



Mayor King asked Councilor Lovett to give the invocation, and Police Chief Doug Jones to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

### **(A) MINUTES OF PREVIOUS MEETING(S):**

#### **1. Regular Meeting of January 15, 2013.**

Mayor King asked for Council to consider and approve the minutes of the Regular Meeting of January 15, 2013 as presented. *Councilor Lovett made the motion to approve the minutes of the regular meeting of January 15, 2013 as presented. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. Motion carried.*

### **(B) UPDATE OF U.S. HIGHWAY 70 IMPROVEMENTS**

Mayor King asked for an update on the U.S. Highway 70 improvements. Public Works Director John DeSha told the Council that Constructors, Inc. has opened up Avenue K and that the contractor will provide more fill as needed. The contractor has stated that they are available to respond to phone calls if there are any problems. He commented that they are still on schedule to start construction again on March 7<sup>th</sup>. Desha stated that the contractor has left one man here in Portales to deal with issues. Councilor Hunton asked about the number of days in the contract and if the NMDOT would penalize the contractor if they do not meet the deadline in the contract. City Manager Howell answered that he believed that the state would penalize the contractor for the delay. Councilor Robinson asked about the bump at the intersection of Avenue E and 2<sup>nd</sup> Street. City Manager Howell responded that the state has agreed that it should be fixed. Councilor Hunton asked if moving the trees was part of the state's contract with Constructors, Inc. City Manager Howell commented that moving of the trees was the City's choice and that the trees are being moved to the Cemetery. Councilor Hunton asked City Manager Howell to find out what the contract states as the number of days for completion of the project. Councilor Parker commented that the citizens should be informed about why the contractor has not continued on the project. Mayor King and Councilor Parker were in agreement that MainStreet should be shown appreciation for the hard work they did in the past on the trees in the downtown. The Council asked that staff prepare and publish notices in the newspaper to keep the public informed about the U.S. Highway 70 project. Councilor Hunton expressed his concern that the contractor should be doing something here in Portales during the time they are unable to continue with the project. He requested that a copy of the contract be obtained to check on the number of days that the contractor has to complete the project.

### **(C) PRESENTATION OF FY 2011-2012 AUDIT**

Mayor King asked that Finance Director begin the presentation of the 2011-2012 audit. Ms. Rapp introduced Dahlia Garcia to the Council as representing the auditing firm of White+Samaniego+Campbell, LLP. Ms. Garcia praised Finance Director Rapp to the Mayor and Council for providing all records and documentation requested as quickly as possible. She began the review of the audit with the unqualified opinion at the beginning of the audit. She commented that there are no issues regarding whether the City is following the rules. She told the Council that the audit has to go to the Office of the State Auditor's office for approval and that it takes about a month. She stated that the audit was released on January 22<sup>nd</sup>. Ms. Garcia directed the Council to page 4 of the audit explaining that this shows how the City is doing. She stated that the ratio of assets to liabilities is 9 to 1, which is very healthy. She commented that the state of New Mexico has had a lot of issues in this respect. Ms. Garcia remarked that the City is doing very well, but that New Mexico as a whole is struggling. She told the Council that it is very important and critical for the City to continue to keep its reserves. She stated that the City's net

assets have increased to \$1.9 million commenting that service increased and the City has controlled its expenses. She reported that the City had \$2.9 million at the end of the year in reserves and net assets. She stated that \$1.1 million of this is assigned for something in particular, such as grants adding that it is very good to see 50/50 on grants. She commented that net assets reflect land, construction in progress, equipment and that it is good to see that all that money is in assets. She added that it would be a concern if it was in cash and nothing was being done with it. Ms. Garcia stated that the ratio of liabilities to debt is 7 to 1 which is healthy. She stated that assets increased by about \$2 million. Ms. Garcia reviewed page 8 of the audit, which looks at the types of revenues—services, grants or taxes. She commented that grants have decreased from 2011 to 2012 due to lower funding by the state and federal governments. She added that there is a good balance of where the City gets its revenues. She stated that the City was not looking at economic issues in the near future. She commented that there was a slight increase in administrative costs of the city due to increases in public safety costs. She directed the Council to review page 10, which shows where the capital assets are in the City—equipment and vehicles. Mayor King asked Ms. Garcia about page 7, which shows a 9 to 1 ratio in assets, what is the ratio that the City should be concerned about. Ms. Garcia stated that this ratio should not go below a 3 to 1 ratio of assets to liabilities. Dahlia Garcia told the Council that the audit had not identified any deficiencies and that page 101 shows no findings in the audit. Councilor Lovett asked about strategy for the future audit. Ms. Garcia stated that her firm tries to use many of the same elements of the previous audit and then put in an element of surprise. She commented that there is always room for improvement. Mayor King thanked Dahlia Garcia for the audit presentation. Ms. Rapp asked the Council to formally accept the audit. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to accept the audit as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

Mayor King commended Finance Director Marilyn Rapp for a job well done. Ms. Rapp praised the other employees in her department for their good work.

**(D) PUBLIC HEARING TO RECEIVE COMMENTS ON ORDINANCE NO. 700. AN ORDINANCE PROVIDING FOR THE ANNEXATION OF PORTALES SELECT PEANUT COMPANY, INC. AND ZONE CHANGE TO THE CITY OF PORTALES: ANNEXATION TO BE KNOWN AS PORTALES SELECT PEANUT ADDITION**

**1. Action to Enter into Public Hearing to Receive Comments on the Ordinance.**

Mayor King asked for action from the Council to enter into public hearing to receive comments on Ordinance No. 700, annexing Portales Select Peanut Company, Inc. into the City and changing the zone from R-1A (single family residential) to M-1 (light industrial), annexation to be known as Portales Select Peanut Addition. ***Councilor Hunton made the motion to enter into public hearing to receive comments. Councilor Robinson seconded the motion. All Council members present voted in support of the motion. Motion carried. No abstentions.***

**2. Action to Close the Public Hearing.**

Mayor King asked for action from the Council to close the public hearing. ***Councilor Parker made the motion to close the public hearing. Councilor Lovett seconded the motion. All Council members present voted in support of the motion. Motion carried. No abstentions.***

**3. Action on Ordinance No. 700.**

Mayor King asked the pleasure of the Council regarding Ordinance No. 700. ***Mayor Pro-Tem Jackson made the motion to adopt Ordinance No. 700, annexing Portales Select Peanut Company, Inc. into the City of Portales, changing the zone to M-1 and naming the annexed property as***

*Portales Select Peanut Addition. Councilor Robinson seconded the motion. Roll call vote of all Councilors present resulted in unanimous support of the motion. Motion carried.*

**(E) REQUESTING APPROVAL OF A STATEMENT OF ASSURANCES FOR LOCAL DWI GRANT & DISTRIBUTION PROGRAM APPLICATION FOR FY 2013-2014 AND AUTHORIZATION OF THE MAYOR'S SIGNATURE ON THE SAME**

Mayor King asked for a report from Richelle Seat, DWI Program Coordinator, regarding the request to authorize signing of the Statement of Assurances for the DWI grant application for 2013-2014. Ms. Seat told the Council that this was her first time in preparing the application. She stated that the resolution from the Roosevelt County Commissioners was adopted today and that it will need to be included with the application (resolution was passed around for the Mayor and Council's information). Ms. Seat told the Council that the application was developed through meetings with Drug Task Force. She stated that the grant application contains funding requests for equipment for the Police and Sheriff's departments, and funding for prevention to go into the schools. She commented that the request is for \$107,488.00 in grant funds instead of the normally requested \$15,000.00 and \$107,018.00 in distribution funds. She stated that the match is all in-kind volunteer hours with no fiscal outlay of funds. Councilor Lovett asked if there was an expectation of total funding. Ms. Seat stated that there is a good chance that the request will be fully funded. Mayor King asked the pleasure of the Council. *Councilor Thomas made the motion to approve the statement of assurances for the local DWI grant and distribution program application for 2013-2014 and to authorize the Mayor's signature on the documents. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

**(F) RESOLUTION #12-13-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTALES, NEW MEXICO, AUTHORIZING THE SUBMISSION OF A NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE DEPARTMENT OF FINANCE & ADMINISTRATION/LOCAL GOVERNMENT DIVISION; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY OF PORTALES CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY OF PORTALES' PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Mayor King asked for a report from Susan Baysinger, Capital Projects Administrator, regarding Resolution #12-13-25. Susan Baysinger told the Council that the resolution authorizes the submission of a New Mexico Community Development Block Grant program application to the Department of Finance & Administration/Local Government Division; and authorizes the Mayor to act as the City's Chief Executive Officer and authorized representative in all matters pertaining to the City's participation in the grant program. She told the Council that the full project would include E. Kaywood from N. Main to Boston Street; W. Maple from N. Main to Avenue A; and W. Kaywood from N. Main to N. Avenue K with new asphalt, curb and gutter sidewalks and aprons and ramping. Ms. Baysinger told the Council that the application is for full funding with a City match of \$49,941.00. Council asked about the likelihood of full funding. Baysinger responded that funding has been decreasing in the past few years. She told the Council that it is competitive and that we had been fully funded two cycles ago and phased funded in the last cycle. She stated that she hopes to have a good shot at getting the grant funded. She asked that the Council adopt Resolution #12-13-25. Mayor King asked the pleasure of the Council. *Councilor Parker made the motion to adopt Resolution #12-13-25, authorizing submission of the program application for CDBG funding and to authorize the Mayor to act as CEO and representative in all matters pertaining to the City's participation in the grant program. Councilor Lucero seconded the motion. Roll call vote by all Council members present resulted in unanimous support of the motion. Motion carried. No abstentions.*

**(G) REQUESTING APPROVAL OF NON-EXCLUSIVE USE AGREEMENT BETWEEN THE CITY OF PORTALES AND THE PORTALES BOWHUNTERS' CLUB**

Mayor King asked Ms. Jodi Kibbe to report on the request for approval of the non-exclusive use agreement with the Portales Bowhunters' Club. Ms. Kibbe told the Council that the agreement had not been renewed this fiscal year due to issues of non-compliance with the agreement, but that the Portales Bowhunters' Club had reorganized with new officers; and that these officers had approached the Recreation Advisory Board for reconsideration of renewing the agreement. She stated that the only thing changed in the agreement was in the schedule for use to allow for Recreation Center classes held in the room used by the Bowhunters. She commented that the change included the dates for the annual haunted house. (Agreement term normally is an annual agreement renewed from September to August.) Councilor Lovett asked about the workshop that the Bowhunters are supposed to provide for the members of the Recreation Center. Ms. Kibbe responded that the Bowhunters agreed to the workshop. Mayor Pro-Tem Jackson commented that he had attended the most recent Recreation Advisory Board meeting and that he was satisfied that the new officers would comply with the conditions of the agreement. Mayor King mentioned that Cannon members are interested in participating in the Bowhunters program. Councilor Robinson thanked Ms. Kibbe for her work in getting this agreement renewed. Ms. Kibbe commented that she felt that the City would have a good relationship with the Bowhunters' Club with this slate of officers. The Mayor and Council commended Ms. Kibbe for her work on this issue and the Recreation Center. Mayor King asked the pleasure of the Council. ***Mayor Pro-Tem Jackson made the motion to approve renewal of the Non-Exclusive Use Agreement between the City and the Portales Bowhunters' Club from February to August 2013. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried.***

**(H) REQUEST FOR COUNCIL TO CONSIDER RESCHEDULING THE 2<sup>ND</sup> MEETING IN FEBRUARY DUE TO A CONFLICT WITH COUNCIL DUTIES**

Mayor King told the Council that this request was made because there was concern from staff that many of the Council members would be attending Municipal Day in Santa Fe on February 20<sup>th</sup>, and that they would have to leave on the 19<sup>th</sup>, which is the date of the Council meeting. She asked the Council how many of them would be attending Municipal Day. The Councilors indicated that they would not be in attendance. Mayor Pro-Tem Jackson commented that the City will need representation in Santa Fe by staff. City Manager Howell stated that he would be attending Municipal Day.

**(I) OTHER BUSINESS/CITIZENS TO BE HEARD**

Mayor King asked for items of other business.

Councilor Hunton thanked Public Works Director DeSha for removal of the trees from in front of his business, which is located on U.S. Highway 70. He was alluding to the alleviation of the bird problem caused by trees in the downtown.

Councilor Robinson reported on the Cultural Affairs event held to celebrate Martin Luther King, Jr. Day on the 21<sup>st</sup>. He told the Council that he was proud of the schools and Mr. Franklyn Smith, Mr. Marquez and Mr. Golden for their work on the concert held for the event. He reported that ENMU President Gamble had sent him a letter stating that he had been impressed by the concert. Councilor Robinson thanked the City and State for the support. Mayor King commented that it had been a good presentation. Councilor Robinson thanked Chief Jones for his assistance.

Mayor King reported on her attendance of a conference in San Antonio, TX recently. She commented that they had held a presentation on land use, but that it had been very basic. She stated that it had been a good trip, but that it had been cold for San Antonio. She reported that she had also attended a water meeting in Santa Fe last week, and that there will be ground breaking this week.

Councilor Lovett reported that he had received a call from a voter who had thanked the Council for all they do. Councilor Robinson asked if Councilor Lovett would be going to Dallas on Thursday. Councilor Lovett reported that the high school cheerleaders are going to Dallas for the Dallas Cowboy Cheerleader Competition and will compete on Saturday. He stated that he would be accompanying his wife, Amy who is the coordinator of the high school cheerleaders.

Councilor Parker reported that the Public Safety Committee had met last night, and that they will be meeting monthly to handle issues in public safety. She commented that Fire Chief Nuckols had reported on vacancies and lack of personnel in the department. Police Chief Jones and his administrative staff had given a presentation on concerns and some good things happening in the Police Department. She stated that the Public Safety Committee had requested costs and priorities to bring back to the next meeting of the Committee.

Mayor King asked about the ENM Job Fair being held in Clovis. Susan Baysinger reported that the staff has information ready to go and that she would be setting up the information. Police Chief Jones asked if his department could send a representative.

Councilor Thomas asked for a status report on the water well field work. Public Works Director DeSha reported that the contractor is present and is planning to start tomorrow or Thursday. Councilor Thomas told the Council and staff that CAFB Colonel Peich had asked about the City putting in an RC car park. City Manager Howell responded that he would need information regarding what they need to put an RC park in place.

Councilor Parker asked about any state or city plan for crosswalks for the downtown area as part of the construction work on the highway. She asked if the City or State planned to do anything different from painting in the crosswalks referring to lights embedded in the street. City Manager Howell responded that the State will provide standard flashing lights that the pedestrian can control. He commented that the State is unsure that embedded lights will hold up to traffic. He described the type of lights that the state will provide. Mayor King commented on the lights that have been in place and that traffic just goes through the crosswalks despite pedestrians. Councilor Robinson asked about enforcement of traffic laws on crosswalks. The Council briefly discussed citations for jaywalking in the downtown.

Fire Chief Nuckols reported that testing for new hires had been held on Sunday. He said that 11 applications were received and that 7 of these had met the qualifications and only 2 had shown up for the tests. He commented that both candidates were good and that one of them was from Arizona and the other one was from Colorado. He stated that he was looking at the candidate from Arizona to hire and place the other one on a hiring list. Chief Nuckols stated that the position to be filled was for an EMT basic. He commented that his department had been short-staffed due to the flu bug going around. He reported on the flight service that has been set up at the hospital—that they are flying daylight due to federal guidelines. Councilor Thomas asked where they hangar their aircraft. Nuckols responded that it was kept on the air pad right now.

Finance Director Marilyn Rapp reported that budget work would begin next month.

Police Chief Jones reported that the Police Department has a national hiring ad on the internet and that there have been over 170 hits but no applications have been received. He commented that the ad will be placed again in the Roswell newspaper and on radio. He reported that a radio representative had been

out to the Department to prepare the radio ad. Mayor King commented that she had been out to tour the department last week.

Public Works Director DeSha reported that there is a lot of repair work being performed on streets and that the Street Department is removing the trees and putting up signs that have been knocked down. He reported that the Parks/Cemetery Department is taking care of the trees at the Cemetery.

Mayor King reported a leak on Brazos or Boston, she was unsure of the location. Public Works Director DeSha responded that the Water Department was testing the lines in that general area. He added that the line at Lime had been left on to test and that it had overflowed the tank.

DWI Program Coordinator Richelle Seat reported that the DWI program are taking 10 teen attorneys to the state legislative session and that a state legislator planned to make them legislative pages for the day. She was unsure as to who the legislator was but he was later identified as Representative Roch.

### **(J) 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; Section 10-15-1 H.(7), 1995, for Attorney-Client Privilege Pertaining to Threatened or Pending Litigation.**

Mayor King 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; and §10-15-1 H.(7), 1995 for Attorney-Client Privilege pertaining to threatened or pending litigation. *Mayor Pro-Tem Jackson made the motion to convene in closed session for limited personnel matters and for Attorney-Client privilege pertaining to threatened or pending litigation. Councilor Hunton seconded the motion. Roll call vote of all Councilors present resulted in unanimous approval of the motion. Motion carried. No abstentions.*

- 2. Action to Convene in Open Session.**

Mayor King asked for action to convene in open session. *Councilor Lovett made the motion to convene in open session. Councilor Hunton seconded the motion. All Councilors present voted in favor of the motion. Motion carried. No abstentions.*

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

Mayor King declared that the matters discussed in the closed meeting were limited to those specified in the motion for closure and as in the notice of the separate closed meeting and stated that no action was needed as a result of the closed session.

### **ADJOURNMENT:**

There being no further business or comments, Mayor King adjourned the meeting at 7:55 p.m.