

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, December 1, 2009 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	William E. Standley
COUNCILORS	George F. Sharpe Jason Sandel
ABSENT	Dan Darnell, Councilor Mary M. Fischer, Councilor

Constituting all the members of the Governing Body.

Also present were:

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

BID/PURCHASE OF AUTOMOTIVE PARTS

Councilor Sandel announced that he owns Filter Service which is in direct competition with Filter Supply, one of the bidders for the purchase of automotive parts. However, he stated that he does not perceive this to constitute a conflict of interest because Filter Service did not participate in the bidding process. He announced his intent to participate in the discussion of and action upon the subject item. There were no objections from the Council.

Purchasing Supervisor Kristi Benson reported that bids for the purchase of automotive parts opened on November 18, 2009 with nine bidders participating. She recommended that the bid be awarded to the lowest and best bidders per category after application of five percent in-state preference (Categories 1 and 2 - San Juan Quality Parts, Inc., \$8,598.86; and Category 3 - Page Brake Warehouse, \$3,777.90). She also recommended that the following be rejected for being non-responsive for not quoting complete categories: the bids received from Factory Motor Parts, Fleetpride, Inc., O'Reilly Auto Parts, Specialty Bulb Co., Inc. and U.S. Distributing, Inc. for Category 1; the bids received from NDN, Inc. (dba Filter Supply) and U.S. Distributing, Inc. for Category 2; and the bids received from Factory Motor Parts and U.S. Distributing, Inc. for Category 3.

Thereupon, a motion was made by Councilor Sharpe, seconded by Councilor Sandel to award the bid for purchase of automotive parts, as recommended by the Purchasing Supervisor, and upon voice vote the motion carried unanimously.

REPORT ON STIMULUS AND OTHER FUNDING

Directing the Council's attention to the agenda materials beginning at page 2.0, Assistant City Manager Bob Campbell briefly reviewed the status of formula funding; pending competitive grants; other grants affecting the City; and Federal appropriations sponsorships.

In response to inquiry from Councilor Sharpe, Mr. Campbell reported that some of the federal stimulus funding is being reauthorized because some states, like Texas, did not take advantage of the available funds.

Discussion followed concerning the stimulus funding that was awarded to the State of New Mexico and the amount that was distributed to the communities in San Juan County.

At the request of Councilor Sandel, Mr. Campbell stated that he will provide the Council with a spreadsheet that compares the amount of stimulus funding that was awarded to Farmington, Bloomfield, Aztec and Durango, Colorado and how the money is being spent.

Councilor Sandel recommended that staff review the effectiveness of the Federal lobbyist's efforts on behalf of the City in order to determine whether to continue their contract. Mr. Campbell reported that the Federal lobbyist has provided staff with advice on which projects qualify for stimulus funding and has kept the City informed on the status of the requests.

Following brief discussion, Councilor Sharpe requested a summary report of where New Mexico stimulus funding is being spent. Regarding the effectiveness of the Federal lobbyist, he stated that he expects staff to make a recommendation to the Council on whether to continue their contract.

PRECINCT WORKER COMPENSATION

Referring to Sections 3-8-19F and 3-8-21D (NMSA) of the Municipal Election Code, City Clerk Dianne Fuhrman requested authorization to pay a \$10 mileage stipend to precinct board members and alternates who attend the 2010 Farmington municipal election training and to pay \$15 to alternate precinct board members who stand-by on election day.

Thereupon, a motion was made by Councilor Sharpe, seconded by Councilor Sandel to authorize payment of a \$10 mileage stipend to precinct board members and alternates who attend the 2010 Farmington municipal election training and to pay \$15 to alternate precinct board members who stand by on election day, and upon voice vote the motion carried unanimously.

EMERGENCY OPERATIONS PLAN

Providing opening remarks, Acting Fire Chief Terry Page announced that the Emergency Operations Plan ("Plan") establishes policies and procedures that allow San Juan County and the cities of Farmington, Aztec and Bloomfield to save lives, minimize injuries, protect property, preserve governmental operations and maintain economic activities during a natural disaster, a technological failure or a terrorist attack. He also noted that it establishes the guidelines for coordinating emergency operations through the use of all available resources. He recommended that the Plan be approved.

In response to inquiry from Councilor Sandel, Chief Page stated that the Plan does not relinquish the City's control of an event but simply provides additional resources and funding opportunities through the Office of Emergency Management.

Following further discussion, a motion was made by Councilor Sharpe, seconded by Councilor Sandel to approve the Emergency Operations Plan, as presented, and upon voice vote the motion carried unanimously.

NEW ENERGY ECONOMY'S PETITION TO THE ENVIRONMENTAL IMPROVEMENT BOARD

Providing opening remarks, Electric Utility Director Maude Grantham-Richards announced that New Energy Economy ("NEE") is petitioning the Environmental Improvement Board ("EIB") to adopt new regulations and amend existing regulations to promulgate a statewide cap on greenhouse gas ("GHG") emissions and to reduce GHG emissions to 25 percent below the 1990 emission level by 2020. Noting that the proposed regulations could have a devastating financial impact on the State, she reported that many industries will likely relocate to the surrounding states where the regulations are less stringent. She suggested that the public be encouraged to take part in a letter writing campaign to the EIB opposing the petition; that a Letter to the Editor be submitted to the *Daily Times* to inform the public of the consequences of NEE's petition; and that the Farmington Electric Utility Department be directed to file comments in opposition to the petition and to state its opposition through the EIB hearing process.

Councilor Sandel reminded the Council that consensus was reached at the November 24, 2009 regular City Council meeting to direct staff to draft a resolution in opposition to the NEE petition. He stated that the

draft provided today is a good start but questioned whether the City should take part in a letter writing campaign or encourage a public letter writing campaign on behalf of the City.

Following further discussion, it was the consensus of the Council to schedule consideration of the proposed resolution opposing the NEE petition for the December 8, 2009 regular City Council meeting. Ms. Grantham-Richards confirmed that she will take no action until the resolution is adopted.

PROPOSED ORDINANCE AMENDING CHAPTER 8 OF THE FARMINGTON CITY CODE DEALING WITH BUSINESS LICENSES, BUSINESS REGISTRATIONS AND PEDDLERS AND SOLICITORS

City Attorney Jay Burnham briefly reviewed the proposed ordinance and requested permission to proceed with publication of a Notice of Intent to Consider said ordinance.

Councilor Sandel questioned whether a provision could be added to the proposed ordinance to authorize the City Clerk to revoke a business registration for repeated violations of City Code (e.g. initiating construction without applying for a building permit or continuing the work after a job has been "red-tagged"). Following brief discussion, it was the consensus of the Council to direct the City Attorney to further research the matter.

Thereupon, a motion was made by Councilor Sharpe, seconded by Councilor Sandel 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: George F. Sharpe
Jason Sandel

Those voting nay: None

Those absent: Dan Darnell
Mary M. Fischer

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

COUNCIL BUSINESS

Potential Mayoral and Councilor Candidates

Noting that the 2010 regular municipal election will be held in March, Councilor Sharpe recognized potential candidates Tommy Roberts, Gayla McCulloch, Leigh Black Irvin and Bob Moon who were present in the audience.

Request for Reconsideration - Petition No. ZC 09-08 - James Anthony

Referring to a letter from Petitioner James Anthony, Councilor Sharpe emphasized the need to expedite the reconsideration of Petition No. ZC 09-08 granting a zone change from the MF-L/SMHAO District to the MF-M District for 5 acres located at 1305 S. Carlton Avenue. He explained that if the Council upholds its decision, Mr. Anthony may be pressed for time in requesting the Council's consideration of an inducement resolution that authorizes him to apply for private activity bonds from the State Board of Finance. Noting that the reconsideration of the subject petition was tabled to the January 12, 2010 regular City Council meeting, he questioned whether it would be more appropriate to move it to the December 8, 2009 meeting.

Following further discussion, it was the consensus of the Council to direct staff to contact the petitioner's attorney to discuss the requirements of the bond application deadline and to have an inducement resolution ready for consideration at the same meeting that Petition No. ZC 09-08 is reconsidered.

Following further discussion, a motion was made by Councilor Sharpe, seconded by Councilor Sandel to authorize staff to schedule the reconsideration of Petition No. ZC 09-08 on an agenda between now and January 12, 2010 in the event staff determines that the January 12, 2010

meeting is not soon enough for the project to proceed in a timely fashion, provided that there is adequate public notice given to the public and the affected residents, and upon voice vote the motion carried unanimously.

Buy Farmington First Campaign/Annexation

Councilor Sandel announced that some County businesses are capitalizing on the fact that they do not collect City gross receipts tax. He suggested that the "Buy Farmington First" campaign be revived.

Following brief discussion, it was a consensus of the Council to direct staff to identify the pros and cons associated with annexing those areas of the county containing existing businesses and to make a recommendation to the Council in January or February, 2010.

Cell Phone Service

In response to concern expressed by Councilor Sandel, City Attorney Jay Burnham stated he will research whether anything can be done by the City to improve local cell phone service.

Farmington Pollution Control Bonds

Councilor Sandel announced that some City pollution control bonds are rated BB+ and asked whether City bonds are being viewed less favorably than in the past. In response, Administrative Services Director Andy Mason stated that he will review the City's bond rating and report his findings to the Council.

Police Officer Safety

Referring to the recent murder of four police officers in Washington state, Mayor Standley questioned whether additional precautionary measures are necessary to protect Farmington police officers. In response, Police Chief Jim Runnels reported that officers are thoroughly briefed on these types of situations and efforts are made to teach them how to prevent such tragedy in the future.

Candidates for Municipal Office

Mayor Standley asked if any of the candidates present in the audience have questions on any of the issues presented at today's meeting or at prior City Council meetings. In response, Mayoral candidate Tommy Roberts reported that staff has been very helpful in providing the information that he has requested.

The Mayor asked that the candidates contact the City Clerk's Office if they would like to receive a complete copy of future City Council agendas.

CLOSED MEETING

Motion made by Councilor Sandel, seconded by Councilor Sharpe to close the meeting to receive advice from the City's legal counsel concerning a matter of threatened litigation (use of railroad right-of-way). The roll was called with the following result:

Those voting aye:	George F. Sharpe Jason Sandel
Those voting nay:	None
Those absent:	Dan Darnell Mary M. Fischer

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

The Mayor convened the closed meeting at 11:00 a.m. with Councilors Sharpe 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, motion was made by Councilor Sandel, seconded by Councilor Sharpe to open the meeting for further business, and upon voice vote the motion carried

unanimously.

The open meeting was reconvened by the Mayor at 11:15 a.m. with Councilors Sharpe and Sandel being present.

There being no further business to come before the Council, a motion was made by Councilor Sandel, seconded by Councilor Sharpe to adjourn the meeting at 11:16 a.m., and upon voice vote the motion carried unanimously.

APPROVED this 12th day of January, 2010.

William E. Standley, Mayor

SEAL

ATTEST:

Dianne Fuhrman, City Clerk