

TABLE OF CONTENTS FOR COUNCIL MEETING HELD DECEMBER 4, 2012:

- A. Minutes of Previous Meeting(s):
  - 1. Regular Meeting of November 20, 2012.
- B. Update of U.S. Highway 70 Improvements.
- C. Report/Presentation of ComCast Partnership Sign given to Recreation Center.
- D. Informational Report on Yam Theatre.
- E. Resolution #12/13/23, Authorizing the Mayor's Signature to Submit the FY 2014 EMS Fund Act Grant.
- F. Resolution #12-13-24, City of Portales and Portales Municipal Airport 2012 Disadvantaged Business Enterprise (DBE) Program.
- G. Report/Update on Dangerous Buildings.
- H. Other Business/Citizens to be Heard.
- 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; § 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.

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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, December 4, 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: 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 Gary Nuckols, Fire Chief  
Steve Doerr, City Attorney Keith Wattenbarger, Em. Prep. Dir.  
Johnny DeSha, Public Wks. Dir. Jodi Kibbe, Rec. Center Dir.  
Sammy Standefer, Planning Dir. Susan Baysinger, Capital Projs. Adm.  
Frederick Arnold, Municipal Judge

OTHERS PRESENT: Alisa Boswell, Press Sandy Van Der Veen  
Charles Chaves, PHS Amy Carter, PHS  
Raul Lopez, PHS Miranda Sando, PHS  
Cruz Belden, PHS Matthew Shelly, PHS  
John Guldemann, Constructors, Inc. Vance Petersen, PHS  
Alonzo Corrales, PHS Devon Sellers, ENMU  
Curtis Jackson, ENMU

Mayor King asked Councilor Salguero to give the invocation, and Miranda Sando, PHS, to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

Mayor King welcomed the audience, which included students from Municipal Judge Arnold's high school government class and two students from ENMU.

### **(A) MINUTES OF PREVIOUS MEETING(S):**

#### **1. Regular Meeting of November 20, 2012.**

Mayor King asked for Council to consider and approve the minutes of the Regular Meeting of November 20, 2012 as presented. *Councilor Parker made the motion to approve the minutes of the regular meeting of November 20, 2012 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 King asked for an update on the U.S. Highway 70 improvements. John Guldemann reported that the concrete work had been completed on First Street up to Avenue J and that the crew will begin working to pour curb and gutter tomorrow. He commented that the crew may be able to pour concrete for street work next week, but that low temperatures may limit the work to sidewalks. He added that temperatures have to be 40 degrees and up to pour concrete for the street. He commented that the intersections at Avenue J and K would be closed temporarily. Mayor King asked if these intersections would be opened back up by Christmas. Guldemann stated that he didn't see any problems to get done by the 21<sup>st</sup>. Councilor Lucero asked about the hump in the intersection of 2<sup>nd</sup> and Avenue E. Pat Garcia responded that this had been reviewed by the NMDOT and Constructors, Inc. and that the pitch is greater than at the other intersections, but that it will have to remain that way so that Avenue D won't flood. Guldemann commented that it was per design to keep the area from ponding. Councilor Thomas suggested that signs should be placed there to notify people passing through. Mayor King asked that Constructors, Inc. move the sandbags on 2<sup>nd</sup> Street. Councilor Robinson expressed concern that the signs be placed far enough down the street to make sure that drivers are warned of the hazard. Councilor Parker expressed concern about the liability created. Mayor King thanked Guldemann for the report.

### **(C) REPORT/PRESENTATION OF COMCAST PARTNERSHIP SIGN GIVEN TO PORTALES RECREATION CENTER**

Mayor King asked Ms. Jodi Kibbe, Portales Recreation Center Director, to report on the partnership sign that was displayed by Susan Baysinger. Ms. Kibbe told the Council that Spencer DeBord of ComCast had given the Recreation Center (Center) a sign recognizing the work partnership between ComCast and the Center. She thanked the City Manager and Councilors, CAFB and ENMU volunteers, ADT Electric, Lowes, McDonalds, Taco Box and Sherwyn Paint Store for their assistance with food and donations. She reported that Spencer DeBord is leaving ComCast, but that he had assured her of assistance for next year. Kibbe thanked the Council and City staff for filling out volunteer sheets that helped get the center a donation of \$2,500.00. She thanked ComCast for the assistance and stated that she looked forward to more assistance in the future. She reported that the Hubbard Foundation had given the Center a grant for \$4,000.00. Councilor Parker asked if there were any plans to improve the sign at the Recreation Center. Ms. Kibbe responded that the donations and grant funds have been budgeted for equipment for the kids. City Manager Howell stated that there are plans to replace the sign with a marquee, but that the cost for it has gone up. He told the Council that there is some cleanup work planned for the sign, but that it is a matter of priorities. Mayor King thanked Jodi Kibbe and Strawberry Robinson for bringing the Center kids to the Mayor's Christmas tree event here at City Hall. She thanked Susan Baysinger, Carla

Weems and Debralynn Soza, City Hall staff people for decorating the City Hall Council Chambers and the lobby. The Mayor commented that 30 to 40 kids had come to decorate the tree. Councilor Robinson commented that the After-School program is much larger than that. Jodi Kibbe stated that there were 88 kids here at City Hall for the Christmas tree.

#### **(D) INFORMATIONAL REPORT ON YAM THEATRE**

Mayor King asked Sandy Van Der Veen to give her presentation on the Yam Theatre. Sandy Van Der Veen gave a PowerPoint report on the Yam for 2012 listing the amenities of the Yam, the fundraising for sound equipment and reported on the twenty-seven (27) 2012 paid rentals of the building that has brought in about \$10,000.00. She commented that there had been 900 visitors to Portales from outside Curry and Roosevelt Counties. She added that events at the Yam put money back into the community estimating that 1,420 people were catered for by local restaurants. She listed events and functions held at the building, which included Birthday parties, weddings, banquets, concerts, a dance and a graduation party. Van Der Veen commented on the upgrades to the building thanking the City for staining the concrete in the storage room and showing pictures of the patio with brick pavers, and landscaping. Her PowerPoint had pictures of the different improvements made on the building during the year. She commented that she has been working on fundraising for the building by selling tiles to be placed around the inside of the building. Ms. Van Der Veen thanked the City Council for their support for the Yam Theatre. She commented that she is excited to see the new opportunities for the building for 2013. Councilor Thomas asked about the feasibility of lowering the fees for renting the Yam. City Manager Howell responded that the fees were set by the City and Portales MainStreet at much less than other venues in other cities, but that the fees were set to recover operating costs. He further stated that the more that fees are reduced, the more funds the City would have to put into the building. Mr. Steve Doerr, speaking as a representative of Portales MainStreet, stated that he was not in favor of lowering the fees at the Yam because the Memorial Building initially had low rental fees, but had to raise them due to vandalism and lack of respect for use of the building. Sandy Van Der Veen ended her report with thanks for the support. Mayor King commended Ms. Van Der Veen for an outstanding job (actually juggling 3 jobs). Ms. Van Der Veen thanked the Council again for their support.

#### **(E) RESOLUTION #12-13-23. AUTHORIZING THE MAYOR'S SIGNATURE TO SUBMIT THE FY 2014 EMS FUND ACT GRANT (APPLICATION)**

Mayor King asked Fire Chief Nuckols to introduce Resolution #12-13-23. Chief Nuckols reported that this is the annual submittal of the EMS Fund Act Grant application. He stated that the application is for funding from the NM Department of Health per a funding formula. He commented that the amount of funding has dropped from \$19,000.00 to \$15,000.00. He stated that the grant would be added to Fund #206 for maintenance supplies and equipment with no matching funds required. Chief Nuckols recommended approval for submitting the application for funding as presented in the resolution. Mayor King asked for action from the Council. ***Councilor Lovett made the motion to adopt Resolution #12-13-23, authorizing the Mayor to sign the application for the 2014 EMS Funds as presented. Councilor Parker seconded the motion. Roll call vote of all Council members present resulted unanimously in favor of the motion. No abstentions. Motion carried.***

#### **(F) RESOLUTION #12-13-24. CITY OF PORTALES AND PORTALES MUNICIPAL AIRPORT 2012 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

Mayor King asked for the report on Resolution #12-13-24 on the 2012 DBE program. City Manager Howell introduced the resolution in the absence of Mike Parkey due to illness. He reported that, as part

of FAA funding, the Municipal Airport must have a Disadvantaged Business Enterprise (DBE) program. He added that the Municipal Airport has had a DBE since the '80s, but that the federal government requires that it be adopted every time the City gets a grant for the Airport. He told the Council that the DBE program presented is the same as the previous one adopted. He added that the only changes to the program are the goals. Mayor King asked the pleasure of the Council. ***Councilor Parker made the motion to adopt Resolution #12-13-24, approving the 2012 DBE program 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.***

### **(G) REPORT/UPDATE ON DANGEROUS BUILDINGS**

Mayor King asked for the report on dangerous buildings. City Manager Howell told the Council that buildings on Ivy and Boston have to be torn down. He reported that testing for asbestos and lead have been completed, but that staff is waiting for the reports and is working on the paperwork required. He commented that quotes for demolition are being obtained. He told the Council that Mr. Juan Baca had approached the City about purchasing the property on Austin Street proposing to tear it down himself. Mr. Howell told the Council that Mr. Baca's request would be on their next meeting agenda. He reported that the houses on Avenue F and 2<sup>nd</sup> Street are being worked on and that the one on Avenue F behind the gas station on 2<sup>nd</sup> is done and should be rented soon. He reported that the dangerous house on Globe Street has already been sold to Gary Fields to tear down and rebuild on the lot.

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

Mayor King asked for items of other business.

**Comments on Recent Burglaries:** Mayor King stated that the Police Department had taken care of the recent auto burglaries. Chief Jones told the Council that there has been a rash of auto burglaries since October. He gave extended kudos to Lt. Pat Gallegos and Detective Sgt. Chris Williams. He stated this is his 7<sup>th</sup> day on the job. He stated that 106 items of stolen property have been inventoried at the residence of Steven Phillips.

**Mayor's Report:** Mayor King reported on the Washington trip to obtain funding for the Ute Water Project. She commented that Senator Bingaman and other legislators are working to get the project done. She stated that while she was in Washington she had heard the news about Sunland Peanuts and had spoken to the legislators about the issue. She expressed concern that the workers had been laid off. Mayor King told the Council that the Ute Water Commission has 3 lawsuits pending: the one on the zoning issue has been dismissed; the one on the covenant is pending and the one on the environmental assessment is pending.

Mayor King commented that she and Councilor Thomas and Ms. Baysinger had met with the LGMC, which deals with issues for CAFB. She stated that the issue discussed was the wind turbine project. She commented that it was intriguing to her that the FAA cannot deny anything, but can rule an issue as a hazard, which would make it impossible for the developer to get insurance that would cause them not to get funding. She stated that the group had learned that the hazard caused by wind turbines is that they absorb or interfere with radar. Susan Baysinger told the Council that the extension of the OEA grant was approved on the land use study through June 30<sup>th</sup>, 2013.

Mayor King stated that the Employee Christmas party was a lot of fun. She thanked Councilor Lucero for rounding up door prizes and Johnny Ledbetter for raising money for the party. Councilor Parker commented that it was a very nice party and that the company was great.

Mayor King reminded the Council of ENMU President Gamble's Holiday Party on December 5, 2012; crowning of Little Miss Merry Christmas on December 6, 2012; and the lighted Christmas parade on December 7, 2012 starting at 6:30 p.m.

**Basketball Game Fundraiser:** Councilor Lovett talked about the basketball game played by the Portales and Clovis Fire Departments as a fundraiser for the Secret Santa program. Chief Nuckols reported that the game raised over \$2,000.00 through donations to get in and with the sale of cakes at the event. He stated that it was fun even though Clovis won the game.

**Award of Funds from State MLK Commission:** Councilor Robinson reported that the MLK Commission had awarded \$1,000.00 to the City's Cultural Affairs Committee for the celebration of the life of Martin Luther King, Jr. Councilor Robinson told the Council that the event will be held on January 21, 2013 at the High School Performing Arts Center with a concert to be put on by the local school choirs after the annual walk from ENMU to the High School.

**City Manager's Report/Comments:** City Manager Howell told the Council that he had gone over the heads of Constructors, Inc. and the NMDOT local representative about the bump on Avenue E and 2<sup>nd</sup> Street. He thanked the Council for attending the Christmas Party. He told the Council that he would be out of the office for the rest of the week.

**Public Works Director's Report/Comments:** John DeSha, Public Works Director, also thanked the Council for attending the Employee's Christmas party. He reported that the Street Department is working putting down hot mix; the Water Department crew have been busy with multiple water taps; the Parks/Cemetery Department have done quite a bit of work on the City Park, which has only two dead trees to be removed and that they had taken out 28 dead trees at the Cemetery. He stated that the Public Works departments are working very hard.

**Appreciation Expressed by City Attorney:** City Attorney Doerr told the Council that City of Portales employees are the best in the state. He commented on an issue at a local business along U.S. 70 project. He said he had made one phone call and City people were there and within 35 minutes, the issue was resolved.

**Appreciation Expressed by the Dispatcher's Supervisor:** Keith Wattenbarger, Emergency Manager/Dispatch Supervisor thanked Susan Baysinger for taking food to the Dispatchers after the Christmas party. He thanked Police Chief Jones for changes in the department.

**Request by Municipal Judge:** Municipal Judge Arnold reiterated the request that the State correct the large bump in the road by the Municipal Court (Avenue E & 2<sup>nd</sup> Street). He stated that it is a hazard.

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

- Winter Wonderland at the Portales Senior Citizens Center from December 10<sup>th</sup> to the 14<sup>th</sup> with an entry fee of a non-perishable food item or a new toy. Pictures with Santa are \$3.00.

**Comment from Mayor Pro-Tem:** Mayor Pro-Tem Jackson invited the Council and audience to the silent auction at J.P. Stone Community Bank donations to go to the Community Service Center meal site. He told the group that the silent auction would go through next week.

## **(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), 1995, for Limited Personnel Matters.**

No Executive Session held.

**ADJOURNMENT:**

There being no further business or comments, Mayor King adjourned the meeting at 8:00 p.m.

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Joan Martinez-Terry, City Clerk