

(A) MINUTES OF PREVIOUS MEETING(S):**1. Regular Meeting of July 17, 2012.**

Mayor Pro-Tem Jackson asked for Council to consider and approve the minutes of the Regular Meeting of July 17, 2012. *Councilor Parker made the motion to approve the minutes of the regular meeting of July 17, 2012 as presented. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

(B) UPDATE—U.S. HIGHWAY 70 IMPROVEMENTS

Mayor Pro-Tem Jackson asked for a report on the U.S. Highway 70 improvements in the absence of the representatives of the state highway department and Contractors Inc. Public Works Director John DeSha reported that the representatives of the state highway department and Contractors Inc. had said they would be in attendance at the meeting held earlier in the day. He stated that the contractor is moving along with the work and that they had stated that they want to start another section and will pour tomorrow night. He commented that they will begin the work on the medians. DeSha stated that the meeting with MainStreet about the lights around the square has been postponed. Mayor Pro-Tem Jackson commented that they need to be encouraged to attend the Council meetings. DeSha stated that he had reminded them and would do so again before the next Council meeting.

(C) PRESENTATION OF MAIN STREET TRAFFIC STUDY (2ND TO 4TH STREETS)

Mayor Pro-Tem Jackson asked City Manager Howell to give the presentation of the traffic study on Main Street from 2nd to 4th Streets. Mr. Howell told the Council that speed monitoring had been conducted from 7:00 a.m. to 5:00 p.m. up at 3rd and 4th and Main and on Monday, Wednesday and Friday. He reported that 708 were the most vehicles traveling south on Main and that 168 were the least in the daily count. He reported that the total of 2352 vehicles traveled through the area. Howell reported that a total of 1719 vehicles traveled north in the area of the study. He stated that, using 5 years of data, there had been 7 wrecks at 3rd and Main with one (1) that did a U-turn; three (3) wrecks were eastbound and three (3) were westbound. He stated that 4 of the wrecks occurred from 1:46 to 4:43 and the others were after 6:00 p.m. He stated that almost every one of the wrecks were between a car and a pickup. He commented that all drivers had reported that they had stopped at the stop sign. Howell told the Council that Main Street is 56 feet curb to curb; adding that when big pickups are parked, there is 23 feet of roadway. He stated that he and staff had looked at changing the parking to parallel and changing the angle of parking—45 degree angles can be met. He reviewed the number of parking spaces with the Council and commented that changing the angle to 45 degrees would reduce the number of parking spaces, but that parallel parking would reduce the number even more. Howell told the Council that the recommendation is that the City lower the speed limit to 15 mph in the 200 and 300 blocks of S. Main and that MUTCD Congested Traffic Area sign be posted the congested intersection. He stated that the recommendation included building an island on Main and 3rd so that the stop sign can be moved out to allow an additional 10 feet for increasing the vision of the driver. Councilor Thomas stated that he had spoken to the owner on the corner of 3rd and Main and that one parking space could be removed. Councilor Robinson asked about designated crosswalks at the corner. City Manager Howell stated that this is also planned. Councilor Hunton asked about the cost of putting in the island. City Manager Howell responded that the cost would be less than \$1,000.00. Councilor Lucero asked if the City had talked to the other business and property owners. John DeSha, Public Works Director, responded that he had talked to some of the business owners on Main. Councilor Robinson asked if the cars parked along Main belong to proprietors or customers. City Manager Howell responded that it is both. Mayor Pro-Tem Jackson asked where the speed limit signs would be posted. Howell responded that it would be from 2nd to 4th Streets. Mayor Pro-Tem Jackson asked about the timing of the new traffic light at the corner of 2nd

and Main. Mr. Howell responded that it would be a new modern light and would be synchronized with the other traffic light. Councilor Robinson asked if the island would impede emergency vehicles running down that street. City Manager Howell stated that it would not. Citizen Mel Bishop disagreed with City Manager Howell. Councilor Lucero asked what traffic light the Mayor Pro-Tem was talking about earlier. Howell responded that it would replace the temporary light at the corner of Main and 2nd Street. City Manager Howell told the Council that the City would take action on the changes to Main Street right away. Mayor Pro-Tem Jackson asked John DeSha about construction time for the changes to Main Street. Mr. DeSha stated that it could be done in a week or so depending on whether the Street Department had the supplies to do the job. He stated that the signs would need to be ordered.

(D) NOTICE OF INTENT TO ADOPT ORDINANCE NO. 698. AN ORDINANCE AMENDING, DELETING AND REPLACING PARTS AND SECTIONS OF ARTICLE VII, LODGERS' TAX. THIS ARTICLE IS KNOWN AS "THE LODGERS' TAX ORDINANCE."

Mayor Pro-Tem Jackson stated that staff had requested that this item be tabled to the next Council meeting because additional changes are needed for the amendment of the Lodgers Tax Ordinance. He asked the pleasure of the Council. *Councilor Robinson made the motion to table the Notice of Intent to Adopt Ordinance No. 698 for additional changes to the next meeting. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

(E) REQUEST TO AUTHORIZE THE MAYOR'S SIGNATURE ON THE LITTER CONTROL & BEAUTIFICATION GRANT AGREEMENT

Mayor Pro-Tem Jackson asked Deputy Clerk Veda Urioste to talk about the grant agreement with Clean & Beautiful. Ms. Urioste told the Council that the grant in the previous year was \$10,000.00, but that this year the city will only get \$7,900.00, probably due to the economy. She told the Council that the funds will be used again this year to get service organizations to clean the parks and to remove graffiti. She commented that the annual Great American Clean-up and the Toss No Mas events will be held as usual. She asked that the Council come out and help with cooking for the participants in the Great American Clean-up event. Mayor Pro-Tem Jackson asked how the grant funds are used. Urioste responded that the funds are used for advertising, prizes and stipends for the service organizations. She commented that the shirts and trash bags are provided by the state. Mayor Pro-Tem Jackson asked the pleasure of the Council. City Clerk Martinez-Terry asked that the Council approve the signature of the Mayor Pro-Tem. *Councilor Parker made the motion to authorize the Mayor Pro-Tem to sign the Litter Control & Beautification grant agreement. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

(F) RESOLUTION #12-13-08. AUTHORIZING THE MAYOR TO SIGN THE LOAN APPLICATION TO THE NM MORTGAGE FINANCE AUTHORITY FOR THE PURCHASE OF A NEW 100 FT. AERIAL PLATFORM FIRE APPARATUS

Mayor Pro-Tem Jackson asked Fire Chief Nuckols to present the resolution authorizing the Mayor to sign the loan application for a new fire apparatus. Chief Nuckols told the Council that the application to the New Mexico Mortgage Finance Authority (NMMFA) had been prepared for a loan for a new 100 ft. Aerial Platform Fire Apparatus and that a copy of the loan application had been included in their packet of information. He told the Council that this piece of equipment has been a high priority for the Fire Department for the last 5 to 6 years. He stated that he had attempted to pay off the debt service on the Fire Station and started to put together a down payment for a new fire apparatus. He told the Council

that \$308,306.00 in savings is available for the down payment. He stated that the total cost for a new fire apparatus is \$852,983.00, which is slightly lower than the original estimate. Nuckols stated that the State has given approval to expend Fire Protection Funds for the apparatus and to enter into a loan with the NMMFA. He stated that the loan can be paid off in five (5) years. He stated that the loan should not affect the General Fund. He commented that the old fire apparatus (old ladder truck) is at the end of its service life. Nuckols recommended that the Council approve the application to the NMMFA by adopting the resolution. Councilor Parker asked what would happen to the old truck. Nuckols responded that it would take about 4 months to order the unit and build-out is about a year. He commented that there would be time to decide what to do with the old truck. He stated that it could be sold and the money could go back toward the new apparatus—he stated that the old truck is an '86 and the new one is a 2013. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Parker made the motion to authorize the Mayor Pro-Tem to sign Resolution #12-13-08 and the application for the loan from the NMMFA for a new 100 ft. Aerial Platform Apparatus. Councilor Hunton seconded the motion. Roll call vote by all Council members present resulted in unanimous support of the motion. Motion carried. No abstentions.***

(G) ITEM(S) FROM PLANNING COMMISSION:

1. Dangerous Buildings—Request to Proceed with Abatement.

Mayor Pro-Tem Jackson asked Planning Director Sammy Standefer to present the request to proceed with abatement of dangerous buildings. Mr. Standefer reminded the Council that they had declared the buildings as dangerous at their meeting of April 17, 2012. (See listing):

114 W. Ivy
208 S. Avenue F

219 S. Avenue F
1300 N. Avenue L

701 W. 2nd

Standefer told the Council that the process had begun and that the City Attorneys and staff had started title searches through Graham Title and Abstract Company. He commented that staff is ready to start the abatement process by filing with District Court. City Attorney Doerr stated that this action should get the public's attention and will give the property owners the opportunity to come into court and plead their case. He stated that this is his recommendation. Standefer asked for approval of the recommendation. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Lovett made the motion to accept the recommendation by the City Attorney and the Planning Director to proceed with filing the action to abate with District Court. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.***

2. Summary Re-Plat—Subdivision of Lot 1, Block 11, University Heights Addition, Mr. Lee Montgomery.

Mayor Pro-Tem Jackson asked Planning Director Standefer to present the summary re-plat submitted by Mr. Lee Montgomery. Standefer told the Council that the first time the summary re-plat of subdivision of Lot 1, Block 11; University Heights Addition was submitted by Mr. Montgomery had been heard by the Planning Commission and denied. However; Standefer told the Council that Mr. Montgomery had come up with a plan that would not land lock storage units on the property. Standefer told the Council that Montgomery wants to build another unit on the property. Standefer commented that the storage units in the back are landlocked, but added that they are not part of the re-plat of the property. City Attorney Doerr said that his recommendation was that the property owner be notified that he cannot sell the landlocked property separately from the rest of the property. Standefer asked that the Council approve the re-plat. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Robinson made the motion approve the re-plat of the subdivision identified as Lot 1, Block 11, University***

Heights owned by Mr. Lee Montgomery and to accept the recommendation by the City Attorney that the storage units cannot be sold separately from the rest of the property. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.

3. Planning & Zoning Annual Report.

Mayor Pro-Tem Jackson asked Planning Director Standefer to give his annual report. Standefer spoke briefly about his written report to Council and stated that it is an informational item only. He told the Council that the Planning Commission's approved policies were included in the report, along with the new meetings' schedule. He reminded the Council that the Planning Commission met on the third Monday of each month. Standefer told the Council that he would answer any questions that they might have on the annual report. Mayor Pro-Tem Jackson asked for questions from the Council. Since there were no questions, Mayor Pro-Tem Jackson commented that this report was for their information only, no action required.

4. Year-End Building Report—PowerPoint Presentation.

Mayor Pro-Tem Jackson asked Planning Director Standefer to present his year-end building report. Mr. Standefer asked that the Council refer to the documentation in their packet. He gave a brief report on the international energy conservation adopted by the State of New Mexico on July 1, 2011. He stated that it became effective for Cities on January 1, 2012. He reported that this energy code has separate requirements for commercial and residential construction. He stated that the intent of the code is to consider a whole-building approach to construction (building shell which includes walls, floor, ceilings, etc.) He commented that the requirement for building systems, which is the HVAC units, has some flexibility: prescriptive method, which has to be followed exactly; UA alternative with trade-offs (specific computer software); and the performance method, which requires an engineer. He mentioned Chapter 3 of the energy code, which establishes the climate zones in New Mexico. Standefer told the Council that Portales has been classified as a 3B, lumping us into the classification with Santa Rosa and Alamogordo, which he stated is a misclassification. He stated that Portales should be a 4B classification along with Clovis and Carrizozo. Standefer showed the Council the requirements in the Prescriptive Method and talked about the negative aspects of insulation requirements. He commented that the contractors in this area will probably use the UA Alternatives method. He described the differences between the methods to be used on new buildings. He stated that the required residential HVAC sizing process is creating a problem for the construction of homes. He ended the presentation with a request for questions or comments. Councilor Robinson asked what could be done about being classified in the wrong climate zone. Standefer told the Council that he had registered a protest to CID. He commented that the formula for classification into a climate zone is set by a formula that includes data on heating days and elevation. He told the Council that his opinion as to how the climate zones were set was that the state had used county lines to set those zones. Mayor Pro-Tem Jackson suggested that Mr. Standefer give the Council information as to how to help with re-classification of the climate zone for Portales. Councilor Lovett pointed out a correction to the amount of the June 2008 year-ending amount, which was listed as \$110,189,550.00 and should have been \$10,189,550.00. Mr. Standefer stated that he would make that correction to the record. Mayor Pro-Tem Jackson thanked Standefer for his report.

(H) AUTHORIZING RENEWAL OF A CONTRACT FOR MANAGEMENT SERVICES FOR UNEMPLOYMENT CLAIMS

Mayor Pro-Tem Jackson asked City Clerk Martinez-Terry to report on the renewal of the contract for management of unemployment claims. Martinez-Terry asked that the Council table this item until the next meeting because the contract has been reviewed by the City Attorney and his changes are in review

by the TALX legal department. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Lovett made the motion to table the contract for management services for unemployment claims until legal review is completed. Councilor Parker seconded the motion. All Councilors present voted in support of the motion. Motion carried. No abstentions.***

(I) RENEWAL OF CONTRACT FOR ADVERTISING & PROMOTION BETWEEN THE CITY OF PORTALES AND THE ROOSEVELT COUNTY CHAMBER OF COMMERCE (RCCC)

Mayor Pro-Tem Jackson asked Mr. Karl Terry, Executive Director, RCCC to present the request for renewal of the contract with the Chamber for advertising and promotion of Portales. Mr. Terry told the Council that this is a 4-year contract with annual renewals required. He reported that the Visitor Center is seeing considerable growth with the increased personnel at Cannon Air Force Base and ENMU. He commented that the visits to CAFB have increased from once a month to 3 times a month with about 90 to 100 packets delivered each time. He reported that he would be attending a new faculty orientation at ENMU with 40 new faculty members. Terry reported that there has been an increase in hits for information to the Chamber's website. He commented that the contract is for the same amount as in the past. City Manager Howell stated that the contract is for certain things that the Chamber must do to continue with the contract and that it can be cancelled in the best interest of the City. He added that the contract amount is \$5,000.00 with additional funds from the Lodgers' Tax Advisory Board. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the renewal of the contract with the Chamber for advertising and promotion of the City. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.***

(J) OTHER BUSINESS/CITIZENS TO BE HEARD

Mayor Pro-Tem Jackson asked for items of other business.

Mel Bishop, citizen, asked how much the energy requirements would increase the cost of an average home. Planning Director Standefer responded that it would depend on which method the contractors use. He commented that the increase is set before the permit can be pulled (he estimated \$1,000.00 in cost before the permit can be requested).

Mel Bishop complained about the Police Department. He stated that on July 31st something happened next door to his residence that required police attention. Bishop stated that Police Officer Meeks had parked his police vehicle in his driveway, which blocked his exit. He stated that he had asked Meeks why he had to park in front of his driveway to which Meeks responded in a rude manner. Bishop commented that he had called the department to complain, but that he had never received a response to his complaint. Mayor Pro-Tem Jackson stated that he would get someone to get with Mr. Bishop as soon as possible.

Councilor Lovett introduced Mr. Doug Redmond from the State of Georgia as the new Executive Director of the Roosevelt County Community Development Corporation. Councilor Lovett commented that Mr. Redmond had studied Portales before he came. Redmond stated that he was glad to be in Portales and commented that the City has a lot of potential. He thanked the Council for having him.

Councilor Lovett commended the highway department for being responsive to the issues brought to them by the citizens.

Councilor Lovett asked why the city pool had closed so early this year. Public Works Director John DeSha responded that it was mainly because they were losing the lifeguards.

Councilor Lovett commended Fire Chief Nuckols for his hard work on the fire apparatus.

City Manager Howell reminded the Council that U.S. Senator Tom Udall would be in Council Chambers from 9:30 to 10:00 a.m. to briefly talk to the Council and then to go on a tour of the U.S. 70 Highway Project. Mayor Pro-Tem Jackson and Councilor Hunton both stated that they would attend.

Susan Baysinger, Capital Projects Administrator, reminded the Council to get their information to staff for registering them and making reservations for them for the Annual NMML Conference set for Las Cruces, NM at the end of August.

(K) EXECUTIVE SESSION/CLOSED EXECUTIVE MEETING:

1. Action to Convene in a Closed Session/Meeting to Discuss Matters as Provided for Under New Mexico Statutes Pertaining to Open Meetings Referencing §10-15-1 H.(2), 1995, for Limited Personnel Matters.

Mayor Pro-Tem Jackson asked for action to convene in closed session to discuss matters provided for under New Mexico Statutes pertaining to Open Meetings in reference to §10-15-1 H.(2), 1995 for limited personnel matters. *Councilor Lucero made the motion to enter into closed session for limited personnel matters in accordance with the New Mexico Open Meetings Act. Councilor Hunton seconded the motion. Roll call vote of all Councilors present resulted in unanimous approval of the motion. Motion carried. No abstentions.*

Mayor Pro-Tem Jackson declared a 5-minute break before the closed session convened.

2. Action to Convene in Open Session.

Mayor Pro-Tem Jackson asked for action to convene in open session. *Councilor Lovett made the motion to convene the open session. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

3. Action Required as a Result of the Closed Session.

Mayor Pro-Tem Jackson declared that the matters discussed in the closed meeting were limited only to those specified in the motion for closure and as in the notice of the separate closed meeting and stated that no action was taken as a result of the closed session.

ADJOURNMENT:

There being no further business or comments, Mayor Pro-Tem Jackson adjourned the meeting at 8:45 p.m.

Joan Martinez-Terry, City Clerk