

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, September 22, 2009. 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  
Jason Sandel

PRESENT ONLY FOR A  
PORTION OF THE MEETING  
BY TELEPHONE PURSUANT  
TO RESOLUTION NO. 94-772 George F. Sharpe, Councilor

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 Pastor Wade Elftman of Crossroads Community Church.

The Mayor 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 Special Work Session held September 1, 2009.

\*DECLARATION OF SURPLUS PROPERTY: The Purchasing Officer recommended that worn-out, unusable or obsolete vehicles (Administrative Services, Central Warehouse, General Services and Vehicle Maintenance) 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.

\*WARRANTS PAYABLE for the time period of September 6, 2009 through September 19, 2009, for current and prior years, in the amount of \$9,183,618.32.

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

FREEDOM TO CHOOSE WEEK PROCLAMATION

The Mayor presented a Proclamation declaring September 26 through October 3, 2009 as "Freedom to Choose Week."

SCHEDULED PRESENTATION/PUBLIC MEETING/METROPOLITAN REDEVELOPMENT AREA PLAN

Providing opening remarks, Community Development Director Michael Sullivan stated that the purpose for tonight's public meeting is to

receive comments on the proposed Metropolitan Redevelopment Area ("MRA") Plan, which will be presented to the Council for final action at the October 13, 2009 regular City Council meeting. He announced that every property owner within the defined boundaries (approximately 700 acres) of the MRA was mailed a letter advising them of tonight's meeting.

Mr. Sullivan introduced Phyllis Taylor of Sites Southwest and Ernest Bleinberger of Strategy 5 and announced that they are present at tonight's meeting to answer any questions that the public or Council may have concerning the proposed MRA Plan.

Mayor Standley introduced Tommy Roberts, Tom Taylor and Derald Polston, members of the Metropolitan Redevelopment Agency Board ("Agency"). Mr. Sullivan introduced Linda Barbeau, Doug Frary, Sara Kaynor and Kristen Langenfeld, members of the MRA Planning Committee, and he recognized Senior Planner Cindy Lopez and Government Relations Director/Downtown Coordinator Elizabeth Isenberg for their dedication and contribution to the proposed MRA Plan.

Utilizing a powerpoint presentation, Ms. Taylor reviewed the MRA vision and mission statements and the goals for each of the three distinct areas within the MRA boundaries (Downtown, Civic Center and the Animas Neighborhood). She also reported that the MRA Plan identifies five different types of infill areas, including Animas Riverfront, Civic Center, Civic Center Neighborhood, Medical Center Area and the Downtown Gateway. Ms. Taylor reviewed in detail the projects that have been identified for each of the areas. Following her presentation, Mr. Bleinberger addressed the long-range economic benefits to the community if the proposed projects are completed. He emphasized the need for inducing the projects through marketing and recruitment efforts. Ms. Taylor stated that it is critical that the City support the proposed MRA Plan if the downtown area is to be revitalized.

The Mayor asked for comments from the public.

Referring to an article that was published in today's edition of the *Daily Times* concerning a "smash and grab" burglary that occurred at Emerson Gallery, Richard White contended that it is critical that crime in the downtown area be curtailed before any revitalization efforts are undertaken.

Greg Anesi, investor and owner of property in the downtown area, contended that the City must provide economic incentives to entice investors to the MRA district. He suggested that a Federal District Court House be constructed in the MRA district to generate activity in the downtown area and noted that a three-acre parcel of land needs to be assembled if the City wants to encourage the development of a hotel.

Anthony Chee Emerson, owner of Emerson Gallery, stated his opinion that even though the proposed MRA Plan may be imperfect, it is a move in the right direction. He maintained his position that pedestrian traffic is vital to the revitalization of the downtown area. In closing, he voiced his confidence in the proposed MRA Plan and urged its adoption.

David Yarborough, 311 N. Auburn Avenue, contended that traffic on Auburn Avenue is a significant problem and asked the City to address the issue. [Note: Following the meeting, Mr. Yarborough contacted the Community Development Director and apologized for his remarks, stating that he does not believe that there is a traffic problem on Auburn Avenue between Main and Apache Streets.]

Diane Sandoval, 409 W. Animas Street, asked how the proposed MRA Plan would affect residential home owners. In response, Mr. Sullivan explained that the existing homes are legal nonconforming uses that predate the zoning code. He noted that there is a specific goal to preserve the existing homes within the Civic Center district, but stated that there is no such goal for those homes located south of the downtown area. However, he assured Ms. Sandoval that there is no provision in the proposed MRA Plan that will drive out existing homes.

Councilor Fischer called for a listing of the short-, mid- and long-term goals of the MRA Plan. In response, Mr. Sullivan confirmed that there are a number of economic challenges facing the proposed MRA Plan, but voiced his confidence that the proposed projects will be accomplished because of the Agency's involvement in and commitment to the

Plan. Councilor Fischer suggested that the first project should be to repair the old, worn-out sidewalks in the downtown area.

Seth Harris, 318 N. Vine Avenue, contended that there needs to be more businesses in the downtown area that focus on arts and entertainment. He also asked for an explanation on the types of improvements that are being planned for the Civic Center.

In response to inquiry from the Mayor, Police Chief Jim Runnels reported that the trends do not reveal that crime is increasing in the downtown area or in any other areas of the city.

Addressing the Council on behalf of the Agency, Tommy Roberts reported that the purpose of the MRA Plan is to address the underutilization of the subject properties. He assured the Council that the members of the Agency will be working diligently to formalize a game plan for implementing the projects. He noted that short-term goals of the Agency are to begin the rezoning process, assemble properties to allow for future development and identify specific projects for improving downtown facilities. Mr. Roberts emphasized that it is imperative that the City support the proposed MRA Plan, which may include some monetary contributions and in-kind services, in order for it to be successful. He also contended that crime within the MRA will likely decrease once the proposed projects are completed and the area is revitalized. In closing, Mr. Roberts stated that the Agency members are excited about the challenges associated with implementing the proposed projects and assured the Council that there will be tangible benefits occurring within the next year.

Tom Taylor stated that the proposed MRA Plan is designed to encourage mixed-use zoning that promotes residential and business activity, contending that the only way to change the character of the downtown area is to add more people. He agreed that the success of the MRA Plan hinges on the City's willingness to support it.

City Manager Rob Mayes reported that the City is committed to the downtown area and is in the process of upgrading the water and sewer infrastructure. In addition, he pointed out that the construction of the new Public Health Office has proven to be an asset to the area.

Councilor Sandel stated that he believes that safety in the downtown area is vital if pedestrian traffic is going to be increased. Furthermore, he suggested that five percent of the revenues being collected in the 201 and 202 Funds be used for projects identified in the proposed MRA Plan. In response, Mayor Standley advised that it would take a public referendum to change the use of those monies since they are already dedicated for a specific use.

Noting that he works downtown for San Juan Safe Communities Initiative, Councilor Darnell stated that he has never felt threatened by anyone in that area. He also confirmed that there has been an increase in traffic since the Public Health Office relocated to the downtown area.

In closing, Mr. Sullivan reminded the Council that staff will be requesting final approval of the proposed MRA Plan at the October 13, 2009 regular City Council meeting.

COUNCIL BUSINESS:

Speeding on Foothills Drive

Councilor Sandel reported that he has received a number of complaints from constituents about speeding on Foothills Drive.

Request for a Traffic Signal - Intersection of Piñon Hills Boulevard and Dustin Avenue

Noting that a church was recently constructed near the intersection of Piñon Hills Boulevard and Dustin Avenue, Councilor Sandel questioned whether it would be appropriate to consider installing a traffic signal at that location to increase the safety of drivers crossing Piñon Hills Boulevard and traveling east.

Airport Advisory Commission

With regard to a memorandum that was drafted by the Chairman of the Airport Advisory Commission ("AAC") requesting the reconsideration of a certain vote, Councilor Sandel asked that staff ensure that all of the provisions of the Rules of Procedure adopted by the AAC and the Open Meetings Act are properly followed.

Waiver of City Council Salary

In accordance with a memorandum that was drafted by City Attorney Jay Burnham, Councilor Sandel announced for the record that he will be waiving the salary he receives as a City Councilor.

Recognition of Police and Fire Personnel

Mayor Standley announced that he recently attended a "Blue and White" Sunday service at Grace Baptist Church whereby local fire and police personnel were honored for their dedication and service to the community and their profession.

The Mayor announced that New Mexico statutes provide that members of a public body may participate in City Council meetings by telephone in certain situations and that the City has adopted Resolution No. 94-772 authorizing telephone participation to allow the City Council to take action on important matters. He announced that Councilor Sharpe is absent from tonight's meeting and directed that Councilor Sharpe be contacted by speaker telephone for participation in the meeting, pursuant to paragraph C, Section 10-15-1, NMSA 1978, as amended and City of Farmington Resolution No. 94-772.

City Manager Rob Mayes presented and read by title Resolution No. 2009-1328 approving the second amendment to the FY10 budget. The title of the resolution being:

A RESOLUTION APPROVING CERTAIN REVISIONS TO THE FY10 BUDGET AND REQUESTING STATE APPROVAL.

In response to comments from Councilor Sandel, Administrative Services Director Andy Mason assured him that staff is constantly monitoring the status of the City's revenues and expenditures and will maintain the originally approved FY10 budget for tracking purposes.

Following consideration of Resolution No. 2009-1328, a motion was made by Councilor Darnell, seconded by Councilor Fischer 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. 2009-1328 was duly passed and adopted.

City Attorney Jay Burnham presented a proposed ordinance granting a franchise to Comcast of New Mexico/Pennsylvania 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 2009-1217. The title of the ordinance being:

AN ORDINANCE GRANTING A FRANCHISE TO COMCAST OF NEW MEXICO/PENNSYLVANIA, LLC, FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE CITY OF FARMINGTON; ALLOWING SUCH COMPANY TO USE CITY RIGHTS-OF-WAY; AND PROVIDING FOR THE PAYMENT OF A FRANCHISE FEE.

In response to inquiry from Councilor Fischer, Mr. Burnham stated that the proposed franchise agreement adopts the customer service standards of the Federal Communications Commission and could be cause for termination if they are not followed. He noted, however, that the City's legal department serves as a liaison between Comcast Cable and the

customer and explained that Comcast Cable is generally very responsive to the complaints.

Councilor Fischer commended Mark Johnson, General Manager of the Farmington and Gallup Operations, for assisting an upset cable customer on a Sunday afternoon.

In response to inquiry from Councilor Sandel, Mr. Burnham noted that provision 9.5 of the proposed franchise agreement requires Comcast Cable to pay the City \$5,000 as capital support for PEG (Public, Education and Government) access. However, he reported that the City does not have the infrastructure in place to operate such a channel at this time and no money has been budgeted for the project.

Councilor Sandel maintained his position that the City, Farmington Municipal School District, San Juan Regional Medical Center and Comcast Cable should collaborate their efforts to provide the community with better wireless and broadband communications. However, he stated that he is completely satisfied with the upgrades that have been made by Comcast Cable and he thanked them for listening to the needs and concerns of the community.

After consideration of Ordinance No. 2009-1217, a motion was made by Councilor Darnell, seconded by Councilor Fischer 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. 2009-1217 duly passed and adopted.

The telephone call with Councilor Sharpe was terminated at 9:09 p.m.

There being no further business to come before the Council, a motion was made by Councilor Fischer, seconded by Councilor Darnell to adjourn the meeting at 9:10 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 13<sup>th</sup> day of October, 2009.

Entered in the permanent record book this 14<sup>th</sup> day of October, 2009.

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William E. Standley, Mayor

SEAL

ATTEST:

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Dianne Fuhrman, City Clerk