

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, July 26, 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<br>Gayla McCulloch<br>Jason Sandel |
| ABSENT:    | Mary M. Fischer, 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 Father Tim Farrell of Sacred Heart Catholic Church.

Councilor Darnell 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 July 12, 2011 and the minutes of the Regular Work Session of the City Council held July 19, 2011.

\*RESCIND BID AWARD: The Purchasing Officer recommended that the bid for purchase of a cab and chassis truck with digger derrick as awarded to Inland Kenworth US, Inc. on June 28, 2011 be rescinded due to an error in the bid and their inability to meet specifications; that the primary bid (12,000 foot pound digger) received from Terex Utilities, Inc. be rejected for not being in the best interest of the City; and that the alternate bid from Terex Utilities, Inc. be awarded on its second lowest bid meeting specifications after application of five percent in-state preference of \$206,441. Bids opened May 19, 2011 with four bidders participating.

\*RECOMMENDATION FROM THE LIQUOR HEARING OFFICER to approve Application #539708 from Derrick Inn, Inc. (Ernie Martin), doing business as Copper Penny/Top Deck, 515 East Main Street, Farmington, New Mexico, requesting a transfer of ownership of existing Liquor License No. 1011 to Susan Inc., to do business as Copper Penny/Top Deck, 515 East Main Street, Farmington, New Mexico. (Hearing held July 20, 2011)

\*WARRANTS PAYABLE for the time period of July 10, 2011 through July 24, 2011, for current and prior years, in the amount of \$8,020,489.77.

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.

PARKS AND RECREATION MONTH PROCLAMATION

Mayor Roberts presented staff from the Parks, Recreation and Cultural Affairs Department with a Proclamation declaring July, 2011 as "Parks and Recreation Month".

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. She asked that if the item proposed did not meet with approval of all Councilors or if a citizen so requested, that it be removed from the Consent Agenda and heard in regular order.

- \*(1) Adoption of the recommendation from Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. ABD 11-02 from the property owners of Lots 1-8, Block 3 of Shady Grove Subdivision No. 2, represented by Evelyn Garcia, requesting abandonment of the alley (295 feet long by 20 feet wide) located east of South Butler Avenue, between Sycamore and Spruce Streets, subject to the recorded plat showing a 10-foot utility easement behind Lots 1-8, Block 3 and the plat including a note that the adjoining property owners will allow the Electric Utility Department access through their properties to repair or maintain the utility lines and poles.

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

PUBLIC HEARING/RESOLUTION NO. 2011-1402/COMMUNITY DEVELOPMENT BLOCK GRANT 2011 ANNUAL ACTION PLAN

Providing opening remarks, Associate Planner Jay Peterman announced that the purpose for today's hearing is to afford the public another opportunity to comment on the proposed projects being planned for the Community Development Block Grant ("CDBG") 2011 Annual Action Plan. He briefly reviewed the minor amendments that have been made to the Draft 2011 Annual Action Plan since the last public hearing and he requested approval of Resolution No. 2011-1402 adopting the CDBG 2011 Annual Action Plan.

Mayor Roberts convened the public hearing.

Councilor Sandel questioned whether the plan for expending the monies for the Downtown Façade Improvements Project adequately meets the desires of the Council. In response, Mr. Peterman explained that staff intends to issue a request for proposals ("RFP") for 25, \$2,000 no-match mini grants and then, if there is still funds available, a second RFP will be issued for larger matching grants. Following brief discussion, Councilors Darnell and McCulloch and Mayor Roberts stated that they support the proposed project as presented.

In response to further inquiry from Councilor Sandel, City Manager Rob Mayes explained that staff has researched the history of the Afterschool Arts Program that he mentioned at the July 12, 2011 regular City Council Meeting and has determined that it is a new program that is being considered by Flo Trujillo at the Farmington Public Library. He also noted that there is a possibility for implementing this program at a later date utilizing unused CDBG funds. He asked Councilor Sandel for direction on how to proceed. Following consideration, Councilor Sandel asked that the Council be provided a memorandum that explains the history of the Afterschool Arts Program and the potential funding sources.

Responding to inquiry from Councilor Darnell, Mr. Peterman explained that staff has far exceeded the requirements of the public participation plan during the development of this year's Annual Action Plan. He stated that he does not know why Ms. Trujillo did not apply for CDBG funding through the RFP process.

There being no response to the Mayor's call for public comment, a motion was made by Councilor Darnell, seconded by Councilor McCulloch

that Resolution No. 2011-1402 be passed and adopted as presented. The roll was called with the following result:

|                   |  |
|-------------------|--|
| Those voting aye: | Dan Darnell<br>Gayla McCulloch<br>Jason Sandel |
| Those voting nay: | None   |
| Those absent:     | Mary M. Fischer                                |

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2011-1402 was duly passed and adopted.

COUNCIL BUSINESS:

Sandstone Productions

Noting that expenditures for Fiscal Year 2012 are 16 percent higher than those from Fiscal Year 2011 and that the Council approved \$25,000 for dues to Northwest New Mexico Council of Governments even though only \$5,000 was budgeted, Councilor Sandel asked that staff schedule for discussion the options for reallocating funding to Sandstone Productions. In response, Mayor Roberts announced that he will be meeting with the president of the Anasazi Foundation tomorrow and suggested that staff wait to schedule this item until further information is obtained. Councilor Sandel stated that he is willing to postpone discussing this issue in a public meeting until staff has had an opportunity to recommend options to fund Sandstone Productions at the same level as Fiscal Year 2010.

Unfunded Programs - Fiscal Year 2012

Councilor Sandel asked that staff compile a list of the programs that were cut from previous budgets and remain unfunded in Fiscal Year 2012. He also requested that the report include the level of funding that was being offered to these programs prior to the budget cuts (e.g. Sandstone Productions and the reduction in dues to Northwest New Mexico Council of Governments).

City Manager Rob Mayes presented and read by title Resolution No. 2011-1403 approving the final revision to the FY11 budget. The title of such resolution being:

A RESOLUTION APPROVING THE FOURTH AND FINAL REVISION TO THE FY11 BUDGET, INCLUDING TWO CASH LOANS, AND REQUESTING STATE APPROVAL.

He noted that the subject resolution is proposing two cash loans from the General Fund in the amount of \$77,844 for the Golf Enterprise Fund and \$396,962 to the Health Insurance Fund. He explained that staff will be presenting for discussion the policy issues surrounding the Golf Enterprise and Health Insurance Funds in an effort to identify means for moving the Funds forward in a sustainable manner.

Councilor Darnell asked why the deficit in the Health Insurance Fund is being presented as a loan from the General Fund instead of a write-off of debt. Following brief discussion, it was determined that additional information would be necessary before such action could be considered by the Council.

Councilor Sandel questioned why the General Fund is loaning money to the Golf Enterprise Fund instead of the dedicated gross receipts tax revenue fund for Parks and Recreation (202 Fund). He also noted that he has suspected that the City's costs would increase in the Health Insurance Fund because the current Third Party Administrator has not negotiated the best discount structure with the local medical providers.

After further consideration of the resolution, a motion was made by Councilor Darnell, seconded by Councilor McCulloch that Resolution No. 2011-1403 be passed and adopted, as presented. The roll was called with the following result:

Those voting aye: Dan Darnell  
Gayla McCulloch

Those voting nay: Jason Sandel

Those absent: Mary M. Fischer

The presiding officer thereupon declared that only two Councilors having voted in favor thereof, the said motion failed because state law requires three affirmative votes for passage of a resolution.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Sandel to table Resolution No. 2011-1403 to the next meeting of the City Council, and upon voice vote the motion carried unanimously.

#### INTRODUCTION OF INTERN SHELLIE PATSCHECK

City Attorney Jay Burnham introduced Shellie Patscheck, a third-year law student from the University of New Mexico. Mr. Burnham explained that Ms. Patscheck has been serving as an intern to the Legal Department for the past few months and that Assistant City Attorney Jennifer Breakell has been serving as her mentor.

#### CLOSED MEETING

A motion was made by Councilor Darnell, seconded by Councilor McCulloch to close the meeting to discuss request for proposals for a fiber optic feasibility study. The roll was called with the following result:

Those voting aye: Dan Darnell  
Gayla McCulloch  
Jason Sandel

Those voting nay: None

Those absent: Mary M. Fischer

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

The Mayor convened the closed meeting at 7:51 p.m. with Councilors Darnell, McCulloch 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 Darnell, seconded by Councilor McCulloch to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor in the Council Chamber at 7:55 p.m. with Councilors Darnell, McCulloch and Sandel being present.

#### REQUEST FOR PROPOSALS FOR A FIBER OPTIC FEASIBILITY STUDY/BEGIN NEGOTIATIONS

Purchasing Officer Eddie Smylie announced that proposals for a fiber optic feasibility study (Administration) opened on June 20, 2011 with seven offerors participating. He recommended that staff be directed to begin negotiations with Elert & Associates Networking Division as the top evaluated firm.

Following brief discussion, a motion was made by Councilor Sandel, seconded by Councilor Darnell to direct staff to begin negotiations for a fiber optic feasibility study with Elert & Associates Networking Division, as recommended by the Purchasing Officer, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 7:57 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 9<sup>th</sup> day of August, 2011.

Entered in the permanent record book this 10<sup>th</sup> day of August, 2011.

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Tommy Roberts, Mayor

SEAL

ATTEST:

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Dianne Fuhrman, City Clerk