addition, he stated that Mr. Stoabs has 30 days from June 16, 2011, the date of filing of the Findings of Fact, to appeal the Council's decision.

Because of the error on the City zoning map indicating that the subject property was zoned R-1A, Councilor Fischer suggested that any fees related to the filing of a new petition by Mr. Stoabs for the subject property be waived. In addition, she stated that she would be more comfortable if the Council confirmed that the "zone designation is SF-10" instead of the "proper zone designation is SF-10."

Following brief discussion, Councilor Fischer withdrew her motion and Councilor McCulloch withdrew her second.

A motion was made by Councilor Fischer, seconded by Councilor McCulloch confirming that the zone designation for 5.61 acres of land located south of Messina Drive and west of Camaron Avenue is SF-10, Single Family Residential, District, and upon voice vote the motion carried unanimously.

Councilor Darnell returned to the meeting at 11:16 a.m.

Following further discussion, it was the consensus of the Council that filing fees previously paid by Mr. Stoabs on the subject property would be applicable to future filing fees on the same property.

PROPOSED ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE

Mr. Burnham introduced a proposed ordinance amending certain sections of the Unified Development Code dealing with parking in front yards and vacation and abandonment plats. He requested permission to proceed with publication of a Notice of Intent to Consider said ordinance.

Following brief discussion, a motion was made by Councilor Sandel, seconded by Councilor McCulloch 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

Wildfire Mitigation Work/Rankin Property/Auburn Avenue

Councilor Fischer reminded the Council that the Fire Department identified the Auburn corridor as an area that qualified for wildland funding, as contained in the Federal stimulus package, for hazard mitigation activities in areas at high risk of wildfire. She noted that one property owner (Stephen and Mary Rankin) declined to take part in the program, but agreed to clean-up the property themselves. She sadly reported that the contractor entered the Rankin property without permission and without their knowledge and cut down several trees and applied herbicides to kill the tree stumps. She expressed concern that staff did not know who was in charge of the project and/or responsible for repairing any damages resulting from the mitigation work.

Mary Rankin, 917 N. Jefferson Avenue, stated that the Fire Department inspected their property following the completion of the clean-up she and her husband did themselves and reported no outstanding issues. Furthermore, she noted that they have lived at this location for 18 years and have never used any chemicals on the property and that they are concerned that the herbicides applied by the contractor will seep

into the groundwater. She asked the Council who is going to assume responsibility for trespassing on and destruction of their property, how the damage will be rectified and what assurance there is that this does not happen again on someone else's property?

Fire Chief Terry Page stated that after speaking with everyone involved, it was determined that there was a discrepancy on the map provided to the State by the County Assessor's Office and used by the contractor to identify property boundaries. Furthermore, he stated that the contractor was aware that Dr. and Mrs. Rankin did not want anyone on their property and assured the Council that what happened was an accident.

In response to inquiries from Mayor Roberts, City Attorney Jay Burnham stated that there was no relationship between the Fire Department and the contractor since the State hired the contractor and administered the contract. He explained that the Fire Department simply acted as a local liaison for the program and stated that he is unaware of any documentation memorializing the liaison role with the State and/or the contractor. Chief Page reported that he drafted a letter, that was hand-delivered to the property owners, advising them of the program and asking for participation. He explained that the Fire Department identified the Auburn corridor as the City's number one priority for wildfire mitigation, but stated that Gary Hawthorne, who worked for San Juan County and who he believes now works for the State, was responsible for the supervision of the program and the work performed by the contractor.

Responding to inquiry from Councilor McCulloch, Mrs. Rankin stated that she is unsure what can be done to rectify the damage to their property.

Following brief discussion, Mayor Roberts suggested that Mrs. Rankin submit the questions she previously asked the Council in writing to the City Attorney who will conduct an investigation and prepare a response.

Following further discussion, Councilor Fischer recommended that any work performed on behalf of the City be supervised by the City.

In closing, Chief Page stated that according to the contractor, the contract requires the use of a herbicide that does not contaminate water.

Councilor Sandel suggested that a formal notification and authorization process be developed for instances where the City does work on private property.

Councilor Fischer announced for the record that Dr. and Mrs. Rankin use a portion of her farm property for the keeping of bees and a garden, but stated that she receives no financial benefit.

Vicious Dog/Dog Attack

In response to inquiry from Mayor Roberts, City Attorney Jay Burnham stated that a citizen must contact a park ranger/animal control officer to file a complaint regarding a vicious dog and that, depending on the circumstances, the park ranger/animal control officer may issue a citation imposing a penalty on the dog's owner. In addition, Parks, Recreation and Cultural Affairs Director Jeff Bowman stated that a park ranger/animal control officer is authorized to file a complaint with the court, but that the complainant must present his case to the court in order to ask to recover damages incurred as a result of the dog attack.

City Manager Rob Mayes Update

Mayor Roberts reported that City Manager Rob Mayes has been on sick leave pursuant to doctor's orders and that he anticipates him returning to work on a part-time basis on Monday, June 27, 2011. He assured the Council that Mr. Mayes is using, and will continue to use, the appropriate sick leave and vacation accruals for the time that he is away from the office.

Following brief discussion, Assistant City Manager Bob Campbell stated that the City offers an Employee Assistance Program to employees, but stated that there is no requirement for non-emergency personnel to go through a psychological review prior to returning to work.

CANCELLATION OF JULY 5, 2011 CITY COUNCIL WORK SESSION

Due to the Fourth of July holiday, Mayor Roberts suggested that the July 5, 2011 City Council Work Session be cancelled.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Darnell to cancel the July 5, 2011 City Council Work Session, and upon voice vote the motion carried unanimously.

CLOSED MEETING

Motion made by Councilor Darnell, seconded by Councilor McCulloch to close the meeting to discuss requests for proposals for cultural resource services and the Community Development Block Grant (CDBG) Annual Action Plan. 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 12:00 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matters discussed were limited only to those specified in the motion for closure, a motion was made by Councilor McCulloch, 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 12:16 p.m. with all members of the Council being present.

REQUEST FOR PROPOSALS FOR CULTURAL RESOURCE SERVICES

Purchasing Supervisor Kristi Benson announced that proposals for cultural resource services (Electrical Engineering) opened on June 7, 2011 with three offerors participating. She recommended that the contract be awarded to Dykeman Roebuck Archaeology, LLC as the primary contractor and to San Juan County Museum Association as the secondary contractor based on the pricing schedule for services.

Motion made by Councilor Darnell, seconded by Councilor Sandel to award the proposal for cultural resource services to Dykeman Roebuck Archaeology, LLC as the primary contractor and to San Juan County Museum Association as the secondary contractor, as recommended by the Purchasing Supervisor, and upon voice vote the motion carried unanimously.

CLOSED MEETING

Motion made by Councilor Darnell, seconded by Councilor McCulloch to close the meeting to discuss disposition of real property not currently being used for City purposes (E. Murray Dr. & Hydro Plant Rd.) and to receive advice from the City's legal counsel concerning a matter of pending litigation (State of New Mexico v. United States, CV-75-184). 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 12:18 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matters

discussed were limited only to those specified in the motion for closure, a motion was made by Councilor Darnell, 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 1:17 p.m. with all members of the Council being present.

There being no further business to come before the Council, the meeting was adjourned at 1:18 p.m.

APPROVED this 12th day of July, 2011.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Fuhrman, City Clerk