

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, November 8, 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	Mary M. Fischer Gayla McCulloch Jason Sandel
ABSENT	Dan Darnell, Councilor

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Bob Campbell
DEPUTY CITY ATTORNEY	Bill Cooke
CITY CLERK	Dianne Fuhrman

The meeting was convened by the Mayor. Thereupon the following proceedings were duly had and taken:

INVOCATION: The invocation was offered by Youth Pastor Bryan Corley of First Baptist Church.

City Manager Rob Mayes 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 October 25, 2011 and the minutes of the Regular Work Session of the City Council held October 18, 2011.

\*AMENDMENT TO AGREEMENT between the City and Salvation Army concerning the operation of "The Roof" winter shelter to allow for monthly submittals of expenses and patron logs instead of weekly.

\*AMENDMENT TO OFF-AIRPORT LOCATION RENTAL VEHICLE CONCESSION AGREEMENT (CONTRACT #09-74613) between the City and Enterprise Rent-a-Car to include verbiage allowing the City Manager to terminate the agreement for convenience of the City. This will allow EAN Holdings, LLC (doing business as Enterprise Rent-A-Car) to enter into a separate agreement with the City for a rental vehicle concession at Four Corners Regional Airport.

\*AGREEMENT between the City and EAN Holdings, LLC (doing business as Enterprise Rent-A-Car) concerning the operation of a rental vehicle concession at Four Corners Regional Airport from December 1, 2011 through January 31, 2014 at a monthly rental payment of \$2,500 or 10 percent of gross revenue, whichever is greater. Letters of Interest were received until September 20, 2011 with one response being submitted.

\*ACCEPTANCE OF DONATION OF REAL PROPERTY (119 W. Main Street) from Kevin and Elisabeth McCord.

\*WARRANTS PAYABLE for the time period of October 24, 2011 through November 5, 2011, for current and prior years, in the amount of \$6,065,712.02.

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

RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION:

- (1) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. ZC 11-15 from Ideal Baptist Church, represented by Larry Hilliard, requesting a zone change from the IND, Industrial, District to the MU, Mixed-Use, District for 0.59 acres located at 203 East Elm Street.

Councilor Sandel questioned the reasons why the Unified Development Code ("UDC") prohibits religious institutions that are less than 4,000 square feet in size from being located within an industrial zone. In response, Community Development Director Mary Holton explained that she was not employed by the City at the time the UDC was developed, but noted that staff is willing to reconsider the provision.

Addressing the Council on behalf of the petitioner, Larry Hilliard reported that Ideal Baptist Church has been located on the subject property for the past 57 years. He explained that they are trying to bring the property into compliance with City Code because they have been advised that if a fire were to burn down 50 percent or more of the building they would not be allowed to reconstruct the church on that same piece of property. He urged the Council to approve the subject petition.

Following brief consideration, a motion was made by Councilor Sandel, seconded by Councilor Fischer to approve the recommendation from the Planning and Zoning Commission and to grant a zone change from the IND District to the MU District for 0.59 acres located at 203 East Elm Street, and upon voice vote the motion carried unanimously.

At the suggestion of Councilor Sandel, staff was directed to ask the UDC Implementation Committee to reconsider the prohibition of religious institutions within industrial zones.

COUNCIL BUSINESS

Replacement of Street Light Bulb

Councilor Fischer thanked the Electric Utility Department for replacing a mercury-vapor street light bulb with a high pressure sodium bulb on Ute Street.

Lance Corporal Kenneth Lee Worley

Referring to an article that published in a recent edition of *The Aztec Local News*, Councilor Fischer asked that the Council consider a memorial to honor Lance Corporal Kenneth Lee Worley who died a Medal of Honor recipient in the Vietnam War. Noting that he was born in Farmington, Councilor Fischer stated that Korean War Veteran Bruce Salisbury has a concept in mind for honoring Lance Cpl. Worley and has indicated that the United States Marine Corps may be willing to fund most of the cost associated with the memorial. Furthermore, Councilor Fischer asked Library Administrator Karen McPheeters to provide the Council with a copy of the book written by Terence W. Barrett titled, "The Search of the Forgotten Thirty-Four Honored by the U.S. Marines, Unheralded by Their Hometowns", which honors Lance Cpl. Worley and explains his mysterious childhood.

Mayor Roberts stated that he took exception to the article because it implies that the City of Farmington has done nothing to memorialize the contributions of the military personnel and pointed out that the City has spent over \$12,500 to erect monuments in the All Veterans Memorial Park.

Following brief consideration, it was the consensus of the Council to have a future conversation regarding possible options to further honor Lance Corporal Kenneth Lee Worley since he is the only Medal of Honor recipient that was born in Farmington.

Deputy City Attorney Bill Cooke presented for discussion a proposed ordinance authorizing the sale of City-owned property. The title of such proposed ordinance being:

AN ORDINANCE AUTHORIZING AND APPROVING THE SALE OF CITY-OWNED LAND TO FOUR CORNERS FOUNDATION, INC.

There being no response to the Mayor's call for discussion, Mr. Cooke announced that the proposed ordinance will be presented for final action at the December 13, 2011 regular City Council meeting.

There being no further business to come before the Council, the meeting was adjourned at 7:18 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 13<sup>th</sup> day of December, 2011.

Entered in the permanent record book this 14<sup>th</sup> day of December, 2011.

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Tommy Roberts, Mayor

SEAL

ATTEST:

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Dianne Fuhrman, City Clerk