

TABLE OF CONTENTS FOR COUNCIL MEETING HELD SEPTEMBER 20, 2016:

- A. Minutes of Previous Meeting(s):**
 - 1. Regular Meeting held September 6, 2016.
- B. Ratification of Finance Departments Actions on Bills for August 2016.**
- C. Renewal of Transmission & Access Easement with Roosevelt II Wind Project, LLC.**
- D. Resolution #16-17-15, A Resolution Declaring Authorization and Approval of the Purchase and Sale of Property to be used by Southwestern Public Service Company for a Substation.**
- E. Item(s) from Portales MainStreet Program.**
 - 1. Update on Portales MainStreet Program.
 - 2. Request for Approval of Biennial Memorandum of Understanding (MOU) Between the New Mexico MainStreet Program and the City of Portales.
- F. Request to Ratify Execution of Amendment No. One (1) to Agreement Approved July 22, 2016 for Engineering Services between the City of Portales and Occam Engineer's Inc. for Water Distribution Improvements.**
- G. Requesting Permission to Contract for New Loader Purchase on a Cooperative Purchasing Agreement Contingent upon Funding Agency Concurrence.**
- H. Item(s) from the Planning Department:**
 - 1. Requesting Approval of a Summary Subdivision of County Subdivision Submitted by David Stone – Lots 1-B & 1-C, Branscum Subdivision.
 - 2. Requesting Approval Easement Agreement for 2000 W. University Drive with John and Jacqueline Houser for an encroachment for a Stucco Wall.
- I. Authorization for Contract for an OPTUM Project Coordinator/OSAP PFS 2015 Coordinator per the Office of Substance Abuse Prevention.**
- J. Other Business/Citizens to be Heard.**
- K. 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), Related to the 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.

THE CITY COUNCIL OF THE CITY OF PORTALES met in regular session Tuesday, September 20, 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 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: Veronica A. Cordova Oscar H. Robinson
Chadrick H. Heflin Antonio O. Salguero
Jim Lucero Jessica J. Smith
Dianne Y. Parker

STAFF PRESENT: Sammy Standefer, City Manager Steve Doerr, City Attorney
Joan Martinez-Terry, City Clerk Roberta Andes, Admin. Assistant
John DeSha, Public Works Director Christine Mitchell, I.T. Tech
Veda Urioste, Deputy City Clerk Susan Baysinger, Public Wks. Proj. Admin.
Carla Weems, Chief Proc. Ofcr. Riki Seat, DWI Coordinator

OTHERS PRESENT: Eamon Scarbrough, Press Sandy Vigil, Exec., Portales MainStreet
Christina White, Infinity Renewables David L. Stone, JP Stone Comm. Bank
David Essex, Xcel Energies

Mayor Pro-Tem Miller asked Councilor Robinson to give the invocation, and Councilor Parker 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 6, 2016.

Mayor Pro-Tem Miller asked the Council to consider the minutes of the Regular Meeting of September 6, 2016. He asked for corrections or action on the minutes. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Lucero made the motion to approve the minutes of the regular meeting of September 6, 2016 as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(B) RATIFICATION OF FINANCE DEPARTMENT’S ACTIONS ON BILLS FOR AUGUST 2016

Mayor Pro-Tem Miller asked Finance Director Marilyn Rapp to report on the bills for August 2016. Ms. Rapp told the Council that the amount of the bills for August was \$1,897,646.65. She stated that the expenditures in General Fund included \$115,639.82 for liability insurance and \$75,145.94 for worker’s comp insurance. She told the Council that the Water & Wastewater Fund expended \$81,243.55 for maintenance of the water system and wells. She stated that the expenditures are within budgeted limits. She asked for questions, and ratification of the bills by the Council.

August 2016

Pooled Cash Fund	999	1,897,646.65
------------------	-----	--------------

Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the bills for August 2016. Councilor Smith seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(C) RENEWAL OF TRANSMISSION & ACCESS EASEMENT WITH ROOSEVELT II WIND PROJECT, LLC

Mayor Pro-Tem Miller recognized Christina White of Infinity Renewables to present the request for renewal of the Transmission and Access Easement with Roosevelt II Wind Project. Ms. White asked if they were familiar with the original transmission access easement agreement signed with Roosevelt Wind Ranch, LLC in 2011, which then expired on August 11, 2016. She reported that an easement extension had been granted by the City with Roosevelt II Wind Ranch, LLC from August 18, 2016 to October 31, 2016. Ms. White updated the Council on the work of Infinity Renewables in conjunction with Roosevelt Wind II Ranch, LLC. She commented that the focus on alternative energy began in 2008 and since then have worked in areas with solar and wind resources. She told the Council that Infinity Renewables has offices in California, Colorado and Minnesota and that the staff has over 100 years of combined energy experience. She listed the project team as her, Christina White – Project Development; Kenedy Singer – Land Agent; Tom Whitaker – Project Engineering; Eli Bosco – Project Delivery; David Kohl – General Counsel and Kathy Dowling – Development Coordinator. Ms. White told the Council that in terms of development, environmental surveys are ongoing. She stated that meteorological towers have been planned to define wind characteristics and are working to develop a merchant strategy. Ms. White asked for Council approval of the Transaction Access Easement extension with the same payment structure and additional rights-of-way on the northwest corner. The Council had a few questions regarding the amount of the payment to the City. Ms. White told the Council that the monthly payment for the easement is \$2,500 and that the City would receive \$2,500 x the number of lines of installed transmission line. Mayor Pro-Tem Miller asked the pleasure of the Council.

Councilor Smith made the motion to approve the Transaction Access Easement extension as presented. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.

(D) RESOLUTION #16-17-15, A RESOLUTION DECLARING AUTHORIZATION AND APPROVAL OF THE PURCHASE AND SALE OF PROPERTY TO BE USED BY SOUTHWESTERN PUBLIC SERVICE COMPANY FOR A SUBSTATION

Mayor Pro-Tem Miller asked City Manager Standefer and City Attorney Knudson to present Resolution #16-17-15, a resolution declaring authorization and approval of the purchase of property to be used by Southwestern Public Service Company for a Substation. Mr. Knudson told the Council that the resolution was requested for title purposes demonstrating the authority of the Council to approve the contract for the sale of the property for a substation. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Parker made the motion to adopt Resolution #16-17-15, declaring authorization of the Council and approving the purchase and sale of the property to Southwestern Public Service Company for a substation. Councilor Lucero seconded the motion. Roll call vote by all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.***

(E) ITEM(S) FROM PORTALES MAINSTREET PROGRAM:

1. Update on Portales MainStreet Program.

Mayor Pro-Tem Miller invited Sandy Vigil, MainStreet Program Executive Director, to give an update on their program. Ms. Vigil gave a brief report on the activities at the Yam commenting that starting in October it is in a positive balance of \$5,900-- amount is consistently coming in for the Yam rentals. She thanked the Council for their help in making the Yam viable. She invited them to come over to see it. Vigil stated that more business events are coming to the Yam. She reported on a trend for memorial services for funerals being held at the Yam. She told the Council that Portales MainStreet appreciates their partnership and assistance in reaching their goals. She commented that the organization is hoping to lean less on the City and stand on their feet. She stated that MainStreet are not just event planners—that their focus is economic vitality in the downtown. The program has 4 objectives: economic transformation program; economic vitality to increase property values; request help from the state for a promotional campaign to bring people to Portales and to reduce the percentage of vacant properties in downtown Portales. She stated that Portales is very lucky that there are very few unoccupied properties. She commented that the Yam will be hosting a Live to Lead Seminar by John Maxwell on October 7 and that coming up is the NM Leadership Network Quarterly that will be held in Las Vegas, NM. Ms. Vigil asked for questions. Councilor Lucero asked about the percentage of empty buildings downtown. Ms. Vigil stated that unoccupied buildings were at 5% a few years ago. She added that the goal is to update the comprehensive plan for next year. Councilor Robinson asked how to distinguish between Portales MainStreet and the Chamber of Commerce. Ms. Vigil responded that MainStreet is a partnership whereas Roosevelt County Chamber of Commerce is a 501c3 with a membership. Councilor Robinson asked do we need both. She stated that the difference is where they focus. She commented that she and the Chamber Executive Karl Terry work very well together. Councilor Robinson commented that the reason he asked is because the City gives money to both and he felt that it shouldn't be for duplication of services. City Manager Standefer commented that MainStreet is focused on revitalizing the downtown and that is why the national MainStreet program was developed—to revitalize downtowns around the country. Councilor Parker spoke about the efforts of Portales MainStreet to improve the downtown area. He added that the reason the City participates is because the businesses downtown are helping themselves and trying to make a difference. Mayor Pro-Tem Miller asked for further questions.

2. Request for Approval of Biennial Memorandum of Understanding (MOU) Between the New Mexico MainStreet Program and the City of Portales.

Mayor Pro-Tem Miller asked City Manager Standefer for a presentation of the request for approval of the Biennial Memorandum of Understanding (MOU) between the New Mexico MainStreet Program and the City of Portales. City Manager Standefer told the Council that the Biennial resolutions are pretty standard and that its purpose is for the local MainStreet program to be nationally certified. Ms. Vigil commented that the MOU is behind a couple of years. She commented that their assessment is coming up on October 12th and New Mexico MainStreet will be looking for this MOU. She stated that although the Program works well with City Manager Standefer and Public Works Director John DeSha, New Mexico MainStreet wants a formal document stating that fact. She asked for their approval. Mayor Pro-Tem Miller asked the pleasure of the Council.

Councilor Robinson made the motion to approve the Biennial Memorandum of Understanding between the City of Portales and the New Mexico MainStreet Program. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.

(F) REQUEST TO RATIFY EXECUTION OF AMENDMENT NO. ONE (1) TO AGREEMENT APPROVED JULY 22, 2016 FOR ENGINEERING SERVICES BETWEEN THE CITY OF PORTALES AND OCCAM ENGINEER'S INC. FOR WATER DISTRIBUTION IMPROVEMENTS

Mayor Pro-Tem Miller asked Public Works Director John DeSha to present the request to ratify execution of Amendment No. One (1) to the agreement approved on July 22, 2016 for engineering services between the City and Occam Engineer's Inc. for water distribution improvements. John Desha told the council that the City had received approval by the funding agency on September 14, 2016 and that a notice of obligation is anticipated from the NM Environment Department within the next week on the funding of \$30,000. He commented that the City Manager had executed the amendment in the amount of \$35,485.42 plus NMGR to make sure that the grant funds are obligated due to the possible actions during a Legislative Special Session in which the State is looking for funds. He asked for Council ratification of execution of the amendment. He commented that the State had frozen many of the grants today. Mayor Pro-Tem Miller told the Council that this is important because it takes a year or two to get the contracts from the State and that the State is looking at clawing back many grants or contracts. He added that the City needs to obligate the project. City Manager Standefer commented that the 2016 money will not be clawed back. Mayor Pro-Tem Miller stated that the City Manager recently met with Senator Ingle to recommend the funds that the City would be willing to be taken. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to ratify execution of Amendment No. One (1) to the agreement with Occam Engineer's Inc. for water distribution improvements as presented. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(G) REQUESTING PERMISSION TO CONTRACT FOR NEW LOADER PURCHASE ON A COOPERATIVE PURCHASING AGREEMENT CONTINGENT UPON FUNDING AGENCY CONCURRENCE

Mayor King asked Public Works Director John DeSha to present the request for permission to contract for a new loader purchase on a Cooperative Purchasing Agreement contingent upon funding agency concurrence. Mr. Desha told the Council that this is another appropriation that we want to spend before the State takes it away. He commented that funding is a 2016 appropriation for \$100,000 (grant agreement 16-A2483) for a new loader for the Street Department. He said that staff began looking at cooperative purchasing agreements and that the brand selected is a Duson 220 with bucket, pallet forks and third hydraulic circuit found through NJPA cooperative purchasing agreement. He added that the cost for the loader is \$143,804 and that the City had budgeted \$32,000 toward the purchase. He commented that a budget adjustment in

the amount of \$11,804 will be required to complete the purchase. He stated that the funding agency, Local Government Division, would have to concur before final purchase approval. He asked the Council to grant permission to contract for the purchase. Mayor Pro-Tem Miller asked the pleasure of the Council.

Councilor Robinson made the motion to approve contracting for a new loader with the NJPA cooperative purchasing agreement contingent upon funding concurrence. Councilor Smith seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.

(H) ITEM(S) FROM THE PLANNING DEPARTMENT:

1. Requesting Approval of a Summary Subdivision of County Subdivision Submitted by David Stone – Lots 1-B & 1-C, Branscum Subdivision.

Mayor Pro-Tem Miller asked City Manager Standefer to present the summary subdivision submitted by David Stone and J.P. Stone Community Bank. Mr. Standefer told the Council that David Stone had submitted an application for a summary subdivision of Lots 1B and 1C of Branscum Subdivision. He commented that the subdivision is in the County but within the City's planning and platting jurisdiction. He stated that the subdivision is located about a mile and a half outside the city limits. He told the Council that the Planning Commission had met and approved recommending it to the Council with a waiver on curb and gutter, a waiver on lot road frontage and a 25' private access easement. Mr. Standefer stated that since the meeting of the Planning Commission staff has met with Mr. Stone for an additional easement for firefighting purposes. He asked that the Council allow staff to review it to make sure it meets the requirements of the City. Councilor Lucero asked where the subdivision is located. Mr. Standefer responded that it is south on US 70 off S. Roosevelt Road V. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Heflin made the motion to approve the county Summary Subdivision for David Stone and J.P. Stone Community Bank. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

2. Requesting Approval Easement Agreement for 2000 W. University Drive with John and Jacqueline Houser for an encroachment for a Stucco Wall.

Mayor King asked City Manager Standefer to present the easement agreement for 2000 W. University Drive with John and Jacqueline Houser for encroachment for a stucco wall. City Manager Standefer told the Council that the City enters into these easement agreements for financing purposes—he added that lenders want these agreements. He added that easement allows the City to take the wall down if necessary. He commented that he did not see an issue with obstruction. He stated that the easement agreement was sent to the attorney for review and that it was accepted as written. He told the Council that the encroachment is a 3.5 ft. high fence that sticks into the right-of-way about 7.9". He asked for questions or approval. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Parker made the motion to approve the easement agreement with John and Jacquelyn Houser for the stucco fence encroaching on the right of way at 2000 W. University as presented. Councilor Cordova seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(I) AUTHORIZATION FOR CONTRACT FOR AN OPTUM PROJECT COORDINATOR/OSAP PFS 2015 COORDINATOR PER THE OFFICE OF SUBSTANCE ABUSE PREVENTION

Mayor Pro-Tem Miler asked Chief Procurement Officer Carla Weems to present the contract for an OPTUM Project Coordinator/ OSAP PFS 2015 Coordinator per the Office of Substance Abuse Prevention. Ms. Weems told the Council that the City had gone out for RFP for the coordinator position and received two proposals. She reported that the evaluation committee had met and evaluated the proposals. She told the Council that the Committee had selected Darla Reed for the contract position. She stated that the initial contract is for

10 months with options to renew. Mayor Pro-Tem Miller asked the pleasure of the Council. ***Councilor Parker made the motion to authorize the contract with Darla Reed for OSAP PFS 2015 Coordinator as recommended. Councilor Smith seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(J) OTHER BUSINESS/CITIZENS TO BE HEARD

Mayor Pro-Tem Miller asked for items of Other Business.

Annual Toss no Mas Event: Deputy City Clerk Veda Urioste announced that the annual Toss no Mas event is scheduled for October 29th for cleanup of the City.

AMVETS Raising Funds: City Clerk Martinez-Terry asked Council to look at the handout sent by Tommy Knight of the AMVETS organization regarding re-dedication of the Vietnam Memorial on ENMU's campus. Mr. Knight had previously come to the Council to raise funds for a plaque to place at the memorial.

(K) 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), Related to the Purchase, Acquisition, or Disposal of Real Property or Water Rights.**

Mayor Pro-Tem Miller 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) related to the purchase, acquisition or disposal of real property or water rights. ***Councilor Parker made the motion to enter into Closed Session to discuss matters as provided for under State statutes. Councilor Cordova 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 Pro-Tem Miller asked for a motion to convene in open meeting. ***Councilor Robinson made the motion to Convene in Open Meeting. Councilor Heflin 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 Pro-Tem Miller 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:

There being no further business, Mayor Pro-Tem Miller adjourned the meeting at 7:40 p.m.