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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, March 17, 2015, at 6:30 p.m., in the Council Chambers of 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 (absent)	
CHAIR FOR MEETING:	Dianne Y. Parker	
COUNCIL MEMBERS:	Matthew Tod Hunton (absent) Leo Lovett (absent) Lenard Michael Lucero	Oscar H. Robinson Antonio O. Salguero Keith A. Thomas
STAFF PRESENT:	Sammy Standefer, City Manager Joan Martinez-Terry, City Clerk Donna Rutherford, Int. Planning Dir. Dennis Hales, I.T. Director Matt Wilson, Utilities Supt. Chris Mendoza, Water EOII Susan Baysinger, PW Projects Adm.	John DeSha, Public Works Director Randy Knudson, City Attorney Veda Urioste, Deputy City Clerk Marta Quiroz, Admin. Secretary Mike Stroik, WWTP Chief Operator Denise Burnett, Library Director Jodi Diaz, Recreation Director
OTHERS PRESENT:	Josh Lucero, Press Stephen Swift Norma Stroik Darrin Stroik	Jerry DeSha Karl Terry Mary Wagner Amy Stroik

Mayor King asked Susan Baysinger, Public Works Project Administrator, to give the invocation, and Marta Quiroz, Administrative Assistant, 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 3, 2015.**

Mayor King asked the Council to consider the minutes of the Regular Meeting of March 3, 2015. 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 March 3, 2015 as presented. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(B) PRESENTATION TO MICHAEL J. "MIKE" STROIK, WWTP CHIEF OPERATOR, SERVICE AWARD FOR 30-YEARS OF SERVICE TO THE CITY OF PORTALES****(Celebratory Reception held prior to the Council Meeting).**

Mayor King asked Mike Stroik to come forward to receive the service award for 30 years of service. Mayor King commented that it was highly unusual for someone to stay as long as 30 years. Mayor King read the certificate issued to Mike; City Manager Standefer presented him with a service award pin and letter; and Public Works Director DeSha presented him with a clock in appreciation for his service. Mr. Stroik commented that he remembered starting in the Solid Waste Department and suddenly it is 30 years later. Mayor King thanked Mike Stroik for his service.

**(C) RESOLUTION #14-15-20, SUPPORTING THE New Mexico VISITOR INFORMATION CENTER LOCATED AT THE ENTRANCE TO NEW MEXICO ON U.S. 60/70/84, TEXICO, NEW MEXICO**

Mayor King asked for adoption of Resolution #14-15-20, supporting the New Mexico Visitor Information Center located at the entrance to New Mexico on U.S. 60/70/84, Texico, New Mexico. She asked Mr. Karl Terry, Executive Director of the Roosevelt County Chamber of Commerce, to speak about the resolution. Mr. Terry told the Council that the visitor center was temporarily closed back in the fall. He commented that the City of Clovis and Curry County had signed a joint resolution urging the State to reopen the visitor information center. Mr. Terry told the Council that the Chamber had met with the Director of the NM Tourism Department about its concerns about the closing of the Visitor's Center, which serves the eastern side of the state citing that it is very important to tourism in this area. He stated that the Tourism Director regarding the visitor center and that they were told that the Tourism Department is leasing the building the visitor center is in from the NMDOT and that they want to turn the building back to the NMDOT. Terry told the Council that they had made their point about the need for having the visitor information center opened back up, and that they were awaiting a response. He told the Council that the information in the visitor's center is a way to get our message out to the public, and that closing it permanently would put the City and the state at a great disadvantage. Mayor King asked the pleasure of the Council. *Councilor Robinson made the motion to adopt Resolution #14-15-20, supporting the NM Visitor Information Center located at the entrance to New Mexico on U.S. 60/70/84, Texico, New Mexico. Councilor Parker seconded the motion. Roll call vote by all Council members present resulted in support of the motion. No abstentions. Motion carried.*

**(D) REQUEST TO APPROVE AMENDMENT/EXTENSION (RENEWAL) LEASE AGREEMENT – AMERICAN TOWER/ACQUISITION PARTNERS II, LLC**

Mayor King asked for presentation of the request to approve the renewal of the lease agreement for American Tower/Acquisition Partners II, LLC. City Manager Standefer told the Council that this agreement is

for the 150' tower located on the Fire station property. He told the council that the city will receive a \$20,000.00 signing bonus and monthly rental payments of \$1,337, with an escalation clause that will increase the rental payments in 2016 and 2021. Mr. Standefer asked for approval of the renewal of the lease agreement with American Tower. Mayor King asked the pleasure of the Council. ***Councilor Thomas made the motion to approve the amendment renewal of the lease agreement with American Tower/Acquisition Partners II, LLC for the City's property on the lot of the Fire Station for a 150' tower as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(E) REQUEST FOR APPROVAL OF THE 2014 GENERAL OBLIGATION BOND AGREEMENT FOR FUNDING OF EQUIPMENT AND SUPPLEMENTAL LIBRARY RESOURCE ACQUISITIONS**

Mayor King asked Library Director Denise Burnett to present the request for approval of the 2014 General Obligation bond agreement. Denise Burnett explained that the bonds for libraries had been approved by the state legislature. She said that voters had been eager to vote for funding for libraries. She stated that they had been able to get about \$30,000.00 every other year. She told the Council that she is requesting that they enter into agreement with the New Mexico Cultural Affairs Department. Mayor King asked if the Library gets to choose what they purchase with the funds. Ms. Burnett responded in the affirmative. Councilor Thomas asked if she had an idea of what they will do with the funds. Burnett stated that the bulk of the funds are used to replace computers at the library for the patrons every 3 years. She stated that they will buy computers to help with public access to computing. Mayor King asked the pleasure of the Council. ***Councilor Lucero made the motion to approve the 2014 General Obligation Bond Agreement for funding of equipment and supplemental library resource acquisitions as presented. Councilor Salguero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(F) REQUEST OF RENEWAL AND EXTENSION OF THE COMMERCIAL SITE LEASE AGREEMENT WITH NEW MEXICO GAS COMPANY, INC. (NMGC), AS SUCCESSOR TO PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM)**

Mayor King asked City Manager Standefer to present the request for renewal and extension of the commercial site lease agreement with NM Gas Company (NMGC). City Manager Standefer stated that NMGC has requested a month to month agreement with 60-day notice if either party wants to cancel the contract. He stated that the rental amount will remain the same as in the past, which has been \$375.00 per month. Standefer told the Council that the agreement is for the window at City Hall. He commented that the big change in the agreement is that it is to run from month to month. Councilor Robinson asked if there was any truth to the rumor that it will close. Mr. Standefer stated that he has expressed the desire of the City to keep the gas company at City Hall. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to approve the renewal and extension of the site lease agreement with NMGC on a month-to-month basis as presented. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(G) ITEM(S) FROM RECREATION ADVISORY BOARD:**

**1. Requesting Renewal of Annual Recreational Facilities Non-Exclusive Use Agreement with Roosevelt County Little League.**

Mayor King asked Recreation Director Jodi Diaz to present the request to renew the non-exclusive use agreement with Roosevelt County Little League (Little League). She stated that this is an annual agreement for use of Rotary Park ball fields by the Little League in coordination with the Recreation Director for a period of time – from February to August. She stated that the recommendation of the Recreation Advisory Board is

to approve the agreement. She commented that this is the same agreement as in the past. Mayor King recognized Stephen Swift of Little League in the audience and asked him if he had anything to add. Mr. Swift told the Council that he is President of Little League and that his children participate in the Recreation Center. He read from a prepared document about Little League stating that it was founded in the county as a community based program in 1951 by Augie Smith of the public schools. Swift told the Council that the Rotary club built Rotary 1 and then later they built Rotary 2. He told the Council that Little League put \$10,000.00 into Rotary 1, and described the work that was done on the field. He stated that the current plan is to put \$5,000.00 more into the fields. He commented that the Little League volunteers will be replacing the sprinkler system in a couple of weeks. He told the Council that with every step forward in improvements to the fields, there are steps backward throughout the year. He commented that softball damages the fields for baseball. Swift told the Council that Little League proposes locking the fields year round to protect them. He mentioned that the fields are used as dog parks and that people do not pick up after their dogs. Mayor King asked for comments. City Manager Standefer told the Council that the addendum requesting closing of the fields was not included in their information. He commented that Mr. Swift makes a good point; however, he stated that his recommendation is that the Little League use the fields for the next three months and allow staff to evaluate the situation and decide how to deal with the fields in the future. He asked the Council to approve the contract as presented. Mr. Standefer commented that Little League had done the work on the fields because the City could not provide them with all the improvements they wanted. He stated that the requests by Little League are above and beyond what the City can do. Councilor Parker commented that she likes the way that Little League is doing with its fees this year. Mayor King stated that she feels that the City's parks should be available to the public, but that she understands the Little League's point of view. There was some discussion regarding the use of the park by the Recreation Center. Mr. Swift stated that the Little League doesn't want to restrict use by the public, but to take care of the fields in the parks—he added that he wants the public to respect the fields. Councilor Robinson commented that he is a member of the Recreation Advisory Board (Board) and that his recommendation is that the issue should be discussed by the members of the Board with the City Manager to work out a solution to bring back to the Council for a formal decision. Councilor Salguero stated that he is in favor of locking the ball fields for the Little League's season, but not the whole year round. Randy Knudson, City Attorney, commented that he agrees with Mr. Standefer about developing a policy for this issue. Councilor Thomas commented that he understands what Councilor Salguero said about the fields, but that because of all the private money used on the fields, he would support such action. The ball fields at the softball complex were brought up, but Mr. Standefer commented that the difference in those fields and the Rotary ball fields is that the softball complex has never been opened to the public since opening 20 years ago. City Manager Standefer stated that he would prefer to have a parks policy for use of the amenities at the parks, so they don't get torn up. He stated that he wants to shy away from giving anyone else control of the City's facilities. Councilors Thomas and Parker agreed that the City needs a good set of rules for this purpose. Mayor King asked the pleasure of the Council. ***Councilor Thomas made the motion to approve the renewal of the annual Recreational Facilities Non-Exclusive Use Agreement with the Roosevelt County Little League allowing them to lock the fields from February to August. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(H) REQUESTING APPROVAL TO NEGOTIATE A CONTRACT WITH DANIEL B. STEPHENS & ASSOCIATES FOR CITY OF PORTALES WELL DESIGN AND SPECIFICATIONS**

Mayor King asked Public Works Director John DeSha to present the request to negotiate a contract with Daniel B. Stephens & Associates for well design and specifications. Mr. DeSha told the Council that this contract is for well design for future wells. He stated that the state has allowed the City to rehab agricultural wells in the past, but that they are not going to let us do it in the future. He commented that the firm Daniel B. Stephens & Associates is the only firm that submitted a proposal. He stated that the project will cost \$95,000.00 out of this year's capital outlay. Councilor Thomas asked if wells have to be designed. City Manager Standefer responded that the state requires well design for new wells and that one thing this would

do is to speed up the process for putting in well. Mr. DeSha commented that this project would give us a standard design for wells and that Dr. Charles Wilson, the City's consultant would help find locations for the wells. He asked for Council approval. Mayor King asked the pleasure of the Council. ***Councilor Thomas made the motion to approve negotiation of the contract with Daniel B. Stephens & Associates for well design and specifications as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

#### **(I) REQUEST APPROVAL OF ELECTRICAL SUBSTATION EASEMENT FOR SOUTHWESTERN PUBLIC SERVICE COMPANY (SPS)**

Mayor King asked for presentation of the request for an electrical substation easement for Southwestern Public Service (SPS). City Attorney Knudson stated that the City Council had approved a contract for sale of property for the electrical substation to SPS about 120 days prior. He commented that when the title binder came back, there were a series of liens and mortgages that flowed from a previous IRB for Dairy Farmers of America. He stated that he feels that they are in error and have been presented to SPS. He commented that SPS will clear up the liens, but that they want to continue through an easement with the City. He stated that the easement will allow them to put in the substation. He further commented that the City will not give them any representation—did not agree to warrant the title. Councilor Lucero expressed concern that the City could be liable if the lien holders want to sue. City Attorney Knudson commented that it would not cause a problem for the City. Councilor Thomas expressed concern that this situation would cause problems for other projects going into the Industrial Park. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the electrical substation easement agreement with SPS as presented. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

#### **(J) PRESENTATION/REPORT ON WATER BREAK**

Mayor King asked City Manager Standefer to present the report on the water break. City Manager Standefer said his report would be brief. He stated that the maps in the field did not show the turn in the line that was struck. He said that the line was re-routed from Globe to Kilgore and that you could trace it going straight to the hospital. He reported that the first call the City received was that the hospital was out of water. He commented that the Water Department (Department) had a leak on the other side of town, but could not figure out why the hospital went down. Standefer commented that several people were brought in to help work on the problem. He added that the line did not have any valves in it. He stated that typically the Department will start at ground zero turning off valves and work out from there, but that they could not slow the water down. Public Works Director DeSha stated that he is trying to discover why it is that way. He commented that they had found that in years prior, the Department had turned 10, 15 or 20 valves off and not opened them back up. Councilor Thomas asked if the Department would put more valves into the line in the future. DeSha stated that they would be doing so. He commented that nothing they did shut the water down and that they had backed up as far as Walmart. He stated that this line is not on any map we have. He added that the line is not water pipe. Councilor Thomas stated that he was proud of the employees of the Department, the City Manager and Public Works Director. He commented on the lack of complaints that had actually come in. DeSha commented on the volunteers and the people who brought food and coffee to the guys. He stated that the contractor, TLC Plumbing & Utility, had a crew that worked alongside the City employees. He added that he had brought in Councilor Lucero and Skip Wilson to assist. Councilor Robinson commented that he was pleased that communication was good in providing information to the public and praised the people in the office who called the businesses. Mr. DeSha showed pictures of the location, and stated that the leak took 30 minutes to fix once the Department could get to it. Mayor King stated that the map did not show the line and that the contractor could not have missed it. DeSha stated that the excavator actually did an excellent job in not tearing the line totally out of the ground. City Manager Standefer stated that the crew was pumping 600 gallons a minute out of the hole and that maybe

bigger pumps would have helped. He commented that the repair was simple once they could get to it. Councilor Thomas asked to see the pipe. Matt Wilson and Chris Mendoza brought the pipe into the Chambers. DeSha told the Council that the correct pipe would have had bury tape on it that would allow location of the line with a metal finder. Mr. Standefer commented that the guys did a great job in fixing the line and he reported that TLC had allowed the City employees to use their equipment. He stated that there are things that staff will work on, but that the guys did a great job. He added that the City was able to give about an hour and a half of notice to restaurants and big water users. City Manager Standefer told the Council that staff will establish an incident command center in the future and that communication will be improved for future emergencies. He reported that Emergency Management Director Keith Wattenbarger had managed to provide water to the elderly. He stated that any situation where we have to shut down the City will require 24 hours to get repairs completed. Councilor Parker commented that the community was very calm through this situation—that overall there was no panic due to communication. She expressed appreciation of the Department. Councilor Lucero said that this event went down a whole lot smoother than the one previous emergency—he stated that it is nice to see that the city is improving. Standefer said that he appreciated the role that the Council played in the incident. Mayor King stated that the Council is proud of the City employees and appreciate their hard work.

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

Mayor King asked for items of Other Business.

**Easter Egg Hunt:** Deputy Clerk Veda Urioste announced the Easter Egg Hunt scheduled by the Portales Cultural Affairs Committee for Saturday, April 4, 2015 at the Softball Complex. She stated that it is a good project and that the Committee is grateful for the help from the community.

**Great American Cleanup:** Deputy Clerk Veda Urioste invited the Council to come out and participate in the annual cleanup event set for Saturday, April 19, 2015. The cleanup will begin about 9 a.m. and that groups will begin going out to different areas of the City. She reported that Rooney Moon will be broadcasting the event. She stated that hot dogs would be served starting around 11:30 a.m. and that a can food drive would be included for church pantries. She commented that an award would be given to the group that brings in the most cans of food. She stated that gift certificates from local businesses would be given to the people that participate.

**Chamber Volunteer of the Month:** Karl Terry, Executive Director of the Roosevelt County Chamber of Commerce, told the Council that the Chambers volunteer of the money is the Water Department. He stated that they had stepped up like volunteers. He stated that the Chamber Board had voted to give this award to the employees of the Water Department. He reminded the Council and audience of the Chamber banquet set for March 27<sup>th</sup>, 2015 at 6:00 p.m. He expressed appreciation of the department people and members of the community who worked as hard as they did to get the water back on.

**Report on ENMU Band:** Councilor Lucero reported that his daughter had gone with the ENMU Band to Dublin, Ireland to play in the city's St. Patrick's Day parade.

There was no further business.

#### **ADJOURNMENT:**

Mayor King adjourned the meeting at 8:00 p.m.

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Joan Martinez-Terry, City Clerk