

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 7:00 p.m. on Tuesday, January 12, 2010. 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	William E. Standley
COUNCILORS	Dan Darnell Mary M. Fischer George F. Sharpe Jason Sandel

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Bob Campbell
DEPUTY CITY ATTORNEY	Bill Cooke
CITY CLERK	Dianne Fuhrman

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

INVOCATION: The invocation was offered by City Manager Rob Mayes.

The Mayor led the Pledge of Allegiance.

RECOGNITION OF RETIRING COMMUNITY DEVELOPMENT DIRECTOR MICHAEL SULLIVAN

The Mayor and Council recognized Michael Sullivan for his 33 years of dedicated service to the City's Community Development Department. Councilor Sharpe stated that he feels lucky to have had the opportunity to work with Mr. Sullivan and believes that he always had the City's best interest in mind. Councilor Sandel contended that the community as a whole is better off because of Mr. Sullivan's commitment to his job. Councilor Fischer announced that Mr. Sullivan is the only person she knows that has attended more City Council meetings that she has and Councilor Darnell stated that Mr. Sullivan's extensive knowledge about the community will be sorely missed.

Bob Sisson, a local contractor, commended Mr. Sullivan for the tremendous job that he has done for the City.

In closing, Mr. Sullivan was given a standing ovation and a hearty round of applause for his unfailing service and dedication to the City of Farmington.

CONSENT AGENDA: The Mayor announced that those items on the agenda that are marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on 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 Business from the Floor.

*MINUTES: The minutes of the Regular Meeting of the City Council held December 8, 2009 and the minutes of the Regular Work Sessions of the City Council held December 1, 2009 and December 15, 2009.

*GRANT AGREEMENT NO. 03225 BETWEEN THE CITY AND THE DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION, for funding not to exceed \$1,868.90 to plan, design, construct and equip a solar energy system for the Farmington Boys & Girls Club (term to June 30, 2011).

*APPROVAL OF WAIVERS TO REQUIRED ROAD IMPROVEMENTS FOR BEES
SUBDIVISION CORRECTION SUMMARY PLAT for eight properties
located west of La Plata Highway (NM 170) and south of County
Road 1497, outside the city limits but within Tier 3 of the
City's five-mile planning and platting jurisdiction.

*WARRANTS PAYABLE for the time period of December 6, 2009 through
January 9, 2010, for current and prior years, in the amount
of \$15,024,435.78.

There being no requests to remove any items, a motion was made by
Councilor Darnell, seconded by Councilor Sandel to approve the Consent
Agenda, as presented, and upon voice vote the motion carried unanimously.

RECONSIDERATION OF PETITION NO. ZC 09-08 - JAMES ANTHONY

Councilor Darnell announced that he has requested reconsideration
of the Council's decision to grant a zone change from the MF-L/SMHAO
District to the MF-M District for five acres of land located at 1305 S.
Carlton Avenue, subject to a Traffic Impact Analysis being submitted and
approved by the City Engineer prior to a building permit being issued,
because he believes that the neighboring residents were not adequately
advised of the type of development that was being proposed. Stating for
the record that he fully supports affordable housing projects, he
cautioned the Council about the proposed project since the financing has
not been secured and the plans for the project were not specifically
designed for this piece of property. Furthermore, he contended that the
neighboring residents have invested significant amounts of money in their
own properties and stated that the Council should carefully consider
whether the project will be good for the neighborhood as a whole. He
suggested that the Unified Development Code Implementation Committee be
asked to reconsider the procedures associated with multi-family
developments to determine if it would be more appropriate to process them
as a planned development since it would give the residents an opportunity
to review the site plan before the zone change is approved. Following
brief consideration, there were no objections to Councilor Darnell's
suggestion.

Councilor Sharpe contended that a management plan is critical to
the success of the proposed development and stated that background checks
should be done on all potential residents and a no-tolerance policy
enacted.

Addressing the Council, Frank Coppler explained that the petitioner
is requesting approval of the MF-M District to allow an increase in the
number of units from 62 to 84 in an effort to make the project more
economically feasible. He pointed out that the property is actually
large enough to accommodate 112 units, but noted that the petitioner is
willing to limit the number to 84. With regard to the financing of the
project, Mr. Coppler explained that it has been difficult to secure
funding because investors are seeking projects that are equal to or
exceed \$10 million in cost. Furthermore, he stated that the plans for
the project have already been developed, but noted that the petitioner
does not want to build in an area where the neighboring residents are
opposed to the project. He also reported that the proposed project will
be certified by the U.S. Department of Housing and Urban Development
("HUD"); managed by a HUD certified operator who will provide tenant
control and selection services; and gated and secured to provide better
protection for the neighboring residents. He offered to provide the
Council with the names of references from similar projects that are
operated throughout the state. In response to inquiry from Councilor
Fischer, Mr. Coppler reported that statistical data indicates that there
is a high need for affordable/work force housing in San Juan County.

Councilor Sandel reported that he initially voted against the
proposed development because he did not feel that the concerns of the
neighboring residents were taken under consideration. He questioned
whether the proposed zone change could be coined as "spot-zoning." In
response, Mr. Coppler stated that he believes that the proposed
development will provide a good buffer between the existing industrial
uses and the adjacent residential neighborhoods. He also assured
Councilor Sandel that the petitioner has submitted a site plan to the
Community Development Department that shows two ingress/egress areas to
the site.

Councilor Darnell questioned whether the petitioner will proceed with the proposed development if the zone change request is not approved. In response, Mr. Coppler stated that the petitioner will attempt to secure financing for the project, but may not be able to since it will not meet the \$10 million threshold requirement. He also explained that the petitioner has not considered swapping the location of the proposed workforce housing project (Bluff View Apartments) with the proposed elderly care project (Adams Manor) because the elderly care units will be three stories in height and serviced by elevators.

Following further discussion, Councilor Sharpe suggested that action upon the subject petition be tabled to afford the petitioner the opportunity to meet with the neighboring residents and address their concerns. Mr. Coppler stated that he is not opposed to the petition being tabled, but requested that the Council proceed with adopting the two proposed inducement resolutions that are scheduled for action later this evening.

Responding to inquiry from Councilor Fischer, Mr. Coppler reported that a playground is being planned for the development and stated that the petitioner would be amenable to discussing with the neighboring residents the proposed demographics of the tenants to determine if a larger playground will be necessary. Furthermore, he explained that the petitioner will not proceed with an Environmental Assessment unless the proposed zone change is approved.

Addressing the Council on behalf of the neighboring residents, Linda Wilson, stated that the proposed project will increase traffic in an area that already consists of small, narrow streets. She expressed concern for the safety of the neighborhood children and announced that the neighboring residents are more supportive of a senior citizen housing complex being constructed on the subject property.

Leonard Biemer, 1309 Camina Contenta, reported that the neighboring residents have met five different times to discuss the issue and that roughly 80 percent of them are opposed to the proposed medium density zone designation because it would be out of character for the area. He also expressed concerns regarding the potential increase in traffic and stated that he is afraid that the existing alleyway will be used as a cut-off to other streets.

Albert Montoya, 1417 Anna Lane, argued that the developer is the only one benefiting from the proposed zone change. He contended that a large multi-family development will bring drugs and violence to the established neighborhood and announced that his 11-year old daughter is afraid that Sycamore Park Community Center will be overtaken by gang members.

Maize Cadle, 1400 Anna Lane, confirmed that traffic is a problem for the area and reiterated that the neighboring residents are supportive of a senior citizen housing project that is similar to the existing Apple Ridge Apartments. She announced that she would be happy to meet with the developers to discuss the project, but stated that they have made no attempt to contact her.

Bill Wood, a Farmington resident for the past 82 years, strongly urged the Council to listen to the concerns of the neighboring residents and to act accordingly.

Rusty Parmalee, 1601 Camino Sol, stated that he is concerned about the integrity of the water and sewer lines located in the area because the system is extremely old and may not be able to handle an additional 84 units. In response, Councilor Darnell stated that he has discussed this issue with the City's Engineer and does not believe that the integrity of the infrastructure is a concern at this time.

Refuting a comment that was made earlier by Councilor Fischer, Skip George stated that the property was never a farm but was used to store a number of junk vehicles. He confirmed that alfalfa grew on the property for a short period of time, but contended that it was not farmed and sold for profit.

Al Vecellio, 1417 Camina Contenta, stated that he is concerned about the safety of the children that will be living in the proposed apartment complex because of the two irrigation ditches that run along the property.

There being no further discussion from the members of the audience, a motion was made by Councilor Darnell, seconded by Councilor Fischer to deny Petition No. ZC 09-08 from James Anthony requesting a zone change from the MF-L/SMHAO, Multiple-Family Low Density Residential/Special Mobile Home Area Overlay, District to the MF-M, Multiple-Family Medium Density Residential, District for 5 acres located at 1305 S. Carlton Avenue.

Councilor Sharpe contended that the economics of the proposed development should be of key interest to the entire community since the project will generate construction jobs, increase business activity and provide additional affordable housing opportunities. In closing, however, he shared the concerns of the residents with regard to traffic and stated that he is supportive of a 62-lot multi-family development since it will be more consistent with the area.

The Mayor called for the vote upon the motion to deny Petition No. ZC 09-08 from James Anthony requesting a zone change from the MF-L/SMHAO, Multiple-Family Low Density Residential/Special Mobile Home Area Overlay, District to the MF-M, Multiple-Family Medium Density Residential, District for 5 acres located at 1305 S. Carlton Avenue, and upon voice vote the motion carried unanimously.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Senior Planner Cindy Lopez requested that those Planning and Zoning Commission recommendations marked with an asterisk () be placed on the Planning and Zoning Commission Consent Agenda and voted on by one motion. She asked that if any item proposed 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 in regular order.

- *(1) Adoption of the Planning and Zoning Commission Action Summary and approval of Petition No. ABD 09-04 from Rolling Mesa, LLC, represented by Tammara Price, requesting abandonment of a 400-foot access easement between Blocks 9 and 10 of the South Farmington Addition, located between Elm Street to the north, Orchard Avenue to the east, South Behrend Avenue to the west and Maple Street to the south, in the IND, Industrial, District, subject to the City retaining access to the property as needed by the wastewater engineering division.
- *(2) Adoption of the Planning and Zoning Commission Action Summary and approval of Petition No. ZC 09-09 from Wayne Dale requesting a zone change from the OP, Office and Professional, District to the LNC, Local Neighborhood Commercial, District, for 0.38 acres located at 706 West Apache Street, subject to the petitioner providing an amended site plan showing the paved parking and access areas. If such areas do not exist, the petitioner shall install paved parking and access areas.
- *(3) Adoption of the Planning and Zoning Commission Action Summary and approval of Petition No. ZC 09-10 from Daniels Family Funeral Services, represented by Kevin Daniels, requesting a zone change from the RE-1, Residential Estates, District to the LNC, Local Neighborhood Commercial, District for 3.75 acres of land located along Piñon Hills Frontage Road approximately 650 feet west of College Boulevard, subject to:
 - (a) the petitioner making street improvements (paving, curbs/gutter, sidewalks and street lights) to Piñon Hills Frontage Road for that section in front of the property (along the southern property line); and
 - (b) the petitioner recording a lot consolidation of the two lots prior to the issuance of any building permit.
- *(4) Adoption of the Planning and Zoning Commission Action Summary and approval of Petition No. SUP 09-21 from Daniels Family Funeral Services, represented by Kevin Daniels, requesting a Special Use Permit to allow the construction and operation of a funeral home to be located along Piñon Hills Frontage Road approximately 650 feet west of College Boulevard, subject to:

- (a) the petitioner making street improvements (paving, curbs/gutter, sidewalks and street lights) to Piñon Hills Frontage Road for that section in front of the property (along the southern property line); and
 - (b) the petitioner recording a lot consolidation of the two lots prior to the issuance of any building permit.
- * (5) Adoption of the Planning and Zoning Commission Action Summary and approval of Petition No. ZC 09-11 from Capital S, LLC, represented by Craig Stoabs, requesting a zone change from the SF-10, Single-Family Residential, District to the LNC, Local Neighborhood Commercial, District for 3.77 acres located on the northwest corner of the intersection of Piñon Hills Boulevard and English Road, subject to:
- (a) the petitioner submitting for City review and recording a replat of the zone change area prior to the issuance of any building permit; and
 - (b) the petitioner submitting an amended site plan to the Community Development Department for review, prior to the issuance of any building permit.
- * (6) Adoption of the Planning and Zoning Commission Action Summary and approval of Petition No. SUP 09-20 from Eberhart Home Health, represented by Glynn Stockham, requesting a Special Use Permit to allow a small local retail and service establishment to be located at 3751 North Butler, in the OP, Office and Professional, District.

Councilor Darnell requested that Petition Nos. ZC 09-10 and SUP 09-21 (item nos. (3) and (4)) be removed from the Planning and Zoning Commission Consent Agenda.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor to approve the Planning and Zoning Commission Consent Agenda, with the exception of Petition Nos. ZC 09-10 and SUP 09-21, and upon voice vote the motion carried unanimously.

DISCUSSION AND ACTION UPON ITEMS REMOVED FROM THE PLANNING AND ZONING COMMISSION CONSENT AGENDA:

- (3) Adoption of the Planning and Zoning Commission Action Summary and approval of Petition No. ZC 09-10 from Daniels Family Funeral Services, represented by Kevin Daniels, requesting a zone change from the RE-1, Residential Estates, District to the LNC, Local Neighborhood Commercial, District for 3.75 acres of land located along Piñon Hills Frontage Road approximately 650 feet west of College Boulevard, subject to conditions (a) and (b).
- (4) Adoption of the Planning and Zoning Commission Action Summary and approval of Petition No. SUP 09-21 from Daniels Family Funeral Services, represented by Kevin Daniels, requesting a Special Use Permit to allow the construction and operation of a funeral home to be located along Piñon Hills Frontage Road approximately 650 feet west of College Boulevard, subject to (a) and (b).

Announcing that several of the neighboring property owners have expressed their objection to the proposed petitions, Mayor Standley asked for comments from the audience members.

Leslie White, 5740 Los Arcos, voiced concern for the condition of Piñon Hills Frontage Road, contending that the roadway itself is not in good condition and is not suitable to handle an increase in traffic. She suggested that ingress and egress to the property be accessed from the patent easement that borders the subject property. In response, Senior Planner Cindy Lopez explained that the petitioner will be required to make street improvements along that section of the frontage road that borders the subject property. Councilors Darnell and Sandel stated that they are favorable to staff including in the FY11 budget the costs associated with bringing the frontage road into compliance with City standards.

Bill Fortner, adjacent property owner and owner of Animas Valley Insurance, advised that he supports the proposed petition because it will

improve the infrastructure in the area and will allow him to further develop his property.

Mr. Daniels agreed that the hill located to the west on Piñon Hills Frontage Road is not in compliance with City standards and causes a sight impediment to drivers due to the grade. Noting that there is a dental office being planned for construction near the crest of the subject hill, he stated that road improvements associated with that project may correct the issues.

Thereupon, a motion was made by Councilor Sharpe, seconded by Councilor Sandel to adopt the Planning and Zoning Commission Action Summaries for Petition Nos. ZC 09-10 and SUP 09-21 and to grant a zone change from the RE-1 District to the LNC District for 3.75 acres of land located along Piñon Hills Frontage Road, approximately 650 feet west of College Boulevard, subject to conditions (a) and (b), as recommended by the Planning and Zoning Commission and to grant a Special Use Permit to allow the construction and operation of a funeral home to be located at that same site, subject to conditions (a) and (b), as recommended by the Planning and Zoning Commission, and upon voice vote the motion carried unanimously.

Senior Planner Cindy Lopez also presented the following recommendation from the Planning and Zoning Commission:

- (7) Adoption of the Planning and Zoning Commission Action Summary and denial of Petition No. SUP 09-19 from McElvain Oil & Gas Properties, Inc., represented by Ron Millet, requesting a Special Use Permit to drill and operate a new Basin Fruitland Coal gas well (Ruby No. 2) on Lot 1A of the Valley View Center Subdivision, located south of Totah Hills Subdivision (residential), north of American Car Care and Sonic Drive-In on East 20th Street and west of Defined Fitness, in the PD, Planned Development, District.

The Oil & Gas and Geological & Engineering Hazards Advisory Commission ("Oil & Gas Commission") recommended approval of the petition at its December 29, 2009 meeting, with waivers to:

- (a) Section 19-3-3(a) concerning nuisances and annoyances and Section 12-5-8 concerning maximum permissible sound levels by receiving land use, to allow the noise level to exceed the maximum of 50 dBA during the drilling of the well; and
- (b) Section 19-1-3(a) concerning proximity of wells, tanks or pipelines to buildings to allow the well to be drilled and a separator to be located closer than 200 feet to a commercial building (closest building is 135 feet from the separator; 118.8 feet from the well bore).

and subject to:

- (a) the petitioner installing a six-foot solid masonry wall, topped with two strands of barbed wire, and meeting the International Building Code standards;
- (b) the well being drilled and completed between June 1 and August 15, 2010 to minimize conflicts with children walking to and from Northeast Elementary and Hermosa Middle schools;
- (c) flowback during the completion phase being done during daylight hours only to minimize disruption to neighboring residences; and
- (d) the operator restricting all non-emergency trips during the production phase to hours which do not conflict with children walking to and from Northeast Elementary and Hermosa Middle schools.

Note: With the recent amendments to Chapter 19, it is no longer necessary to grant waivers to noise levels since the Code now makes it explicit that such a waiver automatically accompanies the granting of an SUP, provided the drilling and completion activities occur during the times of day when such activities are allowed.

Providing background information, Ms. Lopez reported that the Community Development Department and the Planning and Zoning Commission both recommended denial of the subject petition, but that the Oil & Gas Commission recommended approval subject to conditions (a) through (d) and with waivers to Sections 19-1-3(a), 19-3-3(a) and 12-5-8 of the City Code. She suggested that if the Council approves the subject petition, the following conditions of approval be included:

- (1) the masonry wall not being less than six feet in height, constructed with two colors of block (both of which will be split-face type) topped with two strands of barbed wire, in a manner compliant with the International Building code and approved by the Fire Marshal;
- (2) all structures within the well site that are constructed to reduce noise and are visible from outside of the walled enclosure being approved by the Community Development Director to ensure compatibility with surrounding buildings and to minimize visual intrusion; and
- (3) the petitioner paving, to a width of not less than 24 feet, the access road between the well site and Knudsen Avenue prior to the commencement of drilling.

Furthermore, she noted that the well will be drilled in a manner that taps both the Basin-Fruitland and the Fulcher Kutz-Pictured Cliffs gas pools through a closed-loop system.

Councilor Sandel announced for the record that his company, Aztec Well Service, is in the business of drilling wells. However, he stated that they do not have any current contracts with the petitioner nor does he anticipate his company being asked to drill the subject well. As a result, he announced his intent to participate in the discussion and to vote upon the subject petition. There were no objections from the Council.

Addressing the Council on behalf of the petitioner, John Stubble reported that every possible location for drilling the proposed well was explored before the petitioner settled on the subject site. He explained that the allowable drilling area is dense with residential, commercial and public developments that make it nearly impossible to drill the well in any other location.

Richard Buffington, 3001 Crescent Avenue, announced that he and his family own 14 townhouse units that are located in the residential area directly adjacent to the proposed site. He noted that most of his tenants are nurses that work at the hospital during nighttime hours, and he expressed concern for their inability to rest during the drilling phase.

Bob Fielder also addressed the Council on behalf of the petitioner. He noted that there will not be any lighting fixtures installed on the property since the drilling will only occur during daylight hours; stated that the petitioner is willing to comply with all of the recommended conditions; and reported that the drilling phase will occur between June 1 and August 15 to synchronize with the summer schedule of the Farmington School District. In response to inquiry from Councilor Fischer, Mr. Fielder stated that the vibrations associated with the drilling phase will not damage the swimming pool located within Defined Fitness. He also stated that the petitioner is not opposed to paving the alleyway, but contended that the adjacent residents may be more negatively impacted because traffic will increase and drivers will speed through the alleyway.

Following further discussion, a motion was made by Councilor Sharpe, seconded by Councilor Darnell to adopt the Planning and Zoning Commission Action Summary and to grant McElvain Oil & Gas Properties, Inc. a Special Use Permit to drill and operate a new Basin Fruitland Coal gas well (Ruby No. 2) on Lot 1A of the Valley View Center Subdivision, located south of Totah Hills Subdivision (residential), north of American Car Care and Sonic Drive-In on East 20th Street and west of Defined Fitness, in the PD District, subject to conditions (a) through (d) and with waivers to Sections 19-1-3(a), 19-3-3(a) and 12-5-8 of the City Code, as recommended by the Oil & Gas Commission, and conditions (1) through (3), as recommended by staff, and upon voice vote the motion carried unanimously.

RECESS:

The Mayor called a recess at 9:18 p.m.

The Mayor reconvened the meeting at 9:32 p.m. with all members of the Council being present.

UNFINISHED BUSINESS:

- (1) Consideration of the revised La Plata Ranch Annexation Agreement

Providing opening remarks, Mayor Standley announced that all references requesting City financial participation in the costs associated with constructing the spine road and installing the utility infrastructure have been deleted from the proposed Annexation Agreement as directed by the Council at the January 5, 2010 City Council Work Session.

Attorney Charles Price addressed the Council on behalf of the petitioner, Geltmore, LLC. Referring to a handout titled, "La Plata Ranch Annexation Agreement Exhibits, January 12, 2010", Mr. Price reported that Exhibit F, Public System Improvements, is no longer necessary because it dealt with the costs associated with constructing the proposed spine road. In addition, he stated that Exhibit H, Typical Local Road Description, is no longer relevant either because it also dealt with the spine road. He stated that he believes the revised Annexation Agreement meets all of the requirements previously outlined by the Council.

Following further discussion, a motion was made by Councilor Sharpe, seconded by Councilor Darnell to approve the revised La Plata Ranch Annexation Agreement, with the deletion of Exhibits F and H.

Mr. Price responded to numerous questions from Councilor Sandel concerning the proposed project and the revised Annexation Agreement.

Following lengthy discussion, a motion was made by Councilor Sandel, seconded by Councilor Darnell to amend the first sentence of Section 4.7 of the revised Annexation Agreement to clarify that the owner will construct the storm drainage improvements in conformance with the final drainage plan, as approved by City staff. The roll was called with the following result:

Those voting aye:	Dan Darnell George F. Sharpe Jason Sandel
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Those voting nay:	Mary M. Fischer
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

Councilor Sandel made a motion to amend the revised Annexation Agreement to clarify that all references to the Master Plan means the "Master Plan as approved by the Council". The motion was seconded by Councilor Sharpe, and upon voice vote the motion carried unanimously.

Councilor Sandel initiated lengthy discussion concerning impact fees and the manner in which the proposed roadway improvements identified through the Traffic Impact Analysis ("TIA") will be completed. In response, Mr. Price contended that the TIA is an engineering process and not a budgetary or political process and should not require Council approval. City Manager Rob Mayes assured Councilor Sandel that the Council will have ultimate control over the development projects that occur as a result of the proposed La Plata Ranch project.

Skip George, 3608 San Medina Avenue, questioned whether the City has adequate resources available to support the expansion of the police and fire services if the subject property is annexed.

Following further discussion, a motion was made by Councilor Sandel, seconded by Councilor Sharpe to amend the revised Annexation Agreement to include a provision that states that the headings and captions are not to be considered a part of the agreement, and upon voice vote the motion carried unanimously.

Councilor Fischer voiced concern for the number of cul-de-sacs that are being proposed for the development.

Bill Cumberworth announced that he owns property north and northeast of the subject property and expressed his support of the proposed development.

Thereupon, the Mayor called for the vote upon the motion to approve the revised La Plata Ranch Annexation Agreement, as amended, with the deletion of Exhibits F and H. The roll was called with the following result:

Those voting aye:	Dan Darnell George F. Sharpe Jason Sandel
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Those voting nay:	Mary M. Fischer
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

City Manager Rob Mayes presented and read by title Resolution No. 2010-1337 approving the third amendment to the FY10 budget. The title of the resolution being:

A RESOLUTION APPROVING REVISION #3 TO THE FY10 BUDGET AND REQUESTING STATE APPROVAL.

Following consideration of Resolution No. 2010-1337, a motion was made by Councilor Sharpe, seconded by Councilor Darnell that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer George F. Sharpe 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 and Resolution No. 2010-1337 was duly passed and adopted.

Deputy City Attorney Bill Cooke presented and read by title a resolution concerning the issuance of Project Revenue Bonds to provide financing in connection with the acquisition and construction of Bluff View Apartments. The title of such resolution being:

A RESOLUTION OF INDUCEMENT OF THE CITY OF FARMINGTON, NEW MEXICO INDICATING ITS INTENT TO PROVIDE FOR THE ISSUANCE OF PROJECT REVENUE BONDS TO PROVIDE FINANCING IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF BLUFF VIEW APARTMENTS MULTIFAMILY HOUSING PROJECT AND DESIGNATING CERTAIN PARTICIPANTS TO THE FINANCING

At the request of James Anthony, developer of the proposed project, Councilor Sharpe recommended that the aggregate principal amount of the project be increased from \$4 million to \$5 million.

Councilor Darnell stated that he is looking for some comfort from the developer that the proposed project will be good for the neighborhood because the property owners and the City have worked to improve the aesthetics of the area. In response, Frank Coppler reiterated his belief that the project will be properly managed in an effort to maintain the integrity of the project and the adjacent neighborhoods.

After consideration of the resolution, a motion was made by Councilor Sharpe, seconded by Councilor Darnell that said resolution be passed and adopted, provided that the aggregate principal amount of the project is increased from \$4 million to \$5 million. 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.

Mr. Cooke also presented and read by title a resolution concerning the issuance of Project Revenue Bonds to provide financing in connection with the acquisition and construction of Adams Manor Apartments. The title of such resolution being:

A RESOLUTION OF INDUCEMENT OF THE CITY OF FARMINGTON, NEW MEXICO INDICATING ITS INTENT TO PROVIDE FOR THE ISSUANCE OF PROJECT REVENUE BONDS TO PROVIDE FINANCING IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF ADAMS MANOR APARTMENTS MULTIFAMILY HOUSING PROJECT AND DESIGNATING CERTAIN PARTICIPANTS TO THE FINANCING

At the request of James Anthony, developer of the proposed project, Councilor Sharpe recommended that the aggregate principal amount of the project be increased from \$3.8 million to \$5 million.

After consideration of the resolution, a motion was made by Councilor Sharpe, seconded by Councilor Darnell that said resolution be passed and adopted, provided that the aggregate principal amount of the project is increased from \$3.8 million to \$5 million. The roll was called with the following result:

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

Those voting nay: None

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

Furthermore, Mr. Cooke presented a proposed ordinance amending Chapter 8, Articles 3 and 8 of the Farmington City Code dealing with business licenses, business registrations and peddlers and solicitors and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978. He recommended the ordinance, if adopted, be given the number 2010-1221. The title of the ordinance being:

AN ORDINANCE CLARIFYING THAT A BUSINESS LICENSE OR BUSINESS REGISTRATION MAY BE REVOKED FOR FAILURE OF THE BUSINESS TO COMPLY WITH STATE LAW; MAKING IT A VIOLATION OF THE PEDDLERS AND SOLICITORS ORDINANCE TO FAIL TO LEAVE PROMPTLY OR TO SOLICIT OUTSIDE OF PERMITTED HOURS

After consideration of Ordinance No. 2010-1221, a motion was made by Councilor Darnell, seconded by Councilor Sharpe that said ordinance be passed and adopted as presented. The roll was called with the following result:

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

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion was carried and Ordinance No. 2010-1221 duly passed and adopted.

Mr. Cooke presented a proposed ordinance amending certain sections of the Unified Development Code and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978. He

recommended the ordinance, if adopted, be given the number 2010-1222.
The title of the ordinance being:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT
CODE

After consideration of Ordinance No. 2010-1222, a motion was made by Councilor Sharpe, seconded by Councilor Darnell that said ordinance be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer George F. Sharpe 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 was carried and Ordinance No. 2010-1222 duly passed and adopted.

Lastly, Mr. Cooke presented a proposed ordinance providing for the annexation of 13.28 acres, more or less, of land located on Harper Hill, west of Boyle Road and north of Comanche Street and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978. He recommended the ordinance, if adopted, be given the number 2010-1223. The title of the ordinance being:

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 13.28
ACRES OF LAND CONTIGUOUS TO THE CURRENT CITY LIMITS LOCATED WEST OF
BOYLE ROAD, SOUTH OF CR 6100, AND NORTH OF COMANCHE STREET AND THE
COMANCHE STREET ALIGNMENT WEST OF THE SCHRAG SUBDIVISION, ALL
LOCATED IN THE NORTH ONE-HALF OF THE SOUTHEAST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 11 TOWNSHIP 29N, RANGE 14W, N.M.P.M.,
SAN JUAN COUNTY NEW MEXICO

After consideration of Ordinance No. 2010-1223, a motion was made by Councilor Sandel, seconded by Councilor Sharpe that said ordinance be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer George F. Sharpe 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 was carried and Ordinance No. 2010-1223 duly passed and adopted.

There being no further business to come before the Council, a motion was made by Councilor Sharpe, seconded by Councilor Darnell to adjourn the meeting at 11:07 p.m., and upon voice vote the motion carried unanimously.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 96-844, et seq.

Approved this 9th day of February, 2010.

Entered in the permanent record book this 10th day of February, 2010.

SEAL

William E. Standley, Mayor

ATTEST:

Dianne Fuhrman, City Clerk