

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 25, 2011. 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	Tommy Roberts
COUNCILORS	Dan Darnell Mary M. Fischer Gayla McCulloch Jason Sandel

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Bob Campbell
CITY ATTORNEY	Jay B. Burnham
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 Associate Pastor Larry Moore of World Harvest Center.

Councilor Fischer led the Pledge of Allegiance.

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 January 11, 2011 and the minutes of the Regular Work Session of the City Council held January 4, 2011.

\*CONTRACT AMENDMENT TO SUBGRANT AWARD NO. 2009-EF-S6-0049 between the Farmington Police Department and the New Mexico Crime Victims Reparation Commission to extend the grant budget period to March 31, 2011 and to increase the budget by \$27,758.65 for a total amount of \$129,062.65.

\*APPROVAL OF RECOMMENDATION FROM THE LIQUOR HEARING OFFICER for approval of Application #650037 from Outback Steakhouse, LLC, doing business as Outback Steakhouse #5112, 4921 E. Main Street, Farmington, New Mexico for partial liquidation from limited partnership to general partner, contingent upon the applicant complying with all fire code requirements. (Hearing held January 21, 2011)

\*WARRANTS PAYABLE for the time period of January 9, 2011 through January 22, 2011, for current and prior years, in the amount of \$8,620,181.61.

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.

DATING VIOLENCE PREVENTION AND AWARENESS MONTH PROCLAMATION

Mayor Roberts presented Amber Valencia, Community Outreach Coordinator for Family Crisis Center, and Heather DePeal, Outreach & Education Coordinator for Sexual Assault Services, with a Proclamation declaring February, 2011 as "Dating Violence Prevention and Awareness Month."

FOSTER CARE RECRUITMENT AWARENESS MONTH PROCLAMATION

The Mayor presented Patricia Hale, Foster and Adoptive Parent Recruiter for the Children, Youth and Families Department, with a Proclamation declaring February, 2011 as "Foster Care Recruitment Awareness Month."

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

\*CONSENT AGENDA: Community Development Director Mary Holton 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 recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. ZC 10-14 from M&H Construction, represented by Mike Clawson, requesting a zone change from the GC, General Commercial, District to the MU, Mixed Use, District for 0.14 acres of land (Lots 7 and 8, Block 2 of the West Broadway Addition) located at 406 West Cedar Street.
- \* (2) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. SUP 10-17 from Sacred Heart Parish, represented by Tim Christensen, requesting a Certificate of Appropriateness (COA) to demolish and replace a structure located at 204 W. Ross Avenue in the MU/RPO, Mixed-Use/Residential Protection Overlay, District, subject to:
  - (a) the petitioner submitting to the Metropolitan Redevelopment Agency Commission for review all of the revisions to the architectural design; and
  - (b) the petitioner coordinating the final proposed building design and site plan with the Parks, Recreation and Cultural Affairs Department in an effort to create the best interaction between the youth center and U.S. West Park.

Councilor Sandel requested that Petition No. SUP 10-17 (item (2)) be removed from the Planning and Zoning Commission Consent Agenda.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Darnell to approve the Planning and Zoning Commission Consent Agenda, with the exception of Petition No. SUP 10-17, and upon voice vote the motion carried unanimously.

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

- (2) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. SUP 10-17 from Sacred Heart Parish, represented by Tim Christensen, requesting a Certificate of Appropriateness (COA) to demolish and replace a structure located at 204 W. Ross Avenue in the MU/RPO, Mixed-Use/Residential Protection Overlay, District, subject to:
  - (a) the petitioner submitting to the Metropolitan Redevelopment Agency Commission for review all of the revisions to the architectural design; and
  - (b) the petitioner coordinating the final proposed building design and site plan with the Parks, Recreation and Cultural Affairs Department in an effort to create the best interaction between the youth center and U.S. West Park.

Following brief comments about the manner in which this petition was handled, Councilor Sandel made a motion to adopt the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, and to grant a Certificate of

Appropriateness to demolish and replace a structure located at 204 W. Ross Avenue in the MU/RPO District, subject to conditions (a) and (b) being deleted. Councilor Darnell seconded the motion for discussion purposes.

Councilor Darnell stated that he attended the Planning and Zoning Commission meeting where this petition was discussed and stated that he believes that the Metropolitan Redevelopment Agency Commission is simply trying to ensure that the architectural design of the new structure is consistent with the plans for the Civic Center area of the Metropolitan Redevelopment Area. He asked Councilor Sandel to reconsider condition (a).

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Darnell to amend the original motion to adopt the recommendation of the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, and to grant a Certificate of Appropriateness to demolish and replace a structure located at 204 W. Ross Avenue in the MU/RPO District, subject to condition (a).

Brief discussion followed concerning condition (b). Associate Planner Margaret Ambrosino explained that Landscape Architect Roger Drayer had indicated that he would like to preserve the mature trees that are located on the southern edge of the U.S. West Park and has asked that he be allowed to coordinate with the architect the landscaping between the two properties.

Following further discussion, the Mayor called for the vote upon the amended motion to adopt the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, and to grant a Certificate of Appropriateness to demolish and replace a structure located at 204 W. Ross Avenue in the MU/RPO District, subject to condition (a). The roll was called with the following result:

Those voting aye:	Dan Darnell Gayla McCulloch 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 Fischer explained that she voted against the motion because she believes that the petitioner should have been required to also comply with condition (b).

#### MODIFICATIONS TO SECTION 12-5-8/SOUND LEVELS FOR RECEIVING ZONES

Associate Planner Margaret Ambrosino requested permission to proceed with modifying Section 12-5-8 of the City Code to include maximum permissible sound levels by receiving land uses for the MU, Mixed-Use, and LNC, Local Neighborhood Commercial, Districts and to update all current zone designations within Table 1 of the City Code. Noting that the LNC and MU districts were created with the adoption of the Unified Development Code in 2008, Ms. Ambrosino explained that Section 12-5-8 of the City Code was not amended to include a maximum decibel sound level for the two new districts.

Following brief discussion, a motion was made by Councilor Darnell, seconded by Councilor Sandel to direct staff to proceed with drafting an ordinance to modify Section 12-5-8 of the City Code to include maximum permissible sounds levels by receiving land uses for the MU and LNC Districts and to update all current zone designations within Table 1 of the City Code, and upon voice vote the motion carried unanimously.

#### FINAL REPORT/RED APPLE TRANSIT STUDY

- (1) Presentation of the Final Report of the Red Apple Transit Study and acceptance of the recommendations to improve the efficiency and operations of the transit system.

Providing opening remarks, MPO Planner Joe Delmagori explained that the Long-Range Transportation Plan that was adopted by the Metropolitan Planning Organization in April, 2010 identified the need for a comprehensive study of the Red Apple Transit system. As a result, staff

contracted with LSC Consultants for the purpose of conducting a six-month study to identify methods for improving the system.

David Krutsinger, of LSC Consultants, reviewed the process that was followed to develop the proposed short- and long-term recommendations. Directing the Council's attention to the agenda materials, Mr. Krutsinger reviewed the maps of the existing and proposed route structures. Noting that there are a number of short-term recommendations that are budget-neutral based on current revenues and expenditures that could be implemented immediately, Mr. Krutsinger suggested that more bus stops be installed along the local and regional routes; that the loop-systems be converted to two-way linear routes; that all-day service be extended outward to the city limits; that the transfer/hub stations be moved to City-owned property; that an extensive marketing campaign be executed; and that performance monitoring be implemented. Furthermore, he contended that certain long-term improvements could also be made with little-to-no impact to the City by investing in shelters at new bus stops (\$3,000 per year spread over 6 years will buy 55 bus stops); adding an Aztec to Bloomfield route; improving the frequencies of routes; and providing evening service. In response to inquiry from Councilor Fischer, Mr. Krutsinger stated that he considers the Red Apple Transit to be a financial success even with the subsidies because it provides transportation to persons who would otherwise not have such services. He also advised her that the proposed recommendations are key to increasing ridership.

Following further discussion of the proposed recommendations, Councilor Fischer contended that the cost of operating the transit system is high compared to the number of riders. She also stated that she has heard that the City is in jeopardy of losing its Federal subsidy. Furthermore, she questioned whether the transit system could be expanded to provide shuttle service to the La-Plata County airport and/or provide shuttle services from Sycamore Park Community Center to the Boys and Girls Club and the Farmington Public Library. In response, General Services Director Rod Hunt stated that it may be possible to provide such services separate from the Red Apple Transit system.

At the suggestion of Councilor Sandel, it was the consensus of the Council to direct staff to implement the short-term recommendations that do not have a budgetary impact, but that any item that negatively impacts the budget be presented to the Council for consideration through the annual budget process before it is implemented.

Councilor McCulloch asked that staff provide the Council with the number of unique riders that use the Red Apple Transit system. In response, City Manager Rob Mayes explained that the MPO staff will be conducting a survey this summer to determine such information.

In response to Councilor Darnell, City Attorney Jay Burnham announced that there is no action being requested of the Council at tonight's meeting.

In closing, Mr. Delmagori thanked Mr. Krutsinger for his assistance with the Red Apple Transit study, noting that it was a learning experience for he and his staff.

#### SPEED LIMIT REDUCTIONS/DUSTIN AVENUE

City Manager Rob Mayes reminded the Council that this item was discussed at the January 18, City Council Work Session and that staff was directed to schedule it for tonight's agenda for further consideration of directing staff to reduce the speed limit along portions of Dustin Avenue to 25 miles per hour.

The Mayor asked for comments from the audience.

Addressing the Council, Theresa Thomas strongly urged the Council to reduce the speed limit in front of the Dairy Queen on Dustin Avenue because her son was hit and killed by a driver this summer when he tried to cross the road to get to the skate park. She also requested that a street light be installed on Dustin Avenue so that drivers could see pedestrians accessing Greenlawn Cemetery from Dustin Avenue.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Fischer to direct staff to reduce the speed limit to 25 miles per hour along the entire stretch of Dustin Avenue from Piñon Hills Boulevard to Apache Street.

Reciting some of the rationale given by Nevin Harwick of Harwick Transportation Group, Councilor Darnell stated that he is opposed to reducing the speed limit because he thinks it will be impossible to enforce due to the commercial nature on the southern end of Dustin Avenue.

Councilor McCulloch stated that she has been conflicted with this issue, but believes that it will be difficult to enforce a lower speed limit because the traffic analysis determined that the average speed was 24 miles per hour in the 30 mile per hour zone. She also contended that additional legislation will not keep citizens from jaywalking. As a result, she stated that she will be voting against the motion.

Thereupon, the Mayor called for the vote upon the motion to direct staff to reduce the speed limit to 25 miles per hour along the entire stretch of Dustin Avenue from Piñon Hills Boulevard to Apache Street. The roll was called with the following result:

Those voting aye: Mary M. Fischer  
Jason Sandel

Those voting nay: Dan Darnell  
Gayla McCulloch

The Mayor voted against the motion and declared the motion failed.

Mayor Roberts explained that he voted against the motion because there is no evidentiary reason to change the speed limit. He stated that he drove the entire corridor at the posted speed limit and contended that each speed appears to be appropriate for the environmental conditions.

COUNCIL BUSINESS

Mayoral absence/Piñon Hills Boulevard Signalization

Mayor Roberts announced that he will be having ankle surgery on Thursday and will be bedridden for 7 to 10 days. As a result, he stated that he will be absent from the February 1, 2011 City Council Work Session and asked that the discussion of traffic along the Piñon Hills Boulevard corridor be moved to the February 15, 2011 City Council Work Session.

Request for Update/Peak Areas for Pedestrian and Vehicular Accidents

In response to inquiry from Councilor Sandel, Community Development Director Mary Holton stated that the Metropolitan Planning Organization recently submitted its findings on the peak areas where accidents are caused by vehicular traffic and pedestrian crossings and stated that she suspects that it will be forwarded to the Council in the near future.

There being no further business to come before the Council, the meeting was adjourned at 8:25 p.m.

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

Approved this 8<sup>th</sup> day of February, 2011.

Entered in the permanent record book this 9<sup>th</sup> day of February, 2011.

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Tommy Roberts, Mayor

SEAL

ATTEST:

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Dianne Fuhrman, City Clerk