

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, December 20, 2011 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	Tommy Roberts
COUNCILORS	Dan Darnell Mary M. Fischer Gayla McCulloch Jason Sandel

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

PROPOSED REGIONAL ANIMAL SHELTER

Utilizing a powerpoint presentation, Assistant City Manager Bob Campbell reviewed the background information pertinent to the Council's 2006 decision to proceed with the proposed animal shelter project. He noted that a contract was awarded to Animal Arts later that same year for architectural services and a 19,350 square foot building was approved by the Council in 2008. He stated, however, that the project was stalled in 2009 due to the downturn in the economy and in 2011, staff was directed to research alternative design options and locations in an effort to reduce the costs. Noting that the original design proposal, including infrastructure from Andrea Drive to the proposed site, was estimated at \$7.7 million, Mr. Campbell reported that staff has determined that a slightly smaller, more rectangular facility could be constructed on City-owned property located near the Municipal Operations Center ("MOC") at a cost between \$3.5 and \$4.2 million and he assured the Council that functionality will not be compromised. He explained that the jagged-edged facility designed for Andrea Drive had an extra 1,400 square feet of hallways and corners due to topography of the 10-acre parcel. Noting that infrastructure costs at the MOC facility will be reduced by approximately \$440,000, Mr. Campbell reported that staff is also expecting a drop in the number of animals to be processed due to the spay and neuter clinic and Colorado Animal Welfare League's decision to select Shiprock as a target location for reducing the number of animals on the reservation. In closing, he announced that staff is recommending that the Council select the MOC site as the location for construction of the new animal shelter and that staff be directed to issue a request for proposals for architectural services and the preparation of construction documents for that location. He stated that he estimates the proposed facility to be somewhere between 15,160 and 17,950 square feet in size.

Councilor Sandel asked a series of questions regarding the proposed design and the reasons for relocating the facility from Andrea Drive. Mr. Campbell pointed out that Animal Arts originally designed a rectangular facility for Andrea Drive but had to change the design due to the topography of the land. He assured Councilor Sandel that Animal Arts has reviewed the proposed rectangular facility at the MOC location and agrees that functionality has not been compromised. He also confirmed that the contingencies line item for the project has been reduced from 10 to 7.5 percent. Councilor Sandel voiced frustration with the proposed cost comparisons, contending that he does not believe that the Council is being given a true "apples to apples" comparison of the construction costs.

In response to inquiry from Councilor Fischer, Mr. Campbell confirmed that the originally-designed facility provided for one animal per cage; however, he explained that recent research indicates that it is good practice to cohabitate some animals for socialization purposes. As

a result, he explained that staff is considering a policy whereby 20 percent of the animals housed at the shelter will share cages. He noted that both the Humane Society and the Shelter Veterinarian Association support the cohabitation of some animals in an effort to make them more comfortable in the shelter environment and more adoptable. He also pointed out that the MOC location is more accessible to the public and provides better visibility than the Andrea Drive location, and noted that animal shelters typically generate 65 decibels of noise, which is less than the 99 decibels of sound that are generated by trucks currently utilizing the MOC and the 70 decibels of sound generated by vehicles traveling along Browning Parkway. Furthermore, he noted the proposed site is mostly surrounded by industrial uses and assured her that the facility will be constructed with cinder blocks and steel which will help reduce the noise emissions. Mr. Campbell also assured her that the ventilation and drainage components that were designed by Animal Arts in the original design will be utilized in the smaller facility as well.

Mayor Roberts stated that he believes that accessibility of the facility is crucial since the goal of the new facility is to increase the number of animals being adopted. Mr. Campbell reported that Animal Arts has indicated that animal shelters that are constructed on main thoroughfares with great visibility tend to be more successful because they have higher adoption rates since customers are more likely to spontaneously visit the facility.

Councilor Darnell stated that he supports the MOC location due to its visibility from a major thoroughfare road and the reduced construction costs.

Councilor Fischer questioned whether it would be prudent to construct the proposed facility next to Gateway Museum on East Main Street if visibility is truly the goal. She voiced her strong objection to the proposed MOC site, stating that she recalls the Council deciding that a remote location is more practicable due to the amount of noise that is generated from the operation. She pointed out that there is a house located near the proposed MOC site and questioned the impact that the proposed facility will have on the resident.

In response to inquiry from Councilor Fischer, Parks, Recreation and Cultural Affairs Director Jeff Bowman stated that staff does not prefer one location over the other, noting that they are simply ready to proceed with the project.

Mayor Roberts questioned whether there is room at the MOC property to expand the shelter if necessary in the future. City Manager Rob Mayes stated that there are no restraints on the MOC property that would prevent the expansion of the facility in the future.

Following further discussion concerning the pros and cons of the MOC and the Andrea Drive sites, the Mayor asked for comments from the members of the audience who are representing The Pet Project.

Gina Morris, 4901 Pinecroft Drive, announced that she is supportive of the MOC location, but suggested that the proposed facility be designed in a way that allows for future expansion. She stated that she believes that constructing the facility next to Gateway Museum is a bad idea because of traffic congestion on East Main Street and contended that the MOC site is removed enough from Browning Parkway that it is safe but also visible to drivers. She thanked the Council for considering this location and questioned how long it will take for the new facility to be constructed. In response, Mr. Campbell stated that best case scenario would be to have the facility constructed in 18 months.

Donna Ogilvie, 3327 Santa Fe Court, reported that when The Pet Project first started three years ago, the question she heard the most was, why? She proudly announced that she has seen a tremendous turnaround in the communities' attitude toward a new shelter and stated that she is now most often asked, when?

Betty Berry, 4217 Sedona Court, stated that she personally thinks that the MOC location will be the easiest to promote with regard to The Pet Project's goal of contributing \$500,000 toward the cost of construction. She contended that a remote facility could give the animal shelter a negative connotation and prevent prospective customers from visiting it. She also stated that she believes that the animal shelter

should be located away from the San Juan County Detention Center in an effort to promote a more positive outlook on its operations.

Phil Morin, 4409 Sandia Court, agreed that the MOC location will provide a greater sense of security to prospective animal shelter customers, contending that the Andrea Drive location is too remote and is not as inviting. He reiterated that the regional animal shelter planning committee has fully vetted both locations and strongly supports the MOC site. He expressed his appreciation to the Bureau of Land Management for donating the property on Andrea Drive and stated that he hopes that the City can find a good use for it in the future. He also stated that he opposes the construction of the facility next to Gateway Museum due to traffic congestion on East Main Street.

Sylvia Little, 824 Santa Barbara Drive, announced that she was originally opposed to the MOC location, but explained that she has since toured it and now believes that it is the ideal location for construction of the animal shelter.

Announcing his support for the Andrea Drive location, Councilor Sandel stated that he sees a great potential for growth in the Crouch Mesa area. However, he stated that he will support the opinions of the animal shelter advocates. He questioned whether staff has analyzed the future expansion needs of the Electric Utility Department and questioned whether there may be a better location than the MOC.

Following further discussion, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to direct staff to 1) authorize staff to issue a request for proposal for the redesign of the animal shelter and for the preparation of the construction documents; and 2) direct staff to pursue the property at the MOC as the location for construction of the animal shelter.

Councilor Sandel asked that the motion be split into two separate questions.

Noting that San Juan County has agreed to pay for half of the construction costs, Councilor Fischer questioned whether they have voiced an opinion as to where the facility should be located. In response, Mr. Campbell reported that they are most interested in the cost of the facility and have indicated that they are pleased with the proposed price reduction.

Councilor Fischer stated that she believes it would be more prudent to table action upon the proposed item for a couple of weeks to afford staff the opportunity to further analyze the MOC location.

The Mayor called for the vote upon the question to direct staff to pursue the property at the MOC as the location for construction of the animal shelter. The roll was called with the following result:

Those voting aye:	Dan Darnell Gayla McCulloch
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Those voting nay:	Mary M. Fischer Jason Sandel
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The Mayor voted in favor of the motion and declared the motion carried.

The Mayor called for the vote upon the question to issue a request for proposals for the redesign of the animal shelter and for the preparation of the construction documents, and upon voice vote the motion carried unanimously.

In response to inquiry from Mr. Mayes, Mayor Roberts stated that it is inherent in the motion that the request for proposals for design documents will be specific to the MOC location.

Councilor Fischer questioned why The Pet Project is slated to pay \$500,000 towards construction costs, contending that this money could be better utilized on specific programs. In response, Mayor Roberts reported that the original fundraising effort was built upon the concept that the community would demonstrate their support for the project through the donation of money as an impetus to encourage the City to proceed with the project. He also stated that he does not believe that

the project will be compromised if \$500,000 is not raised by The Pet Project. Expanding on the Mayor's comments, Mr. Morin proudly reported that they have successfully raised \$180,000 to date without the commitment of the City. He voiced his confidence that the \$500,000 goal will be reached now that there is an actual project to promote.

In closing, Councilor Fischer contended that the architect should plan for an area that will house large animals, such as horses.

RECESS

The Mayor called a brief recess at 10:37 a.m.

The Mayor reconvened the meeting at 10:40 a.m. with all members of the Council being present.

408 FUND/CAPITAL PROJECTS AND INFRASTRUCTURE INVESTMENT PLAN

Mayor Roberts stated that the Council needs to determine if there is a majority support to direct staff to proceed with the process of extending the City's bond debt. He reiterated the reasons for the proposed bond extension and asked that the Council make a decision at today's meeting. He stated that he personally supports the extension of the City's bond debt by 10 years for the purpose of raising \$10 million in additional revenue for needed capital improvement projects. He also noted that the Council has considered two other options, one being an increase in the gross receipts tax (based on a positive referendum from the voters) and the other being the set-aside of a certain amount of money from the General Fund for the purpose of servicing the bond det.

Councilor McCulloch stated that she supports the proposal, but questioned why staff is not recommending the option to extend the bonds for 15 years. In response, City Manager Rob Mayes explained that there are no real downsides to extending the City's debt for another 15 years, but stated that the highest priority projects, as identified by staff, total approximately \$10 million. He also noted that the goal is to keep the City's annual debt payment at approximately \$1.5 million.

Councilor Sandel questioned whether Paul Cassidy, the City's financial advisor, has provided the information he promised at the December 6, 2011 Work Session regarding the use of bonding capacity to pay for routine capital projects instead of extraordinary capital projects. In response, Mr. Mayes stated that he has not yet received that information, but assured Councilor Sandel that staff will follow-up on the matter.

Following further consideration, a motion was made by Councilor Darnell to direct staff to start the process of extending the City's bond debt by 10 years.

Councilor Fischer stated that she has heard that the fiberglass at Lions Pool needs to be replaced. In response, Parks, Recreation and Cultural Affairs Director Jeff Bowman stated that he is aware of the problem and plans to repair the pool this summer with funds from Fiscal Year 2013.

Councilor Fischer stated that she wants to know specifically the projects that will be completed with the proposed bonds funds before she votes on the proposed extension.

The Mayor called for the vote upon the motion to direct staff to start the process of extending the City's bond debt by 10 years. The roll was called with the following result:

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

The Mayor voted in favor of the motion and declared the motion carried.

Mayor Roberts asked that staff schedule for discussion at an upcoming City Council Work Session the types of projects that could be completed with the additional bond revenues.

Councilor Sandel pointed out that there will need to be an affirmative vote of three Councilors to approve the bond ordinance authorizing the extension of the City's debt.

LEASE/ORCHARD AVENUE & ARRINGTON STREET/JOSEPH & SHAUNA MANGUM

Assistant City Manager Bob Campbell requested approval of a Lease Agreement with Joseph and Shauna Mangum for lease by the City of the lot located on the southeast corner of Orchard Avenue and Arrington Street for public parking purposes. He explained that the City has been leasing this lot since 1997, but noted that the prior lease agreement expired in 2006 and the City has continued to use the property. He recommended that a new five-year lease agreement be approved authorizing a \$12,500 lump sum payment. He also noted that the Mangums have not requested any retro pay for the use of the lot from 2006 to present.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to approve a five-year Lease Agreement for use by the City of the lot located on the southeast corner of Orchard Avenue and Arrington Street for public parking purposes, and upon voice vote the motion carried unanimously.

LEASE/ORCHARD PLAZA/RED APPLE TRANSIT SYSTEM/DARIO L. PINI

Assistant City Manager Bob Campbell recommended approval of a Lease Agreement with Dario Pini for lease by the City of a portion of the parking lot at Orchard Plaza for the Red Apple Transit System. He explained that the City has used Orchard Plaza as a bus transfer location for several years and Mr. Pini is requesting that the City pay \$2,500 annually for the continued use of the lot due to maintenance concerns.

In response to inquiry from Councilor Fischer, City Attorney Jay Burnham explained that Mr. Pini will be liable if an individual were to fall in the parking lot of Orchard Plaza since he is responsible for maintaining its upkeep.

Following further consideration, a motion was made by Councilor Darnell, seconded by Councilor Sandel to approve a Lease Agreement with Dario Pini for lease by the City of a portion of the parking lot at Orchard Plaza for the Red Apple Transit System, and upon voice vote the motion carried unanimously.

CLOSED MEETING

A motion was made by Councilor Sandel, seconded by Councilor McCulloch to close the meeting to discuss acquisition of real property (easement for the Berg Park/Animas Trail extension). The roll was called with the following result:

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

The Mayor convened the closed meeting at 11:13 a.m. with all members of the Council 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 Sandel to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 11:24 a.m. with all members of the Council being present.

AGREEMENT/EASEMENT FOR RECREATIONAL TRAIL PURPOSES/GEOFFREY BRIMHALL

Parks, Recreation & Cultural Affairs Director Jeff Bowman requested approval of an Agreement for an easement to extend the Berg Park/Animal Trail on the south bank of the Animas River for future trail development.

Following consideration, a motion was made by Councilor McCulloch, seconded by Councilor Darnell to approve an Agreement between Geoffrey LeRoy Brimhall, Vera Robin Svenson and Elizabeth Louise Brimhall granting the City an easement to extend the Berg Park/Animas Trail on the south Bank of the Animas River, and upon voice vote the motion carried unanimously.

DONATION OF LAND/TIBBETT'S MIDDLE SCHOOL/ROBERT CHAFFEE

City Attorney Jay Burnham announced that it has been brought to staff's attention that a portion of the property for the City's 3W water storage tank and associated waterline are owned by Robert Chaffee due to a historical surveying error. He explained that this error was determined by the engineering firm hired to design the water infrastructure necessary for the construction of the new Tibbett's Middle School on property located north of Twin Peaks Bypass. He stated that Mr. Chaffee has agreed to donate the land to the City provided that the conveyance takes place before the end of the calendar year.

Following consideration, a motion was made by Councilor McCulloch, seconded by Councilor Darnell to accept the donation of land from Robert Chaffee and to direct staff to facilitate the conveyance of the property to the City, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 11:31 a.m.

APPROVED this 10th day of January, 2012.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Fuhrman, City Clerk