

**TABLE OF CONTENTS FOR COUNCIL MEETING HELD AUGUST 20, 2013:**

- A. Minutes of Previous Meeting(s):
  - 1. Regular Meeting of August 6, 2013.
- B. Walking Trail Proposal – Eagle Scout Project.
- C. Update on Improvements to U.S. Highway 70.
- D. Ratification of Finance Department's Actions Regarding Bills for July 2013.
- E. Notice of Intent to adopt Ordinance No. 706, An Ordinance granting to Southwestern Public Service Company and its successors, lessees, and assigns a Franchise to: (i) erect, construct, obtain, own, sell, equip, extend, maintain, operate, replace, repair and remove in the City of Portales, New Mexico, facilities to generate, store, sell, transmit, conduct, distribute, and furnish electric power for light, heat, power, and other purposes to Portales, its inhabitants, and others; and (ii) use the streets, avenues, roads, alleys, highways, sidewalks, bridges, and other public ground of Portales for twenty-five years. This ordinance: (i) prescribes certain terms and conditions; (ii) repeals all ordinances and parts of ordinances inconsistent with the it; (iii) provides for severability; and (iv) provides for an effective date.
- F. Annual Planning Commission Report for 2012-2013.
- G. Renewal of Non-Exclusive Use Agreement with Portales Bow Hunters.
- H. Award of Contract with NPSR for City Hall/Memorial Building Remodel.
- I. Resolution #13-14-11, A Resolution Approving Dissolution of Joint Powers Agreement – Eastern New Mexico Rural Authority by and between Communities of Clovis, Portales, Texico, Melrose, Elida, Grady and the Counties of Curry and Roosevelt.
- J. Other Business/Citizens to be Heard.
- K. 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.(7), 1995 for Attorney-Client Privilege Pertaining to Threatened or Pending Litigation.
  - 2. Action to Convene in Open Session.
  - 3. Action Required as a Result of the Closed Session.

---

**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, August 20, 2013, at 7:00 p.m., in the Council Chambers in the Memorial Building in full conformity with the rules and regulations. Mayor King called the meeting to order and asked City Clerk Martinez-Terry to call roll. Those present and constituting a quorum were:

MAYOR:	Sharon L. King	
MAYOR PRO-TEM:	Ronald L. Jackson	
COUNCIL MEMBERS:	Matthew Tod Hunton Leo Lovett Lenard Michael Lucero Dianne Y. Parker	Oscar Robinson Antonio O. Salguero Keith A. Thomas
STAFF PRESENT:	Doug Redmond, City Manager Joan Martinez-Terry, City Clerk Gary Nuckols, Fire Chief Susan Baysinger, Capital Proj. Adm. Jamie L. Rose, Exec. Assistant Sammy Standefer, Planning Dir. Jerry Rose, Street Supt. Mike Parkey, Gen. Svcs. Dir.	Marilyn Rapp, Finance Director Johnny DeSha, Public Works Dir. Dennis Hales, I.T. Director Steve Doerr, City Attorney Thomas L. Howell, Retiring City Mgr. Dawn Kryder, P.A.T. Coord. Larry Chavez, Solid Waste Supt.
OTHERS PRESENT:	Christina Calloway, Press Richard Olson Kelsey Prince Ian Kelley Curtis Utley Adam Utley John Guldemann	Vickie Howell Rebecca Johnson Becky Merrill Brandon Kelley Ryan Utley Mark Utley Robert Merrill

Mayor King asked Councilor Lovett, to give the invocation, and Ian Kelley, Eagle Scout/Troop 18, to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

### **(A) MINUTES OF PREVIOUS MEETING(S):**

#### **1. Regular Meeting of August 6, 2013.**

Mayor King asked the Council to consider the minutes of August 6, 2013. Mayor King asked the pleasure of the Council. *Councilor Parker made the motion to approve the minutes of the regular meeting of August 6, 2013 as presented. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

### **RECOGNITION OF RETIRING CITY MANAGER THOMAS L. HOWELL**

Mayor King asked Thomas L. Howell (retiring City Manager) to come forward to receive a clock in appreciation of 15 years of service to the City of Portales. She spoke about his service to the City over his tenure and asked him to say a few words. Mr. Howell told the Council, staff and audience that he had enjoyed working for the City of Portales after working for 37 years for the City of Artesia.

### **(B) WALKING TRAIL PROPOSAL – EAGLE SCOUT PROJECT**

Mayor King asked Ian Kelley, Eagle Scout, and Public Works Director John DeSha to talk about the walking trail proposal. Mr. DeSha told the Council that Ian Kelley had come to him with an Eagle Scout project. He turned it over to Mr. Kelley to present the project to the Council. Kelley told the Council that he belongs to Troop 18 and that he is working toward his Eagle badge. He explained that the project entails improvements to the walking trail at the softball complex to include putting in signs for every 1/8 of a mile section. Kelley told the Council that the signs will display distance and a fitness tip. He stated that there is no cost to the City and that materials and equipment will come from his own supplies and that he will work at obtaining donated supplies from businesses. He added that he will provide the labor and that the troop has agreed to assist him with the project. Mayor King thanked Mr. Kelley and asked him to let the Council know when the project has been completed.

### **(C) UPDATE ON IMPROVEMENTS TO U.S. HIGHWAY 70**

Mayor King asked for a report on U.S. Highway 70 improvements. John Guldemann of Constructors Inc. reported that the project was started again this morning early with a concrete pour and that the plan is to pour from Avenue B to Avenue C working at night. He told the Council that his company will move the construction on the next lane next week. He stated that the work will continue east on 2<sup>nd</sup> Street and will continue with the street work for the next two weeks. He told the Council that his company will move to Phase 3 of the project after concluding the 2<sup>nd</sup> Street work. He reported that the plan is to take out the median on the curve between 2<sup>nd</sup> Street and 1<sup>st</sup> Street after Abilene to allow traffic to move in the tight turns on these streets. Councilor Hunton asked when the sidewalks will be open on 2<sup>nd</sup> Street. Guldemann responded that the sidewalks are open and only blocked by driveways. Mayor Pro-Tem Jackson asked if the contractor had kept in touch with the business owners. Guldemann stated that they had been in touch with business owners. Councilor Robinson asked about street transitions from U.S. 70 onto city streets. Guldemann stated that Constructors Inc. is authorized to patch only a few feet onto city streets, but that they are using asphalt to make those repairs. Councilor Robinson thanked him for his responses. Mayor King thanked Mr. Guldemann for the report.

**(D) RATIFICATION OF FINANCE DEPARTMENT'S ACTIONS REGARDING BILLS FOR JULY 2013**

Mayor King asked for a report from Finance Director Marilyn Rapp on the bills for July 2013. Ms. Rapp told the Council that the Finance/Administrative Committee had met on August 19<sup>th</sup>, had reviewed the bills for July, and had voted to approve recommending them to the full Council. She reported that the bills for July 2013 were for the usual expenses. She asked for questions on the bills.

**July 2013**

Pooled Cash Fund	999	\$1,344,725.59
------------------	-----	----------------

Mayor King asked the pleasure of the Council. *Mayor Pro-Tem Jackson made the motion to ratify the payment of the bills for July 2013 as presented. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried*

**(E) NOTICE OF INTENT TO ADOPT ORDINANCE NO. 706, AN ORDINANCE GRANTING TO SOUTHWESTERN PUBLIC SERVICE COMPANY AND ITS SUCCESSORS, LESSEES, AND ASSIGNS A FRANCHISE TO: (i) ERECT, CONSTRUCT, OBTAIN, OWN, SELL, EQUIP, EXTEND, MAINTAIN, OPERATE, REPLACE, REPAIR AND REMOVE IN THE CITY OF PORTALES, NEW MEXICO, FACILITIES TO GENERATE, STORE, SELL, TRANSMIT, CONDUCT, DISTRIBUTE, AND FURNISH ELECTRIC POWER FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES TO PORTALES, ITS INHABITANTS, AND OTHERS; AND (ii) USE THE STREETS, AVENUES, ROADS, ALLEYS, HIGHWAYS, SIDEWALKS, BRIDGES, AND OTHER PUBLIC GROUND OF PORTALES FOR TWENTY-FIVE YEARS. THIS ORDINANCE: (i) PRESCRIBES CERTAIN TERMS AND CONDITIONS; (ii) REPEALS ALL ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT WITH IT; (iii) PROVIDES FOR SEVERABILITY; AND (iv) PROVIDES FOR AN EFFECTIVE DATE**

Mayor King read the title of Ordinance No. 706 and asked City Manager Redmond to report about it. City Manager Redmond told the Council that the notice of intent (first reading) schedules the public hearing for the ordinance, which will grant a 25-year franchise to Southwestern Public Service Company, its successors and assigns to allow them to use the City rights of way for transmittal of electric service to the community. He stated that the existing franchise is set to expire in January 2014. He asked the Council to approve the notice of intent and asked for questions or comments. Mayor King asked the desire of the Council. *Mayor Pro- Tem Jackson made the motion to approve the Notice of Intent to adopt Ordinance No. 706 as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(F) ANNUAL PLANNING COMMISSION (DEPARTMENT) REPORT FOR 2012-2013**

Mayor King asked Planning Director Sammy Standefer to give his report. Mr. Standefer gave a PowerPoint presentation as his annual report. He reported on the 2012 use of the Memorial Building. He asked that the Council ask questions as the presentation continues. His report included Building Inspections commenting that 2012 had only one commercial building. He stated that it had been a slow year for building permits. His report compared the last 3 years that, he stated, wasn't that far off. He explained the difference between valuation and fees for building permits. Mr. Standefer commented that

the City is not competitive with other communities and showed the Council the current building permit fees. He told the Council that he proposes a 3% increase in fees for permits. Standefer stated that the proposed fees would affect the higher end permits and that the lower end ones would decrease. He reported on Floodplain Management stating that Portales has been ranked as a 9 for several years and that it would take an effort to get to an 8. He told the Council that there are quite a number of activities that must be completed to get a lower ranking. Standefer told the Council that the ranking of a 9 gives the citizens a 5% discount on their flood insurance premiums. He told the Council that he would continue to evaluate the activities to try to improve the City's ranking. He presented the list of members of the Planning Commission and told the Council that they had some very seasoned members. He reported that Beverly Bennett is currently Board Chair and Matt Christensen is the Vice-Chair. Standefer told the Council that 2012 was a very active year for the Planning Commission—lots of subdivisions. He commented that the cost of the average application is \$50.00, but that it costs the City about \$75.00, which does not include advertising of the hearings. He reported on business registrations that are at 597 for the year. He commented that there is a big continual turnover in business registrations. He stated that the \$35.00 annual fee cannot be adjusted because it is set by state statute. Standefer told the Council that the late fee (for fees paid after March 16<sup>th</sup>) for the business registration is only \$10.00 and that business registrations brings in about \$21,000 a year. He stated that the benefit of a business registration is that it gets the building inspector and fire marshal in the door to make sure that the business is safe. He commented that staff can offer advice to help the businesses. He commented that business registrations that are closed are for contractors and some home businesses. Mr. Standefer stated that if a contractor does not work in Portales, then they do not have to register. He commented that the Memorial Building had a total of 175 rentals for 2012. He added that there are still some groups that the City does not charge—the County Clerk for elections; commodities distributors; and other governmental entities. He commented that the building was booked for a total of 234 days in 2012. Standefer told the Council that Memorial Building rental fees were adjusted several years ago. He ended his report and asked for questions. Councilor Lovett asked about the cost of the City going down from a 9 to an 8 in ranking for floodplain management purposes. Mr. Standefer responded that the CRS manual is very large, and that within any one activity there may be a tremendous amount of work involved. He commented that the largest activity is the drainage system, which has a lot of reporting requirements. Councilor Lovett commented that the Council needs to know the feasibility of getting a step down in ranking on the scale. Standefer commented that FEMA has increased rates quite a bit. Mayor King asked about the issue of flooding on Hayes Street. Standefer told the Council that the irony of the situation on Hayes is that they are not in a floodplain and that if a home is not in a flood zone, the insurance is much easier. Standefer commented that it floods in Portales every time it rains. Councilor Robinson asked about floodplain management and what open space preservation means. Mr. Standefer responded that city parks and other public areas that will hold water are open spaces. He commented that the City did not get good scores for open space preservation. Mayor King thanked him for the report.

#### **(G) RENEWAL OF NON-EXCLUSIVE USE AGREEMENT WITH PORTALES BOW HUNTERS**

Mayor King asked Recreation Director Jodi Kibbe to present the renewal of the non-exclusive use agreement with the Portales BowHunters. Ms. Kibbe asked for the Council to approve the renewal. She commented that the agreement was renewed from February to August earlier this year because the Bowhunters had lost their agreement due to non-compliance with the terms of the agreement. She stated that this renewal was intended to get them back on schedule. She commented that a minor change to the agreement is the term of the agreement is spelled out. Ms. Kibbe told the Council that the Recreation Advisory Board had met to hear the request for renewal with the Bowhunters and approved recommending approval to the Council. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to approve the non-exclusive use agreement with the Portales Bowhunters from September 1, 2013 to August 31, 2014. Mayor Pro-Tem Jackson seconded***

*the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

#### **(H) AWARD OF CONTRACT WITH NPSR FOR CITY HALL/MEMORIAL BUILDING REMODEL**

Mayor King asked City Manager Doug Redmond to present the request to award the contract for remodel of the City Hall and Memorial Building architectural services. Mr. Redmond told the Council that an ad was placed in March 2013 for proposals for architectural services for remodeling of the City Hall and Memorial Building. He reminded the Council that they had approved negotiation of a contract. He added that he would work with the architect on a task order basis to limit the cost. He stated that funds were included in the budget in the amount of \$50,000 for the contract. Councilor Thomas asked if this project was necessary. City Manager Redmond responded that the architectural services would give the Council options of the best use for the space available. Mayor King asked the pleasure of the Council.

*Councilor Parker made the motion to award the contract for architectural services for remodeling of City Hall and the Memorial Building to NPSR Architects. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

#### **(I) RESOLUTION #13-14-11, A RESOLUTION APPROVING DISSOLUTION OF JOINT POWERS AGREEMENT – EASTERN NEW MEXICO RURAL WATER AUTHORITY BY AND BETWEEN COMMUNITIES OF CLOVIS, PORTALES, TEXICO, MELROSE, ELIDA, GRADY AND THE COUNTIES OF CURRY AND ROOSEVELT**

Mayor King asked City Manager Redmond to present Resolution #13-14-11. Mr. Redmond told the Council that the purpose of the resolution is to dissolve the original joint powers agreement that established the Eastern New Mexico Rural Water Authority by and between the communities of Clovis, Portales, Texico, Melrose, Elida, Grady and the counties of Curry and Roosevelt. Mayor King commented that Roosevelt County had previously granted their acre feet of water to the City of Portales, but that they were still listed in the original resolution. The Council asked if they were giving up anything. City Attorney Doerr stated that the entity does not exist and that any assets have been transferred to the new entity. Mayor King asked the pleasure of the Council. *Councilor Lovett made the motion to adopt Resolution #13-14-11, authorizing the Mayor's signature on the resolution dissolving the joint powers agreement as presented. Councilor Parker seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.*

#### **(J) OTHER BUSINESS/CITIZENS TO BE HEARD**

Mayor King asked for items of other business.

**We the Kids for the Kids:** Ms. Kelsey Prince introduced herself to the Council as representing a volunteer program called "We the Kids for the Kids." She stated that this group has worked to pick up trash in the parks, and painting over vandalism. She commented that she had enjoyed being able to work with the kids, even older kids in college—mostly locals. She stated that there have been about 20 kids working to clean up the community. She told the Council that she would be working with student council, church groups, the Recreation Center, college sororities, etc. in the future to help with the program. She told the Council that she had come to them to request support for her first annual play day to reward the kids who have been helping. She stated that she planned to make it somewhat of a

fundraising event and that she wanted to make it an annual event at the end of the fair. She told the Council that she was open to suggestions. Ms. Prince told the Council that she would work with Veda Urioste and John DeSha to improve the community. She asked for Council participation and involvement. She said that she would send notices to the Council. Mayor King asked that she send these notices to Ms. Jamie Rose in the City Manager's office for delivery to the Council.

**Introduction of new Executive Assistant:** City Manager Redmond introduced Ms. Jamie Rose as the new assistant in the City Manager's office. The Council welcomed Ms. Rose to administration.

**Reminder of Audit Proceedings:** City Finance Director Marilyn Rapp reminded the Council that the auditors would be present on the first week of September. She told them that forms are in their mail boxes for completion and returning them to the auditor.

### **(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.(7), 1995, for Attorney-Client Privilege Pertaining to Threatened or Pending Litigation.**

Mayor King 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), 2008, Pertaining to attorney-client privilege for threatened or pending litigation. *Councilor Parker made the motion to enter into closed session as allowed by the Open Meetings act and read by the Mayor. Councilor Hunton seconded the motion. All Council members present voted in unanimous support of the motion. Motion carried.*

**2. Action to Convene in Open Session.**

Mayor King asked for action to convene in Open Session. *Councilor Parker made the motion to convene in open meeting. Councilor Hunton 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 King 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 King adjourned the meeting at 8:45 p.m.

---

Joan Martinez-Terry, City Clerk