

TABLE OF CONTENTS FOR COUNCIL MEETING HELD FEBRUARY 19, 2013:

- A. Minutes of Previous Meeting(s):
 - 1. Regular Meeting of February 5, 2013.
- B. Update of U.S. Highway 70 Improvements.
- C. Report of the New Mexico Small Business Development Center (NMSBDC) & Procurement Technical Assistance Program (PTAP).
- D. Ratification of Finance Department's Actions Regarding Payment of Bills for the Month of January 2013.
- E. 2013 Portales City Sports Youth Basketball Update.
- F. Notice of Intent to Adopt Ordinance No. 701, An Ordinance Providing for the Annexation of Three (3) Tracts of Land in Section 7-8 & 18 T2S, which contains 362.922 Acres of Land into the City of Portales to be known as Industrial Airport Addition.
- G. Resolution #12-13-30, A Resolution Declaring the Intent of the City of Portales to Submit an Application to the New Mexico Department of Transportation (NMDOT) for Use of FY 2013/2014 Local Government Road Funds (LGRF).
- H. Request to Authorize the Mayor to Execute the Renewal Agreement with the National Museum of the United States Air Force for the F-111 Static Display.
- I. Discussion/Position/Action on Issue of Lesser Prairie Chicken.
- J. Other Business/Citizens to be Heard.
- K. 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.

THE CITY COUNCIL OF THE CITY OF PORTALES met in regular session Tuesday, February 19, 2013, 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 (absent)

COUNCIL MEMBERS: Matthew Tod Hunton Antonio Salguero (absent)
Leo Lovett (absent) Oscar Robinson (absent)
Michael Lenard Lucero Keith A. Thomas
Dianne Y. Parker

STAFF PRESENT: Tom Howell, City Manager Charles D. Jones, Police Chief
Joan Martinez-City Clerk Marilyn Rapp, Finance Director
Randy Knudson, City Attorney Johnny DeSha, Public Wks. Director
Sammy Standefer, Planning Director Susan Baysinger, Capital Proj. Adm.
Troy Banther, I.T. Technician

OTHERS PRESENT: Christina Calloway, Press Dr. Sandra Taylor-Sawyer, NMSBDC
Gordon Smith, NMSBDC Jonnie Loadwick, PTAP
Diane Thompson, NMSBDC Charlene Webb, Rsvlt. Co. Manager
Richard Gonzales, NMDOT Pat Garcia, NMDOT

Mayor King asked Susan Baysinger, Capital Projects Administrator, to give the invocation, and Johnny DeSha, Public Works Director, to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

(A) MINUTES OF PREVIOUS MEETING(S):**1. Regular Meeting of February 5, 2013.**

Mayor King asked for Council to consider and approve the minutes of the Regular Meeting of February 5, 2013 as presented. *Councilor Parker made the motion to approve the minutes of the regular meeting of February 5, 2013 as presented. Councilor Thomas 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. Pat Garcia of the NMDOT introduced Richard Gonzales also of the NMDOT. Gonzales told the Council that there are many people upset at Constructors, Inc. and the state because the weather has been decent the last several weeks and work has not started back on Highway 70 since stopping during the holidays. He commented that NMDOT hopes to get the project going again. Councilor Thomas asked if the downtown area plans have changed and expressed concern that the project will experience an interruption like through the winter. Councilor Parker stated that once the project starts up again people will be more understanding. She asked if it was normal to take such a big break in the project and if the contractor was doing other work. Gonzales responded that there were a couple of reasons for the interruption in the project—one was the fact that concrete will flake if laid in freezing temperatures; and the other reason is that the contractor is not local. He explained that mobilization of the contractor is part of the issue. Gonzales did say that the contractor was doing some work down south. He commented that the project is scheduled to start up on March 4, 2013. Councilor Thomas asked if the state knows when the work in the downtown area will begin. Councilor Parker told the representatives of the NMDOT that the project should not be hurried because the City wants a quality job. Gonzales told the Council that the job is 300 working days. The Mayor expressed concern that the contractor could have been working in Portales but wanted to work down south. Mr. Gonzales responded that it was due to the weather and that freezing weather breaks the concrete up. Councilor Hunton commented that he felt that the problem was that the contractor should have been marking concrete and tearing it out. He expressed the opinion that the NMDOT and the Contractor had wasted 30 days of our time instead of working on the job. Councilor Hunton stated that he was angry at not being told the truth about the job not being on schedule. Richard Gonzales stated that the job is not on schedule. Mayor King told the representatives of the NMDOT that she has planned a Town Hall meeting on water, and commented that she wants to have the issue of Highway 70 on the agenda, also. Richard Gonzales responded that this would be fine and that Constructors, Inc. should also be present. He stated that he would make a call to the owner of Constructors, Inc. Mayor King thanked Pat Garcia and Richard Gonzales for their presence at this meeting.

(C) REPORT OF THE NEW MEXICO SMALL BUSINESS DEVELOPMENT CENTER (NMSBDC) & PROCUREMENT TECHNICAL ASSISTANCE PROGRAM (PTAP)

Mayor King asked for a report on the NM Small Business Development Center (NMSBDC) from Dr. Taylor-Sawyer. Dr. Taylor-Sawyer thanked the Council for the opportunity to talk about the program. She introduced Gordon Smith, Jonnie Loadwick and Diane Thompson who are the staff persons for the program. She told the Council that their purpose is to provide technical assistance to existing businesses or new businesses in Curry, Roosevelt and De Baca Counties. She asked the Council to refer to the handout and stated that the NMSBDC recognized two of their clients—one in 2012, Signman Signs—Seth and Abigail Pritchett; and one in 2013—M-Core/Eastern NM Glass—Chris and Ida Moreno. Dr. Taylor-Sawyer introduced Jonnie Loadwick to report on the Procurement Technical Assistance Program (PTAP) who told the Council that PTAP is directed toward people who want to do business with the government,

whether it is city, state or federal governments. She commented that PTAP has been around for a long time and that their mission is the same as PTAC’s—to counsel and train businesses to do business with governments. She commented that the NMSBDC has 135 active clients currently with only 7 advisors in the state. Loadwick commented that in the last 2 to 2 ½ years PTAP has had active clients with 230 contracts worth \$8 million dollars. She told the Council that PTAP offers one-on-one counseling; workshops; resources; help with SAM registration; help with certifications; and VA certification, all for free. She commented that they also help with marketing; statements of qualifications (resume for companies); help to locate contracts; help with preparing proposals or bids. Dr. Taylor-Sawyer told the Council that the vision of the NMSBDC is to be the support provider of choice throughout New Mexico. She commented that their statistics are: 1998 to 2012 assisted 153 businesses obtain \$22.8 million in capital formation. She commented that their main objective is to increase job creation and to retain jobs as well. She commented that their funding comes from the state and requested a letter of support to state legislators for the NMSBDC. She told the Council that they provide seminars with a small fee to the customer. She told the Council that they stood for questions. Councilor Parker thanked Dr. Taylor-Sawyer for the presentation. Mayor King commented that the NMSBDC goes wherever it is convenient for the client. Mayor King thanked them for their time in presenting their information to the Council.

(D) RATIFICATION OF FINANCE DEPARTMENT’S ACTIONS REGARDING PAYMENT OF BILLS FOR THE MONTH OF JANUARY 2013

Mayor King asked Marilyn Rapp, Finance Director, for a report on the bills for the month of January 2013. Ms. Rapp told the Council that the bills for the month of January were in the amount of \$1,828,428.70 and were within budgeted limits. She stated that this amount was about \$500,000.00 more than normal due to large capital purchases—down payment on the ladder truck (Fire Department aerial apparatus); purchase of the used chip spreader for the Street Department; and the remodel of the Memorial Building. She commented that if you take out these capital expenditures, the amount paid in January would be normal. She stated that all purchases were planned for and in the budget.

January 2013

Pooled Cash Fund	999	\$1,828,428.70
------------------	-----	----------------

Mayor King asked for questions or action from the Council. *Councilor Parker made the motion to ratify the payment of the bills for January 2013 as presented. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(E) 2013 PORTALES CITY SPORTS YOUTH BASKETBALL UPDATES

Mayor King asked for a motion to table the update on youth basketball until the next Council meeting. *Councilor Parker made the motion to table the update on 2013 Portales City Sports youth basketball until the next Council meeting. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

(F) NOTICE OF INTENT TO ADOPT ORDINANCE NO. 701, AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THREE (3) TRACTS OF LAND IN SECTION 7-8

& 18 T2S PROPERTY INTO THE CITY OF PORTALES TO BE KNOWN AS THE INDUSTRIAL AIRPORT ADDITION WHICH CONTAINS 362.922 ACRES OF LAND

Mayor King asked Planning Director Standefer to report on Ordinance No. 701, annexation of property to be known as the Industrial Airport Addition. Standefer asked that the Council review the plat of the property and pointed out that the areas with hash marks are the parts to be annexed. He commented that there had initially been some confusion as to where the City limits belong. He stated that he did not propose a zoning change because zoning may vary in the areas to be annexed. Mayor King asked Randy Knudson if he had any comments regarding the proposed annexation. Mr. Knudson stated that part of the annexation is property to be purchased by the RCCDC and that before the property can be purchased, it has to be annexed. Mayor King asked the pleasure of the Council on the Notice of Intent. *Councilor Thomas made motion to approve the Notice of Intent to Adopt Ordinance No. 701, An Ordinance Providing for annexation of property into the City of Portales to be known as Industrial Airport Addition. Councilor Parker seconded the motion. All Council members present voted in support of the motion. Motion carried. No abstentions.*

(G) RESOLUTION #12-13-30, A RESOLUTION DECLARING THE INTENT OF THE CITY OF PORTALES TO SUBMIT AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) FOR USE OF FY 2013/2014 LOCAL GOVERNMENT ROAD FUNDS

Mayor King asked Public Works Director John DeSha to present Resolution #12-13-30. Mr. DeSha told the Council that the resolution declares the intent of the City to submit an application for NMDOT Local Government Road Funds for FY 2013/2014. He stated that this is the annual cooperative agreement and that the application this year is in the amount of \$240,403.96 with state funding 75% amount as \$180,302.97 and a City 25% in-kind match of \$60,100.99. He commented that the City has never received full funding, but that the in-kind match is made up of a combination of funds, labor, equipment and materials. The six streets picked by the Street Supervisor were: S. Main (University to 18th); S. Avenue I (18th to Yucca); 18th Street (Avenue I to Avenue O); N. Avenue A (Ivy to Lime); Abilene (E. University to 16th); and New Mexico Drive (Avenue O to 18th). He commented that the streets are in such a condition that they will be in much worse shape after another winter. He stated that these are in the worst condition in the City. The Council asked if the residents on these streets did not have to meet the low and moderate income to qualify. DeSha responded that this project is not like CDBG improvements, which are based on income. Mayor King asked the pleasure of the Council. *Councilor Thomas made the motion to adopt Resolution #12-13-30, Resolution declaring the intent of the City of Portales to submit an application to the NMDOT for use of FY2013/2014 Local Government Road Funds. Councilor Hunton seconded the motion. Roll call of all Council members present resulted in unanimous support of the motion. Motion carried. No abstentions.*

(H) REQUEST TO AUTHORIZE THE MAYOR TO EXECUTE THE RENEWAL AGREEMENT WITH THE NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE FOR THE F-111 STATIC DISPLAY

Mayor King asked the City Clerk to explain the request for renewal of the agreement regarding the F-111 static display. Martinez-Terry told the Council that this is the annual renewal of the agreement with the National Museum of the United States Air Force (NMUSAF) required for the City to have the jet plane displayed in the City. She told the Council that the insurance is in place for the agreement and that the request is for authorization for the Mayor to execute the agreement with the NMUSAF to be processed and submitted by March 31st. Mayor King asked the pleasure of the Council. *Councilor Thomas made motion to authorize the Mayor to sign the renewal agreement with the National Museum of*

the USAF for the F-111 static display. Councilor Hunton seconded the motion. All Council members present voted in support of the motion. Motion carried. No abstentions.

(I) DISCUSSION/POSITION/ACTION ON ISSUE OF LESSER PRAIRIE CHICKEN

Mayor King asked Roosevelt County Manager Charlene Webb to talk about listing the Lesser Prairie Chicken as a threatened species by the U.S. Fish & Wildlife Service. County Manager Webb told the Council that the County requests the city, towns and villages in Roosevelt County to stand behind them in their position of opposition of the designation of the Lesser Prairie Chicken as threatened. She stated that the action would affect the area economically—affects private landowners and programs that help farmers and ranchers. She stated that the Governor had agreed to meet with the County regarding this issue; and that they want the City's support to protect the livelihood of the county. She told the Council that they can comment online about the issue and that September 13, 2013 is the date for the decision. Councilor Hunton asked what the impact would be if the Lesser Prairie Chicken was declared threatened. Webb responded that it would increase land for the Lesser Prairie Chicken and decrease the economic benefit to the area by decreasing the value of the land. She asked the Council to support the County's position. Mayor King asked the pleasure of the Council. ***Councilor Thomas made motion to support the County's position opposing the listing by the U.S. Fish & Wildlife Service of the Lesser Prairie Chicken as threatened. Councilor Lucero seconded the motion. All Council members present voted in support of the motion. Motion carried. No abstentions.***

Mayor King thanked Charlene Webb, Roosevelt County Manager, for her presentation and asked that wording for a resolution be sent to the City Clerk for the next Council meeting.

(J) OTHER BUSINESS/CITIZENS TO BE HEARD

Mayor King asked for items of other business.

Update on Industrial Park: Mayor King asked Randy Knudson to give an update on the Industrial Park master plan. Mr. Knudson stated that the plat submitted for annexation with Ordinance No. 701 earlier in the meeting was essentially the area that is the Industrial Park. He stated that Doug Redmond, RCCDC Executive Director, and Lonny Phelps, project engineer, have met regularly and are in the stages to know where the streets will be. He commented that the biggest hold up has been DFA (Dairy Farmers of America) who have been spreading water on the acreage. He stated that the RCCDC has been talking to them about using the water for other things. He commented "that we are going up the chain of command to make sure that we don't interfere with their operation." Mayor King asked how far out the engineer is to complete this phase. Mr. Knudson stated that it is 60 to 90 days out. Mayor King expressed appreciation of their hard work.

Eastern New Mexico (ENM) Job Fair: Susan Baysinger reminded the Council of the Job Fair scheduled for February 26th, 2013 from 3:00 p.m. to 7:00 p.m. at the convention center in Clovis. She commented that there will be 20 major employers manning booths and asked the Council and staff to send job seekers to the Job Fair. Mayor King commented that ENMU will also be having a job fair on the same date, but that it is more specific.

Update from Public Works: John DeSha, Public Works Director, reported that the Los Lomas Transmission line is well under way and stated that he was pleased to report that the contractor will make the 100 day schedule with no problem. He stated that the contractor has two (2) crews working on the job. He reported that removal of trees from the downtown area by the Street Department has gone well—only one tree was lost and it was from in front of Hunton Insurance. DeSha stated that the Street Department had patched the spots temporarily. He further stated that the NMDOT will be

replacing the trees with other vegetation. He stated that he had received calls both for and against removing the trees. He stated that the state's plan was to just remove the trees and that the City had decided that they would transplant the trees to the Cemetery instead. Mr. DeSha stated that he would make sure and attend future weekly meetings put on by the Contractor on the Highway 70 project.

(K) 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; Section 10-15-1 H.(7), 1995, for Attorney-Client Privilege Pertaining to Threatened or Pending Litigation.

Mayor King asked for a motion to convene in closed session to discuss matters as provided for under New Mexico Statutes pertaining to Open Meetings in reference to Section 10-15-1 H.(2), 1995 for limited personnel matters; and Section 10-15-1 H.(7), 1995 for Attorney-Client Privilege pertaining to threatened or pending litigation. *Councilor Parker made the motion to convene in closed session for limited personnel matters and for Attorney-Client privilege pertaining to threatened or pending litigation. Councilor Thomas seconded the motion. All Councilors present voted in unanimous support of the motion. Motion carried. No abstentions.*

2. Action to Convene in Open Session.

Mayor King asked for action to convene in open session. *Councilor Parker made the motion to convene in open session. Councilor Hunton seconded the motion. All Councilors present voted in favor of the motion. Motion carried. No abstentions.*

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

Mayor King declared that the matters discussed in the closed meeting were limited to those specified in the motion for closure and as in the notice of the separate closed meeting and stated that action was needed as a result of the closed session. Mayor King asked for action from the Council. *Councilor Thomas made the motion as Council to state that in light of inaccurate reporting today by Clovis Media, Inc., and further investigation by the Portales Police Department, as a Council, would like to publicly show our support for Police Officer Daniel Gonzales, and look forward to his return after his deployment with the military. Councilor Parker seconded the motion. All Councilors present voted in favor of the motion. Motion carried. No abstentions.*

ADJOURNMENT:

There being no further business or comments, Mayor King adjourned the meeting at 8:45 p.m.

Joan Martinez-Terry, City Clerk