

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 5:00 p.m. on Tuesday, October 24, 2023. 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	Nate Duckett
COUNCILORS	Sean E. Sharer Linda G. Rodgers Jeanine Bingham-Kelly Janis Jakino

constituting all members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
DEPUTY CITY MANAGER	Julie Baird
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Andrea Jones

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

INVOCATION: The invocation was offered by Pastor Joshua Clark of College Heights Baptist Church.

City Attorney Jennifer Breakell led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor announced that those items on the agenda marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on without discussion 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 in regular order.

*MINUTES: The minutes of the Regular Meeting of the City Council held October 10, 2023.

*DECLARATION OF SURPLUS PROPERTY: The Acting Chief Procurement Officer recommended that worn-out, unusable or obsolete equipment (Fire) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

*DECLARATION OF SURPLUS PROPERTY: The Acting Chief Procurement Officer recommended that worn-out, unusable or obsolete news-printing equipment (Administrative Services) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

There being no requests to remove any items, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to approve the Consent Agenda, as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Jeanine Bingham-Kelly Janis Jakino
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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.

PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARD TO BARRY DIGMAN

Noting that Barry Digman was unable to attend tonight's meeting, Mayor Duckett announced that this presentation will be rescheduled to a future Council meeting.

RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Community Works Director David Sypher 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 without discussion by one motion. He asked that if the item proposed did 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 recommendation from the Planning and Zoning Commission as contained within the Community Works Action Summary to approve Petition No. ZC 23-71 from Francisco Gutierrez requesting a zone change from the IND, Industrial, District to the SF-7, Single-Family Residential, District to allow for construction of a single-family residence on 2.513 acres of property located 615 Melba Lane, subject to the site being developed in the general conformance of the submitted site plan.

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

UNFINISHED BUSINESS/RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION:

Mayor Duckett announced that this item was placed on the Planning and Zoning Commission Consent Agenda for the October 10, 2023 regular City Council meeting and was subsequently tabled at the request of the petitioner. He pointed out that several members of the audience are in attendance for consideration of Petition No. ZC 23-61 and as such the item will be removed from the Consent Agenda and heard by the Council.

- (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Works Action Summary to approve Petition No. ZC 23-61 from Michael Schweitz requesting a zone change from the SF-7, Single Family Residential, District to the MU, Mixed-Use, District to allow for a residential and commercial mixed-use development on 8.259 acres of vacant property located south of Cliffside Drive and east of current terminus of Mortensen Road, subject to:
 - (a) the site being developed in general conformance to the submitted site plan;
 - (b) the developer extending Herrera Road from the current terminus to Cliffside Drive with the following standards:
 - (i) a 50-foot right-of-way starting at the existing east right-of-way line at the toe of the slope;
 - (ii) a 40-foot road width including curb and gutter;
 - (iii) five-foot wide sidewalks along the western side of the street; and
 - (iv) two Americans with Disabilities Act (ADA) compliant ramps installed at the proposed intersection of Cliffside Drive and Herrera Road.
 - (c) the developer dedicating a 60-foot wide right-of-way on Cliffside Drive along the property frontage and installing five-foot wide sidewalks along the south side of Cliffside Drive along the property frontage;
 - (d) the developer dedicating a minimum 50-foot right-of-way through the subject property connecting Mortensen Road to the extension of Herrera Road for future development; and
 - (e) residential protection standards provided within Section 5.10 of the Unified Development Code applying to all single-family, two-family and multi-family uses.

At the advice of City Attorney Jennifer Breakell, Mayor Duckett announced that tonight's consideration of Petition No. ZC 23-61 will be conducted as a quasi-judicial hearing that will require all parties and their witnesses offering testimony to first be sworn to tell the truth by the City Clerk. At the request of Mayor Duckett, City Clerk Andrea Jones asked for all parties wishing to give testimony in response to the subject petition to stand, raise their right hand and swear to tell the truth. The following individuals were administered an oath: Long Range Planner Colby Gibson, Larry Womack, Michael Schweitz, Bryan McCarty, Charles Daniel, Dori Raymond, Curtis Joslin, Judi Nickerson and Lisa Clarke.

Utilizing a PowerPoint presentation [Exhibit A], Long Range Planner Colby Gibson reported that the petitioner, Michael Schweitz, is requesting a zone change from the SF-7, Single Family Residential, District to the MU, Mixed-Use, District to allow for a residential and commercial mixed-use development on 8.259 acres of vacant property located south of Cliffside Drive and east of current terminus of Mortensen Road. He provided an aerial view of the subject property, noting that Cliffside Drive runs directly through the top of lot but remains a single lot and he pointed out that Mortensen Road is 24-foot wide while Cliffside Drive's right-of-way varies between 22- to 40-foot wide without sidewalks. Mr. Gibson presented multiple street views of the subject property along with the proposed site plan submitted by the petitioner. He explained that the petitioner plans to subdivide the property into 15 parcels with four commercial lots, nine duplex residential lots, one multi-family (fourplex) residential lot and no development plan for the lot located north of Cliffside Drive and he noted that the trees and vegetation along Cliffside Drive and the western property line will be preserved to buffer the development from existing residences. In addition, Mr. Gibson stated that Herrera Road will be extended to Cliffside Drive and a new road will be constructed to provide access to the each of the lots from said extension and he illustrated the right-of-way to be dedicated to the City for potential future connection to Mortensen Road. He reviewed the MU setback requirements and provided the zoning map, noting that SF-7 is found to the north and west and GC (General Commercial) to the east and south of the subject property. Mr. Gibson reported that the proposed residential/commercial development conforms to the Comprehensive Plan's Commercial Mixed future land use designation for the subject property and is compatible with the nearby residential and commercial uses. He pointed out that petitioner proposes the use of buffering, screening and distance to mitigate the identified adverse impacts of noise, traffic and lighting and he stated that staff has recommended that a condition of approval for the petition require residential protection between all use types. In regards to increased traffic, Mr. Gibson explained that Herrera Road and Cliffside Drive are both classified as collector streets intended to move traffic from local streets to arterial roads and he reported that the subdivision process would require a traffic impact analysis, noting that the process would entail an additional public hearing. He confirmed that the proposed density and intensity meet the standards for MU and he pointed out that the proposed development will entail 22 dwelling units (3.64 per acre) after removing the commercial lots while the existing SF-7 could be developed into a maximum of 51 dwelling units (6.17 per acre). Mr. Gibson reiterated that access to the proposed development will be provided from a new street connecting to Herrera Road and Cliffside Drive, noting that utilities are available on Mortensen Road and Cliffside Drive and he emphasized that the petitioner is responsible for the extension of roads, infrastructure and utilities. He indicated that the proposed zone change does not constitute "spot zoning" because it is in pursuance of the Comprehensive Plan and he reviewed the conditions of approval relating to traffic and site access. Noting that the Herrera Road extension has been planned since at least 2000, Mr. Gibson provided an image of the associated plat and various pictures of the current state of Herrera Road and Mortensen Road and he pointed out that the extension of Herrera Road will be required whether the lot develops as proposed or within the existing SF-7 zoning. He announced that staff has received several phone calls regarding the petition and 11 emails of opposition citing concerns of decreased property values, increased traffic, noise and overall safety. Mr. Gibson stated that staff recommends approval of Petition No. ZC 23-61 subject to conditions (a) through (e) contained within the Action Summary and he relayed that the Planning and Zoning Commission unanimously recommended approval of the petition by a vote of 7-0 at their September 28, 2023 public hearing.

In response to the Mayor's inquiry, Mr. Gibson confirmed that there have been calls for service regarding clean-up and vagrants occupying the subject property. Additionally, Ms. Breakell announced that there are currently no outstanding Code Compliance violations associated with the property.

Responding to questions of the Council, Mr. Gibson reported that there are no plans to widen Cliffside Drive; confirmed that the proposed zone change aligns with the Comprehensive Plan; acknowledged that many of the identified adverse impacts would be present with the development of the property in the current SF-7 zoning; and reiterated that a recommended condition of approval requires the site being developed in general conformance to the submitted site plan which indicates the property will be subdivided and presented at an additional public hearing.

Larry Womack, 3210 Mortensen Road, questioned if the 51 dwelling units includes the roadways that would be required if single-family residences were built on the property and what the proposed privacy fence entails. In response, Mr. Gibson briefly reviewed the industry standard calculation, noting that his preliminary analysis of the property including a roadway is 42 dwelling units and he reported that the proposed six-foot tall privacy fence would run along the western side of the property and must be of a removable material over the dedicated right-of-way.

Mayor Duckett asked for testimony from the petitioner.

Michael Schweitz, 122 Horse Thief Lane, Durango, Colorado, stated that Mr. Gibson provided a thorough presentation and that he has no additional input.

Responding to questions of the Council, Mr. Schweitz reiterated that there is no plan for the lot north of Cliffside Drive and he reported that his vision is to have some type of storage facilities in the commercial lots located near Home Depot on the eastern side of the property and restaurants or garden-style businesses in the western commercial lots.

Bryan McCarty of Mariposa Properties stated that he is the property owner and he clarified that the density calculation is solely based on the property's size without accounting for setbacks or roadways because those standards vary with each zoning district and use type.

Mayor Duckett asked for testimony from the affected parties.

Mr. Womack explained that he shares approximately 400 feet of the subject property's boundary and stated that he is vehemently opposed to the proposed zone change and development, noting that he has obtained more than 70 signatures on a petition opposing it. He contended that the proposed development will lower the value of his home and that the "peace and quiet" of the neighborhood will disappear. In addition, Mr. Womack suggested that rental units have clientele that are not invested in the property and he expressed his extreme concern with the increased traffic associated with the extension of Herrera Road to Cliffside Drive and the additional development. He explained that he believes a block fence should be required and that it is extremely unfair for the homeowners to bear the burden of Mortensen Road being brought up to developmental standards should the right-of-way be developed in the future.

In response to the Mayor's question, Mr. Gibson confirmed that the City would bear all costs associated with upgrading Mortensen Road.

Mayor Duckett asked for comments from the interested parties.

Noting that he opposes the zone change, Charles Daniel, 2405 Arch Lane, pointed out that 18-wheelers currently drive through his yard as-is and contended that there is already enough traffic without the connection of Herrera Road to Cliffside Drive along with the additional development on the subject property.

Dori Raymond, 3202 Mortensen Road, emphasized her belief that renters do not have pride and ownership of their homes which will result in diminished property values for the neighborhood. She contended that an eight-foot tall concrete fence and speed bumps would be required and

she adamantly announced that she does not want the zone change and subsequent development.

Curtis Joslin, 3110 Mortensen Road, provided an anecdotal account of the process he was required to go through to build a large garage on his property and emphasized that he does not believe it is fair that he would not have been allowed to build the garage if a single neighbor opposed to it and currently the petitioner has several neighbors, including himself, opposing the zone change. He pointed out that Cliffside Drive is extremely narrow and stated that the City should continue the sidewalk all the way from the proposed development to Hutton Avenue to protect pedestrians if the petition is approved.

Judi Nickerson, 2515 Apple Lane, explained that traffic is already "unbearable" on Cliffside Drive and noted that transients and street walkers pose a threat to personal safety which will only increase with the proposed development. She expressed her desire that no businesses be built on the subject property and that Herrera Road not be extended to Cliffside Drive and she described the hazardous intersection conditions at Apple Lane and Cliffside Drive. Concluding her comments, she contended that the zone change should not be approved based on the concerns she has brought up.

Lisa Clarke, 2510 Apple Lane, announced that Cliffside Drive is a narrow road with limited sight from connecting roads and she expressed her deep concerns with diminished property values and neighborhood safety. She pointed out that this neighborhood is near and dear to those who live there and she emotionally requested denial of the zone change.

The Mayor and Council expressed their appreciation to the members of the audience for their public participation and announced that these types of decisions are never easy or taken lightly.

Following discussion, a motion was made by Councilor Rodgers, seconded by Councilor Bingham-Kelly to deny Petition No. ZC 23-61 requesting a zone change from the SF-7, Single Family Residential, District to the MU, Mixed-Use, District to allow for a residential and commercial mixed-use development on 8.259 acres of vacant property located south of Cliffside Drive and east of current terminus of Mortensen Road. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Jeanine Bingham-Kelly
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Those voting nay:	Janis Jakino
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

Mayor Duckett asked each Councilor to explain the reasons for their vote.

Councilors Rodgers, Sharer and Bingham-Kelly indicated that they believe the current zoning is appropriate for the area.

Councilor Jakino explained that while she feels the current zoning is appropriate, she also recognizes the need for development and expanding the tax base is appropriate.

RECESS

Mayor Duckett called a recess at 6:36 p.m.

The meeting was reconvened by the Mayor at 6:45 p.m. with all members of the Council being present.

PUBLIC HEARING/2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Mayor Duckett called the public hearing to order.

Police Lieutenant Corban Davis announced that the City will be receiving \$47,516 from the 2023 Edward Byrne Memorial Justice Assistance Grant ("JAG") and stated that the Police Department ("FPD") is seeking comments from the public on how to expend the City's portion of the funds. He announced that FPD is proposing to use the grant funds to

purchase tourniquets, speed measuring devices and portable breath tests. Furthermore, Lieutenant Davis stated that FPD is requesting approval of the 2023 JAG program award (15PBJA-23-GG-03646-JAGX) for funding in the amount of \$47,516 and term to September 30, 2026.

There being no response to the Mayor's call for public comments, the public hearing was closed.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to approve the 2023 JAG program award and to authorize the Police Department to expend the funds on the purchase of tourniquets, speed measuring devices and portable breath tests, as recommended, and upon voice vote the motion carried unanimously.

OUTDOOR RECREATION INDUSTRY INITIATIVE SPONSORSHIP (ORII)
PROGRAM/NM OUTDOOR RECREATION BUSINESS ALLIANCE (ENDEAVOR)

Economic Development Director Warren Unsicker recommended approval of a funding request from NM Outdoor Recreation Business Alliance (endeavor) for \$10,000 from the Community Transformation and Economic Diversification ("CTED") Fund as part of the Outdoor Recreation Industry Initiative ("ORII") Sponsorship Program for the purpose of assisting with the growth and development of their statewide efforts to expand the outdoor recreation ("OR") economy, engage the OR community and enhance the OR experience.

Following brief discussion, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to approve the funding request from NM Outdoor Recreation Business Alliance (endeavor) for \$10,000 from the CTED Fund as part of the ORII Sponsorship Program for assisting with the growth and development of their statewide efforts to expand the outdoor recreation ("OR") economy, engage the OR community and enhance the OR experience, and upon voice vote the motion carried unanimously.

REAPPOINTMENTS TO THE ADMINISTRATIVE REVIEW BOARD

Mayor Duckett asked the Council's consideration of the reappointments of Brad Ballard and Carl Winters (terms to October, 2025) as members of the Administrative Review Board.

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to confirm the reappointments of Brad Ballard and Carl Winters as members of the Administrative Review Board, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

REAPPOINTMENTS TO THE PUBLIC UTILITY COMMISSION

Mayor Duckett asked the Council's consideration of the reappointments of Nathan Thompson, Patricio Sanchez, Tory Larsen, Diane Schmidt, Drew Degner and John Buffington (terms to October, 2026) as members of the Public Utility Commission.

Thereupon, a motion was made by Councilor Sharer, seconded by Councilor Rodgers to confirm the reappointments of Nathan Thompson, Patricio Sanchez, Tory Larsen, Diane Schmidt, Drew Degner and John Buffington as members of the Public Utility Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Empty the Shelters Program

Councilor Rodgers announced that she recently participated in the "Empty the Shelters" program at the Farmington Regional Animal Shelter and she thanked Animal Welfare Director Stacie Voss and her staff for their continued efforts in caring for and finding homes for the animals.

CITY MANAGER BUSINESS

Recognition/Animal Welfare Director Stacie Voss

Parks, Recreation and Cultural Affairs Director Natalie Spruell proudly recognized Animal Welfare Director Stacie Voss for receiving the 2023 Animal Advocate of the Year award at the New Mexico Humane Conference. The presentation was concluded with a photograph and hearty round of applause.

Cancellation of the November 21, 2023 City Council Work Session and
December 26, 2023 regular City Council meeting

At City Manager Rob Mayes's request, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to cancel the November 21, 2023 City Council Work Session and December 26, 2023 regular City Council meeting, and upon voice vote the motion carried unanimously.

Four Corners Musical Theatre Company/A Christmas Carol

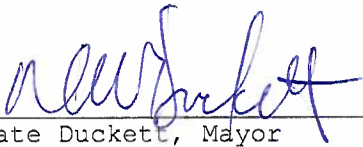
Assistant Director of Cultural Affairs and Marketing Christa Chapman proudly reported that the City's Four Corners Musical Theatre Company will be producing this season's show, "A Christmas Carol," and she announced that three local actors will be touring with the show which will include 19 performances in 14 states. She explained that Four Corners Musical Theatre Company was founded in 2021 and is managed by Civic Center Supervisor Randy West and she stated that it strives to bring together local and national talent to create amazing theatre in the Four Corners.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 2013-1466, et seq.

There being no further business to come before the Council, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to adjourn the meeting at 7:09 p.m., and upon voice vote the motion carried unanimously.

Approved this 14th day of November, 2023.

Entered in the permanent record book this 15th day of November, 2023.



Nate Duckett, Mayor

SEAL

ATTEST:



Andrea Jones, City Clerk