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THE CITY COUNCIL OF THE CITY OF PORTALES met in regular session Tuesday, January 19, 2016, 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:

MAYOR: Sharon L. King

MAYOR PRO-TEM: Michael G. Miller (absent)

COUNCIL MEMBERS: Matthew Tod Hunton Oscar H. Robinson
Leo Lovett Antonio O. Salguero
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 Veda Urioste, Deputy City Clerk
Marilyn Rapp, Finance Director Gary Nuckols, Fire Chief
Marta Quiroz, Admin. Assistant Antoinette Brezovsky, Dispatcher
Chris Williams, Police Lt. Shaun Banther, Dispatcher
Ramón C. Rodriguez, Dispatcher T. J. Cathey, FF EMT-P 2nd Lt.
Andrew Bernal, FF EMT/Basic Donna Rutherford, Interim Planning Dir.
Kaleb Broome, FF EMT/Basic Jared Shearer, FF EMT/P—2nd Lt.

OTHERS PRESENT: Eamon Scarbrough, Press Kelly J. Thompson, Xcel Energy
Lance Kennedy, Xcel Energy Michelle Lee Bailey, HomeSpot
Veronica Cordova, US Bank Jessica J. Smith, Ashley Furniture
Jerry DeSha Bill Cathey
Joeli Cathey

Mayor King asked Councilor Lovett 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 January 5, 2016.

Mayor King asked the Council to consider the minutes of the Regular Meeting of January 5, 2016. She 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 January 5, 2016 as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(B) RECOGNITION OF DEPARTMENTS AND PERSONNEL INVOLVED DURING BLIZZARD GOLIATH

Mayor King asked the Departments to come to the dais to receive a plaque in recognition of their efforts during the blizzard Goliath beginning with the staff of the Communications (Dispatch) Department. Mayor King read the wording off the plaque and the City Manager commented that Communications was the heart of the effort. Police Lieutenant Chris Williams received the plaque for the Police Department. Public Works Director John DeSha received the plaque for the Street, Water, Wastewater and Parks Departments. Fire Chief Nuckols asked that Mayor King present the plaque to T.J. Cathey and Jared Shearer.

(C) PRESENTATION OF EMPLOYEE OF THE QUARTER AWARD FOR 4TH QUARTER 2015 TO TIMOTHY J. CATHEY, LIEUTENANT/PARAMEDIC, FIRE DEPARTMENT:

Mayor King invited T.J. Cathey to the dais to receive the Employee of the 4th Quarter. Mayor King thanked him and read the plaque aloud. Mayor King asked him to say a few words. T.J. Cathey stated that it was an honor to serve the community. Fire Chief Nuckols commented that he was totally deserving of the award and that he appreciated everything he does for the city. Cathey's father Bill Cathey was present and was asked to say a few words about his son. He commented that T.J. Cathey was interested in being a Firefighter from a young age.

(D) RATIFICATION OF FINANCE DEPARTMENT'S ACTIONS REGARDING BILLS FOR DECEMBER 2015

Mayor King asked Marilyn Rapp, Finance Director, to present the bills for December 2015. Ms. Rapp told the Council that the amount of the bills for December 2015 was \$2,802,047.48. She commented that the Waste Water Department spent \$1,142,120.50 for engineering and construction costs of the water re-use and waste water treatment plant project. She stated that another \$336,102.00 was spent paying for Ute Water Authority administrative fees. She stated that the balance was spent as in an average month. She commented that the expenditures were necessary for the continued operation of the City and are within budgeted limits. She asked for questions and ratification of the bills by the Council.

December 2015

Pooled Cash Fund	999	2,802,047.48
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Mayor King asked the pleasure of the Council. *Councilor Salguero made the motion to approve the bills for December 2015. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(E) PRESENTATION OF PORTALES MUNICIPAL AIRPORT ACTION PLAN UPDATE

Mayor King asked City Manager Standefer about the presentation updating the Portales Municipal Action Plan. Mr. Standefer told the Council that the representatives of WH Pacific were not ready to give the presentation at this time. He asked for the item to be tabled. Mayor King asked the pleasure of the Council. *Councilor Robinson made the motion to table the presentation of the Portales Municipal Action Plan update. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(F) RESOLUTION #15-16-28, ADOPT ELECTION RECOUNT/RECHECK FOR ELECTION 2016

Mayor King asked City Clerk Martinez-Terry to present Resolution #15-16-28, adopting the Election Recount/ Recheck costs for Election 2016. Martinez-Terry told the Council that this resolution is required as a part of the Municipal Election Code as there is a potential for a recount or recheck at each election. She stated that it establishes the deposit amounts for such action, but does not specify the actual costs. She reported that the State Canvassing Board determines the estimated cost of the proceedings in March of even-numbered years. She stated that this determination was established in March of 2014. She asked that the Council adopt the resolution. Mayor King asked the pleasure of the Council. *Councilor Lucero made the motion to adopt Resolution #15-16-28, adopting the election recount/recheck fees for Election 2016. Councilor Parker seconded the motion. Roll call vote of all Council members present resulted in support of the motion. No abstentions. Motion carried.*

(G) REQUEST FOR APPROVAL OF APPOINTMENT OF, AND SETTING COMPENSATION FOR, ELECTION BOARD MEMBERS FOR THE REGULAR MUNICIPAL ELECTION SCHEDULED MARCH 1, 2016

Mayor King asked City Clerk Martinez-Terry to present the request for appointment of the Election Board members and setting their compensation. Martinez-Terry reported to the Council that the Election Code requires that they appoint the election officials for the regular Municipal Election scheduled for March 1, 2016 and set compensation for their service. She stated that a notice must be posted and published for the absentee/early voting center and the regular voting center; designate the polling places and set the rate of compensation for election officials. She told the Council that the rate of compensation is \$10.00 higher for the election officials due to a higher recommendation in the Election Code. She asked for Council approval. Mayor King asked the pleasure of the Council. *Councilor Robinson made the motion to approve the appointment of Election Board Members and setting of their compensation for Election 2016. Councilor Salguero seconded the motion. All Council members present voted in support of the motion. No abstentions. Motion carried.*

(H) CITY MANAGER'S INFORMATIONAL REPORT(S):

1. **Review of City of Portales/Xcel Energy Substation Site.**

Mayor King asked City Manager Standefer to present the review of the Xcel Energy substation site. Mr. Standefer told the Council that this is informational and not a request for approval of the site. He asked for I.T. Technician Mitchell to bring up the map location of the site for the Council on the screen. He stated that the actual site on the map is outlined in blue and is a 3 to 5 acre plot at the City's old airport property west of the City. He introduced Ms. Kelley Thompson and Lance Kennedy of Xcel Energy to respond to any of the Council's questions or concerns. The Mayor asked for the relationship between this location as opposed to the location of the walking trail. Standefer stated that there is no public use of that property in that area. Mayor King wanted clarification of the site location. Councilor Robinson asked about eminent domain, asking if Xcel has the right to use land around the site if private land owners refuse to relinquish it. Ms. Kelley Thompson responded that this was true, but that it is not the preferred way to handle obtaining land. Councilor Robinson said that he asked about eminent domain, because land owners in the county had expressed concerns about giving up their land without having had the opportunity to have input into a public hearing. Thompson stated that New Mexico does not require them to go through the public hearing process. Lance Kennedy asked if the concern was the money, or how Xcel Energy determined the amount to pay for the land in the right-of-way. He explained that the company must offer fair market value, which they obtain from comparative sales on the land whether it is commercial or residential. He added that his company pays 100% of the value. Kennedy stated that when the landowner does not want to sell, then they will file with a County judge and the Judge will assign 3 Commissioners who live in the county. He stated that the Commissioners decide using an appraisal of the land—either side can object and appeal and go to another court proceeding. Councilor Robinson told the Xcel representatives that he would give them the name of the owner involved. Mayor King stated that she was familiar with this issue in her work. She asked the City Manager if he had any concerns. City Manager Standefer commented that the site will come back to them in the future. Lance Kennedy told the Council that Xcel Energy tries to work with all the land owners. He said that the substation is being built because the old substation is not in a place suitable to expand. Kelly Thompson explained that the current substation is overloaded and that the new one will make a loop around the City to upgrade and improve service to Portales. Mayor King thanked them for their input.

2. Notice of Increase of Landfill Tipping Fees from the City of Clovis.

Mayor King asked City Manager Standefer to present the notice of increase of landfill tipping fees by the City of Clovis. Mr. Standefer told the Council that he does not have the actual contract, but that Clovis has notified the City that there will be an increase to landfill tipping fees. He commented that they have indicated that they want to charge at least what they charge their citizens. He told the Council that he would bring recommendations to the Council of the increased fees and how to fund the increase. Mayor King commented that it was not an unusual action for them to take. Councilor Salguero said rate increases can take a little bit of time to accrue. City Manager Standefer commented that the increase is estimated to be around a \$54,000.00 increase annually for about 40 tons a day. Councilor Robinson asked about the current rate per ton. City Manager Standefer responded that it is \$30.00 per ton that is collected from the Convenience Center rates and what is charged to the residents. He stated that this is a heads up for the Council.

(I) OTHER BUSINESS/CITIZENS TO BE HEARD

Mayor King asked for comments from the Council, staff and audience.

Status of Fire Hydrant on Avenue H & Yucca: Councilor Thomas asked about the status of the fire hydrant on Avenue H & Yucca. The Mayor asked about the leak on 17th Street and Avenue C. City Manager Standefer stated that he would get them an update on these two issues.

Legislative Activities: Marta Quiroz, Administrative Assistant, asked the Council to confirm their plans with her for Legislative days scheduled for January 28th & 29th, 2016. Mayor King commented that she would be attending the Curry County Chamber of Commerce Legislative dinner on January 25, 2016, but that plans were made through another entity.

ADJOURNMENT:

There being no further business, Mayor King adjourned the meeting at 7:10 p.m.

Joan Martinez-Terry, City Clerk