

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, January 18, 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

#### ANNUAL AUDIT/COMPREHENSIVE ANNUAL FINANCIAL REPORT

Certified Public Accountant David Berry presented the FY 2010 annual audit and Comprehensive Annual Financial Report ("CAFR"). He provided a brief overview of the CAFR and advised that the City has received an unqualified opinion from his firm concluding that the general purpose financial statements fairly represent the financial position of the City and that City operations conform with generally accepted accounting principles. He noted that his staff experienced difficulty in performing the City's audit due to the single audit requirements of the American Recovery and Reinvestment Act ("ARRA") and the accounting for and reporting of interfund reimbursements, transfers and services. However, he commended the accounting staff for being one of six governmental entities in the State to receive the Certificate of Achievement for Excellence in Financial Reporting and noted that the audit findings related to the FY 2009 financial statements have been cleared and that the findings were not repeated in FY 2010. In closing, Mr. Berry announced that there were no 2010 audit findings.

Administrative Services Director Andy Mason recognized Controller Eric Schlotthauer, Enterprise Accountant Sheree Wilson, Staff Accountants Teresa Emrich and Sarah Talley and Budget Officer Steve Ellison for their involvement in preparing the CAFR.

There being no further discussion, a motion was made by Councilor Darnell, seconded by Councilor Sandel to accept the FY 2010 audit report and Comprehensive Annual Financial Report, as presented, and upon voice vote the motion carried unanimously.

#### CITY COUNCIL REDISTRICTING

In response to inquiry from Councilor Sandel, City Clerk Dianne Fuhrman explained that a request for proposals was not necessary because the cost of the redistricting process fell below the \$50,000 threshold for professional services.

Michael Sharp, Vice-President of Research and Polling, Inc., explained that state statutes require cities with a population of 10,000 or more to redistrict following each decennial census. He noted that the U.S. Census Bureau must release the 2010 census data by April 1, 2011 and stated that the redistricting process must be completed no later than 84 to 112 days prior to the March 6, 2012 Regular Municipal Election. Mr. Sharp reviewed the guidelines of redistricting, noting that districts must be "substantially equal" in population, or no more than 10 percent total deviation. He also assured the Council that they try to keep all current City Councilors within the district that they represent.

Councilor Sandel questioned whether four City Council districts is adequate for a city our size. He asked that staff conduct a survey to determine the number of constituents being served by a single elected official from other cities within the state.

Following further discussion, it was the consensus of the Council to review the census data and to decide by April 15, 2011 whether to increase the number of City Council districts.

#### DUSTIN AVENUE SPEED LIMIT ANALYSIS

Nevin Harwick of Harwick Transportation Group stated that he is present at today's meeting to address questions from the Council regarding the Dustin Avenue Speed Limit Review from 17<sup>th</sup> Street to 20<sup>th</sup> Street and from Cerrillos Drive to north of Crestridge Drive, which were submitted to the City on October 29, 2010.

City Manager Rob Mayes directed the Council's attention to the five countermeasures that were offered to mitigate speeds through the Dustin Avenue corridor north of Crestridge Drive to Cerrillos Drive, as contained on page 2.6 of the agenda materials. He stated that staff has taken action on four of the five countermeasures, including the addition of a speed limit sign for southbound traffic in the proximity of Cerrillos Drive; increasing police enforcement; ordering radar reader boards; and installing pavement markings of the posted speed limit near Colinas del Norte Park when weather permits. In addition, he noted that a tall, chainlink fence was installed around the Brookside Park skateboard park, between 18<sup>th</sup> and 20<sup>th</sup> Streets, in an effort to force pedestrians to use the crosswalks.

In response to inquiry from Mayor Roberts, Police Chief Kyle Westall reported that from July through September, 2010 a total of 10 citations were issued on North Dustin Avenue (three for speeding) and that from October through December, 2010 a total of 32 citations were issued (22 for speeding). He further noted that North Dustin is on the Police Department's list of rotating enforcement areas.

Mr. Harwick briefly reviewed the process used to conduct the studies. He pointed out that most drivers drive at a speed that is reasonable for the road conditions without looking at their speedometer and contended that changing a speed limit might not affect driver behavior. He stated that the posted speed limit on North Dustin Avenue between 17<sup>th</sup> and 20<sup>th</sup> Streets is 30 mph and that, based upon the findings of the speed study and in reviewing the area land uses, the posted speed limit appears to be appropriate. He noted that, based solely upon the findings of the speed study on North Dustin, some consideration should be given to raising the speed limit to at least 30 mph to match driver behavior. However, he noted that the residential nature and neighborhood park are reasons to keep the speed limit at 25 mph.

In response to inquiry, Mr. Harwick stated that he prefers a 25 mph speed limit in residential areas and suggested that additional traffic calming measures be installed in the North Dustin Avenue area, north of Crestridge Drive to Cerrillos Drive, to control driver speeds. He also noted that the 30 mph speed limit on North Dustin Avenue, south of 30<sup>th</sup> Street, is warranted because the area contains more commercial uses and there are fewer access points onto the roadway.

Discussion followed concerning the need for additional bicycle lanes along Dustin Avenue, the hazards of the steep grade at 20<sup>th</sup> Street and North Dustin Avenue and safety concerns with regard to the increase in pedestrian traffic due to Farmington High School's open campus policy. As a result of the discussion, Councilor Sandel requested that Harwick Transportation Group be asked to evaluate the entire Dustin Avenue corridor from Apache Street to Piñon Hills Boulevard to identify areas where additional bicycle lanes could be added and to make suggestions for better marking the crosswalks. In response, Mr. Mayes stated that staff will investigate the possibility of additional bicycle lanes.

In response to inquiry from Mayor Roberts, Mr. Harwick stated that, by all indications, the entire corridor is functioning properly.

Following further discussion, Mayor Roberts contended that, based on the current data, the cost of another study is not warranted. However, he agreed that bicycle lanes should be added where feasible.

Councilor Darnell expressed concern that any changes made on Dustin Avenue, south of 30<sup>th</sup> Street, will negatively impact traffic on Butler Avenue.

Following brief discussion, Councilor Sandel concurred that another study is not necessary, but suggested that the speed limit on Dustin Avenue from Apache to Piñon Hills Boulevard be set at 25 mph. Furthermore, he suggested that additional bicycle lanes be installed along the corridor, that the crosswalks at Brookside Park be marked similar to the crosswalks at City Hall and that radar reader boards be installed on Dustin Avenue at Brookside Park.

Councilor Fischer stated that she is amenable to having a constant speed limit along the Dustin Avenue corridor from Piñon Hills Boulevard to Apache Street and agreed with Councilor Sandel's suggestions for marking the crosswalks. She also recommended that staff develop a consistent method for controlling traffic around City parks and those areas where children congregate and suggested that a public information session be scheduled with representatives of the Farmington School District to emphasize the importance of students using the designated crosswalks.

Discussion followed concerning the procedure for changing the speed limit on Dustin Avenue.

Councilor McCulloch stated that she supports the measures suggested by Councilor Sandel, but stated that she is not in favor of spending additional money on another study of the Dustin Avenue corridor.

Councilor Darnell stated that he is not opposed to the proposed improvements but stated that whatever is done on Dustin Avenue should be consistently implemented on similar roadways throughout the City.

Following brief discussion, it was the consensus of the Council to direct staff to focus on additional bicycle lanes and crosswalk markings throughout the City.

Prior to committing to permanent radar reader boards at City parks, Mayor Roberts asked that information be gathered with regard to their cost and where they should be placed. In response, Councilor Sandel pointed out that the Metropolitan Planning Organization has been asked to provide a report to the Council on the policies regarding traffic control around parks and reiterated his desire that radar reader boards be installed on Dustin Avenue at Brookside Park. Councilors McCulloch and Darnell stated that they do not support radar reader boards at Brookside Park at this time.

Regarding a speed limit change on Dustin Avenue, City Attorney Jay Burnham suggested that it be scheduled as an action item on the January 25, 2011 regular City Council meeting.

Councilors Sandel and Fischer briefly left the meeting.

FIRST AMENDMENT TO AGREEMENT/COMMUNITY DEVELOPMENT BLOCK GRANT  
SUBSTANCE ABUSE TRANSITIONAL HOUSING FACILITY

Purchasing Officer Eddie Smylie reported that only one Letter of Interest was submitted for operation of a women's substance abuse transitional housing facility, a project funded by the United States Department of Housing and Urban Development ("HUD") through the Community Development Block Grant ("CDBG") program. He recommended that the contract be awarded to Masada House, Inc. for a total award amount not to exceed \$115,000, noting that the current agreement with Masada House will be amended to reflect the additional funds.

Councilor Sandel returned to the meeting at 11:10 a.m.

Following consideration, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to award the contract for operation of a women's substance abuse transitional housing facility to Masada House, Inc., as recommended by the Purchasing Officer. The roll was called with the following result:

Those voting aye:

Dan Darnell  
Gayla McCulloch

Jason Sandel

Those voting nay: None

Those absent: Mary M. Fischer

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

Councilor Fischer returned to the meeting at 11:11 a.m.

RESOLUTION NO. 2011-1378 APPROVING CERTAIN REVISIONS TO THE FY 11 BUDGET AND REQUESTING STATE APPROVAL

Administrative Services Director Andy Mason reported that the proposed resolution adjusts the FY11 budget to reflect the various grants and donations received since the approval of the original FY11 budget. He requested adoption of Resolution No. 2011-1378.

Staff and Councilor Darnell responded to questions from Councilor Sandel regarding the \$60,000 donation for construction of a skate park at Sycamore Park Community Center.

Following consideration, a motion was made by Councilor Darnell, seconded by Councilor Fischer that Resolution No. 2011-1378 be passed and adopted, as presented. The roll was called with the following result:

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

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2011-1378 was duly passed and adopted.

COUNCIL BUSINESS

DISCUSSION/COUNCIL'S ROLE IN THE FUTURE HIRING OF DEPARTMENT HEADS

As a result of the criticism that was received by City Manager Rob Mayes concerning the hiring process that was followed for filling the Police Chief position, Mayor Roberts announced that at the January 4, 2011 Work Session he had suggested that the Council further discuss their role in the hiring of future Department Heads. He reminded the Council that the City Manager has the authority to hire and fire city employees, specifically department heads, and asked the Council for their thoughts on the process.

Councilor Darnell suggested that all department heads be held to the same hiring standard and that the finalist candidate, as selected by the City Manager, be asked to participate in one-on-one meetings with each Councilor and that the finalist also address the Council collectively in a public meeting.

Councilor Fischer contended that it is important that department head finalists address the Council in a public meeting because that person ultimately works for the public. She strongly stated that it is her belief that vacancies in department head level positions and above should not be filled without prior input from the Council.

Councilor McCulloch agreed that department head finalists should address the Council in a public meeting.

Councilor Sandel pointed out that the Council is only tasked with the responsibility of hiring the officers of the City, which are defined as the City Manager, Treasurer, Attorney and Clerk. He suggested that the City Code be amended to include the position of Police Chief as an officer of the City. However, he stated that he has no objection to the Council's oversight of the hiring of department head level positions and above.

Following further discussion, the Council agreed that the hiring process for any department head level position or above shall include an

opportunity for a one-on-one meeting with each Councilor for the entire pool of finalists and that the final candidate, as selected by the City Manager, be asked to address the Council in a public meeting.

#### Human Resources Director

Contending that the Human Resources Department is critical to the operation of the City, Councilor Fischer expressed concern with the delay in filling the position. In response, City Manager Rob Mayes stated that he is in the process of assessing the operations of the Human Resources Department and is balancing the need for a Director with the budget process. He agreed that the position is critical to the operation of the City and assured her that he is not being resistant to filling the position. He asked that the Council honor his right to proceed with a hiring process and a timeline that he feels is prudent.

Mayor Roberts noted that Mr. Mayes has been deliberate in filling a number of critical positions and stated that as long as there is a plan in place, he supports his approach for filling the position of Human Resources Director.

In response to the Mayor, Mr. Mayes stated that he does not have a final time frame for filling the position but stated that the next step is to meet one-on-one with the employees of the Human Resources Department.

In response to inquiry from Councilor McCulloch, Mr. Mayes stated that within about two months he will make a decision regarding whether to advertise the position internally or outside of the City.

Councilor Fischer stated that she has received reports that City-wide employee morale is extremely poor and that some employees feel that Mr. Mayes has too much power as both the City Manager and the Acting Human Resources Director. She urged Mr. Mayes to quickly fill the position.

#### Police Car Take-home Policy

Mayor Roberts stated that he has had some inquiries about the City's police car take-home policy and suggested that staff commence a comprehensive review of the policy based on the cost-benefit analysis. Specifically, he questioned whether police cars should be driven to homes that are located outside the city limits.

Following brief discussion, it was the consensus of the Council to direct staff to commence a comprehensive review of the policy to include all City vehicles.

#### State of the State Address

Councilor Darnell reminded the Council and the audience members that the State of the State Address is scheduled for today at 12:30 p.m.

#### Fire Hydrant Inspection

In response to inquiry from Councilor McCulloch, Fire Chief Terry Page reported that fire hydrants are tested twice a year, once by the Fire Department and once by Operations Management International ("OMI"), the City's Water/Wastewater plant operator. He also stated that the hydrants are "flowed" to make sure that they function in accordance with the Fire Code and noted that OMI maintains all fire hydrant inspection data.

#### CLOSED MEETING

A motion was made by Councilor Darnell, seconded by Councilor McCulloch to close the meeting to receive advice from the City's legal counsel regarding a matter of threatened and pending litigation (New Mexico Environmental Improvement Board's decision to adopt a cap program for greenhouse gases). The roll was called with the following result:

Those voting aye:

Mary M. Fischer  
Dan Darnell  
Gayla McCulloch  
Jason Sandel

Those voting nay:

None

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

The Mayor convened the closed meeting at 11:49 a.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 for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 12:07 p.m. with all members of the Council being present.

DIRECTION TO STAFF/NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD CAP PROGRAM

Mayor Roberts announced that during the closed meeting, Sunny Nixon, the City's legal counsel from the Rodey Law Firm, provided the Council advice on how to proceed with the New Mexico Environmental Improvement Board's decision to adopt a cap program for greenhouse gases. He stated that the deadline to appeal the decision is January 26, 2011 and estimated the cost of the appeal to be between \$25,000 and \$40,000.

Following consideration, a motion was made by Councilor Sandel, seconded by Councilor Darnell to authorize the City's legal counsel to file a notice of appeal of the decision of the New Mexico Environmental Improvement Board to adopt a cap program for greenhouse gases, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 12:11 p.m.

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

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Tommy Roberts, Mayor

SEAL

ATTEST:

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Dianne Fuhrman, City Clerk