

CITY OF BLOOMFIELD
REGULAR COUNCIL MINUTES
November 12, 2018

The Regular Meeting of the Bloomfield City Council was held at 6:06 p.m. in the Council Chambers at 915 N. First Street, Bloomfield, NM. The meeting was in full conformity with the laws and rules of the Municipality.

In attendance were Mayor Cynthia Atencio and Councilors Matt Pennington, Sue Finch, Curtis Lynch and Ken Hare.

Also present were City Manager George Duncan, City Attorney Ryan Lane, and City Clerk Dorothy Nobis. Department Heads present were Brad Ellsworth, Jason Thomas, Interim Police Chief Randon Matthews and Peggy Loyd.

Councilor Curtis Lynch offered the invocation and led the Pledge of Allegiance.

Councilor Finch moved to approve **the Agenda** and Councilor Lynch seconded. Approval was unanimous.

Councilor Finch moved to approve the **Consent Agenda**. Councilor Pennington seconded and approval was unanimous.

New Business:

The Accounts Payable were reviewed by Councilor Hare. His questions were satisfactorily answered. Councilor Hare moved to approve Accounts Payable and Councilor Finch seconded. Approval was unanimous.

City Attorney Ryan Lane discussed the city joining the lawsuit against the New Mexico Taxation and Revenue Department for Declaratory Judgement, Request for Accounting and Alternative Writ of Mandamus Relating to Violations of the Tax Administration Act. Mr. Lane said that NM Tax and Revenue had taken money from the City of Bloomfield and other municipalities across the state, with no explanation. The lawsuit will hold the Tax and Revenue Department accountable for those explanations and will, hopefully, get municipalities affected by the department's actions, reimbursement for the funds taken. The City of Albuquerque has joined in the lawsuit, which gives additional credibility to the lawsuit. The City of Bloomfield will share a portion of the costs associated with the lawsuit, including court filing fees and other administrative expenses, which Mr. Lane estimates to be less than \$10,000. He also said an agreement will include language that prevents costs over the amount specified from being spent without the written permission from the City of Bloomfield. Mr. Lane said he sees no downside to the City of Bloomfield participating in the lawsuit. Councilor Finch moved to

approve the authorization to join the lawsuit and Councilor Lynch seconded. Approval was unanimous.

City Attorney Ryan Lane requested approval to authorize City Manager George Duncan to enter into a legal services agreement with Gallagher & Kennedy, P.A., regarding the City of Bloomfield v. New Mexico Taxation and Revenue Department. Councilor Pennington moved to approve the authorization and Councilor Finch seconded. Approval was unanimous.

Public Works Director Jason Thomas asked the Council to approve a Resolution for the East Blanco Bridge Project to Clarify the City's Intent of Use for the Remaining MAP Funding. Councilor Finch moved to approve the Resolution and Councilor Lynch seconded. Approval was unanimous.

Public Works Director Jason Thomas asked the Council to approve a grant/loan from the Clean Water State Revolving Loan Fund to Support the Planning and Design of the Water Reclamation Facility Improvements. Councilor Hare moved to approve the grant/loan and Councilor Pennington seconded. Approval was unanimous.

Public Works Director Jason Thomas requested approval for a Property Transfer Agreement with Clayton Investment Company, LTD, and Lampliter Enterprises, LLC Properties for properties at Fifth Street and West Blanco Blvd., which is the Brownfields Project. Mr. Thomas gave a background of the project, which, when completed, could include a skate park, YAFL fields, a small strip mall and apartments. Mr. Thomas said the City would like to apply for an EPA Brownfields Cleanup Grant, which would provide the needed funding to complete testing of the property to ensure no contamination remains on property that was once part of a refinery. Councilor Pennington moved to approve the agreement and Councilor Finch seconded. Approval was unanimous.

City Manager George Duncan discussed a possible partial closure of Sixth Street, which has created traffic issues with business along the street. Alan Doyle, owner of Bloomfield Super Lube, which is one of the businesses located on Sixth Street, said traffic on the street has created a dangerous situation for pedestrians and traffic, due to the speeding of vehicles using the street. Mr. Duncan has spoken with officials of the Giant store, which is also located on the street, about the issue, and the concerns of those officials is ensuring their trucks have room to turn around when they are making deliveries. Mr. Duncan and Public Works Director Jason Thomas will look at possible solutions and the issue will be on the next Council agenda.

Mayor Cynthia Atencio requested approval of the Tenth Amendment to Intergovernmental Agreement of Detention Center Services. Councilor Hare moved to approve and Councilor Pennington seconded. Approval was unanimous.

Unfinished Business:

There was no Unfinished Business to discuss.

Department and Public Input:

Resident and former Councilor **Elwin Roark** expressed his concerns about the City partnering with the County with fire and police protection.

Bloomfield Librarian Peggy Loyd invited everyone to attend a performance of Sagit Zilberman's "Songs of Peace" on November 29 at the Bloomfield Multi-Cultural Center. Mrs. Loyd also

thanked voters for approving a bond on the November 6, 2018, General Election ballot that will provide the Bloomfield Public Library with \$31,747.45, which will be spent on expenses for public use, such as computers and additional books.

City Manager George Duncan thanked the Bloomfield Fire and Police Departments for helping with Central Elementary's Fun Run recently.

CLOSED EXECUTIVE SESSION

Mayor Atencio asked for a motion to go into a Closed Executive Session to discuss limited personnel and pending/threatened litigation. Councilor Finch moved to go into Closed Executive Session to discuss those issues and Councilor Hare seconded. Approval was unanimous. The council went into Closed Executive Session at 8:02 p.m. At 9:04 p.m., Mayor Atencio asked for a motion to return to the regular meeting, stating nothing was discussed in the executive meeting other than limited personnel and pending/threatened litigation. Councilor Lynch moved to return to the regular meeting and Councilor Finch seconded. Approval was unanimous.

Adjournment:

Mayor Atencio called for adjournment at 9:04 p.m. All were in favor.

Mayor Cynthia Atencio

ATTEST:

Dorothy Nobis, City Clerk