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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, March 18, 2014, 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:

|                  |                       |                     |
|------------------|-----------------------|---------------------|
| COUNCIL MEMBERS: | Matthew Tod Hunton    | Dianne Y. Parker    |
|                  | Leo Lovett            | Oscar H. Robinson   |
|                  | Lenard Michael Lucero | Antonio O. Salguero |
|                  | Michael G. Miller     | Keith A. Thomas     |

|                |                                    |   |
|----------------|------------------------------------|---|
| STAFF PRESENT: | Doug Redmond, City Manager         | Johnny DeSha, Public Wks. Director      |
|                | Joan Martinez-Terry, City Clerk    | Marilyn Rapp, Finance Director          |
|                | Randy Knudson, City Attorney       | Susan Baysinger, Public Wks. Proj. Adm. |
|                | Carla Weems, Admin. Assistant      | Veda Urioste, Deputy City Clerk         |
|                | Pat Gallegos, Police Chief         | Gary Nuckols, Fire Chief                |
|                | Matthew Wilson, Water Supt.        | Mike Stroik, WWTP Chief Operator        |
|                | Dennis Hales, I.T. Director        | Mike Parkey, General Svcs. Director     |
|                | Paul Johnson, Parks/Cemetery Supt. | Mary Poynor, DWI Teen Court Coord.      |

|                 |                           |                                       |
|-----------------|---------------------------|---------------------------------------|
| OTHERS PRESENT: | Christina Calloway, Press | Amelia Christensen, Pres., MainStreet |
|                 | Anna Brock, BECC          | Amber Hamilton, RGH                   |

Mayor King asked Susan Baysinger, Administrator, Public Works Capital Projects, to give the invocation, and Amelia Christensen, President of Portales MainStreet, to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

**(A) MINUTES OF PREVIOUS MEETING(S):****1. Regular Meeting of March 4, 2014.**

Mayor King asked the Council to consider the minutes of Regular Meeting of March 4, 2014. Mayor King asked the pleasure of the Council. *Councilor Parker made the motion to approve the minutes of the regular meeting of March 4, 2014 as presented. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(B) PRESENTATION OF "CLEAN CAMPUS AWARD" TO BROWN DEVELOPMENT CENTER (BROWN EARLY CHILDHOOD CENTER)**

Mayor King asked Veda Urioste, Deputy City Clerk, to present the "Clean Campus Award" to Brown Development Center (Brown Early Childhood Center). Ms. Anna Brock was present to receive the trophy. Ms. Brock stated that the custodial staff—Lucio Salas, Manuel Gonzales and Janette Apodaca—deserve the credit for the clean campus and facility. She commented that though it is the oldest school in Portales, it is the cleanest. Ms. Urioste told the Council that the Code Enforcement Officer, judge for the award, had reported that Brown School yard is always clean.

**(C) REPORT OF ELECTION RESULTS 2014 FOR THE RECORD**

Mayor King asked City Clerk Martinez-Terry to present the results of City Election 2014. Martinez-Terry told the Council that the report for the record is required by the State Election Code. She reported that the results were as follows:

**Mayor for a 4-year term:**

|              |                |           |
|--------------|----------------|-----------|
| Ran At-Large | Sharon L. King | 213 votes |
|--------------|----------------|-----------|

**Councilors for 4-year terms:**

|            |                     |          |
|------------|---------------------|----------|
| For Ward A | Antonio O. Salguero | 67 votes |
| For Ward B | Oscar H. Robinson   | 52 votes |
| For Ward C | Michael G. Miller   | 38 votes |
| For Ward D | Dianne Y. Parker    | 32 votes |

**Municipal Judge for a 4-year term:**

|              |                   |           |
|--------------|-------------------|-----------|
| Ran At-Large | Barbara A. George | 209 votes |
|--------------|-------------------|-----------|

The City Clerk told the Council that the results of the election would be recorded in the minutes in accordance with state law.

**(D) COUNCIL RE-ORGANIZATION AFTER ELECTION 2014 (ELECTION OF MAYOR PRO-TEM) AS REQUIRED BY STATE ELECTION CODE (§3-8-33H)**

Mayor King told the Council that the Mayor Pro-Tem elected at this meeting will serve until the next election. She commented that she had thought that she could appoint a new Pro-Tem every year, but had learned that the position was supposed to serve until the next election. She opened the floor for nominations for Mayor Pro-Tem. Councilor Salguero nominated Keith A. Thomas for the position of Mayor Pro-Tem, which was seconded by Councilor Lucero. Councilor Robinson nominated Michael G. Miller for the position of Mayor Pro-Tem, which was seconded by Councilor Hunton. Mayor King asked

City Attorney Knudson for guidance regarding how the vote should be taken—by paper ballot or by a show of hands. City Attorney Knudson responded that the Mayor could choose either way. Mayor King asked for paper for the Council to vote by paper ballot for their choice. Mr. Knudson handed out sheets of paper to each Councilor, collected the votes and counted them. The result was a tie vote—4 for each candidate. Mayor King broke the tie by declaring her vote for Michael G. Miller. Councilor Miller is officially the Mayor Pro-Tem.

**(E) RATIFICATION OF FINANCE DEPARTMENT’S ACTIONS REGARDING BILLS FOR FEBRUARY 2014**

Mayor King asked Marilyn Rapp, Finance Director, to report on the bills for February 2014. Ms. Rapp told the Council that the bills for February were in the amount of \$1,609,339.06. Finance Director Rapp reported that the larger expenditures for the month included a garbage truck for Sanitation for \$161,000.00; payment on the waterline project in the amount of \$92,042.77; and engineering services for the Waste Water Treatment Plant for \$48,524.34. She commented that the expenditures for the month would have been the normal \$1.3 million without these unusual expenses. She stated that the expenditures were necessary for the continued operation of the City, and within budgeted limits. She asked for questions and asked for ratification of the bills.

**February 2014**

|                  |     |                |
|------------------|-----|----------------|
| Pooled Cash Fund | 999 | \$1,609,339.06 |
|------------------|-----|----------------|

Mayor King asked the pleasure of the Council. *Councilor Hunton made the motion to ratify the payment of the bills for January 2014 as presented. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(F) REQUEST FOR AUTHORIZATION TO SUBMIT THE JUVENILE ADJUDICATION FUND (JAF) GRANT APPLICATION**

Mayor King asked for Riki Seat, DWI Program Coordinator, to present the Juvenile Adjudication Fund Grant application. Mary Poynor addressed the Council representing Mrs. Seat who is absent due to illness. Poynor told the Council that the purpose of the funding is for an alternative sentencing program for offenses by minors. She asked that the Council endorse the request that is for \$15,000.00 to enhance the DWI Teen Court program mainly for training for teen court attorneys, to take them to the legislature every year, and for counselling for defendants. She told the Council that the JAF grant provides group counseling in all areas: truancy, domestic violence, personal responsibility, etc. She commented that it is to counsel teens in how to be grownups. She reported that the match is by in-kind support. Mayor King asked the pleasure of the Council. *Councilor Lucero made the motion to approve the request to authorize submittal of the Juvenile Adjudication Fund grant application as presented. Councilor Salguero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(G) AWARD OF BID FOR WASTEWATER TREATMENT PLANT (WWTP) PROJECT (CWSFR 023 & SAAP FY10)**

Mayor King asked John DeSha, Public Works Director to present the award of bid for the WasteWater Treatment Plant project. Mr. DeSha told the Council that the invitation to bid was advertised on January 7, 2014 in the Portales News-Tribune and in the Albuquerque Journal on January 5, 2014. He stated that the pre-bid conference was held on January 22, 2014. He commented that interested bidders had to

attend the pre-bid conference to be allowed to bid on the project. He reported that bids were opened on February 19, 2014 at 4:00 p.m. at City Hall; and bids received were reviewed by Smith Engineering. He reported that the low bidder was RMCI for their bid of \$16,473,897.50 including GRT. DeSha told the Council that the engineer had submitted his recommendation for award to the funding agency. He stated that Concurrence of Recommendation of Award was received from the funding agency, NMED-CPB on March 4, 2014. (The bids reported on the Council Summary were as follows:

| <u>Bidder</u> | <u>Bid Amount Including GRT</u> |
|---------------|---------------------------------|
| RMCI          | \$16,473,897.50                 |
| TLC           | \$16,509,185.63                 |
| Sletten       | \$17,971,191.50                 |
| RSCI          | \$18,823,504.78                 |
| SmithCo       | \$20,014,562.50)                |

Mr. DeSha asked the Council for permission to authorize a contract with RMCI. Mayor King asked if the City had worked with this company before. Mr. DeSha responded affirmatively. Councilor Thomas asked if the bid had come in according to the engineer's estimate. Mr. DeSha responded that the engineer's estimate was \$16,683,783.29. Councilor Hunton asked for the amount of grant funding. Mr. DeSha responded that the amount of the funding is \$27,000,000.00 (Clean Water State Revolving Loan (CWSRF 023 & Special Appropriations Act Project (SAAP FY10)). DeSha commented that the project had to be phased and described the different parts of the project. He stated that the project includes water reuse. He reported that this is the first part of the project; and that the reuse part will be bid out later. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to award the bid for the WWTP project to RMCI for their bid of \$16,473,897.50 including GRT as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(H) RESOLUTION #13-14-42, A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR HARDSHIP FUNDS THROUGH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION SURPLUS EQUIPMENT (AUCTION) PROGRAM**

Mayor King asked City Manager Redmond to present Resolution #13-14-42, authorizing the Mayor to apply for hardship funds through the NMDOT Surplus Equipment Program. Mr. Redmond told the Council that Susan Baysinger had found the program and handed it over to Carla Weems. He told the Council that the program would allow the City to participate in the surplus auction. He stated that the total dollar amount will not exceed \$25,000.00 in funds to purchase up to three (3) ½ ton and one (1) ¾ ton pickups and that it would help the General Fund. He commented that there will be no funds available in the General Fund for new vehicles for the new fiscal year. Councilor Thomas asked if the vehicles in the program were used vehicles. Mr. Redmond responded affirmatively, but that the trucks would be in better condition than some of the City's current units. He asked that the Council adopt the resolution for submittal of the application for hardship funds. Redmond commented that no local match is required for this grant program. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to adopt Resolution #13-14-42, authorizing the Mayor to apply for hardship funds through the New Mexico Department of Transportation Surplus Equipment Program as presented. Councilor Lucero seconded the motion. Roll call vote of all Council members present resulted in a unanimous vote in favor of the motion. No abstentions. Motion carried.***

**(I) RESOLUTION #13-14-43, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE NEW MEXICO STATE FIRE MARSHAL'S OFFICE FISCAL YEAR 2015 MUNICIPAL FIRE PROTECTION FUND DISTRIBUTION APPLICATION**

Mayor King asked Fire Chief Nuckols to present Resolution #13-14-43, authorizing the Mayor to sign the NM State Fire Marshal's municipal fire protection fund distribution application. Chief Nuckols told the Council that this is the annual application for fire protection funds. He stated that the minimum amount projected for FY 2015 application is \$154,169.00. He told the Council that the Portales Fire Department had received a distribution amount of \$186,469.00 in the previous year. Mayor King asked if this was the fund that helped in saving the down-payment for the new aerial fire truck. Chief Nuckols responded affirmatively. He asked that the Council adopt the resolution to submit the application. Mayor King asked the pleasure of the Council. *Councilor Lovett made the motion to adopt Resolution #13-14-43, authorizing the Mayor to sign the NM State Fire Marshal's 2015 Municipal Fire Protection Fund Distribution application. Councilor Hunton seconded the motion. Roll call vote of all Council members present resulted in a unanimous vote in favor of the motion. No abstentions. Motion carried.*

**(J) REQUEST FOR APPROVAL OF CONTRACT FOR ADMINISTRATION OF A MUNICIPAL D.O.T. DRUG & ALCOHOL TESTING PROGRAM**

Mayor King asked City Clerk Martinez-Terry to report on the request for approval of a contract agreement for a municipal D.O.T. drug and alcohol testing program. Martinez-Terry told the Council that negotiations with Quest Diagnostics have been concluded for pre-employment, post-accident, return-to-duty, follow-up or random drug testing for \$66.15 per test; and breath alcohol testing for \$38.00 per test. She reported that these fees are the same as in the previous agreement. Martinez-Terry told the Council that the contract document had been forwarded to City Attorney Doerr, and that his questions were answered by Shelley Johnson through her hard work on the agreement. Ms. Johnson coordinates the work with this company to make sure that all required testing is conducted. City Clerk Martinez-Terry asked that the Council approve the agreement/contract with Quest Diagnostics. Mayor King asked the pleasure of the Council. *Councilor Lovett made the motion to approve the agreement/contract for administration of the D.O.T. drug and alcohol testing program with Quest Diagnostics as presented. Councilor Salguero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(K) REQUEST FOR APPROVAL – PURCHASES FOR PUBLIC WORKS DEPARTMENTS:**

**1. Commercial Riding Mower – Water Dept. – Super 104, Kawasaki (GSA).**

Mayor King asked Public Works Director DeSha to report on the request to purchase a commercial riding mower for the Water Department. Mr. DeSha told the Council that this is a request for a new riding lawn mower to replace one that is unrepairable. He reported that funds for this purchase were budgeted in the Water Fund and that the purchase would be through GSA. He stated that the amount for this Hustler is \$19,880.00. Councilor Salguero asked about service for the mowers—would it be in-house. DeSha responded that the mower has a warranty, that service will come from Roswell, NM; and that when the warranty expires, the service can be handled in-house. He described it as a very robust mower. Councilor Parker asked how the mower will be used. Mr. DeSha responded that it will be used to cut weeds around the wells, the wastewater treatment plant and other locations around the city's properties. Councilor Thomas asked about the budgeting for the equipment. Mr. DeSha responded that although it wasn't specifically itemized in the budget, the funding was available. Councilor Salguero asked if it would be transported on a trailer. DeSha responded affirmatively and asked for approval of the purchase.

Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the purchase of the commercial riding mower for the Water Department for \$19,880.00 as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**2. Commercial Riding Mower – Parks/Cemetery Dept. – Diesel Z. Shibaura (GSA).**

Mayor King asked Public Works Director DeSha to report on the request to purchase a commercial riding mower for the Parks/Cemetery Department. Mr. DeSha told the Council that this is a request for a new riding lawn mower, which will be paid out of funds from the retirement of the Parks/Cemetery Superintendent. He commented that the City would get a minimum of 10 years of service out of it. He stated that the cost of the mower is \$14,623.44 and would also be purchased through GSA. Councilor Thomas asked why it costs less than the one previously presented. DeSha responded that it has a smaller deck than the one approved earlier. Councilor Lovett asked how the mower would be used. DeSha responded that it will be used in the Parks. Councilor Thomas asked why the City would need it since the mowing bid has been advertised. DeSha responded that the mowing bid is for specific parks, and that this mower would be used in the rest of the parks and the cemetery. He asked for their approval of the purchase. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the purchase of the commercial riding mower for the Parks/Cemetery Department for \$14,623.44 as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**3. Pickup for Sanitation Department (SPA).**

Mayor King asked Public Works Director DeSha to report on the request to purchase a pickup for the Sanitation Department. Mr. DeSha told the Council that pickups in the General Fund are very old and that the plan is to buy this in the Sanitation Department, use it there and take one of the older trucks in the Sanitation Department to the Parks Department to retire an older Parks vehicle. He stated that the purchase would be done through a state contract for the amount of \$23,792.00. He stated that the retired vehicle would be declared surplus and sold at auction. Mayor Pro-Tem Miller asked if he had asked around the community. General Services Director Parkey responded that he has requested prices around the community in the past, but that they cannot compete with the State Purchasing Division. DeSha told the Council that the funds for the new pickup are the balance after purchasing a new garbage truck and the Sanitation maintenance account. He asked for Council approval to purchase the new vehicle. Councilor Lovett asked if this was requested along with the hardship fund. Councilor Thomas asked if this could be held up for another year. City Manager Redmond responded that because there were cost savings from the purchase of the garbage truck, staff wanted to use the savings so that a truck would not have to be put into the City budget for next year. Councilor Parker asked if the City did not have a fleet purchasing schedule. DeSha responded that he has been working with City Manager Redmond and General Services Director Parkey to develop a fleet purchasing schedule. Mayor King asked about the oldest vehicle in the City's fleet. Mike Parkey responded that it is a 1989 model. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to approve the purchase of the pickup for the Sanitation Department for \$23,792.00 as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(L) REQUEST TO AUTHORIZE THE MAYOR TO EXECUTE THE RENEWAL AGREEMENT FOR THE F-111 STATIC DISPLAY**

Mayor King asked City Clerk Martinez-Terry to present the renewal agreement for the F-111 static display. Martinez-Terry told the Council that it is time to renew the agreement with the National Museum of the Air Force for the loan of the F-111 static display. She told the Council that the renewal must be

completed and returned to the National Museum of the Air Force by March 31, 2014. She added that the required insurance coverage had been renewed. She told the Council that the request is for the Council to authorize the Mayor to sign the agreement. Mayor King asked the pleasure of the Council. ***Councilor Salguero made the motion to authorize the Mayor to execute the renewal agreement for the F-111 static display with the National Museum of the Air Force as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

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

Mayor King asked for items of other business.

**Review of Plans for the Council Retreat:** City Manager Redmond reported that he had spoken to several Councilors about going out of town for the retreat or staying in Portales. He commented that the cost for going out of town would be between \$6,000.00 and \$7,000.00. He added that it is hard to explain it to citizens and employees when the City must watch every nickel. Mr. Redmond recommended that the Retreat be held in Portales. He asked for dialogue with the Council about the best dates for the retreat in May or June. Mayor King asked the Council which month would work best for them. Councilor Salguero asked if the Retreat would be on a week day or on the weekend. Councilor Thomas suggested that the County be invited to participate in part of the retreat. Mayor King asked City Manager Redmond to put the Council Retreat together.

**Update on Ute Water Project:** Mayor King reported that the project is moving forward and that it is to the point of the engineers talking to landowners about right-of-way. She reported that more funding had been received from the federal government and that a meeting of the rural water authority would be held in Portales at 10 a.m. Thursday.

**Request for Update on Highway 70 Project:** Councilor Parker asked for an update on the Highway 70 project. City Manager Redmond stated that the Contractor would be back at the end of this month. He commented that he and staff have been talking to them about a variety of issues—lighting, drainage, etc. He commented that the project could be completed by the end of the summer. He added that landscaping would be completed after that time.

**Report from Cultural Affairs Committee:** Councilor Robinson told the Council that he represented the Cultural Affairs Committee and the State Martin Luther King, Jr. Commission at a meeting over the weekend. He commented that attendance was required for submission of an application for funding. He told the Council that Robert Graham from ENMU had made a presentation to the Commission.

**Great American Cleanup & Annual Easter Egg Hunt:** Deputy City Clerk Urioste reported that work has begun on the Great American Cleanup event. She told the Council that the event will be held on April 12<sup>th</sup>. She reported that the annual Easter Egg Hunt is scheduled for April 19<sup>th</sup> and that donations are being requested for plastic eggs and candy. She handed out the application form for the Clean & Beautiful grant, which has a deadline of April 21<sup>st</sup>. She commented that she had spoken to Mr. Desha about putting a fence around dumpsters in the parks to try to keep trash from blowing. Ms. Urioste asked the Council for input or ideas for the application. She reported that a Trash Can Contest will be held for junior high school students and that a Poster Contest would also be held. She reported that trees will be planted around the community for Arbor Day. Councilor Parker thanked Ms. Urioste for promoting the program in the schools.

**NMML District IV Meeting:** City Manager Redmond asked the Council to let Carla Weems know if they would be attending the District IV meeting to begin at 10:00 a.m., Monday, March 24, 2014 at the Yam Theatre.

**ADJOURNMENT:**

There being no further business or comments, Mayor King adjourned the meeting at 8:30 p.m.

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Joan Martinez-Terry, City Clerk