

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, October 27, 2009. 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 William E. Standley

COUNCILORS Dan Darnell  
Mary M. Fischer  
George F. Sharpe

PRESENT AT THE MEETING  
BY TELEPHONE PURSUANT  
TO RESOLUTION NO. 94-772 Jason Sandel

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER Rob Mayes

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 Children's Pastor Hector Torres of Crossroads Community Church.

The Mayor led the Pledge of Allegiance.

New Mexico statutes provide that members of a public body may participate in City Council meetings by telephone in certain situations and the City has adopted Resolution No. 94-772 authorizing telephone participation to allow the City Council to take action on important matters. The Mayor announced that Councilor Sandel is absent from tonight's meeting and directed that he be contacted by speaker telephone for participation in the meeting, pursuant to paragraph C, Section 10-15-1, NMSA 1978, as amended and City of Farmington Resolution No. 94-772.

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 October 13, 2009 and the minutes of Regular Work Session of the City Council held October 6, 2009.

\*BID: The Purchasing Officer recommended that the bid for a multi-term contract for transformers (Electrical Engineering/Electrical Warehouse) be awarded to the lowest and best bidder per category after application of five percent in-state preference (Category 1- Wesco Distribution, Inc. (Alternate #3) \$61,717; and Category 2 - Wesco Distribution, Inc. (Alternate #2) \$431,496), and that the bid received from Central Maloney for Category 2 be rejected for being non-responsive and that the entire bid received from Gorman Company be rejected for not meeting specifications. Bids opened September 24, 2009 with five bidders participating.

\*BID: The Purchasing Officer recommended that the bid for purchase of automotive oil and antifreeze (Vehicle Maintenance/Central Warehouse) be awarded to Conservancy Oil on its low bid after application of five percent in-state preference of

\$33,859.03. Bids opened October 20, 2009 with two bidders participating.

\*LEASE AGREEMENT FOR RAILROAD RIGHT-OF-WAY between the City and Imogene Mathis Calder, on behalf of the Imogene Mathis Calder Trust, and Shannon Lee Calder Monk, on behalf of the Calder Family Trust, for lease of City-owned property known as Parcel D-911 of the City of Farmington Railroad R.O.W. Property Leasing Map and the southern half of the D. & R.G.W. Railroad Right-of-Way within the South Fairview Subdivision for an equipment storage yard (term to June 30, 2015).

\*WARRANTS PAYABLE for the time period of October 11, 2009 through October 24, 2009, for current and prior years, in the amount of \$10,912,676.35.

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

#### NATIONAL ADOPTION MONTH PROCLAMATION

The Mayor presented Patricia Hale of Children, Youth and Families with a Proclamation declaring November 2009 as "National Adoption Month."

Ms. Hale thanked the Council for their continued support of the local fostering and adoption programs and happily reported that the number of children being placed in foster homes is on the decline.

#### RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION:

\*CONSENT AGENDA: Community Development Director Michael Sullivan requested that the Planning and Zoning Commission recommendation marked with an asterisk (\*) be placed on the Planning and Zoning Commission Consent Agenda and voted on by one motion. He asked that if the item proposed does not meet with approval of all Councilors or if a citizen so requested, the item would be removed from the Consent Agenda and heard in regular order.

- \* (1) Adoption of the Planning and Zoning Commission Action Summary and approval of Petition No. SUP 09-18 from Swankeep, represented by Willie and Linda Sisneros, requesting a Special Use Permit to allow a small local retail and service establishment to be located at 2128 N. Hunzinger Avenue in the SF-7, Single-Family Residential, District, subject to:
  - (a) the petitioner removing the stove and other appliances (except the refrigerator) from the kitchen of the existing structure and converting the area into office space prior to a Certificate of Occupancy being issued for the newly constructed home;
  - (b) the petitioner retrofitting the existing structure so that it meets the standards of the Unified Development Code for an accessory structure and not using the structure for their home occupation if the subject petition is denied; and
  - (c) the petitioner not adding any employees, increasing traffic beyond what is normal to a residential property, adding signage to the building, or conducting classes on the property. They will continue to operate their business to the same level of intensity as is currently being conducted on the property.

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

#### REAPPOINTMENTS TO THE ADMINISTRATIVE REVIEW BOARD

Mayor Standley asked the Council's consideration of the reappointments of Deb Dumont and Robert "Derrick" Childers to the Administrative Review Board (terms to October 2011).

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Sharpe to confirm the reappointments of Deb Dumont and Robert "Derrick" Childers to the Administrative Review Board, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Construction of Anasazi Trail

Councilor Sandel thanked City staff for addressing the issues that have arisen with regard to the construction of Anasazi Trail.

City Clerk Dianne Fuhrman presented and read by title Resolution No. 2009-1333 commemorating changes to the official Municipal Election District Map. She announced that a notice of proposed resolution was published in the *Daily Times* as required by Section 2-2-32 of the Farmington City Code. The title of the resolution being:

A RESOLUTION COMMEMORATING CHANGES MADE TO THE OFFICIAL MUNICIPAL ELECTION DISTRICT MAP OF THE CITY OF FARMINGTON PURSUANT TO THE REQUIREMENTS OF CITY CODE

Councilor Fischer stated that she does not believe that the description for District 2 includes the Harper Hill area. In response, Ms. Fuhrman confirmed that it does because the verbiage refers to following the city limit boundary line from the Piñon/Lake Street intersection to Glade Road. She also noted that Paragraph 3 of the proposed resolution clarifies that the boundaries as drawn on the municipal election district map shall control in the event that there is a discrepancy between the map and the general descriptions set forth in the proposed resolution.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Sharpe that Resolution No. 2009-1333 be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer George F. Sharpe 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 and Resolution No. 2009-1333 duly passed and adopted.

BUSINESS FROM THE FLOOR

San Juan County 912 Project

Jim Krass announced that he is the Chairman of the 10<sup>th</sup> Amendment Committee representing the San Juan County 912 Project. He explained that this group is dedicated to the preservation and adherence to the Constitution of the United States and to the people for which it was established. He urged the Council to consider adopting a resolution that wholeheartedly embraces the Declaration of Independence and the Bill of Rights and unequivocally supports the Constitution of the United States of America, especially the First and Second Amendments.

Following the presentation, Mayor Standley announced that the Council will further discuss the matter and decide whether to consider such a resolution.

Linda and James Monchamp/4627 Barcelona Circle

Voicing frustration with City staff, Linda Monchamp requested the Council's assistance in obtaining a copy of the narrative that was done by the Building Inspection Division following the construction of her house at 4627 Barcelona Circle. In response, Community Development Director Michael Sullivan explained that such information is not available because the City did not do a narrative and that such a document does not exist. He also noted that Mr. and Mrs. Monchamp have been provided a complete copy of the inspection reports that are on file with the City.

Following lengthy discussion, it was the consensus of the Council to direct staff to meet with Mrs. Monchamp and explain to her what was involved with each inspection that was completed by City staff.

REQUEST FOR PROPOSALS FOR UTILITY LINE SPOTTING SERVICES

The Mayor announced that staff has requested that the proposals for utility line spotting services be withdrawn from tonight's agenda. As a result, he stated that there is no need for the Council to go into closed meeting.

There being no further business to come before the Council, a motion was made by Councilor Fischer, seconded by Councilor Darnell to adjourn the meeting at 7:38 p.m., and upon voice vote the motion carried unanimously.

The telephone call with Councilor Sandel was terminated.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 96-844, et seq.

Approved this 10<sup>th</sup> day of November, 2009.

Entered in the permanent record book this 11<sup>th</sup> day of November, 2009.

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William E. Standley, Mayor

SEAL

ATTEST:

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Dianne Fuhrman, City Clerk