

(A) MINUTES OF PREVIOUS MEETING(S):**1. Regular Meeting of June 5, 2012.**

Mayor Pro-Tem Jackson asked for Council to consider and approve the minutes of the Regular Meeting of June 5, 2012 as written and presented. *Councilor Lovett made the motion to approve the minutes of the regular meeting of June 5, 2012 as presented. Councilor Salguero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(B) PRESENTATION OF FEASIBILITY STUDY FOR FAMILY ENTERTAINMENT CENTER

Mayor Pro-Tem Jackson asked Mr. Bill Kellen of American Family Entertainment Centers, Inc. (AFEC), to make his presentation on the feasibility of a family entertainment center in Portales. Mr. Kellen told the Council that, if built, over a 25-year estimated life, the center would generate over \$59 million dollars; gross receipts tax in excess of \$4 million dollars would be generated; and 40 full-time and part-time jobs would be created with an estimated \$10 million dollars in salaries to flow back into the community. Kellen told the Council that an estimated \$75 million dollars would be the direct benefit of the Center to the City and County. He added that it is estimated that for every \$1 retained in the community another \$5 to \$7 would be recycled throughout the community. Kellen stated that the cost to build the Center would be approximately \$6 million dollars to include a 5 screen theater; a 12 lane bowling alley; a video arcade/game room; a sports grill/restaurant; party/meeting rooms; and a laser tag venue. He told the Council that the study showed that the retained revenues generated in the first year by the family entertainment center would be approximately \$109,000.00 after payment on the debt and total overhead. Randy Knudson, Chairman of the Roosevelt County Community Development Corporation, asked Mr. Kellen to give the Council an overview of how Luna County, NM had funded their family entertainment center. Mr. Kellen told the Council that in 2008 his company was requested to investigate the feasibility of putting in movie theaters and a bowling alley back into the community of Deming to stop the leakage of entertainment dollars going to Las Cruces. After the investigation was concluded, Luna County decided to put it to the vote of the public as to whether they would support an additional portion of gross receipts tax to pay for a center. Kellen told the Council that the family entertainment center opened in Deming in June of 2009 and that, since then, it has generated \$4 million dollars in income going back into the community. He stated that Luna County is on track to pay for the facility. Kellen stated that the problem Luna County has is that they only have 25,000 people to support the entertainment center. He added that people are even going to the entertainment center from Las Cruces. He stated that, in reality, it costs the citizens about 3 cents a day. Kellen stated that it comes down to a quality of life issue. Kellen told the Council that Portales has one unique thing and that is that Portales has a large college population. He stated that college kids are the ones that go to the movies the most. Kellen commented that most people go to the movies 4 times a year, but high school and college kids go most often. He mentioned that he had sent Mr. Knudson a copy of a meeting where a city in California had a hearing as to whether they wanted to have an entertainment center. He commented that they have a million people in the area and that the main reason they wanted to have an entertainment center is that they had no movie theater or bowling alley. He stated that they figured out that they were losing money to other communities, which is the same issue that Deming had. Councilor Thomas commented that it seems that Portales could draw more people into the entertainment center than listed in the report. Mr. Kellen explained that initially he had heard that Portales has 90 thousand people in the sphere of influence, but, that when he looked at the area within 60 miles, realistically the area is 10 miles north and then down south, the core of users would be about 35 thousand people. Councilor Thomas asked if this is conservative based on the figures presented. Kellen commented that people go to the movies 4 times a year, but that it could be higher because of the college and some from CAFB. Councilor Thomas stated that Portales does have a possibility of pulling people from CAFB. Mayor Pro-Tem Jackson asked about management of the Luna County facility—it is owned by Luna County, but

who manages it. Kellen answered that American Family Entertainment Centers, Inc. manages the facility. Kellen stated that it would cost the taxpayer about \$30.00 per year per citizen. He commented that Portales is different from Deming in per capita income and in the unemployment rate. He stated that the per capita income in Portales is \$17,000.00 with an income pool of \$2 million dollars. He added that it is safe to say that the average household spends \$2,000.00 a year for entertainment. Councilor Robinson commented that Portales is also unique in that there are a lot of other venues of entertainment. He asked Kellen if he had put those entertainment venues into the study. Kellen responded that in Wyoming, it is very much like in Portales, but stated that movies are one of the big cultural things that people want to attend. Councilor Robinson asked about the effect that DVDs would have on movie theaters. Kellen stated that movies are getting better and that they will become digital in the near future. He commented on two movies that are still making money in Deming—Prometheus and Madagascar. Randy Knudson commented that some theaters also serve food items not just popcorn. Knudson stated that he had been skeptical about bowling, but that there are more people interested in bowling alleys. Kellen stated that they do serve alcohol in the bowling alley in Deming, but that there have not been any persons who have been drunk in the bowling alley. He stated that they have a limit of 1 drink per hour. Councilor Lovett asked Kellen how much they get to keep of the collections for the two movies mentioned. Kellen stated that it was about 50% of the take—an average of 54% of movies throughout the year. He stated that it depended on the studios. Kellen told the Council that most theaters make their money on concessions. He stated that movies go in cycles—spring and fall are not good for theaters. He commented bowling runs from September through May—so it balances out between the two. Councilor Lovett asked if it was possible to have one venue instead of a variety of venues and asked about the Exhibits that are blank. Kellen responded that he has a master that can be handed out. Mr. Knudson commented that one of the biggest interest in having this entertainment center here in Portales comes from ENMU adding that the County is in support as well. He commented that, if we sell it right to the citizens, it will be a benefit to the community. He stated that the RCCDC is 100% plus in support of such a center. Mayor Pro-Tem Jackson commented that there have been some concerns, but that the citizens have been asking for such a facility. Kellen added that AFEC has worked with colleges to use the facilities in the mornings to maximize the use of the facility. Mayor Pro-Tem Jackson asked for further questions from the Council. Councilor Hunton asked if the figures were based on 35mm or on digital. Kellen responded that the numbers are based on digital. Councilor Lucero asked if the facility would be city-owned, but run by AFEC for the City. Kellen answered affirmatively. Councilor Robinson asked if it was such a good deal, why private industry hasn't come in. Kellen responded that it is because Portales is too small—like Deming. He stated that private industry is not going to come into the community because it is just as easy to build in a 50,000 to 100,000 community as in smaller areas. Kellen stated that many of the communities are like Portales in that their kids have to travel to go to entertainment centers in other cities. Mayor Pro-Tem Jackson thanked Mr. Kellen for the study. Mr. Kellen asked that the Council contact him with any questions.

Mayor Pro-Tem Jackson interrupted the agenda by introducing Coach Jamie Ramirez, the new Ram football coach. He stated that Coach Ramirez is from Hobbs. Coach Ramirez shook hands with everyone in the room and thanked them for inviting him.

(C) RATIFICATION OF FINANCE DEPARTMENT'S ACTIONS REGARDING BILLS FOR MAY 2012

Mayor Pro-Tem Jackson asked Marilyn Rapp, Finance Director, to report on the bills for May, 2012. Ms. Rapp told the Council that the bills are standard and that the Finance/Administration Committee had met with no quorum and reviewed the bills. She asked for questions regarding the bills as presented and for approval of the bills for May 2102 as paid.

May 2012

Pooled Cash Fund	999	\$1,259,469.64
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Mayor Pro-Tem Jackson asked for a motion regarding the monthly bills. *Councilor Robinson made the motion to approve the actions of the Finance Director in paying the bills for May 2012. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(D) APPOINTMENTS OF PLANNING COMMISSION MEMBERS

Mayor Pro-Tem Jackson asked Planning Director Sammy Standefer to talk about the appointments to the Planning Commission. Mr. Standefer told the Council that the terms of 3 members of the Planning Commission are expiring—Wayne Kiker, Alfredo Bachicha, Jr., and Glenn McCoy. He stated that the appointments are to be made by the Mayor with the consent of the Council. He added that all three have been consulted and that they have agreed to the appointment. Standefer asked that the Council make the term of the appointments to expire in March 2014. Mayor Pro-Tem Jackson asked for the pleasure of the Council. *Councilor Thomas made the motion to approve the appointments of Wayne Kiker, Alfredo Bachicha, Jr., and Glenn McCoy for a term to expire in March of 2014. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(E) FIREWORKS OVERVIEW AND UPDATE

Mayor Pro-Tem Jackson asked Fire Chief Nuckols to give an update on fireworks. Chief Nuckols told the Council that the City and County are about in the same situation as last year. He handed out a copy of the City's fireworks ordinance and talked briefly about the previous year's fire season. He told the Council that the Governor wanted to ban fireworks last year, but found that the laws of New Mexico did not allow it. He stated that legislation was introduced this year to allow the Governor to declare a state of emergency when conditions merit, but the legislation failed. Nuckols told the Council that legislation will go back this year, and there are compromises in the bill that could be successful to get it passed. He told the Council that the City's ordinance makes it unlawful to set off fireworks in public parks, cemeteries and other public property. He told the Council that the ordinance defines unlawful fireworks, which are aerial devices and ground audible fireworks. He told the Council that it will be legal to sell fireworks tomorrow—June 6th. He stated that the Fire Department inspects booths selling fireworks. He commented that the Department follows the state statute to the fullest extent possible. Nuckols stated that the department will do the first inspection and then do follow up inspections, and that the department uses a checklist for every vendor. He commented that the department has only had two vendors requesting a permit. He completed his report by stating that there has not been much change to the situation. Councilor Lovett thanked Chief Nuckols for bringing it up for this meeting, and asked for coverage on the fireworks situation in the City and County.

(F) RESOLUTION #11-12-36, AUTHORIZING SUBMISSION OF FEDERAL AVIATION ADMINISTRATION (FAA) GRANT APPLICATION FOR AIP PROJECT NO. 3-35-0061-016-2012

Mayor Pro-Tem Jackson asked Mike Parkey, General Services Director, to report on the request to authorize the Mayor to sign the grant application for FAA funding. Mr. Parkey told the Council that the

project is for design of a seal coat and reapplication of pavement markings for Runway 8-26. He reminded the Council that he had brought the state portion of the grant process to them for approval three months ago. Mr. Parkey asked that the Council adopt Resolution #11-12-36 to submit with the grant application as required. Mayor Pro-Tem Jackson asked for the pleasure of the Council. ***Councilor Robinson made the motion to adopt Resolution #11-12-36, authorizing the Mayor to execute the grant application to be submitted to the Federal Aviation Agency (FAA). Councilor Lovett seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.***

(G) PORTALES MAINSTREET REQUEST FOR CLOSURE OF MAIN STREET BETWEEN SECOND AND THIRD STREETS FOR "THE MAIN EVENT"

Mayor Pro-Tem Jackson asked Stephen Doerr and Sandy Van der Veen to present the request from Portales MainStreet. Mr. Doerr told the Council that Portales MainStreet usually has two events a year—a summer beer fest and winter wine fest. He told the Council that Portales MainStreet had decided to combine the two events into one and call it "The Main Event." He added that MainStreet wants to showcase the Yam Theatre now that the back patio has been completed. He told the Council that the back gate has been put up. MainStreet proposes to have the wine fest either on the back patio or inside the Yam and to have the beer fest in front of the Yam. He commented that this will open it up for more room for people to relax. He told the Council that the group is trying to make it a really nice event, and plan to reduce the cost to \$15.00 per person so more people can attend. Portales MainStreet needs the Council's approval to close Main Street from 2nd Street to 3rd Street. Mayor Pro-Tem Jackson asked about notifying the residents who live close to the Yam. Councilor Lovett asked when the street would be closed. Councilor Salguero asked for the date of the event. Doerr responded that thankfully there are just a few residences close to the Yam and that the street closure would be from 5:30 p.m. to about 11:00 p.m. on September 22, 2012. Councilor Robinson stated that he had heard about it because there are plans for a motorcycle ride from Portales to the Buffalo Hill site. Mr. Doerr commented that Portales MainStreet has tried to make sure that it is not in conflict with other events. He asked for Council consideration. Mayor Pro-Tem Jackson asked for the pleasure of the Council. ***Councilor Lovett made the motion to approve closure of Main Street from 2nd to 3rd Streets as requested by Portales MainStreet. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(H) AUTHORIZATION FOR MAYOR TO EXECUTE DWI AGREEMENT NO. 13-D-J-G-23

Mayor Pro-Tem Jackson asked Marcia Brown to present the DWI Agreement. Ms. Brown told the Council that this is an annual contract for \$15,000.00 in additional monies for the DWI program for prevention, screening, treatment and monitoring. She stated that the grant agreement requires an in-kind match of \$7,800.00. She asked for Council approval. Mayor Pro-Tem Jackson asked for the pleasure of the Council. ***Councilor Thomas made the motion to authorize the Mayor to execute the DWI Agreement No. 13-D-J-G-23 as presented. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(I) RECOMMENDATION FROM EVALUATION COMMITTEE REGARDING CONTRACTOR FOR DWI PROGRAM COORDINATOR

Mayor Pro-Tem Jackson asked City Manager Howell to report on recommendation from the evaluation committee regarding the contractor for DWI Program Coordinator. Mr. Howell told the Council that Ms. Marcia Brown is leaving us, so the City went out for RFP to replace her as DWI Program Coordinator. He

told the Council that the committee consisted of 3 members of the Drug Task Force and the City Clerk and him. The Committee reviewed the proposals submitted and recommended that the award of contract go to Richelle A. Seat. Mayor Pro-Tem Jackson asked for the pleasure of the Council.

Councilor Hunton made the motion to accept the recommendation of the evaluation committee and award the contract to Richelle A. Seat as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.

(J) DISCUSSION/ACTION OF JULY 3RD COUNCIL MEETING—POTENTIAL QUORUM ISSUE

Mayor Pro-Tem Jackson asked about this item on the agenda. City Manager Howell asked if the Council wanted to move the meeting to another date because it is right before the 4th of July holiday. Staff's concerns are for a quorum if Councilors are going to be on vacation. Mayor Pro-Tem Jackson asked the Councilors if any of them knew that they would not be available for the July 3rd Council meeting. The response from the Council was to go ahead with planning the July 3rd Council meeting.

(K) OTHER BUSINESS/CITIZENS TO BE HEARD

Mayor Pro-Tem Jackson asked for items of other business.

City Manager Howell told the Council that John Guldemann, Constructors, Inc., and Pat Garcia, NMDOT, were present at this meeting to respond to any questions about the U.S. Highway 70 project. Mr. Garcia told the Council that he and Mr. Guldemann would attend every future Council meeting to keep the Council updated on the status of the project. City Manager Howell asked that this be an item on the agenda for future meetings.

Fire Chief Nuckols told the Council that the state came out with fire restrictions on June 12th for the unincorporated areas of the state of New Mexico. He commented that it has taken a while to get this done and that the County has placed fire restrictions in wild land areas.

Councilor Salguero stated that he had two items to bring up: 1) that citizens have expressed concerns about the lack of playground equipment in La Buena Vida Park. He stated that they have asked that we bring this park up to the same standards as other parks in the City. City Manager Howell stated that he and Public Works Director DeSha have spoken about the trees at the park. 2) 18th Street improvements have left loose gravel, but the signs have been removed. He asked that the signs be put back up.

Councilor Thomas asked about the process for changing the speed limit on S. Main Street (from 2nd to 4th especially). He commented that there have been some accidents due to the lack of visibility caused by parking allowed so close to the intersections and speed. City Manager Howell stated that he would have a traffic study conducted by the GIS technician. He asked that the Police Chief have the radar trailer be set up in the area from 2nd to 4th on Main Street.

Councilor Robinson commented that he had visited with Mr. DeSha about the park and asked that the Council consider having funds allocated for parks improvements for all parks. Mayor Pro-Tem Jackson asked that Councilor Robinson bring it up at the next Recreational Advisory Board meeting.

Mayor Pro-Tem Jackson asked for items of other business from the audience. There were no further items of other business.

(L) EXECUTIVE SESSION/CLOSED EXECUTIVE MEETING:

1. Action to Convene in a Closed Session/Meeting to Discuss Matters as Provided for Under New Mexico Statutes Pertaining to Open Meetings Referencing §10-15-1 H.(2), 1995, for Limited Personnel matters.

Mayor Pro-Tem Jackson asked the Council to take action to enter into closed meeting to discuss matters as allowed under the NM Statutes Section 10-15-1 H.(2), 1995, Pertaining to Limited Personnel Matters. *Council Lovett made the motion to enter into closed session as allowed by the Open Meetings act. Councilor Robinson seconded the motion. All Council members present voted in unanimous support of the motion. Motion carried.*

2. Action to Convene in Open Session.

Mayor Pro-Tem Jackson asked for action to convene in Open Session. *Councilor Lovett made the motion to convene in open meeting. Councilor Salguero seconded the motion. All Council members present voted in favor of the motion. Motion carried.*

3. Action Required as a Result of the Closed Session.

Mayor Pro-Tem Jackson declared that the matters discussed in the closed meeting were limited only to those specified in the motion for closure and as in the notice of the separate closed meeting and stated that no action was taken as a result of the closed session.

ADJOURNMENT:

There being no further business or comments, Mayor Pro-Tem Jackson adjourned the meeting at 8:25 p.m.

Joan Martinez-Terry, City Clerk