

(A) MINUTES OF PREVIOUS MEETING(S):**1. Regular Meeting of November 6, 2012.**

Mayor King asked for Council to consider and approve the minutes of the Regular Meeting of November 6, 2012 as presented. *Mayor Pro-Tem Jackson made the motion to approve the minutes of the regular meeting of November 6, 2012 as presented. Councilor Parker 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. City Manager Howell responded in the absence of John Guldemann and Pat Garcia. Mr. Howell told the Council that the contractor is pouring on 1st Street. He reported that the contractor has torn out the asphalt on the north side of 2nd Street from Avenue K to University. The Council talked about the bump at the intersection of Avenue E and 2nd Street. City Manager Howell told the Council that this bump was discussed with the contractor who stated that it is a design for drainage. He commented that this bump will cause some problems. However, Mr. Howell told the Council that there is a warranty on the work.

(C) ITEM(S) FROM FINANCE/ADMINISTRATION COMMITTEE:**1. Ratification of Finance Department's Actions Regarding Bills for October 2012.**

Mayor King asked Finance Director Marilyn Rapp to report on the bills for October 2012. Ms. Rapp told the Council that the Finance/Administration Committee met last week to review the bills. She told the Council that the amount of the bills for October 2012 was \$1,772,393.73 and that they were a little higher than normal. She reported that the Finance/Administration Committee had recommended approval by the City Council. Mayor King asked the pleasure of the Council. *Councilor Lovett made the motion to approve the bills for October 2012 as presented. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. Motion carried.*

2. Resolution #12-13-20. FY 2012-2013 Mid-Year Budget Adjustments.

Mayor King asked Finance Director Rapp to report on the resolution for the mid-year budget adjustments. Ms. Rapp told the Council that there were just a small group of budget adjustments:

- General Fund increase to revenues for reimbursement and expenditure from County for Code Red annual fee;
- Funds moved from Temp Positions to Professional Services in Recreation Department for work study positions.
- Library Fund state grants in aid more than expected; expended state grants in aid.
- Recreation Fund revenue increase for donations from ComCast, J.P. Stone Bank, DFA and Michael & Trish Maguire; and increase to supplies category for expenditures.
- Recorded the balance of the 11-12 P.A.T. grant revenues and booked the expenditures.
- Rolled over the funds in Capital Building funds from previous year to cover the Memorial Building expenses for improvements.
- Rolled over the funds in CDBG from past projects and funds for new application.

Ms. Rapp asked that the Council adopt Resolution #12-13-20 approving the budget adjustments. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to adopt Resolution #12-13-20 approving the 2012-2013 mid-year budget adjustments as presented. Mayor Pro-Tem Jackson seconded the motion. Roll call vote of all Council members present resulted unanimously in favor of the motion. No abstentions. Motion carried.***

(D) REOPEN DISCUSSION/ACTION ON A LOBBYIST FOR THE CITY OF PORTALES

Mayor King asked Councilor Hunton to reopen the discussion on the issue of the lobbyist for the City of Portales. Councilor Hunton commented that he believes that this issue is about a lot more than just money. He stated that bills need to be monitored throughout the session. He said that the City has good legislators, but that they may not be able to keep track of them. He stated that we need to have someone representing the City. He added that it is important for Councilors to represent the City as well, but that a lobbyist would help keep the City's issues in front of the Legislators. Hunton told the Council that it would be good to send a representative for the City this year. Mayor Pro-Tem Jackson asked about the funds budgeted for a lobbyist. City Manager Howell responded that \$25,000.00 is budgeted for this purpose. Mayor Pro-Tem Jackson asked what he meant about having the lobbyist there throughout the year. Hunton responded that there are a variety of meetings throughout the year where it would be beneficial to have our interests in front of the Legislators. Councilor Parker asked if this wasn't something that the City Manager could do. Councilor Hunton responded that a lobbyist would have more contacts with the Legislators. Councilor Lovett commented that it sounded like the Council would be looking for a calendar year contract. Councilor Salguero asked how the Council would hold the lobbyist accountable. Councilor Hunton responded that the City Manager would be the contact person who would report back to the Council after the session. Councilor Hunton suggested that the Council leave it up to the City Manager to find a lobbyist and then bring a contract back for Council approval. Councilor Salguero commented that his concern was that a lobbyist had already been selected. Councilor Hunton stated that he is asking to have the City Manager do the work to get a lobbyist. The Council discussed the issue of an RFP, which is not required because the cost is under \$50,000.00. City Attorney Knudson asked what the role of the New Mexico Municipal League (NMML) is in the lobbying business. Councilor Hunton answered that he believed that the NMML is more aimed at the big city and not rural communities. Mayor King stated that a lobbyist would work to promote the items on the ICIP. She commented that during the legislative forum, George Dodge had stated that they need to see the Councilors in Santa Fe to show that they care about the community. Mayor King asked how the funds for the lobbyist would be paid. City Manager Howell stated that it would depend on the contract. Mayor King commented that the City could have a lobbyist once and then if it doesn't work out, we don't have to continue. Councilor Robinson commented that he is supportive of the lobbyist idea. Councilor Parker stated that she wants to try it for a year to see how it would work. Councilor Hunton commented that he believes that it will be good for the Councilors to attend as many of the legislative meetings as possible. Mayor King asked the pleasure of the Council. ***Councilor Hunton made the motion to have the City Manager look at getting a lobbyist for the City of Portales, and to bring back a contract for the Council to approve. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(E) AUTHORIZATION OF SALES CONTRACT FOR THE 100' AERIAL FIRE TRUCK

Mayor King asked Fire Chief Nuckols to introduce the sales contract. Chief Nuckols told the Council that this is a follow up step on the loan for the new fire apparatus. He commented that it is a 360 day process to build the truck. Nuckols told the Council that the down payment is \$308,306.00, which has been saved for that purpose out of the Fire Fund. He told the Council that the company is the Smeal Fire Apparatus Company of Snyder, Nebraska through a buyers group, the Houston Galveston Area Council of Governments (HGAC). He told the Council that Smeal will handle the down payment by accruing interest

at 3.25% from the date of receipt until the chassis arrives at which time Smeal will draw down from the down payment for payment for the chassis. He stated that the interest will continue to accrue until the unit is completed. He commented that this will be a savings of about \$13,000.00 on the contract price. He told the Council that he is requesting authorization of the sales contract with Smeal. The Mayor asked City Attorney Knudson if he was satisfied with the contract. City Attorney Knudson stated that there was no problem with the contract. Mayor King asked for action from the Council. ***Councilor Lovett made the motion to authorize the contract with Smeal Fire Apparatus Company for the 100' aerial fire truck as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(F) ITEM(S) FROM PLANNING COMMISSION:

1. Summary Re-Plat of Lots 3 and 4, Block 7, Benson Addition, Robert Ortega, Owner.

Mayor King asked Planning Director Sammy Standefer to present the Summary Re-Plat. Standefer told the Council that Robert Ortega, the owner of the property, has made application to replat Lots 3 and 4, Block 7 of the Benson Addition to give Lot 3 to a family member. He commented that Lot 4-A had been subdivided many years ago so this issue had to come to the Council. He told the Council that this action will not change Lots 4-A or 3-B. ***Mayor Pro-Tem Jackson made the motion to approve the summary re-plat of Lots 3 and 4, Block 7, Benson Addition as presented. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

2. Final Plat of Boston HomeSpot, Unit 3, Scott Christensen, Owner.

Mayor King asked Mr. Standefer to present the final plat of Unit 3 of Boston HomeSpot, owner Scott Christensen. Standefer told the Council that Unit 3 includes 15 lots and a storm water retention basin. He commented that the Planning Commission had approved the final plat at their meeting of October 15, 2012. Councilor Lovett asked if this was the unit with the smaller lot sizes. Standefer responded that the phase with smaller lot sizes is unit 4. Councilor Lucero asked about the retention basin. Standefer stated that the basin is for handling the post-construction drainage off of the roofs and other areas that collect water. He further commented that this plat can handle itself, but that the whole subdivision will need further retention basins. He asked for approval of the final plat of Boston HomeSpot, Unit 3. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to approve the final plat of Boston HomeSpot, Unit 3 as presented. Mayor Pro-Tem Jackson seconded the motion. Seven Council members voted in favor of the motion. Councilor Lovett abstained from the vote. Motion carried.***

(G) REQUEST FOR REJECTION OF BIDS FOR "USED, COMPUTER CONTROLLED HYDROSTATIC CHIP SPREADER FOR STREET DEPARTMENT"

Mayor King asked for the report on the request to reject bids for the chip spreader. City Manager Howell presented the item for General Services Director Mike Parkey. He told the Council that bids were requested for a used chip spreader, but that staff was not happy with the bids and were requesting that the Council formally reject the bids received. Public Works Director DeSha told the Council that two of the bids received were for new machines, so there was a great difference between the low and high bids. City Manager Howell told the Council that staff would re-bid the equipment upon rejection of the bids. Mayor King asked the pleasure of the Council. ***Mayor Pro-Tem Jackson made the motion to formally reject bids for the used chip spreader and authorize re-advertise bids for the***

equipment as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.

(H) RESOLUTION #12-13-21, A RESOLUTION TO DECLARE CERTAIN CITY PROPERTY AS SURPLUS; AND SALE OF SAME

Mayor King asked for a presentation of the resolution declaring surplus property. City Manager Howell told the Council that the action to declare city assets as surplus is required by state law. He commented that the items to be declared surplus were computers and a D-8K Caterpillar as listed in the attachment to the resolution. He told the Council that the caterpillar could be sold at internet auction or could be sold by bid. He told the Council that the caterpillar had been used at the city's landfill and taken out of service, since the landfill is closed now. Howell stated that the money for sale of surplus items goes back into the General Fund. Councilor Lovett asked I.T. Director Hales if the computers had been wiped clean. Mr. Hales stated that they were and are FDIC certified. Mayor King asked the pleasure of the Council. *Councilor Robinson made the motion to adopt Resolution #12-13-21, declaring certain City property as surplus and authorizing the sale of the items on the list attached to the resolution. Councilor Parker seconded the motion. Roll call vote of all Council members present resulted unanimously in favor of the motion. No abstentions. Motion carried.*

(I) AUTHORIZATION FOR MAYOR'S EXECUTION OF THE PROJECT AGREEMENT FOR FY 2012-2013 FOR THE ODWI GRANT BETWEEN THE CITY OF PORTALES POLICE DEPARTMENT AND THE NMDOT TRAFFIC SAFETY DIVISION

Mayor King asked for a report on the ODWI grant agreement. Susan Baysinger, Capital Projects Administrator, reported that the document before the Council was for the 2012-2013 NMDOT Traffic Safety Division's project agreement for \$14,386.00 for Operation Driving While Impaired (ODWI) for sobriety checkpoints, saturation patrols, and other DWI related activities aimed at reducing alcohol-related crashes, injuries and deaths; \$5,112.00 for Operation Buckle Down (OBD) to enforce seatbelt and child restraint laws, and Click it or Ticket (CIOT) to participate in child restraint training and clinics; and \$5,983.00 for Selective Traffic Enforcement Program (S.T.E.P.) to enforce traffic laws and activities aimed at reducing traffic-related injuries and fatalities. Mayor Pro-Tem Jackson asked if this program had been done in the past. Ms. Baysinger responded that it had been done in the past and that the City is getting 100% of what was requested. She stated that the NMDOT sets aside the funds in a set amount every year. Mayor King asked for further questions or the pleasure of the Council. *Councilor Parker made the motion to authorize the Mayor to execute the project agreement for FY 2012-2013 between the City of Portales Police Department and the NMDOT Traffic Safety Division as presented. Councilor Hunton 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.

Comments by new Police Chief Jones: Chief Doug Jones told the Council that this is his 7th day on the job. He stated that he had been busy meeting with his lieutenants and sergeants and other members of the department. He reported that he had met with ENMU Police Chief, the Sheriff and UnderSheriff, the D.A.s Office. He stated that to-date he had heard nothing but good things about the Police Department. He said that the week had been a remarkable experience. Chief Jones told the Council that there should be a good report in tomorrow's newspaper. Jones told the Council that there had been a

number of auto vandalism or burglaries in the community lately. He commented that there are a lot of people in the community who leave their autos unlocked, and that he hopes to have the newspaper put out a warning note to the public. He commented that his wife is looking forward to coming to New Mexico. He ended his comments by stating that he is glad to be here.

Promotion of the Yam Music Series: Councilor Hunton put in a plug for his brother who is playing in the Yam music series.

Report on MLK Funding Cycle: Councilor Robinson reported that he had attended the MLK funding meeting in Albuquerque recently. He told the Council that he was hoping for funding for the program put on by the Cultural Affairs Committee.

Report on the Legislative Forum and Water Authority: Mayor King reported that the Council did learn one good thing at the Legislative Forum—that there is some money available at the state level. Mayor King told the Council that state legislators Woolley, Roch and Dodge were present as well as representatives for U.S. Senators Udall and Bingaman and Congressman Pierce. Mayor King reported that members of the water authority would be traveling to Washington to promote the Ute Water Project.

Mayor King reminded the Council of upcoming activities: Christmas at President Gamble's—12/5/12; Little Miss Merry Christmas—12/6/12; and the Light Parade—12/7/12.

Report on the El Llano Estacado RC&D Meeting: Mayor Pro-Tem Jackson reported that he had attended the meeting of the El Llano Estacado RC&D meeting and said that he had found it interesting. He commented that the next meeting is in Tucumcari. He stated that there were some nice people on the Board. He stated that they are also facing budget cuts.

Street Lights & Crosswalks on 2nd Street : Councilor Parker stated that she has received complaints about the lack of street lights on 2nd Street. City Manager Howell commented that the lights were all on one circuit so Xcel had to take them all out for new wiring to be put in during the highway improvement project. In addition, she had received complaints regarding the crosswalks and traffic lights in the downtown area. City Manager Howell responded that this should all be addressed as part of the NMDOT U.S. 70 improvement project. He stated that when the state puts in the new traffic lights pedestrian crossings will be addressed. He commented that currently the only way to address the issue is for the Police Department to enforce the crosswalk problems, but that they would have to address the jaywalking problem also.

Appreciation Expressed by Fire Chief: Fire Chief Nuckols thanked the Council for their support on the aerial truck. He reminded the Council of the fundraiser basketball game being put on by the Clovis and Portales Fire Departments at 2 p.m. on December 2, 2012 at the Ram Athletic Center. The departments are playing for donations to the Secret Santa project.

Report on Audit FY 2011-2012: Finance Director Marilyn Rapp told the Council that the audit exit conference had taken place recently. She told the Council that there were no problems with our system. Mayor King told the Council that the auditor had praised Marilyn Rapp for having good records.

Report of Activities in City: Susan Baysinger, Capital Projects Administrator, reported the following:

- the Portales Community Outreach Thanksgiving Dinner is set for Thanksgiving Day from 11 a.m. to 1 p.m. at the Memorial building; coat drive in conjunction with the dinner;
- Operation Santa Cop program is in progress—collection sites are all over the city for new unwrapped gifts for children;
- Winter Wonderland at the Portales Senior Citizens Center from the 10th to the 14th—pictures with Santa—entry fee is non-perishable food or a toy;
- Lighting of the Mayors Christmas Tree on 12/3/12 at 4:30 p.m. at City Hall;

- the Employees Christmas Party will take place on 12/1/12 at the Memorial Building at 7 p.m.; and
- President Gamble's Christmas Party at his residence on 12/5/12.

Mayor King stated that this year the kids from the Recreation Center will be honored at the Mayor's Christmas Tree.

Chief Jones commented that the Department will have officers present at Walmart for the Black Friday sales as a precaution.

Water Tank Design & Other Info from Public Works: Public Works Director DeSha told the Council that the Public Works Committee had met with Councilor Robinson regarding the water tank design and that he will be meeting with ENMU about developing a design. He also reported that 11 different contractors had attended the pre-bid conference for the Los Lomas project. He stated that the wastewater treatment plant project is moving ahead and that staff should have something on the project from Smith Engineering soon. He added that the discourse should include the plan for the line to bring reuse water back into town. He asked the Council if they had been by City Park to see the work being done on the trees in the park. He commented that the Parks/Cemetery employees had taken out about 20 dead trees. He told them that the plan is to take the trees from the downtown area to the Cemetery. He reported on the Employee Christmas party and that the Employee Association are also doing a community service project of food baskets and that they had paid for Thanksgiving meals also. The plan for the food baskets is to take them to the Ministerial Alliance so they can handle the selection and delivery. He ended his report by stating that the public works departments are working hard.

City Manager Howell wished the Council a happy Thanksgiving and told them that he would be out of the office for the holiday.

(H) 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.**

No Executive Session held.

ADJOURNMENT:

There being no further business or comments, Mayor King adjourned the meeting at 8:15 p.m.

Joan Martinez-Terry, City Clerk