

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, September 13, 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
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:

The pastor who was scheduled to give the invocation at tonight's meeting was not present so the Mayor asked that a moment of silence be observed.

Former Parks, Recreation and Cultural Affairs Chairman Dr. Robert Lehmer 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 August 23, 2011 and the minutes of the Regular Work Session of the City Council held August 16, 2011.

*DECLARATION OF SURPLUS PROPERTY: The Purchasing Officer recommended that worn-out, unusable or obsolete transformers and distribution equipment (Administrative Services, Electric Warehouse, Electric and Transmission and Distribution) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

*DECLARATION OF SURPLUS PROPERTY: The Purchasing Officer recommended that worn-out, unusable or obsolete vehicles (Administrative Services, Central Warehouse, General Services and Vehicle Maintenance) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

*BID: The Purchasing Officer recommended that the bid for purchase of snow removal equipment for the Four Corners Regional Airport (General Services) be awarded to Transwest Freightliner, LLC on its low bid of \$232,852, subject to approval by the Federal Aviation Administration. Bids opened August 25, 2011 with five bidders participating.

*BID: The Purchasing Officer recommended that the bid for purchase of a snow removal equipment building (General Services) be awarded to B & M Cillessen Construction Company, Inc. on its

sole bid of \$398,526, subject to approval by the Federal Aviation Administration. Bids opened September 6, 2011.

*LEASE AGREEMENT between the City and Presbyterian Medical Services, doing business as Totah Behavioral Health Authority, for lease of City-owned property located at 1615 Ojo Place in return for substance abuse counseling services to be provided to Native Americans (term to June 30, 2012 with an automatic two-year extension to June 30, 2014).

*SECOND AMENDMENT TO LEASE AGREEMENT dated December 21, 1998 between the City and Atlantic Aviation FBO, Inc. to add Section 50 granting Atlantic Aviation the option to exercise agency authority and the ability to act on behalf of the City in matters related to lease agreements and tenants located on "Ramp B", as recommended by staff and the Airport Advisory Commission.

*ADOPTION OF RESOLUTION NO. 2011-1410 accepting and approving a certain grant agreement between the City and the Federal Aviation Administration for Project No. 3-35-0016-033-2011 (snow plow) at the Four Corners Regional Airport in Farmington, New Mexico.

*ADOPTION OF RESOLUTION NO. 2011-1411 accepting and approving a certain grant agreement between the City of Farmington and the Federal Aviation Administration for Project No. 3-35-0016-034-2011 (electrical upgrades - Phase 2 Construction; apron reconstruction - Phase 1 Design; and snow removal equipment building - Phase 2 Construction) at the Four Corners Regional Airport in Farmington, New Mexico.

*WARRANTS PAYABLE for the time period of August 21, 2011 through September 10, 2011, for current and prior years, in the amount of \$10,524,869.66.

Councilor Sandel asked that the proposed Lease Agreement between the City and Totah Behavioral Health Authority be removed from the Consent Agenda.

City Clerk Dianne Fuhrman pointed out that staff has provided the Council with an amendment to Resolution No. 2011-1411. In response to inquiry from Councilor Fischer, Airport Manager Ben Trujillo confirmed that there is a typographical error in the amended resolution, noting that the second paragraph should state that the project will total \$666,235.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to approve the Consent Agenda with amended Resolution No. 2011-1411 and with the exception of the Lease Agreement between the City and Totah Behavioral Health Authority, and upon voice vote the motion carried unanimously.

CONSTITUTION WEEK PROCLAMATION

The Mayor presented Judith Wooderson from the Daughters of the American Revolution with a Proclamation declaring September 17 thru 23, 2011 as "Constitution Week."

SURGICAL TECHNOLOGY WEEK PROCLAMATION

The Mayor presented Kristeen DeVorss, Director of Surgical Technology at San Juan College, and Betty Holmes, Manager of Sterile Processing & EDC at San Juan Regional Medical Center, with a Proclamation declaring September 18 through 24, 2011 as "Surgical Technology Week."

BREAST CANCER AWARENESS MONTH

The Mayor presented Fire Chief Terry Page, Office Manager Vicki Englert, Executive Director of San Juan Medical Foundation Jane Kolesnik and San Juan Medical Foundation President Dr. Jim Henderson with a Proclamation declaring October 2011 as "Breast Cancer Awareness Month."

RECOGNITION OF FORMER PARKS, RECREATION AND CULTURAL AFFAIRS
COMMISSION MEMBERS DR. ROBERT LEHMER, KERWIN GOBER AND KIRK
SHROPSHIRE

Mayor Roberts expressed his sincere appreciation to Dr. Robert Lehmer, Kerwin Gober and Kirk Shropshire for their long-standing service (a combined total of 64 years) as members of the Parks, Recreation and Cultural Affairs Commission. He presented Dr. Lehmer and Mr. Shropshire with plaques in grateful appreciation for their many years of diligent service and stated that he will ensure that Mr. Gober receives his award since he could not attend tonight's meeting.

PUBLIC CELEBRATION PERMIT APPLICATIONS/FARMINGTON CHAMBER OF
COMMERCE

Dorothy Nobis, President/CEO of the Farmington Chamber of Commerce, requested approval of two Public Celebration Permit Applications (one for Wines of the San Juan and the other for Three Rivers Brewery) to allow alcoholic beverages to be served at the Farmington Chamber of Commerce annual Chili Cook-Off planned for October 1, 2011 at Berg Park. Noting that a scheduling conflict caused her to move the event from the museum, she assured the Council that every effort will be made to secure the perimeter.

Announcing that she supports the annual chili cook-off, Councilor Fischer stated that she will vote against the subject request because she is opposed to alcohol being served in local parks.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Darnell to approve two Public Celebration Permit Applications (one for Wines of the San Juan and the other for Three Rivers Brewery) to allow alcoholic beverages to be served at the Farmington Chamber of Commerce annual Chili Cook-Off planned for October 1, 2011 at Berg Park. The roll was called with the following result:

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

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

RENEWAL OF OIL AND GAS LEASE/ROBERT L. BAYLESS, PRODUCER LLC

City Attorney Jay Burnham requested renewal of an Oil and Gas Lease between the City and Robert L. Bayless, Producer LLC for lease of mineral rights on 1.8176 acres of City-owned property located in Section 7, T29N, R13W for an additional three years based on the same terms and conditions as originally approved. He noted that the lessee has agreed to pay the City \$908.08 for the renewal based on an amount of \$500 per acre.

Mayor Roberts announced a direct conflict of interest with regard to the proposed lease renewal and disqualified himself from discussion of and/or voting on the subject matter. He briefly left the meeting.

Councilor Sandel announced for the record that he owns and operates a drilling company that could have the potential for drilling a well in the subject area, but stated that he does not perceive this to constitute a conflict of interest.

Councilor Fischer voiced her objection to the proposed \$900 renewal fee, stating that she believes it should be comparable to the \$6,361 bonus paid by the lessee in 2008. In response, Mr. Burnham explained that staff does not have a recommendation on the amount that should be paid because there is no established policy for calculating renewal fees. He also noted that staff would be required to issue a new bid for lease of the mineral rights if the subject matter is not approved by the Council.

Following consideration, a motion was made by Councilor Sandel, seconded by Councilor McCulloch to renew the Oil and Gas Lease between the City and Robert L. Bayless, Producer LLC for lease of mineral rights on 1.8176 acres of City-owned property located in Section 7, T29N, R13W for an additional three years based on the same terms and conditions as

originally approved, subject to payment of a renewal fee of \$500 per acre (a total of \$908.08). The roll was called with the following result:

Those voting aye: Dan Darnell
Gayla McCulloch
Jason Sandel

Those voting nay: Mary M. Fischer

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

Mayor Roberts returned to the meeting.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Senior Planner Cindy Lopez requested that those Planning and Zoning Commission recommendations marked with an asterisk () be placed on the Planning and Zoning Commission Consent Agenda and voted on by one motion. She asked that if any item proposed 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 in regular order.

- * (1) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. PUD 11-01 from Troy Parker requesting a planned unit development for Lot 3 of Sun Village Subdivision #2 located at 544 Northgate Lane in the RE-1, Residential Estate, District.
- * (2) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. SUP 11-05 from Sacred Heart Parish, represented by Timothy Christensen, requesting a Certificate of Appropriateness to construct a new youth center at 414 N. Allen Avenue in the MU/RPO, Mixed-Use/Residential Preservation Overlay, District.
- * (3) Approval of proposed amendments (A) thru (E) to amend the Unified Development Code, as recommended by the Unified Development Code Implementation Committee and the Planning and Zoning Commission, and permission to draft an ordinance amending the Unified Development Code.

(A). Section 2.5.2(E) concerning accessory uses and structures to add the following verbiage:

"Shipping crates, railroad cars, truck or bus bodies, semi-trailers and other similar containers shall not be used as accessory buildings or used outside the IND district. However, shipping crates may be used in the GC district if they are placed in the rear yard and screened from the view of any street and/or residence, in accordance with Section 5.5.7 Screening Standards; and shipping crates may be used in residential districts if they are in the rear yard and can meet the requirements for accessory structures."

(B). Section 2.8 concerning the table in the Density and Dimensional Standards to add a footnote for referencing purposes to the nonresidential table as follows:

"1. Setbacks for multi-family and nonresidential development next to protected residential districts and/or a single-family residence are required to meet standards in Section 5.10 Residential Protections."

(C). Section 5.5.7(C)2 concerning screening devices to remove the words "split face" from in front of the words "masonry wall", to read as follows:

"In all other districts and adjacent to residential uses and districts, an opaque vinyl or wood fence or a masonry wall shall be utilized."

- (D). Sections 6.8.2 and 6.8.2(D) concerning Financial Assurances/Improvement Agreement to replace the word "two" with the word "three" prior to the word "years" in the last sentence of Section 6.8.2 and to add a new sentence to Sections 6.8.2 and 6.8.2(D) to read as follows:

Section 6.8.2 Financial Assurances

"Following approval of the Final Plat, including construction plans, and prior to the issuance of building permits and construction, the subdivider shall utilize one of the following methods of guaranteeing the cost of installing all required improvements, within an agreed period of time not to exceed 3 years from the date of final plat approval. An extension of time may be granted by the Director for up to 3 more years if the number of lots sold in the subdivision is less than 80 percent."

Section 6.8.2(D) Improvements Agreement

"Has executed an agreement approved by the City Attorney (between the subdivider and the City) wherein the subdivider agrees to install all improvements for which the subdivider is responsible under this section. Such agreement shall be signed by the Mayor."

- (E). Section (9.2.6) to add a new section as follows:

"9.2.6 Special Use Permits for Nonconforming Uses

- A. Any lawful nonconforming use of a building shall be considered to be in conformity with the terms of this code upon application and approval of a special use permit. In order to grant a special use permit, the City Council must find:
- (1) The use is compatible, in terms of scale, building size and intensity of land use, with the existing and permitted use in the local neighborhood;
 - (2) The use does not create excessive additional traffic in the neighborhood; and
 - (3) The use does not generate noise, smoke or other environmental pollutants that are foreign to the neighborhood.
- B. In granting a special use permit for a nonconforming use, the City Council may impose such conditions as reasonably necessary to promote harmony with adjacent permitted uses in the district. Such conditions may include, but not be limited to, the following:
- (1) Requirement that standards for off-street parking be met;
 - (2) Requirement for physical improvements to the structure to make it compatible with neighboring properties;
 - (3) Requirement for additional landscaping;
 - (4) Limitation on density or future expansion of the use; and
 - (5) Elimination of nonconforming characteristics of use, such as signage, outside storage, off-street parking and the like.
- C. It shall be the responsibility of the applicant to provide evidence that the use for which the special use permit is sought had lawfully existed prior to the adoption of the provision of the code which resulted in the use no longer being subject to the provisions of the Unified Development Code, Section 9.2 Nonconforming Uses, but shall be subject to the general provisions

pertaining to special uses and whatever conditions are attached to the special use permit.

- D. This section applies to nonconforming uses of structures and shall not be construed to apply to nonconforming lots, nonconforming structures or nonconforming uses of unimproved land."

There being no requests to remove any items, 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.

GOLF FEES FOR PIÑON HILLS AND CIVITAN GOLF COURSES

As previously directed by the Council, Parks, Recreation & Cultural Affairs Director Jeff Bowman reported that staff conducted several meetings with the local golf associations concerning the proposed fee increases at Piñon Hills and Civitan Golf Courses. As a result, he reported that staff has drafted a revised fee schedule for both courses. He stated that if the proposed fee schedules are approved by the Council, the new rates will become effective on November 1, 2011. He directed the Council's attention to pages 19.0 through 19.5 of the agenda materials, which contain a summary of the new proposed rates, the original proposal that was submitted earlier this year by the City's consultant and the newly proposed fee schedules for both golf courses. He advised the Council that approximately \$160,000 of new revenue needs to be identified and/or budget expenditures need to be cut by that same amount in order to maintain the Golf Fund as a self-sustaining enterprise account. He noted that the proposed fees are based on current user statistics and will generate approximately \$113,974 in revenue, and stated that additional cuts in expenditures are being made to reach the \$160,000 budget deficit. With regard to Piñon Hills Golf Course ("PHGC"), Mr. Bowman explained that the proposed fee schedule will keep the daily green fees as currently established; increase annual passes by \$75; require that the golfer pay the five percent gross receipts tax; and that pass holders pay a \$2 per round "user fee". He also noted that the green fees at Civitan will increase by 50 cents; that annual pass fees will slightly increase; rental clubs and pull cart fees will increase by \$1 per round; and that the gross receipts tax will be collected from the golfer in addition to the fees.

Councilor Darnell stated that his concern with the proposed fee schedule is that it does not generate enough revenue to address the capital needs at PHGC. In response, Mr. Bowman explained that the three major capital issues at PHGC are 1) a new pump station; 2) the repair or replacement of five critical pieces of equipment; and 3) the replacement of the sand in the sand traps. He noted that from the time the golf course was constructed and up until five years ago, equipment for PHGC was purchased from the General Fund. Councilor Darnell questioned whether it would be prudent to move the budget for Civitan to the General Fund in an effort to maintain PHGC as an enterprise fund.

Councilor Fischer contended that the increase in water rates over the past five years is the primary reason that the Golf Fund is operating in the negative. She also stated that she believes that some of the monies being transferred to the General Fund from the Electric Utility could be earmarked for capital projects at PHGC.

Former Chairman of Parks, Recreation and Cultural Affairs Commission ("PRCA"), Dr. Robert Lehmer explained that PRCA believes that the proposed fee schedules are fair and reasonable. He contended that golfing is a luxury and that the pass holders should be willing to pay their fair share of the operating costs. Furthermore, he stated that he believes that the rates being charged at PHGC are a bargain since some pass holders play up to 200 rounds of golf per year (an average of \$3 per round). He agreed that the water rates have negatively impacted the Golf Fund and he commended staff for their innovative ways in cutting costs while maintaining the quality of the course.

Addressing the Council on behalf of the golfing community, Greg Mills contended that the Golf Fund is lacking due to staff not marketing the facility and to the City's unwillingness to reprimand employees for poor job performance. He explained that he often has to fill his own sand container on the cart because the employees are too busy watching

the television that is located within the Pro Shop. He also argued that the proposed \$2 per day user fee constitutes a breach of contract because his pass does not expire until March, 2012 and he purchased it on the assumption that the fee would not increase during that time. Mr. Mills contended that a better option is to increase the number of golfers instead of increasing the pass holder fees. In response to his comments, Mr. Bowman explained that staff has employed a number of creative marketing techniques, including advertising on Facebook and proposing a fall and winter fee schedule.

At the request of Mayor Roberts, Debbie Dusenbery, Executive Director of the Farmington Convention & Visitors Bureau ("CVB"), explained that the CVB markets PHGC to tourists since their primary goal is to bring out-of-towners (beyond 150 miles from the city limits) to Farmington to stay in hotels. However, she stated that they have started to market it locally since the twilight fee was established. Noting that 75 new golf courses have opened within the region, she reported that 18 area golf courses have reported a dramatic drop in the number of golf rounds being played over the past two years. She also commended Golf Course Manager Chris Jones for his creativeness in employing electronic marketing techniques and for his willingness to work with CVB staff to develop more cost effective marketing campaigns.

Mayor Roberts reiterated his concerns about the pace of play at PHGC. Mr. Jones agreed that pace of play is sometimes a concern, but stated that staff is working with Sun Country Amateur Golf Association to develop methods for improving the pace of play. Mr. Mills agreed that cutting the grass shorter on certain holes and shortening the driving distance has improved the pace of play, but suggested that the golf rangers be asked to remind the players to speed up their playing time.

Phil Hyre, 4724 Sundown Road, questioned the fate of PHGC if 25 percent of the annual pass holders choose not to renew due to the increase in fees. Stating that he will be financially unable to pay the higher fees, he contended that the rates will constitute a 66 percent increase for him and his wife.

Claire Escalante, 4210 Rayos Del Sol Avenue, argued that the proposed rate increase is not fair because the pass holders have had an increase in their rates for the past three years. She stated that there is no possible way that a pass holder could play 200 rounds of golf in one year and contended that a senior citizen rate should be established. In response to inquiry from Mayor Roberts, Ms. Escalante stated that she believes that the current rates at PHGC are fair and reasonable. Mayor Roberts pointed out that based on her estimate that she golfs 60 rounds per year, he stated that she pays approximately \$10 per round of golf at PHGC. He stated that if the \$2 user fee is implemented, her cost would be increased to \$12 per round and asked her whether she believes that is a fair and reasonable rate.

Tony Dinallo, 5703 Chaparral Avenue, argued that if the rates are increased the Golf Fund will lose even more revenue because the pass holders will not renew. He contended that the increased rates will only deter golfers from PHGC to other local courses that are more reasonably priced.

Deborah Badsgard, 2712 Crescent Avenue, stated that she believes that the proposed rates are punishing the pass holders, contending that it makes more sense to her for the regular green fees to be increased.

Gabe Archibeque, 5500 Alder Street, pointed out that the number of golf rounds being played at PHGC has been dramatically reduced over the years and stated that he also believes that a senior citizen rate should be established. He suggested that the newly-implemented twilight rate be more widely advertised in an effort to entice more golfers to play.

Announcing that he was asked by some of the golfers present at tonight's meeting to address the Council with regard to the proposed user fee, Attorney Eric Morrow stated that he believes that the \$2 fee will constitute a breach of contact with the existing pass holders. He also stated that there are concerns that PHGC is not being properly managed and suggested that certain City employees be reassigned to help address the personnel shortfalls at the golf course.

Georgi Phillips, 4800 Daybreak Drive, explained that it was her understanding that Civitan is the reason that the Golf Fund is operating

in the deficit and questioned whether it could be moved to a different fund where it is subsidized by the City. Noting that the members of the Men and Women Golf Associations consistently help to maintain the condition of the course and its facilities, she contended that it is not fair to punish the pass holders because of a deficit in the operation of the course.

Jackie Hyre, 4724 Sundown Road, questioned why PHGC is not being marketed to the senior citizens since they have the most time available to play. She also contended that tournaments would help bring in additional revenue that is not currently being received. In response, Golf Course Manager Chris Jones explained that PHGC does not have the facilities required for a nationwide tournament, but stated that staff is working to attract smaller golf tournaments. He noted, however, that even the smaller tournaments require a \$45,000 title sponsorship.

Councilor Sandel pointed out that he has consistently questioned staff about the capital improvement concerns at PHGC and has been told that there are no problems. He stated that he believes that staff is not proposing budgets that adequately deal with the aging infrastructure needs. He asked that staff provide the Council with a comprehensive budget that 1) shows the additional revenue that will be received from the sale of alcoholic beverages at PHGC; 2) projects the financial condition of the Golf Fund in future years if the proposed increases are approved; and 3) reflects the financial condition of the Golf Fund if Civitan is reallocated in the General Fund. Furthermore, Councilor Sandel announced that he also believes that the City's water rates are too high and have contributed to the deficit in the Golf Fund.

Councilor McCulloch stated that she believes that the Council must first decide whether PHGC should be operated as an enterprise fund or whether it should be subsidized by the General Fund. Mayor Roberts pointed out that it may be prudent to operate it as a hybrid fund whereby the capital expenditures are paid with monies from the General Fund.

Following further discussion, it was the consensus of the Council to direct staff to prepare more detailed budgeting scenarios that 1) project the financial condition of the Golf Fund if the fees stay the same; and 2) project the financial condition of the Golf Fund if the fees are increased as proposed. Furthermore, the Council requested alternative scenarios that move Civitan Golf Course to the General Fund; reflect the Golf Fund as a hybrid with capital costs being paid by the General Fund; and options for decreasing the watering costs at the golf courses.

In closing, Councilor Darnell pointed out that the water rates were increased in an effort to replace the aging infrastructure of the City's water utility system. He also contended that the Cost Allocation Plan that was implemented approximately six years ago has skewed the budget reports because capital expenditures at PHGC had always been paid by the General Fund.

APPOINTMENT TO THE PLANNING & ZONING COMMISSION

After providing the Council with background, educational and professional information, Mayor Roberts asked the Council's consideration of the appointment of Daniel Arnold as an alternate member (term to May 2012) to the Planning and Zoning Commission.

Thereupon, a motion was made by Councilor Fischer, seconded by Councilor Darnell to confirm the appointment of Daniel Arnold as an alternate member of the Planning and Zoning Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

CANCELLATION OF SEPTEMBER 20, 2011 CITY COUNCIL WORK SESSION

Mayor Roberts asked the Council's consideration to cancel the September 20, 2011 City Council Work Session due to the fact that there are no items scheduled for consideration at that meeting.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to cancel the September 20, 2011 City Council Work Session, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Federal Lobbyist Update

In light of President Barrack Obama's proposed American Jobs Act, Councilor Sandel asked that the City's federal lobbyist provide the Council with an update on the proposal and to explain their plan for ensuring that the City receives its fair share of the funding.

Public Service Company of New Mexico/Haze Ruling

In response to inquiry from Councilor Sandel, City Attorney Jay Burnham announced that he has issued an opinion that the City can be compelled to pay the legal fees associated with Public Service Company of New Mexico's appeal of the Environmental Protection Agency's ruling to require the installation of best available retrofit technology at San Juan Generating Station. Following brief discussion, Councilor Sandel asked Mr. Burnham to determine the approximate cost of the legal fees and the budgetary impact that it will have on the City.

North Glade Recreational Area

Councilor Sandel asked for an update from staff on the recreational strategies being planned for the north Glade area, contending that it could impact the City's Major Thoroughfare Plan.

San Juan Country Club Estates

In response to inquiry from Councilor Sandel, City Attorney Jay Burnham announced that he will be forwarding to the Council, within the next week, a memorandum that addresses the City's legal authority to place a moratorium on development within a private subdivision.

Remodel of the Council Chamber

Councilor McCulloch commended staff for the recent upgrades that were made to the Council Chamber.

911 Memorial

Councilor Darnell commended Government Relations Director Elizabeth Isenberg for coordinating the memorial of the 10th anniversary of the attacks on the World Trade Center, which took place at Orchard Park on Sunday, September 11, 2011.

Navajo Water Rights

Councilor Fischer announced that approximately 1,500 individuals have signed an Intent to Participate in the Navajo Water Rights Settlement, and asked City Attorney Jay Burnham to provide the Council with an update on the project. Following brief discussion, it was the consensus of the Council to schedule the item for the October 4, 2011 City Council Work Session.

Red Apple Transit/First Transit

Councilor Fischer asked that the Council be given the opportunity to discuss at a future Work Session the performance of First Transit with regard to its operation of the Red Apple Transit. There were no objections from the Council.

City Attorney Jay Burnham presented a proposed ordinance dealing with liquor licensing 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 Compilation. He recommended the ordinance, if adopted, be given the number 2011-1249. The title of the ordinance being:

AN ORDINANCE AMENDING SECTION 5-2-1 OF THE FARMINGTON CITY CODE PERTAINING TO THE CLASSIFICATION OF LIQUOR LICENSES APPROVED AND LICENSED BY THE CITY.

After consideration of Ordinance No. 2011-1249, a motion was made by Councilor Darnell, seconded by Councilor McCulloch that said ordinance be passed and adopted as presented. The roll was called with the following result:

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

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, Ordinance No. 2011-1249 was duly passed and adopted.

DISCUSSION AND ACTION UPON ITEM REMOVED FROM THE CONSENT AGENDA:

- (1) LEASE AGREEMENT between the City and Presbyterian Medical Services, doing business as Totah Behavioral Health Authority, for lease of City-owned property located at 1615 Ojo Place in return for substance abuse counseling services to be provided to Native Americans (term to June 30, 2012 with an automatic two-year extension to June 30, 2014).

Councilor Sandel asked that the Council be given an update on the progress of Totah Behavioral Health Authority before any action is taken on the subject lease agreement, especially since it provides for automatic lease renewals.

Following consideration, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to approve the Lease Agreement between the City and Presbyterian Medical Services, doing business as Totah Behavioral Health Authority, for lease of City-owned property located at 1615 Ojo Place in return for substance abuse counseling services to be provided to Native Americans (term to June 30, 2012 with an automatic two-year extension to June 30, 2014). The roll was called with the following result:

Those voting aye: Dan Darnell
Mary M. Fischer
Gayla McCulloch

Those voting nay: Jason Sandel

The presiding officer thereupon declared that three 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 9:43 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 27th day of September, 2011.

Entered in the permanent record book this 28th day of September, 2011.

Dan Darnell, Mayor Pro Tem

SEAL

ATTEST:

Dianne Fuhrman, City Clerk