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- I. Notice of Intent to Adopt 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.
- J. Preliminary Plat of Herrera Subdivision (Outside City Limits of the City of Portales—1.25 miles west of Industrial Drive).
- K. Other Business/Citizens to be Heard.
- L. 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), 2008, for Limited Personnel Matters; § 20-15-1 H.(7), 1995 for Attorney-Client Privilege Pertaining to Threatened or Pending Litigation.
 - 2. Action to Convene in Open Session.
 - 3. Action Required as a Result of the Closed Session.

THE CITY COUNCIL OF THE CITY OF PORTALES met in regular session Tuesday, January 15, 2013, at 7:00 p.m., in the Council Chambers of the Portales City Hall in full conformity with the rules and regulations. Mayor Pro-Tem Jackson called the meeting to order (in the absence of Mayor King) and asked City Clerk Martinez-Terry to call roll. Those present and constituting a quorum were:

MAYOR: Sharon L. King (absent)

MAYOR PRO-TEM: Ronald L. Jackson

COUNCIL MEMBERS: Matthew Tod Hunton Antonio Salguero
Leo Lovett Oscar Robinson
Michael Lenard Lucero Keith A. Thomas
Dianne Y. Parker

STAFF PRESENT: Tom Howell, City Manager Charles D. Jones, Police Chief
Joan Martinez-City Clerk Marilyn Rapp, Finance Director
Steve Doerr, City Attorney Johnny DeSha, Public Wks. Director
Gary Nuckols, Fire Chief Sammy Standefer, Planning Director
Susan Baysinger, Capital Proj. Adm. Kane Wyatt, Police Lieutenant
Mike Parkey, General Svcs. Director

OTHERS PRESENT: Christina Calloway, Press Mary Poynor, DWI Teen Coordinator
Jim Landfair Riki Seat, DWI Program Coordinator
Dennis Skelton

Mayor Pro-Tem Jackson asked Kane Wyatt, Police Lieutenant to give the invocation, and Doug Jones, Police Chief 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 3, 2013.**

Mayor Pro-Tem Jackson asked for Council to consider and approve the minutes of the Regular Meeting of January 3, 2013 as presented. *Councilor Lovett made the motion to approve the minutes of the regular meeting of January 3, 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 Pro-Tem Jackson asked for an update on the U.S. Highway 70 improvements. Public Works Director John DeSha told the Council that the contractor has stated that the work will resume about March 4, 2013. He reported that the contractor has been in the area checking the intersections and entrances into businesses, but that it is still too cold for concrete to be poured.

(C) RATIFICATION OF FINANCE DEPARTMENT'S ACTIONS REGARDING BILLS FOR DECEMBER 2012

Mayor Pro-Tem Jackson commented that the Finance/Administration Committee had not met due to a lack of quorum; but that they had received the bills and that there were no questions from the Committee. He asked Finance Director Rapp to present the bills for December 2012. Ms. Rapp told the Council that the bills for the month of December were in the amount of \$1,411,308.10 and were within budgeted limits. Councilor Robinson asked why there has been no purchased equipment for the parks—that he understood that \$50,000.00 had been allocated in the budget. City Manager Howell responded that the plan is for staff to take a master plan to the Recreation Advisory Board for a recommendation before expending funds for the parks.

December 2012

Pooled Cash Fund	999	\$1,411,308.10
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Mayor Pro-Tem Jackson asked for questions or action from the Council. *Councilor Parker made the motion to ratify the payment of the bills for December 2012 as presented. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(D) CONTRACT FOR UTILITY SERVICES CONNECTION—RUSSELL W. CAMERON, OWNER

Mayor Pro-Tem Jackson asked for a report from Public Works Director John DeSha regarding the contract for utility service connections. Mr. DeSha told the Council that Russell W. Cameron had submitted an application for water and sewer connections for his property located at 432 Monticello Parkway, which is outside the city limits. DeSha told the Council that the Public Works Committee had met on December 14, 2012 to consider the application; and that the Committee had approved it with the stipulation that Mr. Cameron construct a City approved entrance to the property at his cost. DeSha told the Council that the contract reflected this stipulation. He commented that Planning Director Standefer has been involved on this issue as well. Standefer commented that drainage of the site is being worked on with Mr. DeSha. Mayor Pro-Tem Jackson asked for questions or comments. Councilor Lovett asked Mr. DeSha if this is

typical of actions taken in the past. DeSha responded affirmatively. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Lovett made the motion to approve the Contract for Utility Services Connection with Russell W. Cameron for his property located at 432 Monticello Parkway. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried.***

(E) RESIDENTIAL STREET ADDRESS NUMBERING

Mayor Pro-Tem Jackson asked for a report on residential street address numbering from the Police Department. Police Lieutenant Kane Wyatt spoke to the Council about the need for addressing on residences in the city. He told the Council that there are a number of residential (and some commercial) locations around the city that do not have addresses visible from the street. He commented that this is crucial for a couple of reasons: for convenience sake for utility work and as a safety concern. He stated that there have been incidences of no addressing on any of the houses in a block. Wyatt stated that it causes a delay to providing services to the citizens. He commented that the issue has been brought up in the past, but stated that the department wants to talk about possible solutions, one of which could be an ordinance to mandate addressing. Wyatt provided the Council a sample ordinance from the City of Carlsbad and commented that the Council should consider citizens who cannot comply with such wording in an ordinance. Councilor Parker asked if the numbers should be on the house or on the curb. Wyatt responded that it should be visible from the street and that sometimes curbs can be obstructed by vehicles. Mayor Pro-Tem Jackson asked if there is anything in the code regarding house numbers. Planning Director Sammy Standefer stated that the City's code does have requirements for addressing for new construction and that the problem is with the older homes. Councilor Lucero suggested a public service announcement about the importance of house numbers. Mayor Pro-Tem Jackson recommended that a committee be put together to work on ideas for the Council to consider. Councilor Parker agreed with concerns that some people would not be able to comply; however, she stated that she wants to see standards. Councilor Thomas commented that, in an ideal world, it would be nice to have the number on the front of houses and from the alley. Councilor Thomas suggested a lot of public education, and read from the City of Carlsbad ordinance regarding citing the public for violations of the ordinance. Councilor Thomas offered his time to help with public education. Lt. Kane Wyatt commented that he would like to see voluntary compliance by the citizens. He stated that he envisioned incorporating it into Neighborhood Watch for discussion. Councilor Lucero stated that he was not in favor of citing people for non-compliance of house numbering. Mayor Pro-Tem Jackson asked that this issue be taken to the Public Safety Committee for their next meeting.

(F) AWARD OF BID OR REJECTION OF BID—"USED MANLIFT FOR THE CITY OF PORTALES PARKS/CEMETERY DEPARTMENT

Mayor Pro-Tem Jackson asked for a presentation on the award of bid for the used manlift. Mike Parkey, General Services Director reported that the equipment was advertised on November 29, 2012, and that only one bid was received and opened on December 21, 2012. He reported that the bid received from MCT Industries was in the amount of \$21,500.00. He stated that this is a reasonable price and told the Council that he had looked at the manlift last Friday. He commented that it will be an asset to the City and will be used for trimming trees, changing out lights, etc. Parkey asked that the Council award the bid for the manlift. Councilor Robinson asked Public Works Director DeSha if he knew the height of the tallest tree in the cemetery. DeSha responded that the tallest tree at the cemetery stood between 60 and 65 feet high. Parkey commented that the boom truck is a 1968 model that is not feasible to use for this purpose, and that the manlift was a 2010 model. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Robinson made the motion to award the bid for the used manlift to MCT Industries for the bid amount of \$21,500.00. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried.***

(G) PERMISSION TO NEGOTIATE & AWARD CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR STREET, DRAINAGE & INFRASTRUCTURE IMPROVEMENTS

Mayor Pro-Tem Jackson asked Susan Baysinger to present the request for permission to negotiate a contract and award the contract for engineering services for street, drainage and infrastructure improvements. Ms. Baysinger reported that the RFP for engineering services in preparation for the CDBG application for funding had been advertised on January 6, 2013. She told the Council that proposals will be opened on January 17, 2013, but that there is a time crunch in having a contract approved prior to the next regular Council meeting due to an application deadline. Baysinger told the Council that proposals will be evaluated on required criteria and that contract negotiations will be conducted with the highest ranked offeror first and then successively ranked offerors as needed. She commented that the contract will not exceed budgeted funds of \$50,000.00. She asked for permission to negotiate and award a contract for engineering services with the highest ranked firm as presented. Mayor Pro-Tem Jackson asked the pleasure of the Council. *Councilor Lovett made the motion to grant permission to negotiate and award the contract for professional engineering services for street, drainage and infrastructure improvements with the successful bidder as requested. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried.*

(H) RENEWAL OF CONTRACT FOR DWI TEEN COURT COORDINATOR

Mayor Pro-Tem Jackson asked Ms. Riki Seat, DWI Program Coordinator, to present the renewal of the contract for DWI Teen Court Coordinator. Ms. Seat told the Council that the contract for DWI Teen Court Coordinator should have been renewed in July of 2012, but was overlooked during the transition period between contractors. She told the Council that Mary Poynor had been doing the job all this time. This contract will cover from September to May of 2013 and will need to be renewed for the next fiscal year. Ms. Seat thanked the community for their assistance with community service locations for the clients of the DWI Teen Court program. The Mayor Pro-Tem asked if the contract was now on a renewal schedule. City Clerk Martinez-Terry and Ms. Riki Seat assured him that it was now noted on the renewal calendar. Mayor Pro-Tem Jackson asked the pleasure of the Council. *Councilor Hunton made the motion to renew the contract with Mary Poynor for the DWI Teen Court Coordinator position as presented. Councilor Salguero seconded the motion. All Council members present voted in favor of the motion. Motion carried.*

(I) NOTICE OF INTENT TO ADOPT 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

Mayor Pro-Tem Jackson asked Planning Director Sammy Standefer to report on Ordinance No. 701, at which time City Clerk Martinez-Terry asked that this be corrected to Ordinance No. 700, commenting that she had made an error and listed it on the agenda as No. 701. City Manager Howell told the Council that this ordinance is to complete the process for use of LEDA funds for a sewer line for Portales Select Peanuts, Inc. He stated that the grant for LEDA funds required that Portales Select Peanut Company, Inc. be annexed into the City of Portales city limits. Planning Director Standefer told the Council that this is the petition method of annexation, and that the laws on annexation require that the property be contiguous to the city limits. He commented that the property consists of two (2) tracts of land for a total of 30.03 acres. The attached plat does show that the property is contiguous. Standefer told the Council that the petition was filed with his office and had been reviewed by the Planning Commission. He

reported that the Planning Commission recommended approval of the request at their public hearing held on December 17, 2012. He stated that the request to the Council is for a notice of intent to hold the public hearing for comments on February 5, 2013. He added that it automatically comes in as R-1A (single family residential); but that the ordinance includes a zone change of the area to C-2 (general commercial) and M-1 (light manufacturing). Councilor Lovett asked if there was any other land involved in the annexation. Standefer responded that there was not any other land included. Standefer told the Council that City Attorney Doerr had suggested that the petition or a document authorizing the manager of the property should be signed by the owner/agent/officer. He told the Council that Dennis Skelton, Plant Manager of Portales Select Peanut Company, was present in the audience. Standefer asked that the Council approve the Notice of Intent to adopt Ordinance No. 700. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the Notice of Intent to adopt Ordinance No. 700. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. Motion carried.***

(J) PRELIMINARY PLAT OF HERRERA SUBDIVISION (OUTSIDE CITY LIMITS OF THE CITY OF PORTALES—1.25 MILES WEST OF INDUSTRIAL DRIVE)

Mayor Pro-Tem Jackson asked for a report from Planning Director Standefer on the preliminary plat of the Herrera Subdivision. Mr. Standefer told the Council that Roberto Herrera had filed an application for a subdivision 1.25 miles outside the Portales city limits. He stated that Mr. Herrera was not present at this meeting. He told the Council that the City has jurisdiction for planning with 3 miles of the city limits. He reported that the Planning Commission had heard this application and had approved it with a vote of 5 for and 1 against. Mayor Pro-Tem Jackson commented that he understood that it was located just west of Industrial Drive on 18th Street close to New York Drive. Councilor Robinson asked if the letter of concern had been considered by the Planning Commission. Standefer responded that the application had been taken to the Planning Commission and that they had actually held two (2) public hearings on the issue. City Attorney Doerr asked if the roads had been addressed in the preliminary plat in consideration of any potential for annexation into the City. Standefer responded that roads were addressed with compliance to Roosevelt County standards. Councilor Thomas asked if this had been addressed by the Planning Commission. Mr. Standefer commented that it could be sent back to the Planning Commission if this was a concern. Councilor Robinson stated that this is a good point because there are other streets in the City that do not have curb and gutter. The Council discussed the issue of the effect of annexations into the City, roads and drainage and other infrastructure issues. The Council talked about the difference between asphalt and hot mix for roads. Councilor Lovett asked that City staff look at the master plan regarding annexation into the city limits. He added that if we expect to grow in Portales in the future, then this is something we should look at carefully. Councilor Thomas stated that his concern on the roads is related to the type of material planned for the road. Planning Director Standefer told the Council that, if they wished, they could hold their own public hearing with the City Engineer on the issue. Mayor Pro-Tem Jackson asked if this subdivision had gone to the Roosevelt County Commissioners. Standefer responded that it had been approved by the County and that the roads would be maintained by the County. Councilor Lovett asked if this property has been included in the City's annexation plan. Standefer stated that this area is not in the City's plan for annexation. Mr. Standefer commented that it may be advantageous to staff and the Planning Commission to have the Council involved in an annexation plan. Councilor Lovett suggested that the City Manager be directed to work with people involved on an annexation plan. The Council discussed the option of requiring a paving district for any outside city subdivision that requests annexation into the city limits in the future to handle the issue of inadequate standards. Councilor Lovett commented on the fact that the Council had previously approved another preliminary plat outside the city limits, and that it would be best to handle them the same. City Manager Howell asked that the Council consider the option, to take care of paving issues, for properties wanting to come into the City to have a paving district. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Lovett made the motion to approve the preliminary plat of Herrera Subdivision as presented. Councilor Robinson seconded the motion. Six of the***

Council members present voted in favor of the motion with Councilors Parker and Thomas voting against the motion. Motion carried.

(K) OTHER BUSINESS/CITIZENS TO BE HEARD

Mayor Pro-Tem Jackson asked for items of other business. There were no items of other business.

(L) 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.**

No Executive Session held.

ADJOURNMENT:

There being no further business or comments, Mayor Pro-Tem Jackson adjourned the meeting at 7:55 p.m.

Joan Martinez-Terry, City Clerk