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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, November 3, 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 and 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 Oscar H. Robinson  
Leo Lovett Antonio O. Salguero (absent)  
Lenard Michael Lucero Keith A. Thomas  
Dianne Y. Parker

STAFF PRESENT: Sammy Standefer, City Manager John DeSha, Public Works Director  
Joan Martinez-Terry, City Clerk Steve Doerr, City Attorney  
Marta Quiroz, Admin. Assistant Gary Nuckols, Fire Chief  
Pat Gallegos, Police Chief Donna Rutherford, Interim Planning Dir.  
Christine Mitchell, I.T. Technician

OTHERS PRESENT: Rae Arnett, Press Riki Seat, DWI Program Coordinator  
Justin Howalt, ENMWUA Emma Mitchell, Citizen  
Claire Burroughs, United Way Tom Pittman, NMCCH  
Danielle Swopes, United Way Bill Marshall, NMCCH  
Rod Self, NMCCH Samantha Garcia, ENMU  
Gary Fields, NMCCH/Field Day Ben Houston, ENMU

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

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

**1. Regular Meeting of October 20, 2015.**

Mayor Pro-Tem Miller asked the Council to consider the minutes of the Regular Meeting of October 20, 2015. He asked for corrections or action on the minutes. 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 20, 2015 as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

#### **(B) PROCLAMATION DECLARING NOVEMBER 15 – 20, 2015 AS “DWI AWARENESS WEEK**

Mayor Pro-Tem Miller asked Riki Seat, DWI Program Coordinator, to come forward to receive the proclamation, for which the official copy was not available, declaring November 15 – 20, 2015 as “DWI Awareness Week.” Mayor Pro-Tem Miller read the proclamation aloud to Mrs. Seat, the audience and the council. The official copy to be delivered later. He quoted from the proclamation citing reduction of the numbers of injuries and crashes and deaths due to the work of the LDWI programs and that the purpose of the program is to reduce the effects of alcohol on communities. The Mayor Pro-Tem concluded by urging all citizens to acknowledge the work of the DWI program in the City. He invited Riki Seat to address the Council and audience. Mrs. Seat told the group that DWI has worked since 1993 to change the laws regarding driving while impaired. She stated that the law allowed 90-day probation with no teeth. Now it is one year to allow treatment for the adults and allows the program to work with the schools. She stated that ENMU is sponsoring the Arrive Alive tour tomorrow. She asked that people call ENMU to get location of the tour. She stated that the DWI Affiliate will be holding a meet and greet in Roswell on November 17<sup>th</sup>. She invited the Council to attend.

#### **(C) UNITED WAY PRESENTATION**

Mayor Pro-Tem Miller acknowledged Claire Burroughs present at this meeting to make the presentation for United Way. Ms. Burroughs told the Council that she was present in place of Erinn Burch and that she is volunteering as the campaign chair of United Way and that they have a short video to show. She stated that United Way raised \$421,000 in 2014 for Clovis and Portales, and that United Way has been around a long time. She listed the non-profit agencies that United Way assists: Food program, Girl Scouts, Christian Children’s Home, Habitat for Humanity, Portales Meals on Wheels, the Hartley House, American Red Cross; etc. She thanked the Council for their support. Danielle Swopes introduced herself to the Council and audience. I.T. Technician Mitchell facilitated the showing of the United Way video presentation. Danielle Swopes told the group that the United Way obtains funding from local businesses to run the campaign and organization. Ms. Swopes stated that she has been fortunate to have worked for organizations that give things to people. She told the group that the funds raised stay in the community. She commented that the \$421,000 in 2014 was raised by individuals. She added that the total raised was \$550,000. Ms. Swopes thanked them for giving to United Way to help people help themselves in the community. She said that she was proud of working with United Way. She stated that this is a calling and mission in her life. She told the Council that all the money raised goes to partner agencies—13 local non-profits and that 9 of them are here in Portales, Roosevelt County. She asked that the Council consider giving to United Way and thanked them for their donations.

#### **(D) UPDATE ON THE STATUS OF HOPE HAVEN, CHRISTIAN CHILDREN’S HOME SUBDIVISION**

Mayor Pro-Tem Miller recognized Bill Marshall, representative of the Christian Children’s Home, to give his update on Hope Haven. Bill Marshall thanked them for the opportunity to speak. He introduced himself as the director of the single parent home program and project manager for Hope Haven. He introduced others present from the Christian Children’s Home--Rod Self, Tom Pitman; Gary Fields (general contractor on the project) and his wife, Judy Marshall. He told the Council that he was not present to make a request or to make a complaint. He stated that he wanted to thank the City—a year ago the council gave approval for their property to be annexed into the city as a planned unit development. Marshall thanked City Manager Sammy Standefer for his assistance with the project. He stated that it was very important to be a part of

the City and that Portales is what they are about. He told the Council that the Board of Directors gave them the go ahead to get the program started and that Gary Fields was hired to do the work—phase one has been completed. He showed pictures of the property; showed the work being done on the project; road and lot clearing and a fence down Avenue B and 19<sup>th</sup> Street. He added that they had put in two islands off of 19<sup>th</sup> street and the duplexes being built. The pictures he showed included background of building construction and lights put up on their property. He stated that the dedication was done on Sunday, with pictures of the first duplex, which was funded by a church in Stanton Texas. Marshall commented that CCH wanted them to be reminded that they want to serve many more single parent families—tenants live rent free with utilities paid. He stated that for the free rent and utilities the residents have him as a coach for improvements in their lives. He commented that 30 minutes before they came to the meeting they moved the first family into the first duplex. He stated that all the buildings are built with private donation. He thanked the Council for their partnership in the effort. Mr. Marshall invited the Council to stop by and see the property especially at night. He commented that CCH wants the City to share in their sense of pride. Mayor Pro-Tem Miller thanked Mr. Marshall for the update.

**(E) ITEM(S) FROM THE DWI PROGRAM:**

**1. Requesting Approval of Amended Contract for Teen Court Coordinator Assistant to Increase Scope of Work & Compensation in Accordance with LDWI Grant Amendment.**

Mayor Pro-Tem Miller asked Riki Seat, DWI Program Coordinator, to present the amended contract for Teen Court Coordinator. Mrs. Seat told the Council that they had applied for a reversion grant and were allowed to ask for more money than they had reverted and that they had received \$32,000. Seat told the Council that the amended contract for an increase to the scope of work of the Teen Court Coordinator Assistant and compensation for the additional work. She commented that they have already gone out to recruit kids into the DWI program and that this will allow them to put more programs into the schools. She mentioned that they include a program for seniors that is put on by Matt Damon. She commented that there is no fiscal impact to the city and asked for their approval. Mayor Pro-Tem Miller asked the Council's pleasure regarding the request. *Councilor Lovett made the motion to approve the amended contract for Teen Court Coordinator Assistant as presented. Councilor Hunton seconded the motion. All Council members present voted in support of the motion. No abstentions. Motion carried.*

**2. Requesting Approval of Contract for OPTUM Grant Project Director.**

Mayor Pro-Tem Miller asked Riki Seat, DWI Program Coordinator to report on the request to approve the contract for OPTUM grant project director. Mrs. Seat told the Council that the funding for the contract for the grant project director is through the OPTUM grant, which is for \$100,000.00 per year for the next 4 years. She stated that this contract is for \$5,000.00 for her to direct the project for the rest of the fiscal year. City Manager Standefer was supportive of the contract. Mayor Pro-Tem Miller asked the Council's pleasure regarding the request. *Councilor Parker made the motion to approve the contract for OPTUM grant project director as presented. Councilor Hunton seconded the motion. All Council members present voted in support of the motion. No abstentions. Motion carried.*

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

Mayor Pro-Tem Miller asked City Manager Standefer to present the request to approve the easement with the Eastern New Mexico Water Utility Authority (ENMWUA). City Manager Standefer reminded the Council that this easement was on the agenda in August. He stated that the City ran into issues of ownership of the property. He commented that the City had tried to structure a deal with the ENMWUA. He stated that Xcel Energy also wanted to use the same property. He commented that this is back on the agenda because of a

deadline by the ENMWUA. Justin Howalt updated the council regarding the issue that ENMWUA is facing. He stated that RMCI is the contractor they want to use—he stated that the bid has gone past 120 days and that they tried to get an extension. He stated that the Contractor asked for more money, but that it is more advantageous to ENMWUA to go ahead with it. He said that they had heard from Dairy Farmers of America (DFA) that they had approved the easement and that it is outstanding with the City. He commented that it should benefit the City of Portales. Councilor Thomas asked about the Xcel Energy easement with the City, which has still not been resolved. He commented that the land belongs to DFA. City Attorney Doerr stated that the land belongs to DFA, and that they had signed it over to the City, but that a subsequent lease, signed in an IRB process, which states that we cannot do anything with the property. He commented that the easement with Xcel Energy and with ENMWUA will have to be resolved. Councilor Hunton stated that he understood that the pump station would benefit the City on the southwestern part of the city. Public Works Director John DeSha stated that it would benefit the airport. Councilor Lucero asked who would be responsible for moving infrastructure. City Manager Standefer responded that the 5-acre plat would impede Xcel Energy and that he and staff have been trying to find other options to the location of the substation. Councilor Hunton asked who would be responsible for operation of the lift station. Councilor Lucero asked how long it would be until the pipeline would be built. Justin Howalt described the phases of the program—and stated that the cost is \$100 million for the 3 phases. Howalt stated that the ENMWUA has been awarded \$1.5 million for design and they have had it converted to construction. He reported that they are trying to get additional funding from the federal and state government. Councilor Hunton asked why the Elida pump station now. Mr. Howalt stated that it could be used now for current usage. Councilor Hunton asked about alternative locations. City Manager Standefer talked to the fact that the only possible alternate location would be at the softball complex. Mr. Howalt stated that it would require many changes to the environmental findings. Councilor Lovett stated that he was concerned about the length of time it would take to put in the line. He asked how the City would fund the things that are needed to be spent on the City's water issues. He asked if it would put Portales in a position that it could not fund its own water problems. Howalt responded that the project will not cost the city any money. He stated that he does not see any major cost to the city. Councilor Lovett commented that in the worst case scenario, if the federal and state money does not come about, and if the authority was to be disbanded, would the pump station be an asset to Portales. Public Works DeSha stated that it would go through federal depreciation. Councilor Thomas said his concern is that the land may not be available because it may be tied up with Xcel Energy. He stated that he wants that cleared up first. Councilor Lovett expressed concern that the Xcel project may not come through our city. Mayor Pro-Tem Miller commented that Xcel Energy is moving on with their project. He added that Xcel's project is a benefit to the City through increased GRT and in other ways within the next year. He asked City Attorney Doerr if the city had the right to grant this easement. Doerr stated that some things are as good as the paper they are written on. He commented that the easement is a formality; that DFA said that they would do it for us even though they had plans for the land. He added that DFA is hoping to work with the City to exchange property for the land in question. He stated that DFA is pleased with the City and wants to assist us. Councilor Thomas asked if the Xcel project has anything to do with the wind generator project. He was assured that it was not connected by the City Manager. Mr. Standefer said that Xcel Energy has cancelled a meeting with all parties, because the City does not have the authority to enter into an easement agreement. Standefer said that other sites have been presented to Xcel Energy. Mr. Howalt stated that the ENMWUA could move their site but that it would have a cost to do it. Councilor Lucero said that he wants to know if the City has the authority to enter into agreement. Councilor Thomas said that the City needs the water, but that it needs its money to move on with the City's own water issues. Councilor Lovett commented that the City does not want to do anything that would hinder the growth of DFA or Xcel Energy.

Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Lovett made the motion to deny the easement agreement with ENMWUA. Councilor Hunton seconded the motion.*** Councilor Robinson asked why the Council does not want to enter into the easement agreement. City Manager Standefer responded that after the City realized that it does not have ownership of the land, meetings with Xcel Energy stopped. Councilor Hunton asked again when the pipeline would be finished. Mr. Howalt stated that this is a good question. Councilor Thomas stated that he would prefer to spend a little more time on

the matter. Councilor Hunton commented that if someone votes against the motion then it could be brought back up to the Council. Councilor Lucero reiterated that his concern is that we don't have ownership of the property. Mayor Pro-Tem Miller called for the question. The Council voted but, since there were several Ayes and several Nays, the Mayor Pro-Tem called for a roll call vote. ***Roll call vote on the motion resulted in Mayor Pro-Tem Miller, Councilors Lovett, Robinson and Hunton voting in favor of the motion, and Councilors Parker, Lucero and Thomas voted against the motion. No abstentions. Motion carried with 4 votes for the motion and 3 against.***

**(G) REQUESTING APPROVAL OF EASEMENT AGREEMENT FOR A 19.6 FT. ENCROACHMENT ONTO CITY RIGHT-OF-WAY AT 829 E. CANADIAN STREET—OWNER ADRIAN LOPEZ**

Mayor Pro-Tem Miller asked Donna Rutherford, Interim Planning Director, to present the request to approve the 19.6 ft. encroachment onto the City's right-of-way at 829 E. Canadian Street owned by Adrian Lopez. Rutherford told the Council that Adrian Lopez is purchasing the property and that due to the change of ownership, the easement agreement has to be redone. She stated that the encroachment is for a chain link fence in front of the property. She commented that easement agreements do not run with the property, they have to be renewed upon sale of the property. She asked for approval of the easement agreement. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the easement agreement with Adrian Lopez for the encroachment of the chain link fence at 829 E. Canadian as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(H) APPROVAL TO ENTER INTO CONTRACT NEGOTIATIONS FOR ARCHITECTURAL PLAN AND DESIGN ON A NEW FIRE SUBSTATION**

Mayor Pro-Tem Miller asked Chief Nuckols to present the request to approve negotiations for architectural plan and design on a new fire substation. Chief Nuckols told the Council that the RFP was released for advertisement on September 20<sup>th</sup> and closed on October 22<sup>nd</sup>. He stated that eight (8) proposals were received and reviewed by the proposal review committee on October 26<sup>th</sup>. He told the Council that the Committee recommended the four (4) top firms in respective order were: WHPacific; Huitt Zollars; Molzen Corbin; and NPSR. Chief Nuckols asked for approval to enter into contract negotiations for architectural plan and design for the new fire substation. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Hunton made the motion to approve contract negotiations as presented. Councilor Lucero 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. Mayor Pro-Tem Miller asked for comments from the Council, staff and audience.

**Report on Status of New Waste Water Treatment Plant:** Public Works Director John Desha reported that the plant is 96% completed. He stated that it should be done in the next 90 days. Mr. DeSha told the Council that payments won't begin until a year from the date of the close of the project documents. Councilor Robinson asked when the streets will be finished. He stated that there is a property at the end of Boulder that is not finished. Mr. DeSha that he would take a look at it tomorrow.

**Question on a Council Retreat:** Councilor Robinson brought up the issue of the previously planned Council Retreat. He commented that more and more citizens are concerned about the condition of our streets. He wanted to know when the Council could hold a retreat. Mayor Pro-Tem Miller said that he will

talk to the Mayor. City Manager Standefer said that the Mayor has talked to him about the issue of a retreat.

Councilor Robinson asked about having the Public Works Director present a report on the work that has been done on the City's streets adding that the public needs to know of all the work completed. Mayor Pro-Tem Miller asked for a report for the next meeting about work completed on the streets.

There was no further business.

**ADJOURNMENT:**

Mayor Pro-Tem Miller adjourned the meeting at 7:45 p.m.

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Joan Martinez-Terry, City Clerk