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- I. Resolution #15-16-24, Election Resolution 2016 calling for the Election & Stating the Date of the Election; Offices to be filled; Date & Time of Closing of Books of Registration by County Clerk; Date & Time of Filing & Recording Votes for Absentee Voting; Location of Polling Places and Consolidation of Districts (Wards).
- J. Other Business/Citizens to be Heard.

THE CITY COUNCIL OF THE CITY OF PORTALES met in regular session Tuesday, November 17, 2015, at 6:30 p.m., in the Council Chambers of the Memorial Building, 200 E. 7th 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:

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| MAYOR: | Sharon L. King | |
| MAYOR PRO-TEM: | Michael G. Miller | |
| COUNCIL MEMBERS: | Matthew Tod Hunton (absent)
Leo Lovett
Lenard Michael Lucero
Dianne Y. Parker | Oscar H. Robinson
Antonio O. Salguero
Keith A. Thomas |
| STAFF PRESENT: | Sammy Standefer, City Manager
Joan Martinez-Terry, City Clerk
Marta Quiroz, Admin. Assistant
Chris Williams, Police Lieutenant
Christine Mitchell, I.T. Technician | John DeSha, Public Works Director
Randy Knudson, City Attorney
Marilyn Rapp, Finance Director
Gary Nuckols, Fire Chief
Donna Rutherford, Interim Planning Dir. |
| OTHERS PRESENT: | Alisa Boswell, Press
Dr. June Shepherd
Jerry DeSha | Riki Seat, DWI Program Coordinator
Hannah Giles |

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

(A) MINUTES OF PREVIOUS MEETING(S):**1. Regular Meeting of November 3, 2015.**

Mayor King asked the Council to consider the minutes of the Regular Meeting of November 3, 2015. He asked for corrections or action on the minutes. Mayor King asked the pleasure of the Council. ***Councilor Lovett made the motion to approve the minutes of the regular meeting of November 3, 2015, 2015 as presented. Mayor Pro-Tem Miller seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(B) ITEM(S) FROM THE FINANCE/ADMINISTRATION COMMITTEE:**1. Ratification of Finance Department's Action on Bill(s) for October 2015.**

Mayor King asked Marilyn Rapp, Finance Director, to present the bills for October 2015. Ms. Rapp told the Council that the amount of the bills for October 2015 was \$3,868,257.56 mostly for the wastewater and reuse project. She told the Council that she had detailed the large expenditures out of Water and Wastewater Fund. She reported that the biggest expense out of Water and Wastewater Fund was the \$1,865,843.69 to TLC for the re-use line. She stated that other expenses out of Water and Wastewater Fund included \$410,240.97 to RMC1 for water re-use construction services and related engineering and project management services. She stated that the Finance/Administration Committee had reviewed the October bills and recommended approval by the Council. She asked for ratification of the bills by the full Council. Mayor King asked the pleasure of the Council. ***Councilor Lucero made the motion to accept the recommendation of the Finance/Administration Committee approving the bills for October 2015. Councilor Salguero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

2. Resolution #15-16-20, Budget Adjustment's for FY 2015-2016.

Mayor King asked Marilyn Rapp to present the resolution adopting budget adjustments for FY 2015-2016. She said that this was taken to the Finance/Administration Committee for their review. She commented that budget adjustments are required to put things in correct places in the budget. She stated that there was a change in General Fund for revenues received for reimbursement of overtime for the film work done in the summer and for adding funds for a healthcare grant, but received after the end of the fiscal year. Ms. Rapp told the Council that budgeting for fuel for the Parks Department had been missed. She stated that the changes to revenues and expenditures balanced in General Fund. She reviewed the changes to the rest of the funds that were in EMS fund with a reduction in the equipment line item and an increase to supplies; adding the Beautification grant for purchasing dog waste receptacles; and changes to the DWI Fund for additional grants, Juvenile Adjudication grant, DOT grant, OSAP grant with a total net change of expenditure of \$35,000.00, which the state program manager wants used out of built up fund balance from fees. Ms. Rapp asked for approval of the budget adjustments. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to adopt Resolution #15-16-20, approving Budget Adjustments for FY 2015-2016 as presented. Councilor Parker seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.***

3. Resolution #15-16-21, Adoption of Amended Investment Policy.

Mayor King asked Marilyn Rapp, Finance Director, to present the Investment Policy amendments. Ms. Rapp stated that the Investment Policy is a living document but had not been updated in quite some time. She

told the Council that the amendments were done to clean up the language in the policy that will change to a Deposit & Investment Policy. She commented that deposits were the demand accounts—checking accounts and the investments are CDs or other instruments of investments. She told the Council that they should have a copy in their packets showing the changes amending the policy. Ms. Rapp told the Council that one of the changes was on page 5, section 8.5.4 that added language about institutional money managers needing to have assets under management in approved financial instruments in excess of One Billion Dollars and that if the City invested with a company that did not have the management experience then the City would have to have a representative on the board—it would expose the City to more risk. She commented that in section 9.1 the collateralization was changed to 100% of market value instead of 103% and added language about banks meeting certain ratios as set by the State Board of Finance to evaluate the financial strength of banks. She stated the ratios go down to 50% collateralization, which is the lowest allowed by the State. Ms. Rapp stated that there have been some changes to banking. Councilor Lovett said that this will help the City to increase revenues by costing us less. Mayor Pro-Tem Miller said that the other change is that we can invest in credit unions. He stated that the Finance/Administration Committee had spent a lot of time on the investment policy and that they recommended approval by the Council. Mayor King asked the pleasure of the Council. ***Mayor Pro-Tem Miller made the motion to adopt Resolution #15-16-21, Adoption of the amended Investment Policy as presented. Councilor Parker seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.***

4. Informational Item—DFA 1st Quarter Report (September 30, 2015).

Mayor King asked Marilyn Rapp, Finance Director, to present the 1st Quarter Report. Ms. Rapp told the Council that this is not an action item but is a required to be submitted to DFA. She stated that the final report does require action by the Council. She commented that this report shows the beginning cash balances for each fund and revenues and expenditures for each fund. She stated that the General Fund started out at a little over 1.4 Million Dollars; 1.2 Million Dollars as quarter ending cash balance is 1.2 Million Dollars and 1.1 Million Dollars in investments leaving 1.6 Million Dollars as available cash. She commented that the City is doing okay in the General Fund. She commented that the City as a whole has beginning cash balance of 5 Million Dollars ending the quarter at a little over 7 Million Dollars in cash balance. She said that the report breaks it out by the Fund and that most of the detail is for the General fund. She told the Council that the City is doing very well in gross receipts tax which is mostly due to the construction windfall. She stated that she is glad that the City is getting it, but that we cannot count on it. She asked for questions of the Council. Councilor Thomas asked what percent of revenue is made up of the gross receipts tax. Ms. Rapp responded that it is close to 80%. Councilor Robinson asked if it is possible to look at increasing the money available for the street budget. Ms. Rapp responded that it could be done as a budget adjustment. She commented that in General fund the amount for Street work is \$537,075.00, which is mostly for operations, and that the expenses in that department were at 22%. She commented that the dedicated street fund started at \$217,394.00 and that the ending quarter amount is at \$200,000.00. Councilor Robinson was asking about it on the possibility of raising funds for gas tax through the legislature. Mayor Pro-Tem Miller commented that a proposed increase in gas tax was proposed last year, but that the Governor had vetoed it. He commented that previous Governors had done the same. He stated that the gas tax is ½ a cent. He added that there is a push for a major increase in gas tax mainly for state highway improvements, but that there is not much probability of it passing. Councilor Robinson commented that this means that there is no way to raise funds for Fund 216 at this time. Ms. Rapp suggested that this issue should be reviewed in Finance/Administration Committee. Mayor Pro-Tem Miller responded to Councilor Robinson stating that he was correct. City Manager Standefer stated that even though the General Fund is doing all right, it is not doing well enough that staff would consider pulling money over into Fund 216. Councilor Robinson commented that there are 200 miles of streets and the Street Department is doing as well as they can with what they have in the budget. Ms. Rapp commented that the Street Department is supported by the General Fund for salaries and supplies and that the funds in Fund 216 is mostly for materials for street repairs and work. She added that the department does a good job with what they have

available. Ms. Rapp commented that there is no action needed. Mayor King thanked Ms. Rapp for the report.

(C) REPORT AND UPDATE OF STREET DEPARTMENT ACTIVITIES FOR 2015-2016

Mayor King asked Public Works Director John DeSha to present the report on the activities of the Street Department. Mr. DeSha told the Council that he likes to brag on his departments. He commented that the Street department is the most experienced department in the City. He reported that the department has chip sealed 14 to 15 thousand feet of streets and listed the various streets they had worked. He commented that they had fixed 4 roads at the Cemetery. Mr. DeSha told the Council that the material for the work is from the state Co-op program. He added that the Department stretches material as far as they can. He told the Council that another thing they do is make their own cold mix, so they are not relying on a contractor for material to fill potholes around the City. He reported that 35,283 potholes have been filled this year. Councilor Thomas asked if there was a better system to fill potholes. He said he remembered that a machine to repair potholes was demonstrated sometime in the past and he stated his understanding that it could do a better job. Mr. DeSha commented that it could be a pro-patch. City Manager Standefer stated that it had been on the list of capital projects, but was unsure of what had occurred. He added that one of the problems is that the potholes hold water, which makes it hard to fill them, but that he would look into it. DeSha reported that the Department had concreted several intersections around the City—University & I, 17th & D, 4th Street & Avenue C. He added that they were doing the work themselves. He reported that the Department had maintained drainage ditches, put up Stop signs, sprayed weeds, bladed alleys, helped the film crew on the movie this past summer, put up holiday banners and moved dirt. Mayor King commented that many places she has been do not have potholes. Mr. DeSha commented that there are a number of things working against us. He said that one factor is the climate, which has been very dry until this past summer. He stated that some streets do not have the proper road base and some streets are not designed for the kind of traffic that they carry. He commented that U.S. 70 from Boulder out of town put down by K. Barnett & Sons disintegrated almost immediately after they put it down. He added that the State dictates the type of asphalt to be used. Councilor Thomas asked about the difference between asphalt and chip seal. DeSha responded that asphalt done correctly can last, and that chip seal maintains the asphalt. He commented that the asphalt used today is not the same as back in the 60's and 70's—the emulsion is not as rich. He stated that down by Carlsbad the State is trying out bio-asphalt, which is very expensive. Councilor Robinson asked if the use of Portland cement to the chip seal. DeSha stated that it is not used anymore. Councilor Robinson asked about scheduling a retreat to include street issues with Mr. DeSha and Mr. Standefer. Mayor King stated that she had talked about it with the City Manager. She suggested that it might be best to have the retreat after the Municipal Election. She commented that it has been difficult to get consensus on a date for a retreat and with the holidays coming up, it could be more difficult. She thanked Mr. DeSha for the report on Street Department activities.

(D) DISCUSSION AND APPROVAL OF 2016 CAPITAL OUTLAY REQUEST LIST

Mayor King asked City Manager Standefer to present the 2016 Capital Outlay Request list. Mr. Standefer reviewed the list with the Council stating that the following were the top 5 projects on the ICIP:

- Fire Protection/Water Circulation upgrades--\$400,000.00
- Wellfield Improvements--\$1,500,000.00
- New Fire Department Substation--\$640,000.00
- Railroad Crossing Improvements--\$125,000.00
- Purchase of New Loader – \$200,000.00

Mayor Pro-Tem Miller asked if each of the projects ready to start if the City received money from the legislature. He asked if the City could work the project if the City did not get any money. John DeSha

stated that any project funded could be started. Mayor Pro-Tem Miller commented that the City would probably not get any severance tax. City Manager Standefer stated that the railroad project will not be ready. He asked the Finance Director if the loader had been budgeted for 2015-2016. Ms. Rapp responded that it was not budgeted because of the price of the loader and the amount in capital purchases. Mr. Standefer stated that the City would take anything that the legislature wanted to give—the City may not be able to buy it this year but any amount would help with the purchase. Mayor Pro-Tem Miller asked if the latest appropriations are on a 3-year schedule. Mr. Standefer responded that the City is still not seeing the appropriations yet. The Pro-Tem commented that typically, when you get the contract, the state gives you 3 years to get the projects done. Mayor King commented that the Fire Substation is a big project and asked what the plan is to pay for the substation. City Manager Standefer stated that the cost would be straight out of the Fire Fund. He added that the big cost would be in manning the substation. Councilor Thomas asked if the City could borrow for the loader since it is quite old. Finance Director Rapp commented it could be done. City Manager Standefer stated that it could be done, but that too much debt service would leave the City with nothing to work with out of General Fund. Councilor Thomas commented that the loader has been needed for a number of years. Mayor King asked if there was a priority ranking on the list of projects submitted. Mayor Pro-Tem Miller stated that the legislators have discretion and asked if they were listed this way on the ICIP. Mr. Standefer responded that it is how they are listed on the ICIP. Mayor King asked if the City had to stick to this listing. City Manager Standefer responded that each request is separate and not ranked. Councilor Thomas asked if there was a set amount for each legislator. Mayor Pro-Tem Miller explained the process and said that the legislators are usually in a struggle with the Governor. He added that the cost of oil is what will determine the funds available to the legislators. Councilors Thomas and Parker were in support of the list as presented. Mayor King asked Mr. Standefer was going to set up a meeting with the Legislators for a presentation as has been done in the past. Mayor Pro-Tem Miller stated that it had been done in the past, but not for the last two years. City Manager Standefer said that he would look into it. Councilor Robinson suggested that he look at the EPCOG schedule so we do not try to schedule it at the same time they have set their legislative presentation. Councilor Thomas asked who the legislative representatives are for the area. Mayor Pro-Tem Miller stated that Senator Ingle and Representatives Dodge, Roch and Wooley are the legislators. Mayor King asked for approval of the Capital Outlay list or any changes to it to include in the motion. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to approve the 2016 Capital Outlay request list as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(E) RESOLUTION #15-16-22, AUTHORIZING FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE NM WATER TRUST BOARD FOR WATER SYSTEM IMPROVEMENTS

Mayor King asked Public Works Director John DeSha to present the report on Resolution #15-16-22, authorizing filing of an application for financial assistance from the NM Water Trust Board for Water System Improvements. Mr. DeSha reminded the Council that the application the previous year was for a grant and loan for a planning grant. He told the Council that this request is for the water tank storage project to rehabilitate the Johnson Hill water tank that needs to have a more thorough inspection of the inside of tank and needs to be brought up to code. He stated that the amount to be requested is \$1,415,000.00. He told the Council that this is the initial application and that he will take it to Santa Fe to plead their case. Councilor Robinson asked for the breakdown of the grant/loan. Mr. DeSha responded that it would depend but that it is possible that it would be somewhere around 75%/25%. He stated that another thing that can be done is appeal to the Water Trust Board for forgiveness of the loan. Councilor Robinson wondered what the criteria would be for forgiveness of the loan. He also asked about the possibility of having the names of the Rams and ENMU teams on the tank. Mr. DeSha said that he would look into it—that it might be possible on the final painting of the tank. Mayor King asked the pleasure of the Council. ***Mayor Pro-Tem Miller made the motion to adopt Resolution #15-16-22, authorizing filing of an application for Financial Assistance from the NM Water Trust Board for water system improvements as***

presented. Councilor Thomas seconded the motion. Roll call vote of all Council members present resulted in support of the motion. No abstentions. Motion carried.

(F) RESOLUTION #15-16-23, AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NM FINANCE AUTHORITY (NMFA) FOR AN ASSET MANAGEMENT PLAN FOR THE PORTALES WASTEWATER SYSTEM

Mayor King asked Public Works Director John DeSha to present the report on Resolution #15-16-23, authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority (NMFA) for an asset management plan for the Portales Wastewater System. Mr. DeSha told the Council that the application is for \$50,000.00 in planning funds for an asset management plan for the wastewater system. Mayor King asked if an asset management plan was needed for everything. DeSha responded that if the City wants funding then we have to have an asset management plan for each funding project. City Manager Standefer told the Council that this was a new requirement and that it is for infrastructure. Mr. DeSha stated that if you have a comprehensive plan and an asset management then you will get funded. Mayor King asked the pleasure of the Council. *Councilor Robinson made the motion to adopt Resolution #15-16-23 authorizing submission of a completed application for Financial Assistance and Project Approval to the NM Finance Authority (NMFA) for an Asset Management Plan for the Portales wastewater system as presented. Councilor Parker seconded the motion. Roll call vote of all Council members present resulted in support of the motion. No abstentions. Motion carried.*

(G) UPDATE AND RECOMMENDATION OF CONTRACT FOR PLANNING AND DESIGN SERVICES FOR FIRE SUBSTATION FOR RFP NO. 2015-09-13 PENDING FINAL REVIEW AND FUNDING AGENCY CONCURRENCE OF AWARD

Mayor King asked City Manager Standefer to present the update and recommendation of Contract for planning and design for the Fire Substation for the RFP No. 2015-09-13 pending final review and funding agency concurrence. City Manager Standefer told the Council that negotiations are underway with a draft contract developed but not finalized. He asked that the Council grant permission to allow him to submit the contract to the Department of Finance & Administration (DFA) for agency concurrence and final legal approval before he brings it back to the Council. Mayor King asked what would happen if the contract is approved by DFA and the Council does not approve it. Mr. Standefer responded that staff would start the process over. Mr. Standefer explained that the process is backwards due to changes in the process. He added that the Council is not committing to anything, but that he needs approval to submit it to DFA. Mayor King asked the pleasure of the Council. *Mayor Pro-Tem Miller made the motion to accept the recommendation to submit the contract to DFA for agency concurrence, final legal approval and to bring it back to the Council for their approval. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(H) ITEM(S) FROM THE DWI PROGRAM:

1. Requesting Approval of Contract for OptumHealth Project Coordinator.

Mayor King asked Riki Seat, DWI Program Coordinator, to present the contract for the OptumHealth Project Coordinator. Ms. Seat reminded the Council that the Optum grant is the federal grant in the amount of \$100,000.00 a year for 5 years to increase prevention activities. She commented that because it is a separate grant they require a separate project coordinator. She told the Council that one RFP was received and reviewed by an evaluation committee made up of DWI Task Force members. She introduced Dr. June

Shepherd who has a Master in Psychology, as the person recommended for the position. She asked that the Council approve the contract submitted for the position. She asked for questions from the Council. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to approve the contract for OptumHealth Project Coordinator with Dr. June Shepherd as presented. Councilor Lovett 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 King asked Riki Seat, DWI Program Coordinator, to present the contract for OptumHealth Prevention Specialist. She introduced Ms. Hannah Giles who submitted the only RFP for the part-time contract for the Prevention Specialist. Ms. Seat told the Council that the evaluation committee had recommended approval of a contract for the position with Ms. Giles. Ms. Seat asked for the Council's approval. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to approve the contract for OptumHealth Prevention Specialist as presented. Councilor Thomas seconded the motion. All Council members present voted in support of the motion. No abstentions. Motion carried.***

(I) RESOLUTION #15-16-24, ELECTION RESOLUTION 2016, CALLING FOR THE ELECTION & STATING THE DATE OF THE ELECTION; OFFICES TO BE FILLED; DATE & TIME OF CLOSING OF BOOKS OF REGISTRATION BY COUNTY CLERK; DATE & TIME OF FILING OF DECLARATIONS OF CANDIDACY; DATES & TIMES FOR ABSENTEE VOTING; MANNER OF CASTING & RECORDING VOTES FOR ABSENTEE VOTING; LOCATION OF POLLING PLACES AND CONSOLIDATION OF DISTRICTS (WARDS)

Mayor King asked City Clerk Martinez-Terry to present Election Resolution 2016, calling for the election and stating the date of the election; offices to be filled; date and time of closing of books of registration by the County Clerk; date and time of filing of declarations of candidacy; dates and times for absentee voting; manner of casting and recording votes for absentee voting; location of polling places and consolidation of districts (wards). Martinez-Terry told the Council that the election is set for March 1, 2016; that there are 4 four-year Councilor positions to be filled; the County Clerk's books of registration close at 5 p.m. on February 2, 2016; declarations of candidacy must be filed on January 5, 2016 from 8 to 5; absentee voting will begin on January 26, 2016; polling place for absentee voting is the City Clerk's office and regular voting will be at the City's Memorial Building; Wards A, B, C and D will be consolidated for this election. She asked for adoption of Resolution #15-16-24. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to adopt Resolution #15-16-24, calling for Election 2016, municipal election set for March 1, 2016 by the Municipal Election Code 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 King asked for items of Other Business. Mayor King asked for comments from the Council, staff and audience.

Council Retreat: Mayor King asked the Council when they want to hold a retreat. Mayor Pro-Tem Miller said that it makes sense to wait until after the Municipal Election because of the potential to have a different Council after the election so that the Council doesn't have to do this twice. Mayor King agreed with the Pro-Tem. Councilor Robinson stated that he doesn't care if the Council waits until after the election, but feels that the Council needs to discuss their priorities, of which streets is most important, in his opinion. Mayor Pro-Tem Miller commented that this is part of the budget process and that the new Council would be involved in that process. He maintained that the retreat should be held after the election. Councilor

Robinson asked that streets be made the number one priority and doesn't want to wait. Councilor Parker commented that the Council does need a plan to repair the streets. She added that the Council should hold mini-retreats to talk about what is going on because there is always something going on. Councilor Robinson but that he feels that other people on the Council have ideas about what are the priorities of the community. Councilor Thomas said he was in favor of waiting until after the election to hold the retreat. Mayor King suggested that any Councilor that does not return after the election can give their input to the Council for the retreat. Councilor Robinson agreed with her suggestion. Councilor Salguero commented that this could help some of the incumbents with their campaigns. Mayor King suggested that the City Manager start preparing for a retreat for the end of March. Councilor Parker commented that perhaps it could be held locally. Mayor King stated that it hasn't worked out in the past. She suggested that it should be held out of town and on a Friday and Saturday. She asked that the Councilors be thinking about topics for the retreat. Mayor King said that one thing the Council needs to talk about is ASR--reuse water injection back into the water system. She wants a workshop on ASR and water reuse separate from the retreat. She stated that she wants to make sure we can bring that water back into the system.

Cemetery Well Capacity: Councilor Robinson asked what the gallon output was from the well at the cemetery. He said that he had been challenged by a resident regarding the capacity of the well. City Manager Standefer responded that the well can pump 450 gallons a minute, but that the pump is set for 350 gallons a minute. He stated that he doesn't want to pump it at capacity. City Manager Standefer said that he and staff would be meeting with the School Administration on Thursday about the Cemetery well. He reminded the Council that the schools have an agreement on use of water from the well.

There was no further business.

ADJOURNMENT:

Mayor King adjourned the meeting at 7:55 p.m.

Joan Martinez-Terry, City Clerk