

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, November 10, 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 George F. Sharpe Jason Sandel
ABSENT	Mary M. Fischer, Councilor

constituting all the members of said Governing Body.

Also present were:

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 Susan Torres of Crossroads Community Church.

Austin Waggoner of Boy Scout Troop 179 led the Pledge of Allegiance.

Mayor Standley recognized the members of Boy Scout Troops 179, 321 and 322 who were present in the audience.

VETERANS DAY PROCLAMATION

The Mayor presented Mark Decker of VFW Post 2182 with a Proclamation declaring November 11, 2009 as "Veterans Day."

The Mayor also proudly announced that today is the 234th birthday of the United States Marine Corps.

DR. HUGH ROGERS DAY PROCLAMATION

The Mayor presented Liz Rogers and her son, David Rogers, with a Proclamation declaring December 21, 2009 as "Dr. Hugh Rogers Day."

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 October 27, 2009.

*ADMINISTRATIVE SERVICES AGREEMENT between the City and New Mexico Municipal Energy Acquisition Authority to provide the cities of Farmington, Las Cruces and Los Alamos with a firm natural gas supply (term to October 31, 2010 with automatic renewals for 29 additional consecutive one-year periods).

*JOINT POWERS AGREEMENT between the City, the Cities of Aztec and Bloomfield and San Juan County for creation of the Farmington Metropolitan Planning Organization (term to September 30, 2012 with three automatic consecutive one-year renewal periods, subject to the appropriation of funds by the entities).

*PROJECT AGREEMENT NO. 10-AL-410-035 between the City and the New Mexico Department of Transportation for Operation DWI grant funding in the amount of \$66,285 (term to September 30, 2010).

*PROJECT AGREEMENT NO. 10-OP-RF-035 between the City and the New Mexico Department of Transportation for Operation Buckle Down grant funding in the amount of \$10,456 (term to September 30, 2010).

*WARRANTS PAYABLE for the time period of October 25, 2009 through November 7, 2009, for current and prior years, in the amount of \$4,076,592.16.

City Attorney Jay Burnham announced that non-substantive amendments have been made to the proposed Administrative Services Agreement between the City and New Mexico Municipal Energy Acquisition Authority. He briefly reviewed the proposed amendments and recommended approval of the Agreement as amended.

There being no requests to remove any items, a motion was made by Councilor Darnell, seconded by Councilor Sharpe to approve the Consent Agenda, including the amended Administrative Services Agreement, and upon voice vote the motion carried unanimously.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Community Development Director Michael Sullivan 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. He 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. ZC 09-07 from Larry Morgan requesting a zone change from the OP, Office Professional, District to the LNC, Local Neighborhood Commercial, District for 0.54 acres of land located at 717 through 721 W. Apache Street with a waiver to Section 5.2.3 of the Unified Development Code concerning minimum off-street parking requirements, and subject to the petitioner submitting a site plan to include resurfacing and striping of the existing front parking lot by April 1, 2010.

*(2) Adoption of the Planning and Zoning Commission Action Summary and approval of 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, subject to a Traffic Impact Analysis being submitted and approved by the City Engineer prior to a building permit being issued.

Councilor Darnell requested that Petition No. ZC 09-08 (item no. 2) be removed from the Planning and Zoning Commission Consent Agenda.

Thereupon, a motion was made by Councilor Darnell, seconded by Councilor Sharpe to approve the Planning and Zoning Commission Consent Agenda, with the exception of Petition No. ZC 09-08, 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 Planning and Zoning Commission Action Summary and approval of 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, subject to a Traffic Impact Analysis being submitted and approved by the City Engineer prior to a building permit being issued.

Councilor Darnell explained that he has requested that this item be removed from the Planning and Zoning Commission Consent Agenda to afford the neighboring residents an opportunity to address their concerns with the Council.

The Mayor asked for comments from the residents.

Nancy Wood, 1405 Anna Lane, provided the Council with a handout listing her concerns about the proposed development. She expressed reservations about the types of individuals that will be moving into the neighborhood since the apartments are being constructed for low-income families; questioned whether background checks will be done on the prospective renters; reported that drive-by shootings were once a problem in her neighborhood and suspected that crime will increase as a result of the development; contended that the safety and tranquility of the neighborhood will be disrupted by additional people living in a large apartment complex; asked whether the managers of the apartment complex will be local; reported that there is an existing sewer problem at the corner of Sycamore Street and Carlton Avenue; and noted that it is already difficult to access Carlton Avenue in the mornings and in the evenings due to high volumes of traffic. She stated that she suspects that traffic will only worsen once the development has been completed.

Leonard Biemer, 1309 Camina Contenta, stated that he is not opposed to development of the area, but requested that the zone designation not be changed from low to medium density. He contended that the proposed development will impede upon his privacy and will increase traffic in an already congested area. Noting that the developer is requesting a 35 percent increase in the density of the area, he argued that the potential for vandalism will increase as a result.

Robin Duprey, 1301 Camina Contenta, announced that she is opposed to the zoning being changed from low to medium density. Reporting that she and her husband did attend the Planning and Zoning Commission meeting, she contended that her privacy will be affected if the two-story structure is constructed.

Petitioner James Anthony responded to their comments and concerns. He stated that he is proposing to construct two and three bedroom apartments that meet the requirements for affordable housing; confirmed that he does do background checks on all his tenants; reported that he will be installing additional sidewalks in an area that does not currently have sidewalks; and noted that the apartments will be managed by Ramsey Realty and his son and daughter. He also contended that there is not a significant difference between 62 units, as allowed in low density areas, and the proposed 84 units. With regard to the increased traffic, Mr. Anthony stated that he is required to conduct a Traffic Impact Analysis ("TIA") and assured the Council that he will comply with all of the requirements of the TIA. Lastly, Mr. Anthony contended that while the units will be two-story in height, they should not impede upon the neighboring residents because of the setback requirements on the property.

In response to inquiry from Councilor Darnell, Mr. Anthony stated that it is not financially feasible to reduce the number of units because of the value of the land. He stated that if the development is reduced to 62 lots, the rents will be higher and will not meet the requirements for affordable housing.

With regard to Ms. Wood's comments, City Engineer Nica Westerling stated that she was not aware of any sewer problem in the area, but assured the Council that she will research the matter and correct any problems she finds.

Lengthy discussion followed concerning the differences between low and medium density standards with regard to building height and the number of allowable units. Also discussed was the TIA and the proposed site plan. Mr. Sullivan cautioned the Council that he did not recommend imposing any restrictions on the zoning standards that are greater than those allowed by the City's Unified Development Code.

Mr. Leonard argued that if the zone change is approved, the developer will have the authority to construct up to 108 units.

In response to a question, Mr. Anthony assured the Council that he has submitted a revised site plan that shows a secondary access point on Sycamore Street.

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 a zone change from the MF-L/SMHAO District to the MF-M District for 5 acres of land located at 1305 S. Carlton Avenue, subject to a TIA being submitted and approved by the City Engineer prior to a building permit being issued; staff approval of a site plan that substantially complies with the site plan presented at tonight's meeting; all buildings being limited to 35 feet in height; the density of the project not exceeding 84 units; and the TIA being conducted prior to the site plan being approved and that any mitigation resulting from the TIA being incorporated into the site plan and all off-site requirements being negotiated with the petitioner prior to site plan approval.

Councilor Darnell confirmed that affordable housing is a dire need for this community, but stated that he also understands that the concerns of the neighboring residents must be considered with a project of this magnitude.

Following further discussion, Councilor Sharpe made a motion to amend the original motion to require the site plan and TIA to be submitted and approved within one year of approval or the zone designation will revert back to MF-L/SMHAO, and upon voice vote the motion carried unanimously.

The Mayor called for the vote upon the original motion to adopt the Planning and Zoning Commission Action Summary and to grant a zone change from the MF-L/SMHAO District to the MF-M District for 5 acres of land located at 1305 S. Carlton Avenue, subject to a TIA being submitted and approved by the City Engineer prior to a building permit being issued; staff approval of a site plan that substantially complies with the site plan presented at tonight's meeting; all buildings being limited to 35 feet in height; the density of the project not exceeding 84 units; the TIA being conducted prior to the site plan being approved and that any mitigation resulting from the TIA being incorporated into the site plan and all off-site requirements being negotiated with the petitioner prior to site plan approval; and the site plan and TIA being submitted and approved within one year of approval or the zone designation will revert back to MF-L/SMHAO. The roll was called with the following result:

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

The presiding officer thereupon declared that a majority of the Councilors present having voted in favor thereof, the said motion carried.

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 Developer 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 (the revised Agreement will be distributed at the meeting)

The Mayor reported that the above items were tabled at the October 6, 2009 and the November 3, 2009 City Council Work Sessions and announced that the petitioner's representative, Charles Price, is again requesting tabling to the November 17, 2009 City Council Work Session to afford them the opportunity to further negotiate the terms of the proposed Annexation/Development Agreement.

Councilor Darnell briefly left the meeting.

Following brief discussion, a motion was made by Councilor Sandel, seconded by Councilor Sharpe to table the five items related to La Plata Ranch Subdivision to the November 17, 2009 City Council Work Session, as requested by the petitioner. The roll was called with the following result:

Those voting aye:	George F. Sharpe Jason Sandel
Those voting nay:	None
Those absent:	Mary M. Fischer Dan Darnell

The presiding officer thereupon declared that a majority of the Councilors present having voted in favor thereof, the said motion carried.

Councilor Darnell returned to the meeting.

COUNCIL BUSINESS

Mrs. O.G. Fischer

Acknowledging the fact that Councilor Fischer is absent from tonight's meeting because her mother is in the hospital, Councilor Darnell asked the Mayor and Council to keep Mrs. O. G. Fischer in their thoughts and prayers.

Medal of Honor Memorial

Mayor Standley announced that the Medal of Honor Memorial was dedicated this past weekend and he thanked the community for their support and contribution of \$1,400 to the project.

City Attorney Jay Burnham presented for discussion a proposed ordinance authorizing the sale of City-owned property. The title of such proposed ordinance being:

AN ORDINANCE AUTHORIZING AND APPROVING THE SALE OF CITY-OWNED LAND TO SPARE RIB BBQ COMPANY.

There being no response to the Mayor's call for discussion, Mr. Burnham announced that the proposed ordinance will be presented for final action at the November 24, 2009 regular City Council meeting.

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 8:49 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 24th day of November, 2009.

Entered in the permanent record book this 24th day of November, 2009.

William E. Standley, Mayor

SEAL

ATTEST:

Dianne Fuhrman, City Clerk