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- G. Requesting Approval of Renewal of Non-Exclusive Use Agreement between the City of Portales and Portales Bowhunters’ Club.
- H. Request for Approval of Easement for 10 ft. Encroachment onto City Utility Easement at 705 W. 15<sup>th</sup> Street, Owners David and Susan Asplund.
- I. Other Business/Citizens to be Heard.

**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, October 20, 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 Pro-Tem Miller called the meeting to order. He acknowledged that Councilor Parker was present telephonically and did a check on the phone to be sure that the line was open and clear to both Councilor and Council. The Mayor Pro-Tem asked City Clerk Martinez-Terry to call roll. Those present and constituting a quorum were:

MAYOR: Sharon L. King (absent)

MAYOR PRO-TEM: Michael G. Miller

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

STAFF PRESENT:	Sammy Standefer, City Manager	John DeSha, Public Works Director
	Joan Martinez-Terry, City Clerk	Randy Knudson, City Attorney
	Marta Quiroz, Admin. Assistant	Gary Nuckols, Fire Chief
	David Meeks, Police Lieutenant	Donna Rutherford, Interim Planning Dir.
	Christine Mitchell, I.T. Technician	Susan Baysinger, Public Wks. Proj. Admin.
	Steven Cain, Fire Lieutenant	Katherine Hall, P.A.T. Coordinator
	Jodi Diaz, Recreation Director	Jared Shearer, Firefighter/EMT-Paramedic

OTHERS PRESENT:	Mary Poynor, DWI Teen Ct. Coord.	David Asplund
	Susan Asplund	

Mayor Pro-Tem Miller asked Leo Lovett, Councilor, to give the invocation, and Mayor Pro-Tem Miller led the Pledge of Allegiance and the Salute to the New Mexico flag.

**(A) MINUTES OF PREVIOUS MEETING(S):****1. Regular Meeting of October 6, 2015.**

Mayor Pro-Tem Miller asked the Council to consider the minutes of the Regular Meeting of October 6, 2015. He asked for any corrections. Councilor Robinson asked for a correction to the minutes on page 5, Item G. Discussion/Action Governmental Liquor License, 2<sup>nd</sup> sentence that states **"She asked City Standefer to present this item" with corrected statement, "She asked City Manager Standefer to present this item."** Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the minutes of the regular meeting of October 6, 2015 with the correction he presented. Councilor Lovett 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 3<sup>RD</sup> QUARTER 2015 TO JARED L. SHEARER, FIREFIGHTER/EMT-PARAMEDIC-2<sup>ND</sup> LIEUTENANT, FIRE DEPARTMENT**

Mayor Pro-Tem Miller presented the award of the Employee of the 3<sup>rd</sup> Quarter 2015 plaque and a gift certificate from the Employee Association Board to Jared L. Shearer, Firefighter/EMT- Paramedic – 2<sup>nd</sup> Lieutenant. The Pro-Tem commented that he had known Jared Shearer since he was small and as a family friend. He stated that he was very proud of Mr. Shearer. He said that it was a great honor to present him with this award.

**(C) REVIEW, DISCUSSION AND ACTION ON PRELIMINARY AIRPORT ACTION PLAN**

Mayor Pro-Tem Miller asked City Manager Standefer to report on the preliminary Airport Action Plan. Mr. Standefer reported that the plan has been developed with input from the General Services Director, City Manager, the engineer and the public. City Manager Standefer told the Council that the City requests federal funds to improve its airport and every so often has to update its plan for the airport. He stated that the plan presented was developed through a committee made up of a couple of current airport users, City administrative staff and the current engineer who works with the General Services Director on airport improvements. He stated that public hearings are held and scheduled throughout the process. He commented that this was a preliminary plan and will need to be finalized; and the final airport action plan must be approved by the Council. Mr. Standefer stated that the plan targets areas of expansion to meet federal (FAA) requirements for future funding. Discussion included relocating runway taxiway thresholds regarding roads, railroad, etc. All of which has to do with the safety of those using the airport and those accessing the roads and railroad. Standefer told the Council that no action was required at this time. Councilor Robinson asked if this plan goes to the Planning Commission. City Manager Standefer responded that it does not have to go to the Planning Commission and that the group that reviews the plan include a couple of users of the airport, the General Services Director, administrative staff and the engineer. Standefer told the Council that no action was required at this time and that it will come back to the Council for final approval.

**(D) APPROVAL OF EASEMENT WITH EASTERN NEW MEXICO WATER UTILITY AUTHORITY (ENMWUA)**

Mayor Pro-Tem Miller asked City Manager Standefer to report on approval of the easement with ENMWUA. City Manager Standefer asked that the Council table this item until the next meeting of the Council, which is November 3<sup>rd</sup>, 2015. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Lovett made the motion to table the item until the next Council meeting. Councilor Parker seconded the motion. All Councilors present voted in favor of the motion. No abstentions. Motion carried.***

**(E) RESOLUTION #15-16-19, AUTHORIZING INCREASE OF MATCH TO P.A.T. AGREEMENT**

Mayor Pro-Tem Miller asked P.A.T. Coordinator Katherine Hall and Public Works Project Administrator Susan Baysinger to present Resolution #15-16-19, authorizing Amendment One to the Memorandum of Agreement between the City and the NM Department of Transportation for an increase in Federal funding and the local match for the Portales Area Transit system. Ms. Hall reported that the City Council had executed a contract with the NMDOT (Contract M01405) under Section 5311 FY 2016 for the amount of \$165,657.25 (Federal share of \$103,361.00 and Local share of \$62,296.25). She told the Council that the NMDOT has recommended an increase in Federal operating funds by \$38,869.00 with an additional local match of \$16,165.00 to keep the P.A.T. program operating a safe public transportation system. She told the Council that the NMDOT requires a resolution authorizing the amendment to the Memorandum of Agreement with the City of Portales. She asked for adoption of Resolution #15-16-19. Councilor Robinson asked about the reduction in staffing and would this not have impacted the grant budget. Public Works Director DeSha responded that the program had to lay off people due to the cost of salaries. City Manager Standefer commented that the money was offered by the NMDOT and that it would go into the Operating expense for the program. Councilors Thomas and Lovett asked about the budgeted amount of the City's share for the P.A.T. program. Councilor Thomas' question was specifically about the cap on the City's match. The Council briefly talked about insurance on the program, an increase to the amount budgeted amount of \$62,296.25 and how to handle the cost to the program for drivers. Public Works Director DeSha commented that staff is looking to hire part time drivers to help control costs and cover the need for transportation. Councilor Thomas expressed concern that the program is run efficiently and suggested an assessment of the program. The Council and staff talked about fees and the fact that the federal guidelines do not reward the programs for increasing fees. DeSha told the Council that if the City raises the fare box fees, then the feds would reduce the grant by the amount collected. Mayor Pro-Tem Miller asked the Council's pleasure regarding the resolution. ***Councilor Lovett made the motion to adopt Resolution #15-16-19, authorizing execution of Amendment One to the Memorandum of Agreement between the NMDOT and the City of Portales for Contract No. M01405 as presented. Councilor Robinson seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.***

**(F) ITEM(S) FROM THE DWI PROGRAM:****1. Request for Authorization of Mayor's Signature on OPTUM Contract (Federal).**

Mayor Pro-Tem Miller asked Mary Poynor, DWI Teen Court Coordinator, to present the request to authorize the Mayor's signature on the OPTUM contract (a federal grant) in the absence of Ms. Riki Seat, DWI Program Coordinator. Ms. Poynor told the Council that Ms. Seat was traveling back from Santa Fe this evening. She stated that this contract for funding is through the Office of Substance Abuse and is a five-year grant with the first year the grant amount is \$75,000.00 to get the program going and the amount for the next 4 years is in the amount of \$100,000.00 per year. She stated that there is no in-kind match required for this grant. She stated that the funding would cover one full-time for a project coordinator and a part-time prevention specialist (both contract positions). She added that the funding would allow the DWI program to take a community focus on underage drinking and substance abuse. She asked for approval of the contract from the City as the fiscal agent. City Manager Standefer told the Council that he and staff had a meeting with Ms. Seat and had gone over the DWI program and her requests extensively. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Robinson made the motion to authorize the Pro-Tem to sign the OPTUM contract as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

## **2. Request for Authorization of Mayor's Signature on APEX Contract.**

Mayor Pro-Tem Miller asked Ms. Poynor to present the request to authorize a signature on the APEX contract. Ms. Poynor told the Council that Ms. Seat has been working on programs to help with substance abuse. She added that this is budgeted in the LDWI program with additional funding for an external evaluation of the local DWI programs' prevention, compliance and treatment program. She told the Council that the APEX contract would allow processing of the surveys. She stated that the surveys have been done but APEX would be compiling the surveys at a contract amount of \$10,000.00. She stated that this component of the LDWI program has already been budgeted. She asked for approval of the contract for signature. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Lovett made the motion to authorize the Pro-Tem to sign the APEX contract as presented. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

Oscar congratulated Ms. Poynor for the work of DWI stating that in his job he works with young people and has seen the impact of the program on the youth. Ms. Poynor stated that it is sometimes difficult to get into the school system because of the time required for education. She commented that the schools are very pro-active on the DWI programs.

## **3. Request for Authorization of Mayor's Signature on ENMU Memorandum of Understanding.**

Mayor Pro-Tem Miller asked Ms. Poynor to present the request for authorization of the Memorandum of Understanding with ENMU. Ms. Poynor stated the DWI program needs to get an MOU for preparation of surveys for Portales youth from 7<sup>th</sup> to 12<sup>th</sup> grades and for evaluating the surveys. She stated that the contract was for \$8,000.00. She asked for approval from the Council. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Robinson made the motion to authorize the Pro-Tem to sign the ENMU Memorandum of Understanding as presented. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

## **(G) REQUESTING APPROVAL OF RENEWAL OF NON-EXCLUSIVE USE AGREEMENT BETWEEN THE CITY OF PORTALES AND PORTALES BOWHUNTERS' CLUB**

Mayor Pro-Tem Miller asked Jodi Diaz, Recreation Director, to present the renewal of the Portales Bowhunters Club's (Bowhunters) non-exclusive use agreement with the City of Portales. Ms. Diaz told the Council that it is time to renew the annual agreement with the Bowhunters for use of the room at the Recreation Center and the piece of land out by Blackwater well field along State highway 202 for target shooting. She stated that it is the same agreement as the previous year. She asked for approval of the contract renewal. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Thomas made the motion to approve the renewal of the non-exclusive use agreement with the Portales Bowhunters Club as presented. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

## **(H) REQUEST FOR APPROVAL OF EASEMENT FOR 10 FT ENCROACHMENT ONTO CITY UTILITY EASEMENT AT 705 W. 15<sup>TH</sup> STREET, OWNERS DAVID AND SUSAN ASPLUND**

Mayor Pro-Tem Miller asked Ms. Donna Rutherford, Interim Planning Director, to present the request for approval of the easement agreement for a 10 ft. encroachment onto the City utility easement at 705 W. 15<sup>th</sup> Street. Ms. Rutherford told the Council that the easement is with David and Susan Asplund, the new owners of the property. She stated that an ordinance vacated the alley but that an actual easement needs to be in place. She commented that the easement had been given to the City Attorneys. She added that a garage

exists on the property and that it was built on top of utility lines. City Manager Standefer commented that the easement will not let them convert the garage into living area and lets the City onto the property to maintain the utility. He added that the easement allows the new owners to get title insurance. Councilor Thomas asked about the size of the garage. Ms. Rutherford stated that the garage is 50' x 40'. City Attorney Knudson said that the easement agreement had been reviewed in his office. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Thomas made the motion to approve the easement agreement for a 10 ft. encroachment onto City right-of-way at 705 W. 15<sup>th</sup> Street as presented. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

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

Mayor Pro-Tem Miller asked for items of Other Business. There was no Other Business from the Council, staff or audience.

There was no further business.

**ADJOURNMENT:**

Mayor Pro-Tem Miller adjourned the meeting at 7:05 p.m.

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Joan Martinez-Terry, City Clerk