

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, January 4, 2011 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	Tommy Roberts
COUNCILORS	Dan Darnell Mary M. Fischer Gayla McCulloch 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
CITY CLERK	Dianne Fuhrman
DEPUTY CITY CLERK	Melody Coyner

RECOGNITION OF STAFF FROM FARMINGTON CLEAN & BEAUTIFUL/GOLD AFFILIATE RECOGNITION AWARD

Mayor Roberts proudly announced that Farmington Clean and Beautiful has received a "Gold Affiliate Recognition Award" from New Mexico Clean and Beautiful, noting that Farmington is one of only eight communities in New Mexico to receive the award. He presented the plaque to Farmington Clean and Beautiful Coordinator Debra Homer. Ms. Homer briefly reviewed the criteria that was met by Farmington Clean and Beautiful to qualify for the award. The presentation was concluded with a hearty round of applause.

LEGISLATIVE UPDATE/COUNCIL DIRECTION TO CITY LOBBYIST

Mayor Roberts asked that Scott Scanland, the City's contract lobbyist, be contacted by speaker telephone for the purpose of presenting the 2011 legislative update.

Mr. Scanland reported that at its last hearing, the Legislative Finance Committee came up with approximately \$200 million worth of severance tax funds that will be spent on state-wide projects which have already been identified, and noted that there will not be any general fund bonds this year. Pointing out that newly-elected Governor Susanna Martinez has "built walls" around public education, higher education and Medicaid, he stated that it will be difficult to find money to cover the State's anticipated budget shortfall of \$253 to \$400 million. He further announced that he anticipates that legislation will be introduced during the upcoming Legislative Session concerning the Environmental Improvement Board's ("EIB") decision to impose a cap and trade program on greenhouse gas emissions. He stated that the governor has issued an executive order suspending the proposed regulations for 90 days.

City Manager Rob Mayes stated that he and Mr. Scanland have discussed seeking direction from the Council on defensive and/or offensive tactics related to environmental issues that affect the community and the potential repeal of the hold harmless agreement for cities as it pertains to gross receipts tax on the purchase of food and medical services.

In response to inquiry from Mayor Roberts, Mr. Scanland stated that the governor's task force will review the greenhouse gas regulations recently adopted by the EIB and make their recommendations to the governor.

Following further discussion, it was the consensus of the Council to direct Mr. Scanland to monitor environmental issues that affect the community and to lobby for the preservation of the hold harmless agreement for cities as it pertains to gross receipts tax on the purchase

of food and medical services, prevention of implementation of EIB greenhouse gas emission regulations and the passage of street gang legislation.

Mr. Scanland responded to questions from the Council concerning funding for road and highway maintenance and the potential for legislation prohibiting counties that ban drilling activity from receiving capital outlay funds.

Following brief discussion concerning the Northwest New Mexico Council of Governments, Mr. Scanland stated that he will contact Interim Director Jeff Kiely about their legislative priorities.

In closing, Mayor Roberts asked that Mr. Scanland monitor legislation regarding tax credits for production of natural gas and oil from shale.

#### BID/PURCHASE OF 115 kV HORIZONTAL POST INSULATORS

Purchasing Officer Eddie Smylie reported that bids for purchase of 115 kV horizontal post insulators (Electric) opened on December 29, 2010 with four bidders participating. He recommended that the bid be awarded to Wesco Distributing on its low bid after application of five percent in-state preference of \$28,414.20.

In response to comments from Councilor Sandel, Mr. Smylie confirmed that the local bidder would have been awarded the contract if a local preference option was implemented.

Thereupon, a motion was made by Councilor Darnell, seconded by Mayor Roberts to award the bid for purchase of 115 kV horizontal post insulators to Wesco Distributing on its low bid of \$28,414.20, as recommended by the Purchasing Officer. The roll was called with the following result:

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

#### LAND PURCHASE/SWITCHING STATION/SUBSTATION

Providing opening remarks, Electric Utility Director Maude Grantham-Richards requested approval to purchase Lot 36 of the Geoff McMahon Tract for the purpose of constructing a new switching station and substation in the near future. She explained that the proposed construction would sustain development in the immediate area and provide back-up support to the existing Lakeview and Lee Acres substations. She pointed out that the appraised value of the property is \$45,000, but that the owner has agreed to sell the land for \$38,000.

In response to inquiry from Councilor Fischer, Ms. Grantham-Richards and Engineering Supervisor Gary Rollstin stated that the total cost of the project will be approximately \$3 million and will be budgeted over three fiscal years beginning in 2012.

Following brief discussion, a motion was made by Councilor Fischer, seconded by Councilor Darnell to approve the purchase of a five-acre parcel of land for construction of a switching station/substation, and upon voice vote the motion carried unanimously.

#### POLICE CHIEF FINALIST PRESENTATION/VISION AND GOALS OF THE FARMINGTON POLICE DEPARTMENT

Addressing the Council as the sole applicant for the position of Police Chief, Deputy Police Chief Kyle Westall reviewed his education, training and experience as a police officer. He stated that his internal visions for the Police Department are 1) to instill in Farmington police officers that they are held to a higher standard (with greater responsibility comes greater accountability); 2) to assure that the department maintains contact with victims from the time of the incident to its resolution in order to keep them informed of the status of the case and to walk them through the process; and 3) to improve communication skills within the department. He further stated that his

visions for the community are to increase federal involvement to address hardcore drug issues in the county, to maintain four full-time DWI units regardless of a potential reduction in state funding and to continue the Four Corners Safe Streets Gang Task Force administered by the FBI's Safe Streets and Gang Unit. In closing, he stated that his main focus will be to ensure that the citizens of Farmington feel safe in their daily lives.

Mr. Westall responded to numerous questions from the Mayor and Council concerning department morale, use of volunteers, drug activity, illegal immigrants, perceived inequities in the promotion process, DWI training, public inebriates, his plans for working with the new administration at the San Juan County Sheriff's office and the possible co-location of the detective divisions for the Farmington Police Department and San Juan County Sheriff's Office.

Following brief discussion, Councilor Sandel expressed a desire to amend the City's existing ordinance to make the Police Chief an officer of the city that is hired and fired by the City Council.

In response to inquiry from Councilor Sandel, Mr. Westall stated that in addition to maintaining the Commission on Accreditation for Law Enforcement Agencies ("CALEA") accreditation, he is seeking a secondary accreditation from the State of New Mexico.

Following further discussion, Councilors McCulloch and Darnell expressed their support of the appointment of Mr. Westall as Police Chief.

In response to inquiry from Councilor Fischer, Mr. Westall stated that very few civilians have City of Farmington Police Department badges and explained that the badges were issued in relation to security issues. Following brief discussion, Councilor Fischer contended that civilian badges are inappropriate and that they should be returned to the department.

#### COUNCIL BUSINESS

##### Hiring Process for Department Heads

Mayor Roberts initiated discussion concerning the hiring procedure for department heads. He pointed out that the City Manager is given the authority, by statute, to hire and fire city employees, specifically department heads. Noting the issues that have come to light during the Police Chief hiring process, the Mayor stated that it is important to let the City Manager know the expectations of the Council.

The Mayor stated that he liked the one-on-one interview with the finalist candidates but noted that the public setting is also valuable.

Councilor Sandel reiterated his desire to make the Police Chief an officer of the city and suggested that the finalist candidate of any future police chief hiring process be asked to address the Council.

Councilor Fischer suggested that in the future staff ask the Council what level of involvement they want in filling a department head position.

Following further discussion, Councilor Fischer suggested that all department head finalist candidates address the Council regarding their goals and objectives.

Councilor Darnell suggested that the hiring process be the same for all department heads and that the finalist selected by the City Manager address the Council, have a public meeting with the appropriate board or commission and have the opportunity for one-on-one meetings with Council members.

Mayor Roberts suggested that further discussion of the issue be scheduled for the January 18, 2011 work session agenda.

Following brief discussion, it was the consensus of the Council to direct staff to determine where in New Mexico the police chief is an officer of the city.

##### Monthly Financial Report

Mayor Roberts announced that beginning December 2010 the City's monthly financial report will be available via the City's website.

Citizen Police Advisory Commission

Mayor Roberts recognized Citizen Police Advisory Commission member Raymond Renaud. Mr. Renaud noted that notice of the meeting at which the Police Chief finalist addressed the Citizen Police Advisory Commission was published in the newspaper and contended that all department head finalists should address the Council.

APPOINTMENT TO THE PUBLIC UTILITY COMMISSION

After providing the Council with background, educational and professional information on Dr. Jim Spence, Mayor Roberts asked the Council's consideration of his appointment as the representative for District 4 to the Public Utility Commission (term to October, 2011).

Motion made by Councilor Fischer, seconded by Councilor Darnell to confirm the appointment of Dr. Jim Spence to the Public Utility Commission District 4, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

Cold weather/water drip allowance

In light of the extremely cold weather, Councilor Fischer asked that the Council consider implementing a water drip allowance to avoid frozen water pipes. Following brief discussion, staff was directed to review the ordinance and make a recommendation to the Council at the January 11, 2011 regular City Council meeting.

CLOSED MEETING

A motion was made by Councilor Sandel, seconded by Councilor Darnell to close the meeting to discuss disposition of real property not currently being used for City purposes (intersection of East Main Street and Sierra Vista). The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer Gayla McCulloch 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.

The Mayor convened the closed meeting at 12:07 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor Sandel, seconded by Councilor Darnell to open the meeting, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 12:15 p.m. with all members of the Council being present.

There being no further business to come before the Council, the meeting was adjourned at 12:16 p.m.

APPROVED this 25<sup>th</sup> day of January, 2011.

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Dan Darnell, Mayor Pro Tem

SEAL

ATTEST:

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Dianne Fuhrman, City Clerk