

TABLE OF CONTENTS FOR COUNCIL MEETING HELD DECEMBER 6, 2016: *

- A. Minutes of Previous Meeting(s):
 - 1. Regular Meeting held November 15, 2016.
- B. Retirement Ceremony and Recognition of Brenda Fenton, Fire Department Administrative Secretary.
- C. Proclamation Declaring the Week of December 4 – 10, 2016 as “DWI Awareness Week” in Portales, New Mexico.
- D. Ratification of Finance Department’s Actions on Bills for November 2016.
- E. **Resolution #16-17-25**, A Resolution Authorizing the Mayor to Sign the EMS Fund Act Grant Application with the New Mexico Department of Health Emergency Medical Services Bureau.
- F. **Resolution #16-17-26**, A Resolution Amending the City of Portales Procurement/ Purchasing Policy.
- G. Approval to Enter into Contract(s) for Job Order Contracting (JOC) for Various Categories for Services: General Contracting Services; Electrical Services; Plumbing and HVAC Services; Concrete Services to include Roadway Construction and Related Services; Water Wellfield Services; SCADA Control Services for the City of Portales.
- H. Discussion and Requesting Approval of 2017 Capital Outlay Request List.
- I. Notice of Intent to Adopt Ordinance No. 721, An Ordinance Amending and Modifying Existing Portales City Code, Section 2-71. Purchases of Real Property by City.
- J. Request for Approval of a Variance to encroach into front yard setbacks at 808 N. Avenue N—Owners, David and Beatrice Montanez.
- K. Other Business/Citizens to be Heard.

****Reception held prior to the Council meeting to honor Brenda Fenton upon her pending retirement and to recognize her 46-1/2 years of service.***

THE CITY COUNCIL OF THE CITY OF PORTALES met in regular session Tuesday, December 6, 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:

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| MAYOR: | Sharon L. King | |
| MAYOR PRO-TEM: | Michael G. Miller | |
| COUNCIL MEMBERS: | Veronica A. Cordova
Chadrick H. Heflin
Jim Lucero
Dianne Y. Parker | Oscar H. Robinson
Antonio O. Salguero
Jessica J. Smith (absent) |
| STAFF PRESENT: | Sammy Standefer, City Manager
Joan Martinez-Terry, City Clerk
Veda Urioste, Deputy City Clerk
Susan Baysinger, PW Proj. Admin.
Gary Nuckols, Fire Chief
Mike Inge, Fire Marshall
Brenda Fenton, Admin. Asst. Fire Dept.
Patti Heflin, Admin. Asst. Fire Dept.
Anthony Ortega, Building Inspector | Steve Doerr, City Attorney
John DeSha, Public Works Director
Marilyn Rapp, Finance Director
Shelley Johnson, HR Officer
Christine Mitchell, I.T. Tech
Carla Weems, Chief Procurement Officer
T.J. Cathey, Fire Battalion Chief
Donna Rutherford, Planning Director |
| OTHERS PRESENT: | Eamon Scarborough, Press
Trish Fenton
Janet Bresenham | Robin Inge
Chad Cabeldue
Melissa Cabeldue |

Mayor King asked Gary Nuckols, Fire Chief, to give the invocation and John DeSha, Public Works Director, to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

(A) MINUTES OF PREVIOUS MEETING(S):**1. Regular Meeting of November 15, 2016.**

Mayor King asked the Council to consider the minutes of the Regular Meeting of November 15, 2016. She asked for corrections or action on the minutes. Mayor King asked the pleasure of the Council. ***Councilor Cordova made the motion to approve the minutes of the regular meeting of November 15, 2016 as presented. Councilor Salguero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(B) RETIREMENT CEREMONY AND RECOGNITION OF BRENDA FENTON, FIRE DEPARTMENT ADMINISTRATIVE SECRETARY

Mayor King asked Brenda Fenton and Chief Nuckols to join her at the front of the room. She read aloud from the Certificate of Appreciation and handed Brenda a present to open. Mayor King commented on the wrapping paper, which was the comic section of the newspaper and commented on Brenda's passion to recycle. City Clerk Joan Martinez Terry did let Brenda know that due to the mail running behind we had to scramble to find something to present to her tonight. Chief Nuckols spoke briefly about the training that Brenda had provided him commenting about the high expectations she had for him when he became Chief and for the department's past Chiefs and Firefighters. He commented that it had been a pleasure and an honor to work with Brenda. He told the audience that he was the 8th Fire Chief and that she had seen over 100 new Firefighters. He stated that he had learned new words like "recycling" and "repurposing" adding that she saved envelopes (all sizes), paper clips and even staples in a jar. Brenda explained that the staples were saved in a jar to keep them from sticking to carpet. Chief Nuckols stated that he thought she was making jewelry out of the used staples. Mayor King asked if anyone else wanted to say a few words in honor of Brenda's 46-1/2 years of service. Mayor Pro-Tem Miller talked about growing up together in the Fire Department and that he had actually worked with Brenda while she was in the Police Department. Mike Inge, Fire Marshall praised Brenda for the help she had given him in his new job and stated that it had been a pleasure. T.J. Cathy, Battalion Chief said that Brenda is the heart and soul of the Fire Department and that she will be greatly missed. He commented that Brenda has been an inspiration to all the young Firefighters in the department to provide quality service. Mayor King thanked Brenda Fenton for her longevity and commitment to the City. Brenda thanked the many city employees who have worked with her. She said that when you think about it -- 46-1/2 years is your life. She said she didn't know anything else and commented that she had learned everything she knew from the people she had worked with. Brenda received a standing ovation.

(C) PROCLAMATION DECLARING THE WEEK OF DECEMBER 4 – 10, 2016 AS "DWI AWARENESS WEEK" IN PORTALES, NEW MEXICO

Mayor King declared the week of December 4 – 10, 2016 as DWI Awareness Week in Portales.

(D) RATIFICATION OF FINANCE DEPARTMENT'S ACTION ON BILLS FOR NOVEMBER 2016

Mayor King asked Finance Director Marilyn Rapp to report on the bills for November 2016. Ms. Rapp told the Council that the amount of the bills for November was \$1,300,532.13 in bills. She stated that the bills were pretty much standard expenses of the City. She reported that there was a \$1.00 credit that came from a

refund on an enhanced 911 overpayment on a Purchasing Card (P-Card). She stated that the City received the refund faster than the bill came due. She asked for questions and ratification of the bills by the Council.

November 2016

Pooled Cash Fund	999	1,300,532.13
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Mayor King asked the pleasure of the Council. Councilor Parker ***made the motion to approve the bills for November 2016. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(E) RESOLUTION #16-17-25, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE EMS FUND ACT GRANT APPLICATION

Mayor King asked Chief Nuckols to introduce Resolution #16-17-25, a resolution authorizing the Mayor to sign the EMS Fund Act grant application. Chief Nuckols stated that this is the same item that is brought before the Mayor and Council each year from the NM Department of Health (NMDOH). He told the Council that funding received from the NMDOH for paying many expenses for EMS operations. He stated that this fiscal year the amount received was \$18,459. He reported that the Department usually expects anywhere from \$15,000 to \$20,000 depending on funding, and that funding is allocated on the level of service as well as population and number of runs made. He told the Council that the Fire Department is applying for grant funds in the amount of \$20,000. He stated that the grant would pay for EMS supplies, equipment and training. He also stated that there would be no matching fund requirement and no cost to the City. Mayor King asked the pleasure of the Council. ***Mayor Pro-Tem Miller made the motion to adopt Resolution #16-17-25, authorizing the Mayor to sign the EMS Fund Act Grant Application. Councilor Parker seconded the motion. Roll call vote by all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.***

(F) RESOLUTION #16-17-26, A RESOLUTION AMENDING THE CITY OF PORTALES PROCUREMENT/PURCHASING POLICY

Mayor King asked Carla Weems, Chief Procurement Officer, to present Resolution #16-17-26, a resolution amending the City of Portales Procurement/Purchasing Policy. Ms. Weems stated that recommendations are to amend the Purchasing Policy to correct a couple of typos and to clean up some language in the policy. She stated that definitions had been added as well. She stated that the main change was made to raise the amount limit for getting quotes. Weems stated that the current limit is making it difficult for vendors to quote. She commented that the limit is proposed to go from \$1000 to \$5000 before having to actually go out for quotes. Mayor King stated that she saw other changes in the amendment. She referred Ms. Weems to the bottom of page 13 under "Ethical Conduct; a. Employee Participation" relating to an employee not participating directly or indirectly in procurement knowing that he/she or a member of his/her immediate family has financial interest in the procurement, and asked if this pertained to City Councilors also. Ms. Weems stated that it does refer to Councilors. Ms. Weems stated that this information was under a different section previously and that it was moved in the amended policy. She did state that at the end of the policy, the Council would find Attachment B "Employee Waiver" and that this form would be required. The Mayor asked if an employee who wanted to participate would need to fill out one of these forms. Ms. Weems stated affirmatively; however, they would need to provide three quotes and would have to have pre-approval. The Mayor asked if this only pertains to regular employees and would not pertain to the EAB (Employee Association Board). Ms. Weems agreed. Mayor King asked the pleasure of the Council. ***Councilor Lucero made the motion to adopt Resolution #16-17-26, amending the City of Portales Procurement/ Purchasing Policy. Councilor Cordova seconded the motion. Roll call vote by all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.***

(G) APPROVAL TO ENTER INTO CONTRACT(S) FOR JOB ORDER CONTRACTING (JOC) FOR VARIOUS CATEGORIES FOR SERVICES: GENERAL CONTRACTING SERVICES; ELECTRICAL SERVICES; PLUMBING AND HVAC SERVICES; CONCRETE SERVICES TO INCLUDE ROADWAY CONSTRUCTION AND RELATED SERVICES; WATER WELLFIELD SERVICES; SCADA CONTROL SERVICES FOR THE CITY OF PORTALES

Mayor King asked Chief Procurement Officer Carla Weems and Public Works Director John DeSha to present the contracts for Job Order Contracting for General Contracting Services; Electrical Services; Plumbing and HVAC Services; concrete Services to include roadway construction and related services; water wellfield services and SCADA control services for the City. Ms. Weems stated that request to negotiate these contracts was presented a couple of meetings back. She told the Council that the list of contractors was included in the staff summary and that staff requests permission to contract with them for the various services. Mayor asked if these were the only ones that had submitted proposals. Ms. Weems responded affirmatively. Mayor Pro Tem Miller asked if negotiations had been completed. Mr. DeSha stated that negotiations had been completed and that staff was asking permission to sign the contracts. Councilor Lucero asked if this would be for the projects for next year. Mr. DeSha responded that these contracts would allow Department heads the ability to call plumbers for small jobs. He commented that the contracts could be renewed for the next year. Mayor King commented that this was interesting because the City gets criticized for not contracting with local businesses. Mr. DeSha stated that there were no local businesses that responded to the RFP. Councilor Parker asked if this was for a one-year contract. Mr. DeSha stated that it is to contract for a year with three one-year renewals. Ms. Parker stated that she approves of the process adding it saves time in obtaining services and that, if something needs to be fixed, the City can go to the list of contractors. Mr. DeSha stated that staff will continue to try to get local businesses to participate. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to approve entering into contract(s) for job order contracting (JOC) with the contractors for the various categories for services. Councilor Cordova seconded the motion. All Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.***

(H) DISCUSSION AND REQUESTING APPROVAL OF 2017 CAPITAL OUTLAY REQUEST LIST

Mayor King asked Sammy Standefer, City Manager, to present the 2017 Capital Outlay Request list. Mr. Standefer stated that the 2017 Legislative Session begins in January and that staff is asking that Council approve the top five (5) projects on the 2018-2022 ICIP list to be presented to the local legislators. Those 5 projects are:

1. Wellfield Improvements for \$395,000 to plan, design and construct Wellfield improvements;
2. Fire Protection/Water Circulation Upgrades for \$175,000 to plan, design and construct fire protection and water circulation upgrades;
3. New Fire Department Substation for \$3000,000 to plan, design, construct, connect to utility services and equip a new Fire Department Sub Station;
4. Portales Police Headquarters for \$150,000 to acquire, plan, design, construct and equip a new Police Headquarters; and
5. Cemetery Expansion for \$150,000 to acquire land, plan, construct, and install upgrades for the Portales Cemetery.

Mr. Standefer told the Council that, if approved by the Council, the projects would be put into binders to be presented to the Legislators. Mr. Standefer referred back to the Police headquarters project and stated that he felt that the City would not get quite as much as requested without having a location. He stated that he felt thought that the City could possibly get \$25,000 to \$50,000 for land acquisition. He stated that the projects listed were the top 5 selected, and asked them to add anything else to the list they wanted. Mayor King asked why the number for the Police headquarters project on the summary was different from the ones on the page immediately following. Susan Baysinger commented that the items on the list are the original

requested amounts. Mr. Standefer stated that we were only asking for \$150,000 for Capital Outlay, versus the total amount for the project because we felt that if we get the \$150,000 we would be in a good starting place. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the 2017 Capital Outlay request list as presented. Councilor Cordova seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(I) NOTICE OF INTENT TO ADOPT ORDINANCE NO. 721, AN ORDINANCE AMENDING AND MODIFYING EXISTING PORTALES CITY CODE, SECTION 2-71. PURCHASES OF REAL PROPERTY BY CITY

Mayor King asked Mr. Standefer to present this item. Mr. Standefer stated that in the process to purchase property it is difficult to get two certified appraisals in this area of New Mexico and that bids have to be requested several times. He told the Council that the amendment to the ordinance would require only one appraisal. Standefer stated that in looking at other parts of the state and state statute it was discovered that two appraisals are not required. He told the Council that there is another change needed to be made under Section II. a. reflecting "obtaining a written appraisal reflecting the appraised value of said real estate, real property or any interest therein within sixty (60) days of the date of purchase." He commented that a more realistic number would be 180 days. He asked for their approval. Mayor King asked the pleasure of the Council. ***Mayor Pro-Tem Miller made a motion to approve Notice of Intent for Ordinance No. 721 as discussed. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion Carried.***

(J) REQUEST FOR APPROVAL OF A VARIANCE TO ENCROACH INTO FRONT YARD SETBACKS AT 808 N AVENUE N—OWNERS, DAVID AND BEATRICE MONTANEZ

Mayor King asked Donna Rutherford, Planning Director to present the request to approve a variance to encroach into the front-yard setbacks at 808 N. Avenue N. Ms. Rutherford stated that the Planning Commission had met and held a Public Hearing on October 24th, 2016 to discuss the application for a variance for front yard setback at 808 N. Avenue N submitted by David and Beatrice Montanez to allow them to construct a garage in the front yard setback of the property. She told the Council that the garage will match the façade of the house, which was built 3 years prior. She stated that the garage will extend 10 feet into the setback of 20 feet. Rutherford stated that the code allows for building to extend into the setback as long as it doesn't occupy more than 20% of a required yard. She commented that the proposed garage does not exceed this requirement and that the code allows for a variance due to hardships and that the application states that they do have a special needs child and that the garage will help to get the child in and out of the house easier. Mayor King asked why a garage was not considered when the house was built. Mr. Standefer stated that he believed that building the garage was an afterthought. Ms. Rutherford commented that, when the Montanez' were building their house, they lived in a trailer on the same property. She stated that they had plenty of room to put up the garage when they moved into their house. Councilor Heflin stated that there were no negative comments from the audience present during the public hearing. Rutherford added that the family is planning to utilize the garage at a later time as extra living space for their special needs child. Mayor King stated that she felt that staff should work to plan ahead a little bit better. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to approve the variance as presented. Councilor Heflin seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(K) OTHER BUSINESS/CITIZENS TO BE HEARD

Mayor King asked for "Other Business."

Comment on Employee Christmas Party: Mayor King thanked Donna Rutherford and anyone else responsible for the Christmas party stating that she appreciated the invitation and that it was a very nice party.

ADJOURNMENT:

There being no further business, Mayor King adjourned the meeting at 8:25 p.m.

Joan Martinez-Terry, City Clerk