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  - 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, January 3, 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 (absent)	
COUNCIL MEMBERS:	Alfredo Bachicha, Jr. (absent) Ronald L. Jackson Leo Lovett Oscar Robinson	Antonio Salguero Keith A. Thomas Gary L. Watkins
STAFF PRESENT:	Tom Howell, City Manager Joan Martinez-Terry, City Clerk Susan Baysinger, Cap. Proj. Admin. Dennis Hales, I.T. Dir.	Jeff Gill, Police Chief Steve Doerr, City Attorney Gary Nuckols, Fire Chief Johnny DeSha, Public Wks. Dir.
OTHERS PRESENT:	Alisa Boswell, Press	Sandy Van Der Veen

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 December 20, 2011.**

Mayor King asked for Council to consider and approve the minutes of the Regular Meeting of December 20, 2011 as written and presented. *Councilor Jackson made the motion to approve the minutes of the regular meeting of December 20, 2011 as presented. Councilor Salguero seconded*

*the motion. All council members present voted in favor of the motion. Motion carried. No abstentions.*

**(B) PROCLAMATION DECLARING MARTIN LUTHER KING, JR. DAY IN PORTALES, NEW MEXICO**

Mayor King presented the proclamation declaring January 16, 2012 as Martin Luther King, Jr. Day to Councilor Robinson. She read the proclamation aloud to the Council and audience and invited them to attend the events set for Monday, January 16, 2012 to begin with a march from ENMU to the Memorial Building. She told the Council that an agenda for the celebration was handed out to the Council for their information. Councilor Robinson thanked the Mayor for the proclamation and stated that he was pleased that Portales and Clovis received funding from the State Martin Luther King, Jr. Commission again this year. He told the audience that the State Commission has announced their participation in the National Mall Memorial for Martin Luther King, Jr. and that they encouraged everyone to visit the memorial. He told the Council that the Commission is proud that their program has expanded to most communities in the state most recently into Farmington and Gallup.

**(C) EASEMENT AGREEMENT FOR 6.5' ENCROACHMENT FOR A CONCRETE WALL FENCE AT 1743 S. AVENUE O—OWNERS, DEARIL D. LOONEY & DUSTY D. LOONEY**

Mayor King asked City Manager Howell to present the easement agreement requested. City Manager Howell told the Council that the 6.5' easement encroachment is on the property where the Hillards used to live. He commented that the encroachment is a stucco fence on 18<sup>th</sup> Street. He told the Council that the procedure is to give new buyers an easement each time it sells. The new owner cannot get title insurance until the easement agreement is approved by the Council for signature by the Mayor. He asked for Council approval. Mayor King asked for Council action. *Councilor Jackson made the motion to approve the easement agreement for the 6.5' encroachment at 1743 S. Avenue O. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstention.*

**(D) PUBLIC HEARING FOR ORDINANCE NO. 697. AN ORDINANCE GRANTING CERTAIN RIGHTS AND PRIVILEGES TO YUCCA TELECOMMUNICATIONS SYSTEMS, INC., ITS SUCCESSORS AND ASSIGNS**

**1. Action to Enter into Public Hearing to Receive Comments.**

Mayor King asked for a motion to enter into public hearing on Ordinance No. 697. *Councilor Robinson made the motion to enter into public hearing to receive comments on Ordinance No. 697, an ordinance granting certain rights and privileges to Yucca Telecommunications. Councilor Watkins seconded the motion. All council members present voted in favor of the motion. Motion carried. No abstentions.*

Mayor King asked for comments or questions from the audience. There were no questions or comments.

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

Mayor King asked for action to close the public hearing. *Councilor Jackson made the motion to close the public hearing. Councilor Watkins seconded the motion. All council members present voted in favor of the motion. Motion carried. No abstentions.*

### **3. Action as a Result of the Public Hearing.**

Mayor King asked for Council action. *Councilor Lovett made the motion to adopt Ordinance No. 697, ordinance granting certain rights and privileges to Yucca Telecommunications systems, Inc., its successors and assigns. Councilor Robinson seconded the motion. Roll call vote of all council members present resulted in unanimous support of the motion. Motion carried. No abstentions.*

#### **(E) REPORT ON YAM THEATER OPERATIONS AND RENTALS**

Mayor King asked Ms. Sandy Van Der Veen, Promotions Manager for the Roosevelt County Chamber of Commerce and Portales MainStreet Manager, to present the report on Yam Theater operations and rentals. Ms. Van Der Veen had a short PowerPoint presentation on the Yam Theater in which she related some background on the Yam. She commented that the Yam had been known by various multiple names. She stated that the Yam Theater, at one time, had been the only theater in Portales and had the highest technology in the City. She stated that Portales MainStreet and the City of Portales had made improvements to the facility with a chair rail (which has been the biggest asset); improvements to the concession sink area and an outside patio that is under construction. She reported that a refrigerator for the concession area has been fully donated. Van Der Veen reported that the Yam has brought in \$8,000.00 thus far. She stated that there have been 26 events in the first year and already have 8 events planned for 2012. She told the Council that events held at the Yam include graduation parties, weddings, and birthday parties. Ms. Van Der Veen listed the website for the Yam. She showed pictures of the layout of tables for events such as the CAFB Christmas party; the Chamber banquet and a recent retirement party. Van Der Veen stated that a tile sale is planned for a fundraiser; a music series is ongoing, and a chair auction is planned for funds dedicated for use at the Yam. Mayor King asked where the tiles would go and at what price. Van Der Veen responded that the tiles would go in the lobby and that they cost \$200.00 each. Mayor King asked about the music series and whether a different day would be better to hold the music series presentation. Ms. Van Der Veen said this could be looked at. Mayor King asked for comments or questions from the Council. Mayor King thanked Ms. Van Der Veen when there were no questions or comments from the Council or staff.

#### **(F) POTENTIAL LEASE OF CITY LAND FOR SOLAR FACILITY**

Mayor King asked City Manager Howell to present the potential lease of City land. Mr. Howell told the Council that a solar power company entitled Element Power is looking at renting land on the east side of the City airport by the Industrial Park. Councilor Thomas stated that he is very interested in it for the City, but that he doesn't want to contract with the company without the ability to get out of the contract, if necessary. City Manager Howell responded that the document in their packet is only to find out whether the Council is interested in such a lease or not. Councilor Lovett commented that he was interested in such a lease but with the same considerations as Councilor Thomas. Mayor King asked for clarification of the location of the plots of land in question. City Manager Howell responded that it is land out by the airport and consists of about 160 acres of land. Councilor Jackson expressed interest as well. City attorney Doerr stated that he would include language to allow the City out of the contract if necessary. He added that language requiring that the land must be used for purpose listed. Mayor King commented that she would like to have language in the contract that would require Element Power to remove equipment when they leave. Councilor Salguero expressed concern about that the company might want to tie up the land for 35 years and not do anything with it. City Attorney Doerr stated that he could put wording in the contract to protect the City. Mayor King asked what the thought behind a 35 year contract was all about. Councilor Thomas commented that he would think that is from a business

perspective that they would want a long-term contract. Mayor King asked for a consensus from the Council and they were all interested in such a lease.

### **(G) INFRASTRUCTURE REPAIR UPDATE**

Mayor King asked City Manager Howell to report on City infrastructure repairs. City Manager Howell reminded the Council that \$400,000.00 had been set aside in the budget for infrastructure improvements. He commented that cost estimates of roof replacement/repairs at the Court, Recreation Center, and Memorial Building were being reviewed. He stated that doors at the Memorial Building and the Recreation Center are being looked at also. He commented that they will be done in a couple of ways—small ones will go to local contractors and the larger ones will be done through CES contracts. He commented that the meeting room at the Memorial Building needs new carpeting and paint before the Council can move its meetings there; he added that the smaller meeting room can be used for executive sessions. He reminded the Council of the proposal to move the Council to the Memorial Building and move Planning over to City Hall. He commented that Administration should have contracts for some of the work by the end of the month. Howell stated that the HVAC and doors will come first; then the work to add offices to the City Hall. He added that the roofs at the Fire Station and the Library should be looked at also. He commented that the funds for infrastructure repairs is the money that the City made payments the Library Bonds.

### **(H) APPROVAL OF CONTRACTOR FOR THIRD PARTY REVIEW OF POLICE DEPARTMENT**

Mayor King told the Council that she had called the NMML regarding a third party review of the Police Department and that they had referred her to Diane Lang who works with police accreditation. Mayor King stated that Ms. Lang had given her some options to whom the Mayor had spoken: Fred Redosovich, currently Public Safety Director at Los Ranchos of Albuquerque, who works with his brother (retired state police officer) and offered an audit or review for about \$2,000.00 and expenses; Technicon Training Consulting Services submitted a full proposal and would do the work for \$16,500.00; and the one that Councilor Watkins suggested—Robert Caswell Investigations for a cost of under \$10,000.00. She asked for questions or comments from the Council. Councilor Watkins asked if she was comfortable with the Redosovich. Mayor King commented that she leaned toward Fred Redosovich. Councilor Salguero asked how much input they would accept from the Council. Mayor King said that they would follow input from the Council. She commented that it would be a review of procedures—kind of like an audit like we do with finances. She added that the cost would depend on the extent of the review as recommended by the Council. Mayor King asked for action from the Council. ***Councilor Watkins made the motion to enter into negotiations for a contract with Fred Redosovich. Councilor Thomas seconded the motion. All council members present voted in favor of the motion. Motion carried. No abstentions.***

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

Mayor King asked for other business from the Council and Staff:

Fire Chief Nuckols:

- Told the Council that the Fire Department is gearing up for the new year. He stated that the department is planning some training and offering wild land fire refreshers for the County. He commented that the department is working to get equipment ready for the fire season.

Police Chief Gill:

- Told the Council that a new school resource officer has been selected. He stated that Officer Victor Castillo will take the position of school resource officer. Gill added that Officer Castillo will work with Lindsey Middle School as well as the Junior High and High School.
- Commented that there is currently one opening in the department.

City Attorney Doerr:

- Commended the City Clerk for her assistance with the Industrial Revenue bond. The City Clerk thanked her staff.

Mayor King commented on the opportunity to be Honorary Commander at Cannon Air Force Base.

There were no further items of other business.

**(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 Section 10-15-1 H.(2), 2008, for Limited Personnel matters.**

Executive Session not used.

**ADJOURNMENT:**

There being no further business or comments, Mayor King adjourned the meeting at 7:40 p.m.

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Joan Martinez-Terry, City Clerk