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  - H. Request Authorization of a Contract for Professional Services with Mental Health Resources, Inc. for Group Counseling Sessions for DWI Offenders.
  - I. Request to Authorize the Mayor to Execute Juvenile Adjudication Fund Grant Agreement No. 14-JAF-23.
  - J. Permission to Advertise RFP for Attorney Services/Professional Services Contract.
  - K. Action on Feasibility Study for a Family Entertainment Center.
  - L. Discussion on Pending Illicit Synthetic Drug Ordinance.
  - M. Ratification of Memorandum of Agreement between the NM Department of Transportation and the City of Portales for FY 14—5311 (P.A.T. Administrative & Capital).
  - N. Other Business/Citizens to be Heard.
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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, October 1, 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 (absent) Leo Lovett Lenard Michael Lucero Dianne Y. Parker	Oscar Robinson Antonio O. Salguero (absent) Keith A. Thomas
STAFF PRESENT:	Doug Redmond, City Manager Joan Martinez-City Clerk Steve Doerr, City Attorney Gary Nuckols, Fire Chief Pat Gallegos, Interim Police Chief Brenda Fenton, Fire Sec/Amb Billing Veda Urioste, Deputy City Clerk	Johnny DeSha, Public Works Dir. Susan Baysinger, Public Wks. Proj. Adm Jamie L. Rose, Exec. Assistant Dennis Hales, I.T. Director Mike Inge, Fire Marshall Tim Cathey, Fire 2 <sup>nd</sup> Lieutenant Rikki Seat, DWI Program Coord.
OTHERS PRESENT:	Christina Calloway, Press Susan Berry Beatrice Martinez Tammie Cox	Lonnie Berry Mark Gormley Blaine Cox Amelia Christensen

Mayor King asked Susan Baysinger, Public Works Project Administrator, to give the invocation, and Doug Redmond, City Manager, to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

**(A) MINUTES OF PREVIOUS MEETING(S):****1. Special Meeting of September 17, 2013.**

Mayor King asked the Council to consider the minutes of Special Meeting of September 17, 2013. Mayor King asked the pleasure of the Council. *Councilor Parker made the motion to approve the minutes of the special meeting of September 17, 2013 as presented. Mayor Pro-Tem Jackson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**2. Regular Meeting of September 17, 2013.**

Mayor King asked the Council to consider the minutes of Regular Meeting of September 17, 2013. Mayor King asked the pleasure of the Council. *Councilor Lovett made the motion to approve the minutes of the regular meeting of September 17, 2013 as presented. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(B) PRESENTATION OF "EMPLOYEE OF THE QUARTER AWARD" FOR JULY THROUGH SEPTEMBER 2013, TO BRENDA FENTON, FIRE DEPARTMENT SECRETARY/AMBULANCE BILLING SUPERVISOR**

Mayor King asked Brenda Fenton to come forward to receive the "Employee of the Quarter Award" for the third quarter. Mayor King commented that Brenda had raised lots of firefighters. Ms. Fenton commented that she had worked for the Fire Department for 29 years, with a total of 42 years working for the City of Portales. Chief Nuckols praised her hard work, and stated that Fenton had been the heart and soul of the department. He stated that she was a wonderful person and that the department is lucky to have her. Chief Nuckols stated that Fenton had started in Dispatch and jokingly commented that their Sleuth program was stone tablets (really index cards). He told the Council and audience that Fenton manages a complex billing program. He stated that he couldn't say enough about Fenton. Mayor King stated that the award was given to her by her peers. She stated that Brenda's name will be on the plaque and her picture at City Hall. Brenda Fenton thanked the Chief for the comments and said that it is sad to think that her time with the City coming to an end.

**(C) PRESENTATION TO JAMES ELEMENTARY SCHOOL, WINNER OF THE CLEAN CAMPUS CONTEST FOR FALL 2013**

Mayor King invited Mark Gormley and Veda Urioste to come forward for the presentation of the City's Clean & Beautiful Clean Campus Contest award. Mr. Gormley introduced the custodians at the School—Ms. Beatrice Martinez and Mr. Blaine Cox—and stated that they were the reason that James Elementary School had won the contest. Urioste told the Council that the award was given as a promotion of the City of Portales and the Clean & Beautiful program twice a year. She thanked Bella Loomis, the City's Code Enforcement Officer, for being the judge for the contest. Mayor King presented the trophy and certificate to James Elementary School and thanked them all for their hard work. Mr. Gormley thanked the Mayor and stated that this is the first time his school has won the award since he became principal.

**(D) PROCLAMATION(S):****1. Declaring October 7 – 13, 2013 as “Fire Prevention Week.”**

Mayor King asked Fire Chief Nuckols to come forward to receive the proclamation declaring October 7 – 13, 2013 as “Fire Prevention Week.” The Mayor read the proclamation aloud to the audience and urged the citizens of Portales to recognize Fire Prevention week and keep their kitchens safe. Chief Nuckols thanked the Mayor for the proclamation.

**2. Declaring October 23 – 31, 2013 as “Red Ribbon Week.”**

Mayor King asked Ms. Rikki Seat to come forward to receive the proclamation declaring October 23 – 31, 2013 as “Red Ribbon Week,” with the theme “A Healthy Me is Drug Free.” Mayor King read the proclamation aloud to the audience and thanked Ms. Seat for her hard work. Ms. Rikki Seat told the Council that the DWI program will be holding a mock exercise at the high school. She commented that she is excited about holding the exercise to educate the kids at the high school.

**(E) REQUEST APPROVAL TO EXPEND FUNDS OUT OF RESERVE DEBT SERVICE ACCOUNT FOR REHABILITATION OF LIFT STATIONS ON LIME & KILGORE**

Mayor King asked Public Works Director John DeSha to report on the request for approval to expend funds from the reserve debt service. Mr. DeSha told the Council that the funds are needed to rehabilitate lift stations at Lime and Kilgore Streets. He stated that the lift stations are over 20 years old and that the funds are from paying off the Water & Sewer bonds. He reported that there are 5 lift stations in the City that will need to be rehabilitated in time. He commented that the expense had not been budgeted, but that there are funds in the reserve debt service. City Manager Redmond stated that he wants to see the City do two (2) a year to bring them up to a proper standard. Councilor Lucero expressed concern about the employees in a wet and dry side in the lift stations. Desha responded that the wet wells are in good shape. He stated that right now the pipes are hard wired into place. He commented that he wanted to replace these parts with a better pump. Councilor Lovett asked about backup issues over in Oakwood and asked if this project would correct the problem. Mr. DeSha answered that this project would not correct that issue. He stated that it is grease going down the sewer that is causing the backup in Oakwood. Mayor King asked for more questions or comments. Mayor King asked the pleasure of the Council. *Councilor Parker made the motion to approve expending funds out of Reserve Debt Service account for rehabilitation of the lift stations on Lime and Kilgore Streets. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(F) INFORMATIONAL ITEM – REPORT ON TASK ORDERS FOR WWTP SLUDGE REMOVAL**

Mayor King asked Mr. John DeSha to report on the task orders for the WWTP sludge removal. He stated that as the contractor began the project two (2) things popped up: 1) mileage is farther to the land where the sludge is taken; and 2) a different person will be responsible for spreading the sludge. He commented that the amount of sludge to be removed is much less than anticipated. The task orders reduce the amount of sludge to be removed and increases the price, which is still within the budgeted amount for the project. City Manager Redmond stated that the City is addressing much more than anticipated for less money. Mayor King thanked Mr. DeSha for the report on the WWTP sludge removal.

**(G) RESOLUTION #13-14-16, AUTHORIZING THE MAYOR TO EXECUTE CDBG GRANT AGREEMENT #13-C-NR-I-01-G-016**

Mayor King asked Susan Baysinger, Public Works Project Administrator, to introduce the resolution on the CDBG grant agreement. Ms. Baysinger told the Council that she had received an email last week for the 2013 CDBG grant project #13-C-NR-I-01-G-016, and she listed the project as being in the Bogard Addition on West Kaywood from N. Avenue K to N. Main Street and East Kaywood from N. Main Street to N. Boston. Baysinger told the Council that the grant amount for the full project funding was \$499,409.00 with a 10% local cash match of \$49,941.00. She told the Council that the grant requires the Council to adopt a resolution authorizing the Mayor's signature on the grant agreement. Mayor King asked for questions or comments. Mayor Pro-Tem Jackson asked for a map of the project area. Mayor King asked the pleasure of the Council. *Councilor Robinson made the motion to adopt Resolution #13-14-16, authorizing the Mayor to execute CDBG grant agreement #13-C-NR-I-01-G-016. Councilor Parker seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.*

**(H) REQUEST AUTHORIZATION OF A CONTRACT FOR PROFESSIONAL SERVICES WITH MENTAL HEALTH RESOURCES, INC. FOR GROUP COUNSELING SESSIONS FOR DWI OFFENDERS**

Mayor King asked for a report from DWI Program Coordinator Rikki Seat regarding the contract for professional services with Mental Health Resources, Inc. (MHR) for counseling sessions for DWI offenders. Ms. Seat told the Council that the funds for the contract come from the reversion agreement. City Clerk Martinez-Terry interposed that any initial misunderstanding submitted was her error. Martinez-Terry stated that the contract included additional wording as suggested by City Attorney Doerr. Councilor Lovett asked Ms. Seat if the court could order people to attend counseling sessions. Ms. Seat responded that the Court can order counseling and the funds are used to assist those people who qualify for assistance. She stated that there is no excuse for non-compliance. Mayor King asked for further questions or comments. There being none, Mayor King asked the pleasure of the Council. *Councilor Parker made the motion to authorize the contract for professional services with MHR for group counseling sessions for DWI offenders as presented. Councilor Lucero seconded the motion. All Council members present voted in support of the motion. No abstentions. Motion carried.*

**(I) REQUEST TO AUTHORIZE THE MAYOR TO EXECUTE JUVENILE ADJUDICATION FUND GRANT AGREEMENT**

Mayor King asked DWI Program Coordinator Rikki Seat to report on the request to authorize execution of the Juvenile Adjudication Fund grant agreement. Ms. Seat told the Council that the funds for this grant comes from \$1.00 per every case that goes through Court. Ms. Seat told the Council that the grant is for \$12,500.00 in additional funds for the DWI program with an in-kind City match of \$6,000.00. She told the Council that \$10,000.00 is for education of youth in the DWI program and that the \$2,500.00 is to take juvenile offenders to the NM Legislature in the spring. Councilor Parker asked about the program's effectiveness upon completion. Ms. Seat responded that teachers and parents have been asking for something like this for a while. Rikki Seat told the Council that 100 to 110 kids will be going through this program. Mayor King asked the pleasure of the Council. *Councilor Robinson made the motion to authorize execution of the Juvenile Adjudication Fund grant agreement. Mayor Pro-Tem Jackson seconded the motion. All Council members present voted in support of the motion. No abstentions. Motion carried.*

### **(J) PERMISSION TO ADVERTISE RFP FOR ATTORNEY SERVICES/PROFESSIONAL SERVICES CONTRACT**

Mayor King asked City Manager Redmond to introduce this request for permission to advertise an RFP for Attorney Services. Mr. Redmond stated that he was approached by Council regarding attorney services due to the new procurement code. He asked their permission to proceed. Redmond told the Council that the City is not out of compliance with the procurement policy at this time, but that there could be a perception that the City is out of compliance. He commented that the City may reach the amount exceeding the \$60,000.00 limit. City Attorney Doerr stated that anything over \$60,000.00 would require an RFP. He commented that the City does not have a contract and that it would be smart for the City to have a contract. Councilor Parker asked if the contract would be for multiple years. Redmond responded that it would be for at least two (2) years. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to grant permission for an RFP for Attorney Services/professional services contract. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

### **(K) ACTION ON FEASIBILITY STUDY FOR A FAMILY ENTERTAINMENT CENTER**

Mayor King asked the Council about authorizing a feasibility study for a family entertainment center. She commented that some people are talking about whether we want to put the family entertainment on the ballot for the next City election. She told the Council that, if so, the City Clerk will need a decision from the Council by the second meeting in November to put the family entertainment center on the ballot, which means that the study will need to be done quickly. City Manager Redmond asked if the Council wanted a feasibility study. The Council talked about a feasibility study that was done previously. Councilor Thomas asked if there was a need for another study. He asked if there was enough information in the first study to move forward with the family entertainment center. City Manager Redmond said that there was not enough information. He commented that based on some information in that study; there are concerns about how much money could be bonded for such a project. He stated that for \$7 million, the bond payment would be about \$495,000.00 per year. He commented that the GRT could bring in about \$200,000.00, and the City would need another source of money. Redmond stated that if the County levied another increment of GRT, it would not cover the difference. He explained that the family entertainment center would not cover the debt payment, and there would be operational costs to consider. Councilor Robinson commented that right now the community is working on getting a football stadium. He commented that the public would not take it well if we started another expensive project. The Council asked City Attorney Doerr about the probability of ENMU seeking a bond issue for \$1 million. Councilor Thomas stated that these were two (2) separate issues. Councilor Lucero asked if the City would own the family entertainment center. Mayor King commented that the RCCDC had tried to attract a private enterprise to put in the entertainment center. Councilor Lucero asked if the Council was interested in being in that business—he commented that he felt that it should be done by a private company. Councilor Thomas argued that the GRT is decreasing and stated that it is due to entertainment money going to Clovis instead of Portales. He stated that, if the City does not do something, the GRT will continue to be lost by Portales. Councilor Lovett said that it is a good project, but that you have to pay for it. He commented that, at the end of the day, we will have to ask the citizens to pay for it. He stated that it will not be a for-profit enterprise. Councilor Lovett's recommendation is to try to attract a private company to the community to build the family entertainment center. He commented that the City is asking the citizens to pay additional funds for water, wastewater treatment plan, and other infrastructure projects. Councilor Thomas stated that the City has to take a chance. Councilor Lovett commented that he was not willing to take a chance for the citizens. Councilor Robinson suggested that the City should be cautious until the issue of the stadium is resolved. Mayor Pro-Tem Jackson stated that ENMU is not asking for any City money. Councilor Parker agreed that the Council had approved the stadium and that we are hoping that it will bring more businesses. She stated that she felt that the stadium could start the ball rolling; adding that Portales

does not have the theatre or bowling, Portales does have the softball complex. She commented that we should take care of what we have. She stated that she thought that the citizens will back away. The Council asked about the cost of a feasibility study. Redmond answered that it would cost about \$25,000.00 and that the County Commission would consider it depending on what the Council wants to do. Councilor Lovett asked what the difference would be between a new study and the one already compiled. Councilor Lovett stated that he believed that the completed study was not an independent study. Mayor Pro-Tem Jackson agreed that it was a bit skewed. The Council asked how the City would pay for a study. Councilor Lovett said that we should take it to the County Commission. City Manager Redmond stated that the money would come out of the Building Fund. Councilor Lovett made a motion to authorize \$10,000.00 for the study. Mayor King asked what would happen if the County does not match the City's money. She suggested that the motion should be that the Council authorizes an amount up to a limit provided that the County matches it at the same rate. Mayor King asked the pleasure of the Council. ***Councilor Lovett made the motion to spend up to \$20,000.00 and to ask the County Commission to financially support the feasibility study for a family entertainment center. Mayor Pro-Tem Jackson seconded the motion. Five of the Council members present voted in favor of the motion. Councilor Robinson voted Nay. No abstentions. Motion carried.***

### **(L) DISCUSSION ON PENDING ILLICIT SYNTHETIC DRUG ORDINANCE**

Mayor King asked Councilor Thomas to present the issue of the illicit drug ordinance. Councilor Thomas stated that the ordinance on illicit drugs had been worked on for a long time. He stated that he had been in contact with a foundation that has opposed synthetic drugs. He stated that he believed that the ordinance as written will hold up in court. He commented that the synthetic drug ordinance problem is not just the lack of an ordinance, but parental involvement with their kids is the issue. Councilor Thomas told the group that adopting an ordinance is the first step to let the public know that synthetic drugs won't be legal in the community. He told the audience that it is the Council's responsibility to adopt the ordinance prohibiting the sale, possession of synthetic drugs in the community. He told the Council that his group had collected over 400 signatures on a petition supporting adoption of the ordinance. Councilor Lovett said that the Council had talked about having another tool to use against smoke shops that are in violation of the law, and asked what it would do in municipal court as compared to taking the cases to magistrate court. He commented that he wanted to make sure that there really is some bite with this ordinance. Interim Chief Gallegos responded that it would depend on the circumstance. He stated that such a case would be sent to magistrate court—it gives the City the power to begin placing strikes against the businesses to stop the sale of synthetic drugs. Councilor Lovett asked if the City Code could do anything to stop a business that loses its business registration from opening up under another business name. City Attorney Doerr answered that this could be a possibility. City Attorney Doerr suggested that the ordinance be split into two pieces: 1) prohibiting the sale of synthetic drugs; and 2) 3 strikes and businesses lose their registrations. He commented that the 3 strikes section could be added to the City Code under health and safety. He stated that this would place this type of case into district or magistrate court. He added that filing in municipal court will not follow the violator around, and district court does. Sheriff Hooker told the Council that the County Sheriff's office uses state law and files in district court. Councilor Thomas asked if it would not be beneficial to use municipal court and then take the case to a higher court. Interim Chief Gallegos stated that he would be very cautious to go to a lower court—if a violator pleads guilty then the case could not go to a higher court. City Attorney stated that he could prepare a separate ordinance under the health and safety ordinance. Councilor Robinson asked if this would allow the City ordinance to stay out of the way of State law. Councilor Parker remarked that she wants to relay the message that we do not want this in our community, but not to interfere with court actions. Interim Chief Gallegos commented that this ordinance would help the Police. Councilor Lovett stated that the public knows that this ordinance is not a cure-all. Councilor Lucero stated that it should at least make the businesses uncomfortable; although some people want us to harass them. Mayor King commented that this isn't just in this community—it is an issue across the country. The Council discussed the role of the parent in the issue. Councilor Thomas commented that he feels that the

church and schools are doing a great job, but that the parent is the unknown. Councilor Robinson expressed agreement with the ordinance being split into two ordinances. City Attorney Doerr stated that he would move forward with separating the ordinance into two ordinances. The Council was concerned that this would slow the process, but the City Attorney assured them that they would adopt the ordinance prohibiting the sale of synthetic drugs at their next meeting, and issue a notice of intent for the addition of a section to existing City Code regarding the 3 strikes provision to be adopted at a later Council meeting.

**(M) RATIFICATION OF MEMORANDUM OF AGREEMENT BETWEEN THE NM DEPARTMENT OF TRANSPORTATION AND THE CITY OF PORTALES FOR FY 14 – 5311 (P.A.T. ADMINISTRATIVE & CAPITAL)**

Mayor King asked for a report on the ratification of the Memorandum of Agreement (MOA) for the P.A.T. program. Dawn Kryder, P.A.T./Sr. Citizens, told the Council that the MOA is for the FY 14 – 5311 grant agreement. She told the Council that the City had to request an amendment to the original agreement because it was lower than needed. She stated that the City's match is \$70,000.00 and asked the Council to ratify the Mayor's signature on the MOA. She reported that the P.A.T. program had not had any vehicle accidents since 2009. Ms. Kryder asked for ratification of the Mayor's signature on the MOA. Mayor King asked the pleasure of the Council. *Councilor Parker made the motion to ratify the MOA between the NMDOT and the City of Portales for FY 14 – 5311 grant. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(N) OTHER BUSINESS/CITIZENS TO BE HEARD**

Mayor King asked for items of other business.

**Portales Citizens against Synthetic Drugs:** Mr. Lonnie Berry told the Council that the organization Portales Citizens against Synthetic Drugs have started a petition supporting the Council's ordinance on illicit drugs. He stated that they understand that this ordinance will not be enough—that it will take talking about synthetic drugs with the parents. Berry told the Council that if they want to promote the ordinance, take it to the beauty shops. He told the Council that the Lions Club is putting up money for scholarships to pay for registrations for kids for City League Sports. He challenged the other service clubs in the community to do the same. Councilor Robinson asked where to go to sign the petition. Berry said he has the petition as well as Councilor Thomas and Consigning Women.

**ADJOURNMENT:**

There being no further business or comments, Mayor King adjourned the meeting at 8:40 p.m.

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Joan Martinez-Terry, City Clerk