

**TABLE OF CONTENTS FOR COUNCIL MEETING HELD NOVEMBER 6, 2018:**

- (A) Minutes of Previous Meeting(s):
    - 1. Regular Meeting held October 16, 2018.
  - (B) Acknowledgement of Recognition Letter about J.C. Linthicum, Cemetery Specialist, Parks/ Cemetery Department by American Legion Post 31.
  - (C) Notice of Intent to Adopt Ordinance No. 736, An Ordinance Repealing Section 9.5 of the Portales City Code in its Entirety and Adopting a new Section 9.5.
  - (D) Request for Authorization of 2018 State Homeland Security Grant Program Sub-Grant Award.
  - (E) Request to Approve Rejection and Cancellation of Bid for Fire Department Substation Construction and to Authorize Re-bidding of project in the future due to Bids 10% higher than Budgeted Project Funds.
  - (F) Requesting Approval of FY 19 DWI Grant Reversion Agreement.
  - (G) Other Business/Citizens to be Heard.
  - (H) Executive Session/Closed Meeting Section 10-15-1 H.(7), 1995, for Attorney-Client Privilege Pertaining to Threatened or Pending Litigation; and Section 10-15-1 H.(8), 1995, Related to the Purchase, Acquisition, or Disposal of Real Property or Water Rights:
    - 1. Action to Convene in Open Meeting.
    - 2. Action Required as a Result of the Closed Meeting.
    - 3. Action Required as a Result of the Closed Meeting.
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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, November 6, 2018, at 6:30 p.m., in the Council Chambers of the Memorial Building, 200 E. 7<sup>th</sup> Street, Portales, NM in full conformity with the rules and regulations. Mayor Jackson called the meeting to order and asked City Clerk Martinez-Terry to call roll. Those present and constituting a quorum were:

MAYOR:	Ronald L. Jackson	
MAYOR PRO-TEM:	Michael G. Miller (absent)	
COUNCIL MEMBERS:	Veronica A. Cordova Chadwick H. Heflin (absent) Jake J. Lopez Michael James "Jim" Lucero	Dianne Y. Parker Oscar H. Robinson Jessica J. Smith
STAFF PRESENT:	Sammy Standefer, City Manager Joan Martinez-Terry, City Clerk Chris Williams, Police Lt. Darla Reed, DWI Prog. Director J.C. Linthicum, Cemetery Spec. Keith Wattenbarger, EMD	Steve Doerr, City Attorney John DeSha, Public Works Dir. Dennis Hales, I.T. Director Steve Chavez, Parks/Cemetery Sup. Ricardo Viera, Cemetery Grndskpr.
OTHERS PRESENT:	Jamie Cushman, Press Fidelia Viera Colten Anderson Adolph Cordova	Bill Hendrickson, RCCDC Exec. Sophia Magnuson Nancy Rodriguez

Mayor Jackson asked Councilor Robinson to give the invocation and Mayor Jackson led the Pledge of Allegiance and the Salute to the New Mexico flag.

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

**1. Regular Meeting held October 16, 2018.**

Mayor Jackson asked the Council to consider the minutes of the Regular Meeting of October 16, 2018. He asked for comments or corrections. Mayor Jackson asked the pleasure of the Council. *Councilor Parker made the motion to approve the minutes of the regular meeting of October 16, 2018. Councilor*

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

**(B) ACKNOWLEDGEMENT OF RECOGNITION LETTER ABOUT J.C. LINTHICUM, CEMETERY SPECIALIST, PARKS/CEMETERY DEPARTMENT BY AMERICAN LEGION POST 31**

Mayor Jackson asked J.C. Linthicum, Cemetery Specialist, to come forward to be recognized for his work with the American Legion. He read the letter from Dale Streeter, Commander of American Legion Post 31, commending J.C. Linthicum for his efforts on their POA/MIA project, which included moving a monument from the fairgrounds to the Portales Cemetery. The Mayor thanked J.C. for his hard work on the project. Mayor Jackson recognized Parks/Cemetery Supervisor Steve Chavez and Richard Viera, Groundskeeper, for attending the meeting and for their hard work at the cemetery.

**(C) NOTICE OF INTENT TO ADOPT ORDINANCE NO. 736, AN ORDINANCE REPEALING SECTION 9.5 OF THE PORTALES CITY CODE IN ITS ENTIRETY AND ADOPTING A NEW SECTION 9.5**

Mayor Jackson asked for presentation of Ordinance No. 736, An Ordinance repealing Section 9.5 of the Portales City Code in its entirety and adopting a new Section 9.5. City Manager Standefer told the Council that Ms. Rutherford was unable to attend this meeting to present. He presented the ordinance stating that new state building codes must be adopted by the City even though the City does not have a building inspector. He told the Council that the Ordinance is scheduled for public hearing on December 4, 2018. He asked for questions from the Council. Mayor Jackson asked the pleasure of the Council. *Councilor Robinson made the motion to approve the notice of intent to adopt Ordinance No. 736, an ordinance repealing section 9.5 of the Portales City Code in its entirety and adopting a new Section 9.5. Councilor Parker seconded the motion. All Council members present voted in unanimous support of the motion. No abstentions. Motion carried.*

**(D) REQUEST FOR AUTHORIZATION OF 2018 STATE HOMELAND SECURITY GRANT PROGRAM SUB-GRANT AWARD**

Mayor Jackson asked Keith Wattenbarger, Emergency Management Director, to present the request for authorization of a 2018 State Homeland Security Grant Program Sub-Grant award. Mr. Wattenbarger told the Council that the piece of equipment in place before this grant is 15 years old and will not be supported because of its age. He commented on the lightning strike that destroyed some communications equipment. He told the Council that Homeland Security had reclassified the application as an infrastructure project which helped get it through the grant process. He commented that there were 33 other counties vying for the funds. The grant is in the amount of \$131,000; with no match required (the summary erroneously mentioned a match). Mr. Wattenbarger told the Council that there are 4 quotes out and that the goal is to get the equipment for an amount within the amount allocated. He commented that the sub-grant is very important for the City. City Manager Standefer thanked Mr. Wattenbarger for his work on the project. Councilor Parker asked about the total cost of the equipment. Mr. Wattenbarger responded that this is unknown at this time. City Manager Standefer stated that there may be a budget adjustment later for any additional money needed for the project. Mayor Jackson asked the pleasure of the Council. *Councilor Smith made the motion to approve and authorize the 2018 Homeland Security Sub-grant award. Councilor Robinson seconded the motion. All Council members present voted in unanimous support of the motion. No abstentions. Motion carried.*

**(E) REQUEST TO APPROVE REJECTION AND CANCELLATION OF BID FOR FIRE DEPARTMENT SUBSTATION CONSTRUCTION AND TO AUTHORIZE RE-BIDDING OF PROJECT IN THE FUTURE DUE TO BIDS 10% HIGHER THAN BUDGETED PROJECT FUNDS**

Mayor Jackson asked City Manager Standefer to report on the request to reject, cancel the bid for the Fire Department Substation construction and authorize re-bidding of the project in the future due to bids higher than 10% over budgeted project funds. City Manager Standefer told the Council that the project was advertised for bid on August 12, 2018 and opened on October 4, 2019, but that the bids had come in about 34% higher than budgeted project funds. He asked that the Council approve rejection of the bids and allow staff to re-bid the project. He suggested that the re-bid take place as soon as possible. Mayor Jackson asked if this would help in getting the cost closer to the budget. Mr. Standefer stated that 34% is a lot to cut out of the project, which is already a bare bones project. Councilor Lucero asked if the City is allowed to use value-added engineering. Mr. Standefer told the Council that the City can go to value-added engineering or quantity-based bids. He stated that when the engineer has designed the project in a certain way it would have to be re-engineered which is a tedious process. Councilor Parker commented that the City should stick to what it wants, and that low bid is not necessarily the best. Councilor Cordova asked how far back re-bid of the project would push it. She asked if the delay would jeopardize ownership of the land. City Manager Standefer stated that the project must be done within 10 years of the donation. Mayor Jackson asked the pleasure of the Council. ***Councilor Parker made the motion to approve rejection and cancellation of the bid for a Fire Department substation and to authorize re-bid of the project. Councilor Cordova seconded the motion. All Council members present voted in unanimous support of the motion. No abstentions. Motion carried.***

**(F) REQUESTING APPROVAL OF FY 19 DWI GRANT REVERSION AGREEMENT**

Mayor Jackson asked Darla Reed, DWI Program Director, to present the FY 19 DWI Grant Reversion Agreement. Ms. Reed told the Council that reversion money is part of the money from the distribution grant. She told the Council that she had requested \$10,500.00 (\$8,000.00 is for a camera system for the Police Department for a camera system for their vehicles and \$2,500.00 is for the ENMU Police Department). She stated that the original grant had \$11,000.00 in that line item. She commented that if the DWI reversion grant is approved, two (2) cameras for Police Department vehicles will be purchased. She asked for approval from the Council. Mayor Jackson asked the pleasure of the Council. ***Councilor Smith made the motion to approve the FY 19 DWI Grant Reversion Agreement. Councilor Lopez seconded the motion. All Council members present voted in unanimous support of the motion. No abstentions. Motion carried.***

**(G) OTHER BUSINESS/CITIZENS TO BE HEARD**

Mayor Jackson asked for items of other business for any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda. Public comments will be limited to three (3) minutes per speaker. Individuals will be limited to one (1) presentation per meeting, with a maximum of six (6) speakers on each subject. Councilors will not respond to comments or answer any questions to avoid any possible violation of the Open Meetings Act. Questions or requests for information in writing should be directed to the City Manager during regular business hours.

Mayor Jackson recognized students from ENMU in the audience. He asked for items of other business.

**Comments from Council:**

- Councilor Robinson reported on recent fundraising efforts of the Cultural Affairs Committee. He told the Council that the Committee had a Jail/Bail booth at the Peanut Valley Festival and raised \$521.00.
- Mayor Jackson reported that ENMWUA (Authority) will begin work on FW-2 very quickly. He stated that the Authority had approved the construction phase of the project and it is getting ready to start very quickly. He said that the authority will report on the federal funding.

**(H) Executive Session/Closed Meeting Section 10-15-1 H.(7), 1995, for Attorney-Client Privilege Pertaining to Threatened or Pending Litigation; and Section 10-15-1 H.(8), 1995, Related to the Purchase, Acquisition, or Disposal of Real Property or Water Rights:**

**1. Action to Convene in a Closed Meeting.**

Mayor Jackson asked for a motion to convene in closed session to discuss matters as provided for under the New Mexico Statutes pertaining to open meetings referencing Section 10-15-1 H.7 for Attorney-Client privilege pertaining to threatened or pending litigation; and Section 10-15-1 H.8, 1995, related to the purchase, acquisition or disposal of real property or water rights. *Councilor Parker made the motion to enter into closed session for threatened or pending litigation; and for the purchase, acquisition, or disposal of real property or water rights. Councilor Smith seconded the motion. Roll call vote of all Council members present voted in favor of the motion. No abstentions. Motion carried.*

**2. Action to Convene in Open Meeting.**

Mayor Jackson asked for a motion to convene in open meeting. *Councilor Parker made the motion to convene in open meeting. Councilor Smith seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

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

Mayor Jackson stated that only those items mentioned in the motion to close the session were discussed and asked the pleasure of the Council. *Councilor Robinson made the motion to approve a contract for legal services relating to litigation with the New Mexico Taxation & Revenue Department and to authorize Ms. Carla Weems to execute the contract with Gallagher & Kennedy to join the lawsuit. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

There was no further business.

**ADJOURNMENT**

There being no further business, Mayor Jackson adjourned the meeting at 7:35 p.m.

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Joan Martinez-Terry, City