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THE CITY COUNCIL OF THE CITY OF PORTALES met in regular session Tuesday, February 7, 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:	Dianne Y. Parker	
COUNCIL MEMBERS:	Alfredo Bachicha, Jr. (absent) Ronald L. Jackson (absent) Leo Lovett Oscar Robinson	Antonio Salguero Keith A. Thomas Gary L. Watkins
STAFF PRESENT:	Tom Howell, City Manager Joan Martinez-Terry, City Clerk Steve Doerr, City Attorney Susan Baysinger, Cap. Proj. Admin. Donna Rutherford, Planning Sec. Carla Weems, Admin. Sec.	Jeff Gill, Police Chief Marilyn Rapp, Finance Dir. Johnny DeSha, Public Wks. Dir. Gary Nuckols, Fire Chief Dennis Hales, I.T. Dir.
OTHERS PRESENT:	Christina Calloway, Press Sandy Van Der Veen Clarence Smith Jeff Burmeister Greg Privett Juan Rivas Will Powell Shannon Papin	Scott Christensen Lisa Stanton Gaylon Bobo Jeff Hart Darrell Turner Mark Kopatz Jamie Ramos

Mayor King asked Councilor Lovett to give the invocation, and Fire Chief Nuckols 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 17, 2012.**

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

(B) PROCLAMATION DECLARING FEBRUARY 14, 2012 AS TRIO DAY IN PORTALES, NEW MEXICO

Mayor King asked Mr. Juan Rivas of ENMU to come forward to receive the proclamation declaring February 14, 2012 as TRIO Day in Portales, New Mexico. The Mayor read the proclamation aloud encouraging support of the goals and activities of the TRIO programs, which serve to motivate disadvantaged students to pursue their education. She presented the proclamation to Mr. Rivas who thanked the Mayor. He commented that this is his second year with the Upward Bound program and that he is proud that they receive the support of the City.

(C) PRESENTATION OF DEPOT FOCUS PLANNING & DESIGN PROJECT—PORTALES MAINSTREET

Mayor King asked for the presentation of the Depot Focus Planning & Design Project. Sandy Van Der Veen, the MainStreet manager, introduced Mark Kopatz, principle consultant with Stanley Consultants. Mr. Kopatz told the Council that his firm had been tasked to explore moving the train depot from where it stands. Mr. Kopatz commented that he enjoys working with urban redevelopment. He told the Council that the Portales MainStreet Program had applied for a grant in 2009, and that they had hired his firm to work with stakeholders in the community on a project to preserve or move the depot. He commented that his firm had worked on the courthouse improvements in past years. He commented that the depot is a great building with a great history. He told the Council that the depot focus project has grown into a plan to create the heart of the downtown. Mr. Kopatz introduced the other staff people present: Jamie Ramos, Will Powell and Shannon Papin.

Jamie Ramos told the Council that he had worked with the steering committee to build consensus on the plan. He showed the Council and audience an overview of the site, which is located at the end of N. Avenue A (north of Commercial Street). He identified a possible future plaza location and future depot locations.

Shannon Papin spoke next and told the Council that a cultural survey had been completed on the history of Portales and that of the depot. She commented that they had researched records and had come up with recommendations for the depot. She stated that their first recommendation is that the depot be declared a historic site on the state and national registers. She told the Council that the depot is one of the most intact depots in the country. Ms. Papin told the Council that their recommendation is not to move the depot; to rehabilitate it in-place. She commented that the BNSF owns the depot outright and that they have the right to tear it down if they wish. She stated that, if the depot gets registered as a historic site, permission will have to be requested to rehabilitate the building. She ended her comments by telling the Council that it is a great building, a special building that is important in the state.

Will Powell showed the Council pictures of the building. He stated that it can be moved although they do not recommend moving it. He commented that it is significantly intact, but there are some details that are damaged and will need some work. He recommended that the roof be fixed first. Ramos commented that he was amazed to find documents dated in the early 1900s in drawers in the office. Ramos commented that Stanley Consultants had looked around the community to get an idea of the feel of the area. He showed the Council a slide of the location of the depot as-is and commented that limited access poses a real problem. He talked about potential phasing of the project. He told the Council that there are 64 parking spaces in the area around the site and that their plan proposes 88 total parking spaces with a different public plaza usage of the area.

Mark Kopatz introduced the Portales Depot Plaza design concept, which he stated could be a special opportunity to use the downtown area to be special for Portales; that it could become the heart of the city. He commented that public areas are very important and that the plaza could be used to create something for seasonal and year-around opportunities for events. He stated that this concept would celebrate the past and look forward to the future while drawing attention to the historic structure and preservation of the train depot. He was brief in discussing shade zone areas and the potential for the screening wall, which he called the Spanish wall. He told the Council that the plan included a large gathering space in the center to include walls and a water feature. He talked about using sustainable materials and added that it could be a great demonstration project. He added that the Farmer's Market could be in the plaza. He commented that there would not be a lot of trees, but that canopies could be used for shade. Mr. Kopatz stated that the plaza would be 120 feet across and that stone walls are proposed to help buffer the traffic noise along First Street. He commented that it could be a revenue generator and a venue for events. He showed the Council the proposed phasing of the project. He commented that the next step in the project is to get the facility registered as a historical site. He told the Council that the State Historic Preservation office has expressed interest in getting the depot registered. He commented that the next few steps include developing an approach (getting the final plans and identifying the funding sources); taking steps to make sure that the state and national historical registers understand that the resource is recognized and valued by the Portales community. He stated that he thinks that it is an awesome project. Mark Kopatz thanked Sandy Van Der Veen, Susan Baysinger and City Attorney Doerr. Mayor King asked if the cost of the project in the estimate included the purchase of the land. Mr. Kopatz responded that it is not included. He talked about the purchase of the properties surrounding the site. Councilor Thomas asked if the person who nominates the depot to the state historical register would be responsible for bringing the building up to code. Shannon Papin responded that there is actually a tax credit from the state and federal government for a historical site. The group talked briefly about the property owners that this would affect. City Attorney Doerr pointed out that a letter had been sent to the property owners advising them of the interest in the depot and asked them if they were willing to participate. He stated that a second letter included a copy of the materials handed out to the Council, and asked if the owner would consider selling or donating their property. Councilor Watkins asked if the property owners are in agreement. Mark Kopatz stated that they had talked to the C & S folks and that part of the plan includes their ideas. Councilor Lovett pointed out that it is an expensive project and that he would rather spend money on water than on this. He stated that he understood that this money was not accessible for water. Mayor King thanked the consultants for their presentation.

(D) DISCUSSION OF RATE CHANGES AND OF RESOLUTION #11-12-18—ROOSEVELT COUNTY WATER CO-OP

Mayor King told the Council and audience that the RCWC had asked to speak about the recently adopted resolution of increased water rates. Clarence Smith of the RCWC thanked the Council for allowing them to talk to them in a meeting. He briefly reviewed the history of the Water Co-op for the Council and told them that there are 1400 members. He asked them to review the first page of the handout given them and stated that the increase for the Water Co-op is 36%, which will have to be passed onto their

members. He stated that their customers will never individually use more than 100,000 gallons of water. He added that 1% of the Co-op's customers consistently use more than 100,000 gallons of water a month. He stated that he understood that the responsibility is shared to make the water last for a long time. He asked that the City work with them to allow them to be a part of the city's plan for the well field. Scott Christensen stood up and told the Council that the Co-op members are taking a bigger hit because they are a bigger use collectively. Public Works Director DeSha told the Council that he had met with Mr. Christensen and Mr. Smith and understood that they felt that they had been blindsided. He told the Council that he had looked at the contract and commented that it does not address how they distribute the water. He stated that the Co-op had been given a preferential rate in the past and that he understood that they wanted it to stay the same. Councilor Lovett commented that the Council had looked at the dairies to try to protect our fixed income folks in the City. He proposed that they come up with a tiered rate schedule to propose to the Council. He asked them if there was a way that they could tier their rates to mirror the rates of the city users so that the rates would be fair to both. Councilor Robinson commented that he understood that Councilor Lovett's request is that the Co-op prepare a proposal and come back to the City with it for consideration. There was discussion of the way that the Co-op bills their customers. Mayor King commented that the City Council looks at the rate structure as a way to conserve water and that they set the rates so that customers on fixed incomes are least affected. Councilor Watkins chairs the Public Works Committee and offered to hold a meeting to discuss the issue with the Co-op. The Mayor asked that the Co-op schedule a meeting with the Public Works Committee through the staff. She commented that the Council will re-address it when it comes back from the Public Works Committee.

(E) RESOLUTION #11-12-23. A RESOLUTION AUTHORIZING SUBMISSION OF AN NMDOT – AVIATION DIVISION GRANT APPLICATION

Mayor King asked that the request for approval to submit the grant application for NMDOT – Aviation Division funding be introduced in the absence of Mike Parkey, General Services Director. Susan Baysinger, Capital Projects Administrator, told the Council that Mr. Parkey had been called away suddenly. She stated that the application to NMDOT – Aviation Division is for seal coat and runway markings for runway 8-26 at the Municipal Airport. She commented that the FAA grant will be issued later and will be based on bids. She told the Council that the estimated state grant portion is \$3,886.00 and the City's match is \$3,886.00 with the FAA grant estimated at \$147,670. She reported that the estimated total project cost is \$155,422.00 and asked that the Council adopt Resolution #11-12-23 authorizing submission of the grant application. Mayor King asked for action from the Council.

Councilor Lovett made the motion to adopt Resolution #11-12-23 authorizing submission of the NMDOT – Aviation Division grant application. Mayor Pro-Tem Parker seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.

(F) AUTHORIZATION OF THE MAYOR'S SIGNATURE ON THE 2012 MASTER SERVICES AGREEMENT (MSA) BETWEEN THE CITY OF PORTALES AND WH PACIFIC FOR AIRPORT CONSULTING SERVICES

Mayor King asked Ms. Baysinger to present the request to authorize the Mayor's signature on the 2012 Master Services Agreement with WH Pacific. Ms. Baysinger told the Council that the RFP for airport consulting services had been advertised back in December 2011 and that 7 proposals had been received. She reported that WH Pacific had scored highest in the evaluation and that the Council had approved negotiation of a contract with the firm. She further stated that the fee schedule was close to the same as in the past, and asked for authorization of the Mayor's signature on the MSA. Mayor King asked for action from the Council. *Councilor Thomas made the motion to authorize the Mayor's signature on the 2012 Master Services Agreement between the City and WH Pacific for consulting*

services for the Municipal Airport. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.

(G) RESOLUTION #11-12-24, 2012-2013 LOCAL GOVERNMENT ROAD FUND APPLICATION

Mayor King asked Susan Baysinger to introduce Resolution #11-12-24, 2012-2013 local government road fund application. Ms. Baysinger told the Council that the road fund is the state cooperative program. She stated that the City of Portales applies every year for a Cooperative Project with the NMDOT for street rehab and maintenance. She commented that applications are due by March 15, 2012 this year. She listed all the streets for which the City is applying:

16 th Street from Avenue A to D	Globe Street from 3 rd to Amazon
Arizona from Avenue O to Oklahoma	Boston Street from Lime to Spruce
Houston Street from 3 rd to Brazos	5 th Street from Avenue C to Avenue E
18 th Street from Avenue D to Avenue I	Avenue F from 2 nd to University
Abilene from E. University to 16 th	

Ms. Baysinger had listed each street listed with the cost estimate and the work to be done for each one. She told the Council that the total estimated project cost is \$205,956.13 of which \$157,467.10 is the Department's share (75%) and \$51,489.03 is the City's 25% share. She told the Council that the City's share is made up of equipment, labor and materials. She asked that the Council adopt the resolution approving submission of the application for Local Government cooperative funds. Mayor King commented that work on Oklahoma Drive would be disruptive. Councilor Salguero asked if this was the only project for the year. Baysinger responded that this is the only project for this funding source, but that the City has the CDBG grant for other streets in the community. Mayor King asked for action from the Council. ***Councilor Watkins made the motion to adopt Resolution #11-12-24 authorizing submission of the cooperative grant fund application. Mayor Pro-Tem Parker seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.***

(H) OTHER BUSINESS/CITIZENS TO BE HEARD

Mayor King asked for items of other business, but first apologized formally for issuing condolences to Councilor Bachicha at a previous meeting on the impending death of his grandson when he is very much alive and improving.

Mayor King told the Council that Lonny Phelps, engineer for the Portales Industrial Park Master plan, has requested that the final presentation of the master plan be done in open meeting at the Council meeting of March 6, 2012. He has agreed to present the plan in a workshop on February 13, 2012. The Council talked about a time for the meeting and agreed to meet at noon.

Mayor King reported that interviews with the Council regarding the third party review of the Police Department by Fred Radosevich are scheduled for Thursday, February 9, 2012. She stated that the consultant will be at the Police Department on Friday, February 10, 2012.

Mayor King asked Public Works Director DeSha when the highway project would start again. Mr. DeSha responded that they had done over 200 line spots for the project and that the contractor should start soon. Councilor Robinson commented that there are some businesses that felt that they had not been notified—he added that his concern is that the construction has begun on curbs and gutters. He suggested that someone go talk to the businesses that will be affected along the project area. Ms.

Baysinger told the Council that the state highway department had sent letters to all the property owners at least two times for public hearings of the proposed project. Mayor King stated that the City needs to provide public service to the community. City Attorney Doerr stated that MainStreet has been doing public notification for over 4 months. Comment was made that the overlay is an inconvenience but the concrete will be the big problem. Councilor Thomas stated that this is a sign of growing pains. City Attorney suggested that they invite Sandy Van Der Veen of the Chamber to report to them about what is being done to notify businesses. Mayor King commented that notification should be coordinated through one person. Mr. DeSha told the Council that he would go talk to each of the businesses.

Councilor Thomas reported that the legislative effort had gone well. He commented that more people need to be in attendance of the receptions and meetings.

Councilor Thomas told the Council that Mark Clark is the chair for the Relay for Life in the community and that he has asked him to promote it to the Council. He stated that it is \$10 per person to participate in the relay and all the money goes to the Cancer Society. Mayor King asked the City Clerk to make sure that the Deputy Clerk be informed because it conflicts with the Great American Cleanup this year.

Councilor Lovett informed the Council that Greg Fisher, Economic Development Director for the RCCDC, has tendered his resignation. He reported that March 16th is Mr. Fisher's last day. He stated that the process to fill the position will be started.

Councilor Robinson reported that he had been in Santa Fe on January 31st for opening of the session to recognize the state's 100th centennial. He asked the Mayor if the City was going to do anything to celebrate the centennial. There was some discussion of a parade.

Mayor Pro-Tem Parker reported that the Public Safety Committee had held their quarterly meeting last week and had heard reports from the Fire and Police Departments.

Councilor Salguero told the Council and City staff that he was pleased to see that the water leak in front of Hunton Insurance had been cleaned up. He added that he couldn't help thinking about trash pickup in Portales. He commented that the City is doing a good job of picking up trash, but that it needs to stress it to the citizens to pick up trash around the community. He said that he gets discouraged with all the trash around the area. Mayor Pro-Tem Parker commented that the City needs to abide by its ordinances regarding code enforcement. Councilor Salguero agreed and stated that until the City makes them do something about trash and junk, nothing will change. He commented that he is concerned about the buildings that were burned. Mayor King commented that the City needs to change its ordinance. Fire Chief Nuckols commented that both houses that were burned were abandoned properties. He commented that the ordinances should address that issue. Chief Gill told the Council that the monthly report reflects that the Code Enforcement Officer has issued 101 notices with 31 junk car notices. He added that the officer has done quite a bit of work on trash and junk in the last month. He stated that he would be willing to work on the ordinance. Mayor King commented that the Council does have a little money in the budget for demolition. Mayor Pro-Tem Parker asked about the property across from the Subway to which Chief Gill responded that the owner is working on tidying it up.

Johnny DeSha, Public Works Director, commented that the letter that has been circulating around the community is solicitation for insurance and that it has been reported to be a scam. He stated that there is no problem with the city's water.

Fire Chief Nuckols commented that as long as the City has abandoned unsecured structures they will be burned down. He commented that the fireworks laws that were proposed by members of the legislature were tabled and probably won't pass. He commented that the state will be in the same situation this summer as we were last summer. He commented that cities cannot change the law—it is a state law.

Mayor King recognized Mike Parkey, General Services Director, as being back in the meeting. Mr. Parkey told the Council that a pilot had flown into the airport and needed transportation.

Susan Baysinger reported that the CDBG project had been approved by the state and that closing date for the bids is February 27, 2012 and that a pre-construction meeting will be held on February 13th.

There were no further items of other business.

(I) 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.

Mayor King asked the Council to take action to enter into closed meeting to discuss matters as allowed under the NM Statutes Section 10-15-1 H.(2), 2008, Pertaining to Limited Personnel Matters. *Mayor Pro-Tem Parker made the motion to enter into closed session as allowed by the Open Meetings act. Councilor Watkins seconded the motion. All Council members present voted in unanimous support of the motion. Motion carried.*

Mayor King afforded the Council a 7-minute break.

2. Action to Convene in Open Session.

Mayor King asked for action to convene in Open Session. *Councilor Robinson made the motion to convene in open meeting. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. Motion carried.*

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

Mayor King 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 King adjourned the meeting at 9:40 p.m.

Joan Martinez-Terry, City Clerk