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- I. Executive Session/Closed Meeting:
  - 1. Action to Convene in a Closed Meeting to Discuss Matters as Provided for under New Mexico Statutes Pertaining to Open Meetings Referencing Section 10-15-1 H.(8) for Purchase, Acquisition or Disposal of Real Property or Water Rights.
  - 2. Action to Convene in Open Meeting
  - 3. Action Required as a Result of the Closed Session.

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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, October 6, 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

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

STAFF PRESENT: Sammy Standefer, City Manager Marilyn Rapp, Finance Director  
Joan Martinez-Terry, City Clerk Randy Knudson, City Attorney  
Veda Urioste, Deputy City Clerk Gary Nuckols, Fire Chief  
Marta Quiroz, Admin. Assistant Donna Rutherford, Interim Planning Dir.  
Dennis Hales, I.T. Director

OTHERS PRESENT: Rae Arnett, Press Chris Adkins  
Bruce Nixon Steve Adkins

Mayor King asked Councilor L. Michael Lucero to give the invocation, and Donna Rutherford, Interim Planning Director, to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

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

**1. Regular Meeting of September 8, 2015.**

Mayor King asked the Council to consider the minutes of the Regular Meeting of September 8, 2015. She asked for corrections. Mayor Pro-Tem Miller pointed out that he had been absent at the meeting of September 8, 2015 but that he was listed as requesting the invocation, pledge and salute in the paragraph before the approval of the minutes. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the minutes of the regular meeting of September 8, 2015 with the correction pointed out by Mayor Pro-Tem Miller regarding his absence. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(B) UNITED WAY PRESENTATION**

Mayor King asked the City Clerk if there was anyone to present for United Way. City Clerk Martinez-Terry asked that the Mayor move this item to later in the meeting to allow United Way representatives time to arrive. Mayor King moved to the next item on the agenda.

**(C) RATIFICATION OF FINANCE DEPARTMENT ACTIONS REGARDING BILLS FOR AUGUST & SEPTEMBER 2015**

Mayor King asked Finance Director Marilyn Rapp for presentation of the bills for August and September 2015. Marilyn said that she presented both months together this time to keep approval of the bills up to date.

Ms. Rapp stated that the August 2015 bills were for the amount of \$2,124,666.85, which included \$176,650.09 for insurance premiums for general property liability and workers comp insurance, and \$77,913.52 for principal and interest on the water loop line loan. She reported that \$532,847.76 was expended from Water and Waste Water Fund for engineering and construction services on the new waste water plant and reuse project.

Ms. Rapp told the Council that the September 2015 bills were for the amount of \$2,669,559.79 and included the expenditure of \$105,649.00 for a new fire apparatus out of Fire Protection Fund and \$42,846.54 for engineering for the well field and \$1,116,148.97 for engineering for the new waste water plant and reuse project.

Ms. Rapp told the Council that the amounts were within budgeted limits and were necessary for continued operation of the City. She asked for questions from the Council; and for ratification of the bills.

**August 2015**

Pooled Cash Fund	999	\$2,124,666.85
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**September 2015**

Pooled Cash Fund	999	2,669,559.79
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Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to ratify payment of the bills for August and September 2015 as presented by the Finance Director. Mayor Pro-Tem Miller seconded the motion. All Councilors present voted in favor of the motion. No abstentions. Motion carried.***

**(D) RESOLUTION #15-16-18, A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ON THE GRANT AGREEMENT FOR SPECIAL APPRECIATION PROJECT #15-1534-STB PORTALES FIRE PROTECTION & WATER CIRCULATING UPGRADES; DESIGNATING OFFICIAL REPRESENTATIVE/POINT OF CONTACT AUTHORIZED TO SIGN REIMBURSEMENT REQUESTS**

Mayor King asked City Manager Standefer to present Resolution #15-16-18 authorizing the Mayor's signature on the grant agreement for Special Appreciation Project #15-1534-STB Portales Fire Protection and Water Circulating Upgrades; designating official representative(s) and point of contact authorized to sign reimbursement requests. City Manager Standefer said that this a capital outlay project for \$30,000.00 to go to design and construction documents to get the project done connecting to improvements already made to Avenues D, E and F around Brown Development Center. He told the Council that the resolution authorizes execution of the grant agreement and designates John DeSha, Public Works Director, as the official representative and Susan Baysinger, Public Works Projects Administer, as the alternative representative and points of contact with authorization to sign reimbursement requests and other required documents that will need to be submitted. Councilor Robinson asked for clarification of the need for the work. Mr. Standefer responded that it would resize the pipe and include improvement of the delivery of water to a large area around the school. Mayor King asked the Council's pleasure regarding the resolution. *Mayor Pro-Tem Miller made the motion to adopt Resolution #15-16-18, authorizing the Mayor's signature on the grant agreement for the SAP #15-1534-STB and designating the Public Works Director as representative; Public Works Project Administrator as alternate representative; and both as points of contact for requesting reimbursement requests and signing other documents connected to the project. Councilor Robinson seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.*

**(E) INFORMATION ON ELITE MEDICAL TRANSPORT**

Mayor King asked Fire Chief Nuckols to present the information on Elite Medical Transport (Elite). Chief Nuckols told the Council that Elite will handle non-emergency medical transport. He reported that Roosevelt General Hospital and the Portales Fire Department has been experiencing an overload of transfers to out of town transports. It has become a problem for the department due to the increase in demands. Chief Nuckols stated that the Portales Fire Department has farmed out many of the requests but cannot rely on them to assist with the overflow. He stated that many patients have been sent out by air, which is expensive. Many have had to be taken by private vehicle or have been delayed for transport. He further added that with the Portales Fire Department unable to meet the demand, RGH has contacted a private ambulance transport company for inter-facility transports only and that Elite providing services in Portales has been posted by the Public Regulations Commission (PRC). The Fire Chief told the Council that other services use Elite Medical Transport. He stated that it will take a few days to get this service approved by the PRC. He commented that specialized care services will cause increased demands. Mayor Pro-Tem Miller asked about the tariff that Elite will charge and Fire Chief Nuckols said that it is the statewide tariff. Mayor Pro-Tem Miller said that this is a great move. He asked about other mutual aid agreements. Chief Nuckols responded that this has been discussed and that it is something that they will address at a meeting in the future. He commented that Elite will be basing operations out of Portales. Councilor Lucero asked if it would incur cost to the City. Chief Nuckols said that it would be a loss in revenues to the City, but that he couldn't estimate the amount of the loss. He commented that call volumes are up by about 20%, and that the increase in call volume will offset the loss. He commented that there will be many indirect savings to the PFD, like overtime costs, man hours, and operational cost overhead. Councilor Robinson asked where they would be housed. Chief Nuckols said that Elite has rented a house on Hummingbird Lane in the Foxtrails Estates. City attorney Knudson asked how many people would be employed by Elite. Chief Nuckols answered that about 10 Elite employees will work in the community. Councilor Robinson asked if it would be an opportunity for local employment by Elite. Councilor Thomas asked if the County subsidizes the county

fire departments. Mayor Pro-Tem Miller responded that the County gives about \$6,000 to the County fire departments and that the rest comes from the state. Mayor King thanked the Chief for the update.

**(F) ITEM(S) FROM THE PLANNING DEPARTMENT:**

**1. Variance for Encroachment into Setbacks for 2003 W. Beech – Jeannette Orrantia, Owner.**

Mayor King asked Donna Rutherford, Interim Planning Director, to present the request for approval of the variance request by Jeannette Orrantia for 2003 W. Beech. Ms. Rutherford told the Council that Ms. Orrantia could not attend this meeting due to an issue with her family. She reported that the Planning Commission had held a public hearing on September 21, 2015, and heard Ms. Orrantia's request for a variance to the back yard setbacks for constructing the addition of a bedroom and bathroom to her residence. She told the Council that the proposed addition would extend within 14 feet of the rear property line. She stated that the addition would still allow for compliance with Section 255 of the Municipal Code, which states that yard requirements may be reduced by permitting portions of a building to extend and occupy not more than 20% of the area of the required yard. Rutherford told the Council that the Planning Commission approved the variance at their meeting of September 21, 2015 on a vote of 4 in favor and 0 against. Mayor King asked if she was adding a dining room. Ms. Rutherford responded that it is two rooms and not 3 because the plan is for using the dining room area as a closet. She asked that the Council accept the recommendation of the Planning Commission. Mayor King asked the pleasure of the Council. *Mayor Pro-Tem Miller made the motion to accept the recommendation of the Planning Commission approving the variance for 2003 W. Beech owned by Jeannette Orrantia. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**2. Special Use Permit for Day Care Center – 1711 (1715) W. 17<sup>th</sup> Lane, Laura Baros, Owner.**

Mayor King asked Donna Rutherford, Interim Planning Director, to present the request for a Special Use Permit for a Day Care Center at 1715 W. 17<sup>th</sup> Lane (1711 W. 17<sup>th</sup> Lane is where the current day care center is located having been permitted in 1980). Ms. Rutherford stated that the Day Care Center will actually be at 1715 W. 17<sup>th</sup> Lane. She told the Council that Ms. Baros owns both houses and has a day care center at 1711 and wants to move it to the 1715 W. 17<sup>th</sup> Lane. Ms. Rutherford stated that Ms. Baros will be using only 1715 W. 17<sup>th</sup> Lane as the Day Care Center. Councilor Thomas asked if Ms. Baros was in compliance with all state and Fire Department requirements. Rutherford responded that Ms. Baros is in compliance. Councilor Robinson asked for clarification that the correct neighbors were notified. Ms. Rutherford responded that they were notified. Mayor King asked that the database be corrected -- Cecil Archibeque is now with Yucca Telecommunication and not Scott Arnold. She told the Council that the Planning Commission had held a public hearing on September 21, 2015 and approved the Special Use Permit by a vote of 4 in favor and 0 against. She asked that the Council accept the recommendation of the Planning Commission. Mayor King asked the pleasure of the Council. *Councilor Robinson made the motion to accept the recommendation of the Planning Commission approving the Special Use Permit for a Day Care Center at 1715 W. 17<sup>th</sup> Lane owned by Laura Baros. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**3. Approval of Preliminary Plat for Nixon Subdivision – County Subdivision – Bruce Nixon.**

Mayor King asked Donna Rutherford, Interim Planning Director, to present the request for approval of the preliminary plat of the Nixon Subdivision, which is a county subdivision but is located within the City's 3 mile planning and platting jurisdiction. She reported that the subdivision (located  $\frac{3}{4}$  of a mile north of the Bethel Highway on S. R. R. R) contains 8 lots in 8.035 acres of land facing S. Roosevelt Road R, so no roads have to be constructed. She reported that the City will not provide any utility services to the subdivision (electric

through Roosevelt County Electric Co-op; water through Roosevelt County Water Co-op; sewer through septic tanks and trash through private services. She told the Council that the Planning Commission had held a public hearing on September 21, 2015 and approved the preliminary plat of Nixon Subdivision by a vote of 4 in favor and 0 against. She asked that the Council accept the recommendation of the Planning Commission. King asked the pleasure of the Council. ***Councilor Parker made the motion to accept the recommendation of the Planning Commission approving the preliminary plat for Nixon Subdivision, a County subdivision owned by Bruce Nixon. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**4. Approval of Preliminary Plat for South Southern Hills Subdivision – County Subdivision – Steve Adkins.**

Mayor King asked Donna Rutherford, Interim Planning Director, to present the preliminary plat for South Southern Hills Subdivision. Ms. Rutherford told the Council that Steve and Chris Adkins had submitted an application for a preliminary plat for South Southern Hills Subdivision, which is located 1-½ miles south and ½ mile west on Bingham Stratton Road and is within the City's planning and platting jurisdiction. She told the Council that the subdivision contains 36 lots on 56.451 acres of land. She stated that 2 roads will be constructed in the subdivision to the Roosevelt County Road standards. She reported that the City will not provide any utility services to the subdivision (electric through Roosevelt County Electric Co-op; water through Roosevelt County Water Co-op; sewer through septic tanks and trash through private services. She told the Council that the Planning Commission had held a public hearing on September 28, 2015 and approved the preliminary plat of South Southern Hills Subdivision by a vote of 6 in favor and 0 against. Mayor King asked the pleasure of the Council. ***Mayor Pro-Tem Miller made the motion to accept the recommendation of the Planning Commission approving the preliminary plat for South Southern Hills Subdivision, a county subdivision owned by Steve and Chris Adkins. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(G) DISCUSSION/ACTION GOVERNMENTAL LIQUOR LICENSE**

Mayor King told the Council that she had requested that this item be placed on the agenda for discussion and action since Council had voted for the City to apply for a governmental liquor license for the Yam Theatre. She asked City Standefer to present this item. Mr. Standefer told the Council that he had looked at the Council minutes and found where this had been approved. He stated that the process requires that a certified person be the resident agent and that it can be lengthy. He commented that to serve alcohol at the Yam now, one of the local vendor must be used. Standefer stated that the special license to provide alcohol for an event at the Yam takes about 10 days. He stated that he struggles with the need for a license and potential operational problems. He stated that he wondered how it would benefit the City since the City would not be able to do it cheaper than a local vendor by the time the Yam is stocked and staffed. Councilor Thomas stated that he understood that the governmental liquor license would be for the Yam to sell alcohol and not for the City to open a bar. Standefer responded that if the City has a contract with someone else to do it, the City would still be responsible. He added that there have been some changes to the operation of the Yam through a rental agreement with Portales MainStreet, which gives them a lot more of an advantage. Standefer stated that his recommendation is not to pursue the actual license. Councilor Thomas commented that he would like to see the action tabled. Mayor Pro-Tem Miller told the Council that when he had rented the Yam, sale of alcohol had to shut down at 11:00 p.m., which was a problem for him. He asked how many events with alcohol were held last year. Standefer stated that he had signed about 20 in the last 3 months. Mayor King asked if they all apply for their own picnic (special use) permit. Standefer responded that the vendor must apply for the permit. Councilor Robinson commented that previous City Manager had indicated that this could be an advantage to the Yam. Standefer responded that there could be some pluses, but that he doesn't see an immediate advantage for the City. Mayor King stated that this is

why she had brought up the matter and commented that she had heard the Curry County and the City of Clovis were making money with the governmental liquor license. Standefer stated that he had researched it with the attorney for Clovis and Curry County and that they had not made money with the governmental liquor license. The City of Portales has assisted Portales MainStreet program with funding for the operation of the Yam Theatre. Mayor King asked for further questions. Mayor King asked the pleasure of the Council. ***Councilor Thomas made the motion to table action on the Governmental Liquor License indefinitely. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

Mayor King commented that she had unsuccessfully attempted to contact the United Way representatives. Item cancelled.

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

Mayor King asked for items of Other Business.

**Mayor's Report on NMUWA:** Mayor King reported that the water authority (ENMWUA) had gone to Washington to try to get more funding. She said that they had visited with the Pentagon this time and with other committees. She stated that they had given them some tips on timing. She said that it was beneficial in that regard, but no promise of money. She stated that the water authority has some insight into how to proceed.

**City Manager's Report on the Fire Substation:** City Manager Standefer reported that the City has advertised for an RFP for design of the Fire substation and that staff will be holding the Pre-Bid conference on October 11<sup>th</sup> for proposals to come in on October 22, 2015. He stated that review of proposals will take place on October 26<sup>th</sup>. He commented that he wants preliminary numbers by the end of December for the Legislature.

**Toss No Mas Event:** Deputy City Clerk Veda Urioste reported that Toss No Mas will be held on October 31<sup>st</sup> this year. She stated that the City had adopted a mile out on the Roswell highway. She asked for Council to come out to clean up the City's mile. Mayor King asked if the State Highway had placed signs on the sponsored miles. Ms. Urioste responded that she is working to get signs for each sponsor of the miles.

**Update on Martin Luther King, Jr. Celebration:** Councilor Robinson told the Council that the event this upcoming year will include presentations by the winners of the Talent Show, Essay and Art Contest with the prize being travel to Albuquerque. The deadline is October 30<sup>th</sup> to submit entries into the Essay and Art Contests. He told the Council that he had gone to the school superintendents, principals and teachers to invite their students to participate. He added that all county schools are included with judges from each school.

**Fire Prevention Week:** Fire Chief Nuckols reported that the Fire Department is in the middle of awareness promotion of fire prevention week. He told the Council that even though the proclamation was missed this year, the department has been working to promote fire safety in the schools and have had the kids visit the fire station as in the past.

#### **(I) EXECUTIVE SESSION/CLOSED MEETING:**

1. **Action to Convene in a Closed Meeting to Discuss Matters as Provided for under New Mexico Statutes Pertaining to Open Meetings Referencing Section 10-15-1 H.(8) for Purchasing, Acquisition or Disposal of Real Property or Water Rights.**

Mayor King asked for a motion to convene in closed session as provided for under NMSA pertaining to open meetings relating to Section 10-15-1 H.(8) for purchasing, acquisition or disposal of real property or water rights. *Mayor Pro-Tem Miller made the motion to enter into Closed Session to discuss matters as provided for under state statute for purchasing, acquisition or disposal of real property or water rights. Councilor Lucero seconded the motion. Roll call vote of all Councilors present resulted in unanimous support of the motion. No abstentions. Motion carried.*

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

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

**3. Action Required as a Result of the Closed Session.**

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 nor required as a result of the closed session.

There was no further business.

**ADJOURNMENT:**

Mayor King adjourned the meeting at 7:45 p.m.

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Joan Martinez-Terry, City Clerk