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  - 2. Action to Convene in Open Session.
  - 3. Action Required as a Result of the Closed Session.

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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, April 3, 2012, at 7:00 p.m., in the Council Chambers of the Portales City Hall 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:	Ronald L. Jackson	
COUNCIL MEMBERS:	Matthew Tod Hunton Leo Lovett Michael Lenard Lucero Dianne Y. Parker	Antonio Salguero Oscar Robinson Keith A. Thomas
STAFF PRESENT:	Tom Howell, City Manager Joan Martinez-Terry, City Clerk Marilyn Rapp, Finance Dir. Johnny DeSha, Public Wks. Dir. Gary Nuckols, Fire Chief Veda Urioste, Deputy Clerk	Jeff Gill, Police Chief Dennis Hales, I.T. Dir. Steve Doerr, City Attorney Carla Weems, Admin. Secretary Jodi Kibbe, Rec. Center Dir. Sammy Standefer, Planning Dir.
OTHERS PRESENT:	Christina Calloway, Press Ronnie Birdsong Kyla Patrick Jon Birdsong Brenna Jewell	Spencer DeBord Anastasia Casteel Zac Self Brenna Jewell Alexia Knight

Mayor King asked Councilor Leo Lovett to give the invocation, and Sammy Standefer, Planning 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 April 3, 2012.**

Mayor King asked for Council to consider and approve the minutes of the Regular Meeting of April 3, 2012 as written and presented. *Councilor Salguero made the motion to approve the minutes of the regular meeting of April 3, 2012 as presented. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

### **(B) AWARD PRESENTATION(S):**

#### **1. Recreation Center Student Winners of Recreation Center Students for April 2012 Fair Housing Coloring Competition.**

Mayor King asked Jodi Kibbe, Recreation Center Director, to step forward to make the presentation. Ms. Kibbe told the Council and audience that there two activities are required as fair housing activities, and that Ms. Baysinger does the following: 1) a Fair Housing proclamation; and 2) a coloring competition held at the Portales Recreation Center. She stated that there were 21 participants who will receive certificates of participation with two first place winners. She reported that Brenna Jewel won first place in the 5 – 7 age group; and Alexia Knight won first place in the 8 – 10 age group. Ms. Kibbe and Mayor King presented the award along with a gift basket to Brenna Jewell and Alexia Knight. Pictures were taken of the winners with Mayor King and Ms. Kibbe. present the awards for the 2012 Fair Housing Coloring Competition.

#### **2. Winner of Clean & Beautiful Trash Can Contest.**

Mayor King asked Deputy Clerk Veda Urioste to present the trophy to the winner of the Trash Can Contest. Ms. Urioste reported that there were 3 entries in the contest: Brown Development Center, Lindsey-Steiner School; and Portales Recreation Center. She commented that voting was conducted during the Great American Clean-Up held the previous weekend. Ms. Urioste presented the trophy to Lindsey-Steiner School and stated that the school also won \$250.00 for their art program. Ms. Carol Ainsworth took pictures of the children from Lindsey-Steiner School and then took a picture with the group.

### **(C) PROCLAMATION(S):**

#### **1. Cinco de Mayo 2012 Celebration in Portales, New Mexico.**

Mayor King asked Deputy Clerk Veda Urioste to step forward to receive proclamation and read it aloud proclaiming May 5<sup>th</sup>, 2012 as an important day in Portales, New Mexico and invited the public to join the Cultural Affairs Committee in celebrating the cultural diversity of the community by participating in the 2012 Cinco de Mayo Talent Show. Ms. Urioste invited the Council and audience to the event to be held at the Memorial Building on Saturday, May 5, 2012 at 2:00 p.m.

## **2. 2012 Fair Housing Day in Portales, New Mexico.**

Mayor King asked read the Fair Housing proclamation aloud to the audience declaring April 18, 2012 as Fair Housing Day in Portales, New Mexico and asked that the proclamation be given to Capital Projects Administrator Susan Baysinger when she returns.

## **3. ComCast Cares Day – April 21, 2012.**

Mayor King asked Mr. Spencer DeBord and Ms. Jodi Kibbe to come forward to receive the proclamation naming April 21<sup>st</sup> 2012 as ComCast Cares Day. The Mayor read the proclamation aloud. Mr. DeBord told the Council that the project this year is the Portales Recreation Center adding that it will be a great day for volunteerism in the community. He commented that he had been looking at the Center and that the project will be to paint the outside, build planters, and put in trees at the building. DeBord told the Council that the Center is a happening place with 80 to 90 kids every day. He commented that he will be working to get donations to add to their budget to replace ceiling tiles and lights. He stated that the project will require a lot of volunteers. DeBord also told the group that ComCast Universal Foundation will donate funds for the Center depending on the number of volunteers that help with the Center. He asked everyone to invite their friends. He said that a meal will be provided and there will be coffee and donuts in the morning. He said that if the work did not get completed, that ComCast will come back and finish. Jodi Kibbe stated that she was very excited about the plans to improve the Center. Mayor King thanked Mr. DeBord.

## **(D) APPOINTMENTS/REAPPOINTMENTS OF COUNCIL COMMITTEES AND BOARDS**

Mayor King asked that the Council ratify the appointments and reappointments as presented to them at this meeting. The appointments/reappointments were as follows:

- Public Safety Committee:
 

<u>Donald Criss</u>	<u>Ronald Jackson</u>
<u>Michael Lucero</u>	<u>Dianne Y. Parker</u>
<u>Dale Shank</u>	<u>Charlie Smart</u>
  
- Recreational Advisory Board:
 

<u>Charles Abbott</u>	<u>Denise Burnett</u>
<u>Gary Carter</u>	<u>Randy Knudson</u>
<u>Michael Rackler</u>	<u>Oscar Robinson</u>
<u>Lupe Rodriguez</u>	
  
- Finance/Administration Committee:
 

<u>Ronald Jackson</u>	<u>Leo Lovett</u>
<u>Michael G. Miller</u>	<u>Scott Smart</u>
<u>Keith Thomas</u>	<u>Chris Wood</u>
  
- Public Works Committee:
 

<u>Steve Davis</u>	<u>Matthew Hunton</u>
<u>Michael Lucero</u>	<u>Antonio O. Salguero</u>
<u>Clarence Smith</u>	<u>Gary Watkins</u>
<u>Linda Uttaro</u>	
  
- Cultural Affairs Committee:
 

<u>Nina Bjornsson</u>	<u>Yolanda Chavez</u>
<u>Diane Cole</u>	<u>Geni Flores</u>
<u>Jeff Gill</u>	<u>Joan Martinez-Terry</u>

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|--|-------------------------------------|-------------------------------------|
|  | <u>Pilar Moreno</u>                 | <u>Jennifer Ornelas</u>             |
|  | <u>Valerie Shines Warmly Pacini</u> | <u>Oscar Robinson</u>               |
|  | <u>Barbara Royer</u>                | <u>Linda Sumption</u>               |
|  | <u>Veda Urioste</u>                 | <u>Lillie Valdez</u>                |
|  | <u>Dawn Wolf-Taylor</u>             |                                     |
| • Lodger’s Tax Advisory Board:   | <u>Joey Lopez</u>                   | <u>Sheryl McClary</u>               |
|  | <u>Dr. John Montgomery</u>          | <u>Girish Pandya</u>                |
|  | <u>Penny Sanders</u>                |                                     |
| • Economic Development Finance Review Committee:                           | <u>Kevin Bond (MainStreet)</u>      | <u>Thomas L. Howell (City Mgr.)</u> |
|  | <u>Randy Knudson (RCCDC)</u>        | <u>Leo Lovett (Council)</u>         |
|  | <u>Jerry Partin (RCCDC)</u>         | <u>OPEN (Roos. Co. Chamber)</u>     |
|  | <u>TBD (CDC Director)</u>           | <u>Marilyn Rapp (Ex-Officio)</u>    |
|  | <u>Sammy Standefer (Ex-Officio)</u> |                                     |
| • Planning Commission:   | <u>Alfredo Bachicha, Jr.</u>        | <u>Beverly Bennett</u>              |
|  | <u>Matthew Christenson</u>          | <u>Dr. Kathie Good</u>              |
|  | <u>Wayne Kiker</u>                  | <u>Glenn McCoy</u>                  |
|  | <u>OPEN</u>                         |                                     |
| • Roosevelt County Community Development Corporation (Council Appointment: | <u>Kevin Bond</u>                   | <u>David Hunton</u>                 |
|  | <u>Sharon King</u>                  | <u>Leo Lovett</u>                   |
| • Eastern NM Rural Water Association:                                      | <u>Sharon King</u>                  |                                     |
| • Local Growth Management Committee:                                       | <u>Sharon L. King</u>               | <u>Keith Thomas</u>                 |
| • Roosevelt County Chamber of Commerce (Council Rep):                      | <u>Dianne Y. Parker</u>             |                                     |
| • Ute Water Commission (Council Representative:                            | <u>OPEN</u>                         |                                     |
| • Golden Acres Board:  | <u>Antonio O. Salguero</u>          |                                     |
| • Workforce Development Board:   | <u>Matthew Hunton</u>               |                                     |
| • Eastern Plains Council of Governments:                                   | <u>OPEN</u>                         |                                     |

Mayor King told the Council that there are 4 positions outstanding: 1 spot on the Economic Development Finance Review Committee; 1 on the Planning Commission; the Ute Water Commission (meets only as needed); and a representative on the EPCOG (meetings in Clovis). The Mayor asked for volunteers for the open positions. Mayor King stated that she had added Clarence Smith of the Roosevelt County Water Coop to the Public Works Committee. She described the Committees to the Council and, again, asked for volunteers. **Councilor Robinson volunteered for the vacancy on the EPCOG.** Councilor Lovett

asked when the Ute Water Commission meets. Mayor King responded that they meet as needed. **Councilor Lovett volunteered to the position on the Ute Water Commission.** She asked for a volunteer for the vacancy on the Planning Commission that meets on the second and third Mondays of the month. **Councilor Thomas volunteered for the vacancy on the Planning Commission.** Mayor King asked for a volunteer for the Economic Development Finance Review Committee. **Councilor Hunton volunteered for the vacancy on the Economic Development Finance Review Committee.** Mayor King commented that the RCCDC Director position is still outstanding. She stated that Lodger's Tax Advisory Board would be the same as previously appointed. She asked for action from the Council. *Councilor Robinson made the motion to confirm the appointments and reappointments made by Mayor King and the volunteers to the vacancies: Councilor Robinson to EPCOG; Councilor Lovett to the Ute Water Commission; Councilor Thomas to the Planning Commission and Councilor Hunton to the Economic Development Finance Review Committee as declared in the meeting. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(E) RATIFICATION OF FINANCE DEPARTMENT'S ACTIONS REGARDING BILLS FOR MARCH 2012**

Mayor King asked Marilyn Rapp, Finance Director, to report on the bills for March 2012. Ms. Rapp reported that the Finance/Administration Committee had met, reviewed the bills and approved recommendation to Council for approval of the bills as paid. She told the Council that the bills for the month were in the amount of \$1,130,795.32 and asked for questions or concerns from the Council and for ratification of the bills.

**March 2012**

Pooled Cash Fund	999	\$1,130,795.32
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Mayor King asked for action from the Council. *Councilor Lovett made the motion to ratify the payment of the bills for March 2012 as presented. Councilor Jackson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(F) RESOLUTION #11-12-32. A RESOLUTION TO DETERMINE CERTAIN STRUCTURES AS DANGEROUS BUILDINGS**

Mayor King asked Sammy Standefer, Planning Director, to introduce Resolution #11-12-32. Sammy Standefer reported that the resolution will declare properties listed on the attachment to the resolution to be dangerous and require the owners to begin to remedy the dangerous conditions of the structures. The list shows the properties prioritized by degree of hazard: 1309 N. Austin, 114 W. Ivy, 219 S. Avenue F, 208 S. Avenue F and 701 W. 2<sup>nd</sup> Street. He stated that the resolution gives them 30 days to contact his office and begin to remedy the condition of the structures. Standefer asked that the Council review the list of work required for each structure. He commented a key issue is funds budgeted and the potential cost to remove or correct the problems. Councilor Lovett asked if the amount budgeted was \$40,000.00. City Manager Howell responded that this is correct, but that if the City starts demolition we may problems with asbestos. He stated that the City will move forward with contractors or city workers until we run out of money. Councilor Lucero asked if the City would train the employees in removal of asbestos. City Manager Howell responded that asbestos would be removed by a private company. Councilor Parker asked about the amount of time it would take to get the properties remedied. Standefer commented that attempts to contact the owners of the properties have been made with no luck in notification. He commented that the 1<sup>st</sup> property is on the list because it is in very bad shape and that it

is an emergency situation. Councilor Thomas asked about the process in handling the properties—does the Council have to direct the demolition. Standefer responded that the Council must formally adopt a resolution; the City has to notify the owners and if we can't notify the owner we will have to publish its intent. City Attorney Doerr stated that the buildings have to be declared dangerous buildings, and then the law gives the City the right to correct the problem. He added that any expense to the City will be filed as a lien on the property and then can be foreclosed and the property sold. He commented that some of the costs can be recovered. Councilor Robinson asked how the houses were selected commenting that there is a house in his ward that may be in worse condition. Mr. Standefer answered that the City has received many complaints from citizens on the houses listed. City Manager Howell asked Councilor Robinson to give staff the address of the house he mentioned and it will be reviewed. He asked that the Council submit a list of structures to staff that they have concerns about. City Attorney Doerr stated that he had visited with the Fire Chief and Police Chief before the properties were selected. Mayor King asked for further comments or action on the resolution. ***Mayor Pro-Tem Jackson made the motion to adopt Resolution #11-12-32, resolution to determine certain listed structures as dangerous buildings. Councilor Robinson seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.***

**(G) AUTHORIZATION FOR NEGOTIATION OF A CONTRACT FOR ENGINEERING PROFESSIONAL SERVICES FOR THE LOS LOMAS SECTION WELL DEVELOPMENT PLANNING, DESIGN AND CONSTRUCTION MANAGEMENT**

Mayor King asked Public Works Director John DeSha to report on the request to negotiate a contract for engineering services for the Los Lomas well development project. He told the Council that proposals had been received for the project and had been evaluated by a five-member panel that ranked them in the following order: 1) Smith Engineering; 2) Souder, Miller & Associates; 3) Brandt Engineering; 4) Phelps Engineering; and 5) Parkhill, Smith & Cooper. Mayor King asked for the purpose of the project. DeSha responded that the engineering services were for getting the seven wells at Black Water on the City water system. Mayor King asked for further questions or for action on the request. ***Councilor Parker made the motion to authorize negotiation of a contract for engineering services for Los Lomas well development with the firms in the order listed. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(H) ITEM(S) FROM THE ECONOMIC DEVELOPMENT FINANCE REVIEW COMMITTEE:**

**1. Recommendation from the Finance Review Committee for a Request for Economic Development for the American Family Entertainment Corporation for a Feasibility Study.**

Mayor King asked City Manager Howell to report on the recommendation from the Economic Development Finance Review Committee. City Manager Howell told the Council that the Roosevelt County Community Development Corporation had submitted an application for \$5,000.00 for a feasibility study for an entertainment complex. The recommendation by the Finance Review Committee is for the Council to authorize the Mayor's signature on the participation agreement submitted with the resolution to follow.

**2. Resolution #11-12-33. Authorizing the Mayor's Execution of Project Participation Agreement between the City of Portales and the Roosevelt County Community Development Corporation for the Use of Economic Development Tax Revenues.**

Mayor King asked for Council approval of the recommendation and Resolution #11-12-33, authorizing the Mayor's execution of the participation agreement with the RCCDC for use of economic development revenues for the feasibility study. *Councilor Lovett made the motion to accept the Economic Development Finance Review Committee's recommendation for use of funds in the amount of \$5,000.00 for a feasibility study for an entertainment complex. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(I) RENEWAL OF JOINT USE AGREEMENT WITH THE PORTALES MUNICIPAL SCHOOL DISTRICT FOR THE PORTALES HIGH SCHOOL BASEBALL FIELD, WHEELER PARK GIRLS SOFTBALL FIELD AND BILL WAHLMAN TENNIS COURTS**

Mayor King asked City Manager Howell to report on the request for renewal of the agreement with the Portales Municipal School District. Howell told the Council that the City has had a joint use agreement with the public schools for a long time allowing the City to use school facilities for City League recreation, softball and tennis. He commented that the school district had approved a master agreement for 3 years and this is just a renewal on the City's part. City Manager Howell told the Council that maintenance on the facilities is shared—the City does maintenance during the time it uses the facilities and then we work together to maintain the properties. Councilor Salguero asked who would be responsible for damages to facilities. Howell responded that, if the damages occurred during the time we were using the facilities, then the City would be responsible. Mayor Pro-Tem Jackson asked about the water and electric utilities. Howell responded that the City pays for water and pays for electricity for the time the City uses the facilities. Councilor Lovett asked if the agreement was equitable. City Manager Howell responded that it has worked very well for joint use—that it is good economics for the City to share with the schools. Councilor Parker stated that it has been working for the betterment of the community. Mayor King asked for further questions or for action from the Council. *Councilor Lucero made the motion to approve renewal of the joint use agreement with the Portales Municipal School District for use of the Portales High School Baseball Field, Wheeler Park Girls Softball Field and Bill Wahlman Tennis Courts. Councilor Lovett 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 King asked for items of other business.

Councilor Thomas reported on the Deming trip. He told the Council that the group toured their family entertainment center, which is a 48,000 square foot facility. He commented that he thought it was over built with 8 movie screens and 18 lanes of bowling, an indoor mini-golf course, restaurant and lounge. He stated that he thought the potential for income would be better here in Portales. He added that it was a nice facility. He stated that he thought Portales should look at a smaller type facility. The Councilor stated that the Deming facility draws from Las Cruces. He commented that he had a problem with the management philosophy. Mayor Pro-Tem Jackson asked if the money to be spent on the feasibility study going to give Council an idea of whether it would be successful here in Portales. City Manager Howell responded that it would give us that information. Councilor Thomas commented that he was skeptical upon returning from the trip. The Council briefly discussed the type of facility that Portales

would need. Councilor Lucero asked if the facility would be privately owned or City owned. Councilor Thomas stated that his idea was for the City to own it, but managed privately.

Councilor Salguero voiced a couple of concerns--maintenance responsibility over the small park behind the Head Start building, adding that it needs a little attention; the island where the F-111 is parked; and behind the Pizza Hut—is developer, putting in apartments on a corner lot, allowed to cut the road. City Manager Howell responded that the City will maintain the park behind Head Start. The area around the F-111 is in the highway improvement project and will be landscaped as part of the work. Mr. Howell stated that where the developer has cut the road behind the Pizza Hut will be the responsibility of the developer—he will either pay for the work or repair it himself. Mayor King asked about the street cut on Elbe Street that was becoming a hazard. City Manager Howell responded that the City is waiting for hot mix for the repairs. Councilor Robinson thanked Councilor Salguero for bringing up the street cut on the street behind the Pizza Hut.

Councilor Hunton asked if the County was in charge of the courthouse parking lot. He commented that there is a need for a one-way sign on the exit onto Avenue A. He stated that there have been some near misses with people turning the wrong way. City Manager Howell responded that the City would take care of it.

Mayor Pro-Tem Jackson reminded the Council and audience that the Portales Softball Association will hold a Cinco de Mayo tournament on May 5<sup>th</sup> and 6<sup>th</sup>. He complimented the Parks/Cemetery Department for the work being done at the cemetery and at the softball complex.

Councilor Lovett reported that the RCCDC Board has met weekly and will begin meeting biweekly. He commented that the RCCDC will be re-advertising for the position of RCCDC executive director and put it out on national sites. He added that the Board wants to be careful who is hired. He thanked City staff for the temporary fix at Morrison Park and commented that it looked like permanent fixes are being worked on for the problem. He reported that a water leak at the ball field is cutting into the field at the shortstop position.

Councilor Parker thanked the Council members for their help with the trash walk. She stated that it was successful. She thanked the Mayor and Councilors Jackson, Lovett and Salguero for helping. She asked City Manager Howell about an update on the Grand. Mr. Howell responded that the work is going very slowly due to financial issues. Councilor Parke commented that it probably would not open this year. She also asked about keeping vehicles out of Rotary Park. She commented that there have been some vehicles inside the park recently.

Councilor Thomas suggested that a fence be put in on the east side of the Recreation Center building. He commented that the kids have been playing tether ball and that he is concerned about security.

Mayor King asked the staff for items of other business.

Finance Director Rapp commented that staff is busy working to get meetings together.

City Manager Howell invited the Council to go by the Recreation Center on Saturday to help paint the building. He commented that this would help the numbers for funds from ComCast.

Mayor King asked for comments from the college students in the audience to which there was a general comment of approval of the idea of a family entertainment center.

There were no further items of other business.

**(I) EXECUTIVE SESSION/CLOSED EXECUTIVE MEETING:**

The scheduled closed executive session was tabled due to lack of action.

**ADJOURNMENT:**

There being no further business or comments, Mayor King adjourned the meeting at 8:05 p.m.

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Joan Martinez-Terry, City Clerk