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  - B. Proclamation Declaring January 19, 2015 as Martin Luther King, Jr. Day in Portales, New Mexico.
  - C. Requesting Approval to Order & Purchase a Wildland Firefighting Apparatus with Danko/AAA Firepro.
  - D. Request for Approval to Purchase 60 Foot (60') Easement from Denese Phillips, and Candace Phillips, Heirs to the Estate of Sandra Phillips and the Estate of Faythe McCollum.
  - E. Request for Zone Change at 523 W. University—Billy & Karen Roach, Owners.
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  - G. Resolution #14-15-15, Authorizing Participation in Local Government Road Fund Program Administered by New Mexico Department of Transportation Fiscal Year 2014/2015.
  - H. Resolution #14-15-16, A Resolution Committing the City of Portales to the Implementation of an Asset Management Plan.
  - I. Notice of Intent to Adopt Ordinance No. 714, An Ordinance Approving Past Economic Development Projects.
  - J. Other Business/Citizens to be Heard.
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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, January 6, 2015, at 5:30 p.m., in the Council Chambers at the Memorial Building, 200 E. 7<sup>th</sup> Street, Portales, NM 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: Michael G. Miller

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

STAFF PRESENT: Doug Redmond, City Manager John DeSha, Public Wks. Dir.  
Joan Martinez-Terry, City Clerk Randy Knudson, City Attorney  
Gary Nuckols, Fire Chief Susan Baysinger, Public Wks. Adm.  
Marta Quiroz, Admin. Secretary Sammy Standefer, Planning Director  
Christine Mitchell, I.T. Technician Veda Urioste, Deputy City Clerk  
Matt Wilson, Utilities Supt.

OTHERS PRESENT: Alisa Boswell, Press Amber Hamilton, Rsvlt. Co. Manager  
Amelia Redmond Stuart Ingle, State Senator  
Karen Roach Billy Roach  
Jerry DeSha Stephen Kemp  
Mark Saiz Rachel Saiz

Mayor King asked Leo Lovett, Councilor, to give the invocation, and John DeSha, Public Works Director, to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

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

1. **No Minutes for December 2, 2014 due to prior cancellation of meeting (for the record).**
2. **Regular Meeting of December 16, 2014.**

Mayor King announced that there were no minutes for December 2, 2014 due to cancellation of scheduled meeting. She asked the Council to consider the minutes of the Regular Meeting of December 16, 2014. She asked for questions and, hearing none, asked the pleasure of the Council. *Councilor Parker made the motion to approve the minutes of the regular meeting of December 16, 2014 as presented. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(B) PROCLAMATION DECLARING JANUARY 19, 2015 AS MARTIN LUTHER KING, JR. DAY IN PORTALES, NEW MEXICO**

Mayor King asked Councilor Robinson to accept the proclamation for Martin Luther King, Jr. Day in Portales, New Mexico. She read the proclamation aloud to the audience urging them to celebrate the day in remembrance of Dr. Martin Luther King, Jr. Councilor Robinson stated that the City's Cultural Affairs Committee have combined efforts with ENMU for the annual march, which will start from the courthouse and end at Buchanan Hall for a program recognizing the youth of the community. He commented that the athletic teams are involved and that scholarships will be awarded. He added that the scholarships are not large, but that they are recognition of the youths. Councilor Robinson stated that there is no speaker, but that ENMU's Dr. Steven Gamble and Reverend Keith Wilks of the Methodist Church will be presenting. He stated that the program includes music and a contest along with refreshments.

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Mayor King asked that the Council approve amending the agenda to include the following items:

- 1) Approval of Land Transfer for Elida Pump Station; and
- 2) Executive Session for Limited Personnel Matters.

City Attorney Knudson told the Council that no action could be taken on the two items. Mayor King asked for Council action. *Mayor Pro-Tem Miller made the motion to approve amending the agenda for the two items suggested by the Mayor. Councilor Lovett seconded the motion. All Councilors present voted in favor of the motion. No abstentions. Motion carried.*

**(C) REQUESTING APPROVAL TO ORDER & PURCHASE A WILDLAND FIREFIGHTING APPARATUS WITH DANKO/AAA FIREPRO**

Mayor King asked Fire Chief Nuckols to present the request for approval to order and purchase a Wildland Firefighting Apparatus with Danko/AAA Firepro. Chief Nuckols told the Council that this item is associated with the rollover of \$95,903.00, which was approved by the State Fire Marshal for prepayment of the New Mexico Mortgage Finance Authority (NMFA) debt service on our new ladder truck. He told the Council that the prepayment was denied by the NMFA because of the requirements of article 8 of the loan agreement. He told the Council that he had requested reprioritization from the State Fire Marshal's office of the rollover of the funds to purchase a Wildland Firefighting Apparatus. Chief Nuckols stated that it is not a huge issue because the debt service is manageable. He told the Council that the State Fire Marshal had approved the request for ordering and purchasing the apparatus. He told the Council that included in the packet are the

specifications and a proposal from Danko/AAA Firepro through HGAC (Houston-Galveston Area Council). He told the Council that the rollover amount of \$95,903.00 along with \$9,627.00 from budgeted Fire Fund 209 money will purchase the apparatus for a total cost of \$105,530.00. Chief Nuckols told the Council that this item has been on the ICIP list for 7 years in an effort to replace the current 1992 brush truck. He told the Council that the Fire Fund budget for vehicles is \$32,882.00 for FY 15. Mayor King confirmed that the purchase was for a truck. Councilor Lovett asked Chief Nuckols if this is a high priority. Chief Nuckols stated that it is a high priority for the Department and asked for approval. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to approve the purchase of the Wildland Firefighting Apparatus as presented. Councilor Thomas seconded the motion. All Councilors present voted in favor of the motion. No abstentions. Motion carried.***

**(D) REQUEST FOR APPROVAL TO PURCHASE 60 FOOT (60') EASEMENT FROM DENESE PHILLIPS, AND CANDACE PHILLIPS, HEIRS TO THE ESTATE OF SANDRA PHILLIPS AND THE ESTATE OF FAYTHE MCCOLLUM, TO INSTALL & MAINTAIN A RECLAIMED WATER LINE**

Mayor King asked Public Works Director John DeSha to present the request to purchase a 60 foot (60') easement from Denese Phillips, (Curt Phillips), and Candace Phillips, heirs to the estate of Sandra Phillips and the Estate of Faythe McCollum, to install and maintain a reclaimed water line. Mr. DeSha told the Council that the request is for the purchase of a 60' easement for the negotiated cost of \$10,000.00 to connect the reuse line to the cemetery. He told the Council that this will join the existing easement around the southern portion acquired by SPS (SPS denied the request to them for an easement). Councilor Thomas confirmed that the easement was for the reuse project. Mayor King asked the pleasure of the Council. ***Mayor Pro-Tem Miller made the motion to approve the purchase of the 60' easement for the negotiated cost of \$10,000.00 from the heirs of Sandra Phillips and Faythe McCollum as presented. Councilor Hunton seconded the motion. All Councilors present voted in favor of the motion. No abstentions. Motion carried.***

**(E) REQUEST FOR ZONE CHANGE AT 523 W. UNIVERSITY – BILLY & KAREN ROACH, OWNERS**

Mayor King asked Planning Director Sammy Standefer to present the request for a zone change at 523 W. University by Billy and Karen Roach, owners. Mr. Standefer told the Council that Billy and Karen Roach had requested a change to zoning for the property at 523 W. University from R-1 Single Family Dwelling to C-2 General Commercial. He told the Council that it had previously been a church and then more recently a day care center. He told the Council that the owners plan to open a water store similar to the one previously located on W. 2<sup>nd</sup> Street. He told the Council that the Planning Commission had heard the application at a public hearing held on November 18, 2014, and recommended approval of the zoning change by a vote of 6 for and 0 against the application. He told the Council that the property is located behind Ace Hardware on South Avenue D, which is in a Commercial zone. Councilor Lovett commented that he saw no issues with the request. Mayor King asked the pleasure of the Council. ***Councilor Lovett made the motion to approve the request for zone change from R-1 to C-2 at 523 W. University as presented. Councilor Lucero seconded the motion. All Councilors present voted in favor of the motion. No abstentions. Motion carried.***

**(F) RESOLUTION #14-15-14, A RESOLUTION AUTHORIZING THE MAYOR'S EXECUTION OF A PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF PORTALES AND TIERRA REALTY TRUST, LLC FOR USE OF ECONOMIC DEVELOPMENT TAX REVENUES TO SUPPORT ECONOMIC DEVELOPMENT ASSISTANCE IN PORTALES, NEW MEXICO**

Mayor King asked for presentation of Resolution #14-15-14, authorizing the Mayor's signature on the Project Participation Agreement with Tierra Realty Trust, LLC for use of economic development tax revenues

supporting economic development assistance. City Attorney Knudson told the Council that this resolution is needed to complete the LEDA project for redevelopment of the Portales Inn. He reminded them that they had approved the project at the previous meeting, but that this resolution should have been part of the process. He told the Council that this action would make sure that all documents are up to date. He asked for the Mayor to sign the Project Participation Agreement again once the resolution was adopted. Mayor King asked the pleasure of the Council. ***Councilor Thomas made the motion to adopt Resolution #14-15-14, authorizing the Mayor to sign the Project Participation Agreement with Tierra Realty Trust, LLC as presented. Councilor Parker seconded the motion. Roll call vote by all Councilors present resulted in unanimous support of the motion. No abstentions. Motion carried.***

**(G) RESOLUTION #14-15-15, AUTHORIZING PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2014-2015**

Mayor King asked Public Works Director DeSha to present Resolution #14-15-15, authorizing participation in the Local Government Road Fund program administered by the NMDOT for fiscal year 2014-2015. Desha told the Council that the purpose of this resolution is to change the cooperative agreement approved by the state for pavement improvements to Abilene Street from 4<sup>th</sup> Street to 11<sup>th</sup> Street. The previously approved project was on 18<sup>th</sup> Street from Avenue D to Kilgore, but that street is in the reuse water line project. He told the Council that there was no change to the price of the project, just the location. He added that he hoped to do the 18<sup>th</sup> Street project after the reuse project was completed. Councilor Lucero asked if the City's match for the project was in-kind. Mr. DeSha responded that the City's match was made with in-house contributions of personnel, equipment and materials. He asked for adoption of the resolution. Mayor King asked the pleasure of the Council. ***Councilor Hunton made the motion to adopt Resolution #14-15-15, authorizing participation in the cooperative project with the change in termini to Abilene Street from 4<sup>th</sup> Street to 11<sup>th</sup> Street. Councilor Lucero seconded the motion. Roll call vote by all Councilors present resulted in unanimous support of the motion. No abstentions. Motion carried.***

**(H) RESOLUTION #14-15-16, A RESOLUTION COMMITTING THE CITY OF PORTALES TO THE IMPLEMENTATION OF AN ASSET MANAGEMENT PLAN**

Mayor King asked City Manager Redmond to introduce Resolution #14-15-16, committing the City of Portales to implementation of an asset management plan. He told the Council that this is one of the items identified as a goal. He told them that it is one of the requirements in the Water Trust Board (WTB) application. He asked the Council to authorize him and Councilor Hunton to complete the IQ part of the process. He stated that this could be accomplished with Susan Baysinger's assistance. Mayor King asked Councilor Hunton if he would participate. Councilor Hunton agreed. City Manager Redmond stated that the Council should formally adopt the resolution for the WTB application. Mayor King asked the pleasure of the Council. ***Councilor Lovett made the motion to adopt Resolution #14-15-16, a resolution committing the City of Portales to the implementation of an asset management plan. Mayor Pro-Tem Miller seconded the motion. Roll call vote by all Councilors present resulted in unanimous support of the motion. No abstentions. Motion carried.***

**(I) NOTICE OF INTENT TO ADOPT ORDINANCE NO. 714, AN ORDINANCE APPROVING PAST ECONOMIC DEVELOPMENT PROJECTS**

Mayor King asked City Manager Redmond to introduce Ordinance No. 714, approving past economic development projects. The City Manager explained that this ordinance is the annual requirement (standard

housekeeping) for compliance with the Local Economic Development Act (LEDA) to go back and approve past projects funded with economic development revenues. He asked that the Council approve a Notice of Intent to adopt Ordinance No. 714. Mayor King asked the pleasure of the Council. ***Councilor Thomas made the motion to approve a notice of intent to adopt Ordinance No. 714 as presented. Councilor Lucero seconded the motion. All Councilors present voted in favor of the motion. No abstentions. Motion carried.***

### **APPROVAL OF LAND TRANSFER FOR ELIDA PUMP STATION**

Mayor King reminded the Council that the land transfer for the Elida pump station to the ENMRWA was approved, at the previous Council Meeting, in principal for a lease agreement to come back to the Council for approval. City Attorney Knudson asked that the Council review the lease agreement submitted for their review and approve it to have the Mayor sign it and then ratify it at the next meeting. He told the Council that it had to be sent to the NM Environment Department (NMED) for final approval. Mayor King told the Council that the NMED was concerned that it be written for 25 years. City Attorney Knudson stated that the lease has an escape clause as requested by the Council. Mayor King asked for comments from the Council. Councilor Thomas stated that he was in favor of the lease.

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

Mayor King asked for items of Other Business.

**Request for a Plan to Clear Snow from the Main Roads:** Councilor Hunton stated that the City needs a plan to clear snow from main roads. City Manager Redmond told the Council that the Street Department had worked around the clock to try to mitigate the problem caused by the snowfall. He stated that the Street Department deserves a pat on the back. He commented that since the area rarely gets this much snow, the City has 2 motor graders, a half loader and the backhoes, which is not sufficient equipment. He commented that the staff had a conversation last year about this, and that a complete unit for a snow plow would cost \$185,000.00. He stated that the Council must weigh the options. In addition, he stated that a motor grader would tear the streets up more—he commented that there was too much snow with too little equipment. Councilor Thomas asked if the Street Department could modify a dump truck to remove snow. Mr. Redmond responded that this would not be feasible. Mayor Pro-Tem Miller asked if they could retrofit it with a rubber scraper. Mr. Redmond stated that this could be done. Councilor Parker asked if the County could do it. City Manager Redmond asked County Manager Hamilton if this would be possible and she responded that it would not be possible.

**Mayor King commented on the Loss of the Parks Superintendent:** Mayor King told the Council that Parks Superintendent Paul Johnson had moved to California.

**Recognition of State Senator Stuart Ingle:** Mayor King recognized Senator Ingle present at this meeting.

**Introduced New Managing Editor of the Portales News-Tribune:** Mayor King recognized Alisa Boswell as the new managing editor of the local newspaper to the Council and audience. Ms. Boswell talked about improving communication with the City and County. She said that the news office is now fully staffed with her, two (2) reporters and one free-lance reporter. She told the Council that she hopes to see improvement in the newspaper and stated that she wants to write about positive issues not just the negative ones.

**Request by Mark Saiz on Abatement of House at 820 E. Elbe:** Mayor King recognized Mark Saiz in the audience who wished to address the Council on the abatement action on 820 E. Elbe. Mr. Saiz told the

Council that he had been paying taxes on that house for 5 years and that he wanted them to give him some time to remove the house. City Attorney Knudson said that staff had brought the request from Mr. Saiz to allow him to remove the house on his own to him. He commented that the City needs to have proof of ownership by Mr. Saiz. He stated that he had asked Mr. Saiz to work with Planning Director Standefer. Councilor Salguero asked Mr. Saiz how much time it would take him to remove the house. Mr. Saiz asked for 90 days. City Attorney Knudson commented that this could work out if Mr. Saiz makes progress on removal of the house. The Council appeared to be in agreement. Mr. Saiz thanked the Council for hearing his request and allowing him to remove the house on his own.

**Comments by Senator Ingle:** Mayor King asked Senator Ingle about the upcoming legislative session. Senator Ingle said that the financial situation is not great in the state. He stated that there won't be much available for the next year. He stated that anything he said now would be pure guess work. He invited the Council to come to the session to give input from the community. Mayor King asked him what he thought would happen on the hold harmless clause. Senator Ingle stated that if the Tax & Revenue Department had stuck with the definition originally written, the state wouldn't have this problem now. He stated that when tough decisions aren't made, we get into trouble. He said that he would try to do something to help, but that the legislators cannot allow it to continue. He talked about the lottery scholarship and what has happened with it. Mayor King thanked Senator Ingle for his comments. Senator Ingle told the Council that the more stores of water are built, the better off we all are.

#### **EXECUTIVE SESSION/CLOSED EXECUTIVE MEETING:**

Mayor King asked for a motion to convene in a closed executive session to discuss matters as provided under the New Mexico statutes pertaining to Open Meetings referencing §10-15-1 H.(2), for limited personnel matters with the understanding that no action can be taken. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to convene the closed executive session to discuss matters of limited personnel matters. Councilor Hunton seconded the motion. Roll call vote by all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.***

Mayor King asked for a motion to convene in open session. ***Mayor Pro-Tem Miller made the motion to convene in open session. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

Mayor King stated that only those items mentioned in the motion to close the session were discussed by the Council and that no action was taken during the closed session.

There was no further business.

#### **ADJOURNMENT:**

Mayor King adjourned the meeting at 8:05 p.m.

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Joan Martinez-Terry, City Clerk