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  - 1. Non-Exclusive Use Agreement between the City of Portales and Portales Softball Association (PSA).
  - 2. Non-Exclusive Agreement between the City of Portales and Roosevelt County Little League (RCLL).
  - 3. Non-Exclusive Agreement between the City of Portales and Portales American Youth Soccer Organization (AYSO).
  - 4. Recommendation Regarding Parks Equipment to Specific Parks.
- L. Other Business/Citizens to be Heard.
- M. 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; §10-15-1 H.(7), 1995 for Attorney-Client Privilege Pertaining to Threatened or Pending Litigation; §10-15-1 H.(8), 1995, for the Purchase, Acquisition, or Disposal of Real Property or Water Rights.
  - 2. Action to Convene in Open Session.
  - 3. Action Required as a Result of the Closed Session.

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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, April 2, 2013, at 7:00 p.m., in the Council Chambers in the Memorial Building 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: Ronald L. Jackson

COUNCIL MEMBERS: Matthew Tod Hunton Antonio Salguero  
Leo Lovett (absent) 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 Johnny DeSha, Public Works Dir.  
Marilyn Rapp, Finance Director Randy Knudson, City Attorney  
Susan Baysinger, Capital Proj. Adm. Dennis Hales, I.T. Director  
Sammy Standefer, Planning Dir. Gary Nuckols, Fire Chief  
Chris Mitchell, Police Officer

OTHERS PRESENT: Christina Calloway, Press Paul McFadden  
Pat Garcia, NMDOT Jesse Leonard  
John Guldemann, Constructors, Inc. Casey Jackson

Raymond Mondragon, EPCOG  
Michael Neurantur  
Sharla Thackston

Casey Robertson  
David Stone

Mayor King asked Councilor Parker to give the invocation, and Police Chief 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 March 19, 2013.**

Mayor King asked for Council to consider and approve the minutes of the Regular Meeting of March 19, 2013 as presented. *Mayor Pro-tem Jackson made the motion to approve the minutes of the regular meeting of March 19, 2013 as presented. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. Motion carried.*

#### **(B) PROCLAMATION DECLARING APRIL 8, 2013 AS "FAIR HOUSING DAY" IN PORTALES, NEW MEXICO**

Mayor King read the proclamation aloud declaring April 8<sup>th</sup> as Fair Housing Day in Portales and acknowledging the importance of assuring fair and equal treatment to all citizens. Mayor King presented the proclamation to Susan Baysinger, Capital Projects Administrator. Ms. Baysinger reported that a coloring contest will take place on April 8<sup>th</sup> for the kids at the Recreation Center.

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

Mayor King asked for a report on U.S. 70 Highway improvements. NMDOT representative Pat Garcia told the Council that the contractor is moving forward. He commented that the milling process has been a little slower than anticipated. He commented that this should be done by the end of next week and everything opened up by April 15<sup>th</sup> from Avenue J to the Super 8 Motel. He told the Council that the contractor will continue to come toward the downtown. Garcia told the Council that Constructors, Inc. should be done from Avenue J to Avenue C by June or July at the latest. Mayor King asked Mr. Garcia when the contractor intends to be in the downtown area. She asked how customers will access the merchants in the downtown when the contractor will be replacing sidewalks. She commented that some businesses will be impacted greatly. Councilor Thomas asked about the potential of the project shutting down for winter. Mr. Garcia commented that the NMDOT has asked for a day and night schedule from the contractor. He stated that the contractor is still behind schedule. Councilor Parker suggested that the contractor let the businesses know what is planned in the downtown. Garcia stated that he does as much pushing of the contractor as he can. Councilor Parker told Garcia that we still want a good project, but we just need to know how the customers can access businesses. Pat Garcia commented that the NMDOT has experienced frustration with Constructors, Inc. Councilor Parker commented that some businesses have had good experiences with the process. She expressed appreciation at the promptness of the contractor in getting the intersections opened up after the work is done. David Stone suggested that Commercial Street in front of J.D. Heiskell be opened back up to allow traffic flow around the downtown. He asked if anyone had suggested that idea. City Attorney Knudson asked why it wasn't an option to leave a pathway for the customers to access businesses. Garcia said that this is a possibility and that the NMDOT had been talking to the contractor about this option. He added that the NMDOT wants to sit down with the contractor and work out a plan to get the project done with the least amount of hold up. Councilor Parker commented that this is not the first time that the state has done this type of

project. Mayor King stated that she and Ms. Baysinger would set up a meeting with John Guldemann of Constructors Inc., the NMDOT and the businesses to talk about the work plan in the downtown area for the next week or so. Councilor Hunton asked why the contractor is tearing up concrete now and that the timing looks like they will be in the middle of the downtown come December. Mayor King suggested that this be discussed at the meeting with the principle players. David Stone asked if J.D. Heiskell had paid for closure of the street in front of the mill. Mayor King answered that, in a way, they had done so.

#### **(D) REPORT ON 2014 LEGISLATIVE SESSION**

Mayor King asked for a report from Michael Miller, the City's lobbyist to the NM Legislative session for 2014. Mr. Miller stated that the legislature adjourned at noon on March 16<sup>th</sup>. He reported on the removal of the Hold Harmless Provision over a 15 year period. He reported on other bills tracked— requirement of 72 hours advanced notice of meetings by public bodies with the exception of emergencies with reporting to the State Attorney General; waiver of utility connection for deployed military; statewide inspection law—certified building inspectors in all trades with cities having 5 years to comply; changes in the state investment pool regarding how the State Treasurer invests funds; a change in the time alcohol sales can be sold from 10 a.m. to 11 a.m.—doesn't apply to those who have beer and wine licenses; and changes to procurement laws—amount for minor purchases has been increased. Miller asked for questions and told the Council that the minimum wage bill was vetoed; \$151,000.00 allocated for Portales water distribution system improvements; and \$172,000.00 for a lift station for the rural water authority. He added that bills with no effective date go into effect mid-June. Councilor Lucero asked why the project approved for the rural water authority was listed for Portales. Miller responded that this is credited to Portales because it will go through Portales.

#### **(E) SELECTION OF SEARCH COMMITTEE FOR CITY MANAGER SEARCH**

Mayor King told the Council that it is not possible to have the full Council on the City Manager Search Committee (have to stay below a quorum of the Council). She commented that the Committee can only have 4 Councilors on it and that she asked for approval of the appointment of Councilors Salguero, Robinson, Hunton, Mayor King and Citizen Kevin Bond to serve on the search committee. Mayor King asked the pleasure of the Council. *Mayor Pro-tem Jackson made the motion to approve the appointment as recommended by Mayor King. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried.*

#### **(F) DISCUSSION OF SCHEDULING A COUNCIL RETREAT IN NEAR FUTURE**

Mayor King commented that Councilor Thomas had asked that the Council Retreat be taken out of town this year. She asked the Council if they wanted a retreat this year. Councilor Lucero asked about the need for it. Mayor King responded that the retreat is a way for the Council to discuss issues and make recommendations in a more private setting. Mayor King commented that with the end of school coming up timing will be an issue for several of the Councilors. She asked if it would be best to be held before May 1<sup>st</sup>. She asked that staff send out possible dates for a retreat to the Council for them to come to consensus.

#### **(G) UPDATE ON PROPERTY PLACED ON CITY'S DANGEROUS BUILDINGS LIST**

Mayor King asked Sammy Standefer to give a brief history of the dangerous buildings listing. Mr. Standefer explained the process and commented that Sharla Thackston's properties were basically

abandoned. Standefer explained that the Courts had given the City Council the authority to handle the dangerous buildings and that David Stone had appeared before the Council and requested time for Ms. Thackston to get repairs completed on the properties. He reported that the Council had given Ms. Thackston a 90-day reprieve. City Attorney Knudson suggested that it might be better for the City Council to allow Ms. Thackston more time to proceed. Ms. Thackston thanked the Council for inviting her to speak to them. She reported that 4 properties have been completed and are rented. She stated that the last one is stuck due to problems with the electrical boxes and miscommunication between the state and Xcel Energy. She told the Council that the issue is that people have stolen wiring from houses and three (3) houses in particular. Mayor King asked her about the little green house. Councilor Robinson asked about the house on 2<sup>nd</sup> Street, and Ms. Thackston explained that the carpet is being waited on. Councilor Parker asked why the houses had reached that state. Ms. Thackston responded that it was due to a financial situation due to family issues. Councilor Parker stated that she doesn't want them to get in that same shape again. David Stone commented that he appreciated what the Council had done, but that there is a house on Hwy 70, rural road 10 that is that same shape. Mayor King answered that the property on rural road 10 is outside of their jurisdiction. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to approve a 90-day extension for Ms. Thackston to complete repairs to the remaining houses. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. Motion carried.***

#### **(H) APPROVAL REQUESTED FOR RECOMMENDATION FROM THE PLANNING COMMISSION ON THE APPLICATION FOR A TELE-COMMUNICATIONS TOWER BY ROOSEVELT COUNTY RURAL TELEPHONE COOP**

Mayor King asked Planning Director Sammy Standefer to report on the recommendation from the Planning Commission to approve the application for a Tele-Communications Tower submitted by the Roosevelt County Rural Telephone Cooperative (RCRTC). Mr. Standefer told Council that the RCRTC had filed an application for a 180 ft. tower to be placed on their property on the Clovis highway. He commented that this property is zoned commercial and that the Planning Commission had reviewed the application on March 18, 2013. The RCRTC had requested waivers because the City's ordinance limits towers to 150 ft., has setback requirements and requires a camouflage plan. He reported that the Planning Commission had granted the waivers requested. Standefer commented that the RCRTC had done an excellent job with their application. The Mayor questioned the camouflage plan requirement. Standefer responded that the ordinance was developed to set criteria for licensing towers. Council discussed the location of the tower and asked if it was erected yet. Sammy Standefer told the Council that the tower has not been erected and that it is the same as the one at Yucca. Mayor King asked the pleasure of the Council. ***Councilor Lucero made the motion to accept the recommendation of the Planning Commission to approve the application for the 180 ft. tele-communications tower with waivers as submitted by the RCRTC. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried.***

#### **(I) PUBLIC HEARING TO RECEIVE COMMENTS ON ORDINANCE NO. 702. AN ORDINANCE APPROVING ECONOMIC DEVELOPMENT PROJECTS**

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

Mayor King asked for a motion to enter into Public Hearing to receive comments on the ordinance approving economic development projects in accordance with state law. ***Councilor Parker made the motion to enter into public hearing. Mayor Pro-Tem Jackson seconded the motion. Motion carried. No abstentions.***

Mayor King asked for comments from the group. There were no comments.

## **2. Action to close the Public Hearing.**

Mayor King asked for a motion to close the public hearing. *Councilor Hunton made the motion to close the public hearing. Councilor Salguero seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

## **3. Action on Ordinance No. 702.**

Mayor King asked the pleasure of the Council regarding Ordinance No. 702. *Councilor Thomas made the motion to adopt Ordinance No. 702, approving Economic Development projects. Councilor Parker seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. Motion carried. No abstentions.*

## **(J) RESOLUTION #12-13-33, AUTHORIZING THE MAYOR'S SIGNATURE TO SUBMIT THE ANNUAL FIRE PROTECTION FUND DISTRIBUTION APPLICATION FOR FISCAL YEAR 2014**

Mayor King asked Fire Chief Nuckols to present Resolution #12-13-33. Chief Nuckols told the Council that this resolution authorizes submittal of the annual application for 2014 Fire Protection Fund Distribution. He told the Council that the state requires approval by the Council by resolution. He reported that the amount requested is \$191,000.00 and that the minimum is \$154,169.00. Chief Nuckols told the Council that the funds may be used for fire apparatus, fire equipment or supplies. He stated that there is no impact to the City and asked that the Council approve the resolution authorizing the Mayor's signature to submit the application. Mayor Pro-Tem Jackson asked if the funds have to be completely spent in a grant year. Chief Nuckols responded that the funds can be rolled over with approval from the state. Mayor King asked the pleasure of the Council. *Councilor Parker made the motion to adopt Resolution #12-13-33, authorizing the Mayor to sign the Fire Protection Fund Distribution application for fiscal year 2014 as presented. Councilor Hunton seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. Motion carried.*

## **(K) ITEM(S) FROM THE RECREATIONAL ADVISORY BOARD:**

- 1. Non-Exclusive Use Agreement between the City of Portales and Portales Softball Association (PSA).**
- 2. Non-Exclusive Use Agreement between the City of Portales and Roosevelt County Little League (RCLL).**
- 3. Non-Exclusive Use Agreement between the City of Portales and American Youth Soccer Organization (AYSO).**

Mayor King asked for a presentation of the non-exclusive use agreements from the Recreational Advisory Board. City Manager Howell reported that the Board had met and recommended approval of the non-exclusive use agreements with the Portales Softball Association, Roosevelt County Little League and the Portales American Youth Softball Association. Mayor King asked the pleasure of the Council regarding each agreement. *Councilor Robinson made the motion to approve the non-exclusive use agreements with the Portales Softball Association; Roosevelt County Little League; and the Portales American Youth Softball Association as recommended by the Recreational Advisory*

*board. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

#### **4. Recommendation Regarding Parks Equipment to Specific Parks.**

Mayor King asked for presentation of the recommendation on parks equipment. Public Works Director DeSha reminded the Council that Councilor Robinson had requested an inventory of the parks in the City. He told the Council that an inventory list had been prepared for the Recreational Advisory Board and the City Council and that he and Parks/Cemetery Supervisor Ronnie Johns had recommended playground equipment for Senior Park on 1<sup>st</sup> Street and La Buena Vida Park on Juniper Street and that the Recreational Advisory Board had approved the recommendation. He reported that money had been budgeted for two 3 to 5 age play groups. Mayor Pro-Tem Jackson asked if anything would be taken out in those parks. DeSha responded that the plan is to add equipment only. Councilor Salguero commented that the merry-go-round at La Buena Vida Park has some slack and requested some repairs. Councilor Robinson stated that La Buena Vida Park is being utilized more than people realize due to the basketball goals. He added that young mothers with young kids are using the park now. Mayor King asked about picnic tables and their condition. Mr. DeSha responded that more picnic tables are needed in all the parks. Councilor Parker commented that she had been asked about the City putting in a dog park. Councilor Salguero asked about walking trails in parks other than the one out at the complex on Industrial Drive. Mayor King asked that these issues be put on hold until she has had a chance to discuss issues with all the Councilors.

#### **(L) OTHER BUSINESS/CITIZENS TO BE HEARD**

Mayor King asked for items of other business starting with staff.

**Speed Violations on Commercial Street:** Mayor King asked about traffic tickets issued on Commercial Street. Councilor Robinson asked if the traffic monitoring equipment on the street does more than just monitor speed. Chief Jones responded that this only a reminder to people to know how fast they are going. Councilor Parker asked about the feasibility of speed bumps. Chief Jones answered that speed bumps are used in residential areas, not in heavy traffic. City Manager Howell commented that speed bumps have been a long term battle.

**Town Hall Meeting:** Mayor King told the Council that a Town Hall meeting has been scheduled for April 18<sup>th</sup> in the Memorial Building for an update of Ute Water, Highway 70, and the panhandling ordinance. She commented that the group asking for donations at the intersection of Avenue D and 18<sup>th</sup> Street was back again on Good Friday. Mayor King commented that she wants the Town Hall meeting to begin with the video of Portales that has aired on Terry Bradshaw's "Today in America." Councilor Thomas stated that he had a conflict with the date of the Town Hall meeting.

**Speeding Traffic on the North Side of Portales:** Councilor Lucero briefly commented about speeding on the north side and stated that he appreciates the police visibility.

**Question about Enforcement of the City Noise Ordinance:** Councilor Salguero asked about enforcement of the City's Noise Ordinance. Discussion was held regarding what can be done about boom boxes in vehicles after 10 p.m. City Attorney Knudson said he would read the ordinance and advise them later in the meeting. City Attorney Knudson told the Council that an ordinance had been adopted on Unreasonable Noise and read it to them. He stated that it does prohibit noise and carries of a fine up to \$300.00. He commented that a problem with the ordinance is how to prove the decibels of a noise. He added that tickets can be issued by the Police Officers. Chief Jones commented that there are noise meters that could be used for this purpose.

**Update on School Zone Traffic:** Councilor Hunton asked City Manager Howell for an update on the school zone traffic. City Manager Howell responded that he was waiting for a recommendation by the NMDOT. He commented that the survey has been completed.

**Potential Loan and Grant for Wastewater Treatment Plant:** City Manager Howell told the Council that a letter from the Clean Drinking Water Bureau about the need to get back to them by April 25<sup>th</sup> regarding a loan to build a new plant. The Council and staff discussed the estimated cost for the plant which could be as much as \$25,000,000.00 for a 20-year loan. City Manager Howell told the Council that it is better to ask for more and not use it than to ask for less and need more. Councilor Thomas commented that this is high money project. City Manager Howell told the Council that staff would go ahead with the project unless they have a problem. Mayor King commented that even if we get the funds, we don't have to use them. City Manager reported that he and Public Works Director DeSha had gone to Kansas to look at a wastewater plant.

**Reminder of NMML District 4 Meeting:** City Manager Howell reminded the Council of the District 4 meeting in Tucumcari on Friday, April 5, 2013.

**Introduction of New Police Officer:** Police Chief Jones introduced Chris Mitchell as a new Police Officer joining the investigative division; and commented that he was a 21-year veteran of the US Air Force. Mayor King welcomed him to the Department.

**EPCOG Legislative Round Up:** Raymond Mondragon invited the Council to the EPCOG Legislative Round Up to be held on April 17, 2013 at the Clovis Carver Library. He told the Council that Senators Ingle and Woods and Representatives Dodge and Roch would be attending the meeting to talk about legislative round up, lunch is planned before a tour for the legislators of Southwest Cheese.

#### **(M) 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; §10-15-1 H.(7), 1995, for Attorney-Client Privilege Pertaining to Threatened or Pending Litigation; §10-15-1 H.(8), 1995 for the Purchase, Acquisition, or Disposal of Real Property or Water Rights.**
2. **Action to Convene in Open Session.**
3. **Action Required as a Result of the Closed Session.**

No executive session was held.

#### **ADJOURNMENT:**

There being no further business or comments, Mayor King adjourned the meeting at 8:40 p.m.

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Joan Martinez-Terry, City Clerk