

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, January 5, 2010 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	Dan Darnell Mary M. Fischer George F. Sharpe 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
DEPUTY CITY CLERK	Melody Coyner

UNFINISHED BUSINESS:

- (1) Adoption of the Planning and Zoning Commission Action Summary and approval of Petition No. PD 09-02 from Geltmore LLC, represented by Charles Price, requesting approval of a planned development of 250.97 acres and of the Master Plan for property located north of Piñon Hills Boulevard across from the Sports Complex and east of La Plata Highway, subject to:
 - (a) a Traffic Impact Analysis for the entire Master Plan being submitted to the City Engineer for review and consideration with regard to access and subdivision improvements for on- and off-site infrastructure design, traffic signals, street lighting, etc. prior to the submittal of any preliminary plan to the Community Development Department.;
 - (b) the Petitioner providing a second access onto Piñon Hills Boulevard at the first phase of the development to meet the recommendations that result from the Traffic Impact Analysis and to meet the requirements of the Unified Development Code; and
 - (c) a copy of the New Mexico Department of Transportation permit allowing access to La Plata Highway being provided to the Community Development Department prior to the submittal of any preliminary plan.
- (2) Adoption of the Planning and Zoning Commission Action Summary and approval of Petition No. ANX 09-01 from Geltmore LLC, represented by Charles Price, requesting an annexation of 250.97 acres of property located north of Piñon Hills Boulevard across from the Sports Complex and east of La Plata Highway.
- (3) Adoption of the Planning and Zoning Commission Action Summary and denial of Petition No. MTPA 09-01 requesting inclusion of the spine road for La Plata Ranch Subdivision as a minor arterial on the Master Plan, but approval of including the spine road for La Plata Ranch Subdivision as a collector street on the Master Plan, subject to Council approval of the Planned Development Master Plan and completion of the annexation of La Plata Ranch.
- (4) Preliminary approval of La Plata Ranch Public Improvement District (PID).
- (5) Discussion and approval of the revised La Plata Ranch Annexation/Development Agreement.

Providing opening remarks, City Manager Rob Mayes reminded the Council that action upon Petition Nos. PD 09-02, ANX 09-01, MTP 09-01, the Annexation/Development Agreement and the application for preliminary approval for La Plata Ranch Public Improvement District were tabled at the October 6, 2009, November 3, 2009 and November 17, 2009 City Council Work Sessions and the November 10, 2009 and December 8, 2009 Regular City Council Meetings to afford staff the opportunity to further negotiate changes in the proposed Annexation/Development Agreement. He briefly reviewed each item.

Noting that the petitioner is requesting tabling of the proposed amendment to the major thoroughfare plan (Item No. (3)) until after the Traffic Impact Analysis ("TIA") is completed for the spine road, Councilor Sandel questioned whether the Council could still take action on Item Nos. (1), (2), (4) and (5). Following brief discussion, he stated that it is his opinion that all items should be tabled until the TIA is complete.

Councilor Fischer contended that the proposed development will not benefit District 2 at all and questioned how it will be beneficial to the community at large. In response, Councilor Sharpe noted that the proposed development will provide local residents with jobs and additional housing opportunities and contended that economic development, regardless of the location, is always a positive thing for a community as a whole. However, based on the analysis by staff and representatives of Harwick Transportation Group ("Harwick") that the proposed spine road will only function as a collector street, he stated that he cannot support an annexation agreement that requires the City to pay for any of the construction costs associated with the spine road. He contended that the City should be responsible for paying a portion of the construction costs associated with the lift station and the extension of the sewer lines since they will benefit other residents and businesses in the area. With regard to the suggestion that no action be taken until the TIA is complete, Councilor Sharpe stated that it is imperative that the Council respect the petitioner's request to only table action upon Petition No. MTPA 09-01.

Councilor Darnell expressed support for the proposed development and to the City's participation in the construction costs associated with extending the utilities to the subject property since it will increase the likelihood for further development along La Plata Highway and Piñon Hills Boulevard. He agreed that the proposed development will increase homeowner and commercial development opportunities in the area, but stated that he supports the petitioner paying the construction costs associated with developing the spine road to a collector status and providing for a low water crossing for the La Plata River. In closing, he contended that the Council should reach a consensus on Petition No. MTPA 09-01 before it takes action on the remaining items.

Following further discussion, the Mayor recommended that the Council consider the items out of order, beginning with Petition No. MTPA 09-01.

Referring to the letter dated December 23, 2009 from Harwick, Mr. Mayes noted that the proposed spine road is deemed to be a collector street by definition, in terms of how it collects traffic from connecting residential streets and channels them to a minor arterial roadway, and by use, based on the projected number of vehicles per day. Councilor Sharpe also pointed out that Harwick is not projecting any "cut-through" traffic on the spine road since it is 39 percent faster for cars to travel La Plata Highway to Piñon Hills Boulevard based on the posted speed limits.

Retired former Community Development Director Michael Sullivan suggested that the right-of-way for the spine road be oversized in the event that it is upgraded to minor arterial status at some point in the future.

A motion was made by Councilor Sandel, seconded by Councilor Fischer to table action upon Petition No. MTPA 09-01 until the petitioner has completed the TIA. Following brief discussion, Councilor Sandel withdrew his motion and Councilor Fischer withdrew her second in order for Charles Price, attorney, to address the petitioner's request for tabling.

Mr. Price reported that the petitioner is amenable to the spine road being initially classified as a collector street. However, he explained that if the TIA, the City or the New Mexico Department of Transportation("NMDOT") require the spine road to be constructed as a minor arterial, then the petitioner is requesting that the City reimburse 45 percent of the construction costs (including paving, water, sanitary sewer, storm sewer and landscaping, as set forth in Sections 6.4 and 6.5 of the proposed Annexation Agreement).

Referring to verbiage included in the proposed Annexation Agreement, Councilor Sandel questioned whether the City will be bound to completing the recommendations of the TIA. In response, Mr. Price stated that the final TIA is subject to Council approval.

Lengthy discussion followed concerning the City's reimbursement obligation if it is determined that the spine road should be constructed as a minor arterial. Also discussed was the funding options for the off-site infrastructure improvements.

In response to inquiry from Councilor Sandel, City Attorney Jay Burnham restated his position that all monies obligated by the City to be reimbursed to the petitioner must be earmarked and paid from a separate fund in order to comply with the Bateman Act.

Following further discussion, Councilor Sharpe stated his willingness to commit \$500,000 from the Sewer Fund cash balance for construction of the off-site sewer line extension and to dedicate money from the 201 Fund to pay the City's portion of the roadway improvements at the intersection of the development with Piñon Hills Boulevard and La Plata Highway.

Responding to a concern expressed by Councilor Fischer, Mr. Mayes explained that the Repair and Replacement monies collected through the water and wastewater funds are used to repair and replace existing infrastructure and cannot be used for new capital projects.

Following further discussion, a motion was made by Councilor Sharpe, seconded by Councilor Darnell to adopt the Planning and Zoning Commission Action Summary for Petition No. MTPA 09-01 and to deny the inclusion of the proposed spine road for La Plata Ranch Subdivision as a minor arterial on the Master Plan, but approve the of inclusion of the spine road as a collector street on the Master Plan, subject to Council approval of the Planned Development Master Plan and completion of the annexation of La Plata Ranch, as presented. The roll was called with the following result:

Those voting aye:	Dan Darnell George F. Sharpe Jason Sandel
-------------------	---

Those voting nay:	Mary M. Fischer
-------------------	-----------------

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

In response to inquiry from Councilor Sandel, Mr. Burnham confirmed that the Council would be required to approve an upgrade of the proposed spine road to bring it from collector to minor arterial status.

Because of the number of amendments that the Council intends to make to the proposed La Plata Ranch Annexation Agreement, Mr. Mayes announced that staff is recommending that the proposed agreement be rejected and that the petitioner be asked to submit an amended Annexation Agreement for approval at a future City Council meeting. Councilor Sharpe suggested that the proposed Annexation Agreement be approved, contingent upon the proposed amendments being presented to the Council for final approval.

Thereupon, a motion was made by Councilor Sharpe, seconded by Councilor Darnell to approve the concept of the proposed La Plata Ranch Annexation Agreement, subject to the deletion of all references that the City will help fund construction of the spine road; removal of all references that indicate that the spine road will ultimately be a minor arterial; the deletion of all provisions that would obligate future tax proceeds to the City for financing infrastructure improvements within the

development; and that the amended Annexation Agreement be brought back before the Council for final consideration.

Mr. Price and City staff responded to numerous questions from Councilor Sandel concerning impact fees; the proposed Public Improvement District (PID) application; zone changes; covenants for the proposed development; bikeways, trails and trailheads; sewer infrastructure; storm drainage improvements; the proposed site for construction of a school; off-site intersection improvements; and open space.

Councilor Sandel expressed concern for the number of amendments that are being made to the proposed Annexation Agreement and announced that he does not feel comfortable approving the agreement at today's meeting.

Thereupon, a motion was made by Councilor Sharpe, seconded by Councilor Darnell to amend the original motion to include the adoption of the Planning and Zoning Commission Action Summary for Petition No. PD 09-02 and to approve the planned development of 250.97 acres and of the Master Plan for property located north of Piñon Hills Boulevard, across from the Sports Complex, and east of La Plata Highway, subject to conditions (a) through (c), as recommended by the Planning and Zoning Commission; to amend condition (d) to state, "the number of lots being limited to 562, plus up to 199 dwelling units in the MF-L area, plus or minus 10 percent based on administrative approval of staff (not transferrable to other areas of the development) in the event that the 9.14-acre area is not used for a school or other approved, non-residential use."; and condition (e), as recommended by staff; adoption of the Planning and Zoning Commission Action Summary for Petition No. ANX 09-01 and approval of the annexation of 250.97 acres of property located north of Piñon Hills Boulevard, across from the Sports Complex, and east of La Plata Highway; and preliminary approval of the La Plata Ranch Public Improvement District (Item No. (4)). The roll was called with the following result:

Those voting aye:	Dan Darnell George F. Sharpe
Those voting nay:	Mary M. Fischer Jason Sandel

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

Responding to Councilor Sandel, Mr. Sullivan pointed out that condition (b) (Petition No. PD 09-02) requires the petitioner to provide a second access onto Piñon Hills Boulevard that meets the recommendations from the TIA and the requirements of the Unified Development Code. In addition, he stated that the petitioner is aware that a third access to the development may be required at full build-out.

In response to inquiries from Councilor Sandel, Assistant City Manager Bob Campbell confirmed that there is sufficient water pressure to service the development at full build-out, and Acting Fire Chief Terry Page reported that no land has been identified for construction of a new fire station but explained that there will be three-quarters of the fire hydrants needed to justify a new fire station at full build-out.

In response to inquiry from Councilor Fischer, Mr. Burnham explained that the petitioner will not be authorized to proceed with the project unless the amended Annexation Agreement is approved and the final TIA is accepted by the Council.

Councilor Sandel expressed serious concern with regard to the impact that the proposed development will have on the City's budget and stated that he is opposed to the proposed development as presented.

The Mayor called for the vote upon the amended motion to approve the concept of the proposed La Plata Ranch Annexation Agreement, subject to the deletion of all references that the City will help fund construction of the spine road; removal of all references that indicate that the spine road will ultimately be a minor arterial; the deletion of all provisions that would obligate future tax proceeds to the City for financing infrastructure improvements within the development; and that the amended Annexation Agreement be brought back before the Council for final consideration, and to adopt the Planning and Zoning Commission

Action Summary for Petition No. PD 09-02 and to approve the planned development of 250.97 acres and of the Master Plan for property located north of Piñon Hills Boulevard, across from the Sports Complex, and east of La Plata Highway, subject to conditions (a) through (c), as recommended by the Planning and Zoning Commission; amended condition (d) and condition (e), as recommended by staff; adoption of the Planning and Zoning Commission Action Summary for Petition No. ANX 09-01 and approval of the annexation of 250.97 acres of property located north of Piñon Hills Boulevard, across from the Sports Complex, and east of La Plata Highway; and preliminary approval of the La Plata Ranch Public Improvement District (Item No. (4)). The roll was called with the following result:

Those voting aye:	Dan Darnell George F. Sharpe
Those voting nay:	Mary M. Fischer Jason Sandel

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

There being no further business to come before the Council, a motion was made by Councilor Darnell, seconded by Councilor Fischer to adjourn the meeting at 12:09 p.m., and upon voice vote the motion carried unanimously.

APPROVED this 26th day of January, 2010.

William E. Standley, Mayor

SEAL

ATTEST:

Dianne Fuhrman, City Clerk