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THE CITY COUNCIL OF THE CITY OF PORTALES met in regular session held with Mayor, Council, required staff and limited citizen attendance, to best protect the health of the public and employees due to the Covid-19 restrictions on Tuesday, August 18, 2020 at 6:30 p.m., physically present in the Auditorium of the Memorial Building, 200 E. 7th Street, Portales, NM in full conformity with the rules and regulations. Mayor Jackson called the meeting to order and asked the City Clerk to call roll. Those Councilors present and constituting a quorum were:

MAYOR: Ronald L. Jackson

MAYOR PRO-TEM: Michael G. Miller

COUNCIL MEMBERS: Daniel W. Boan Michael James "Jim" Lucero
Veronica A. Cordova Dianne Y. Parker
Chadrick Heath Heflin Oscar H. Robinson
Jake J. Lopez

STAFF PRESENT: Sammy Standefer, City Manager John DeSha, Public Works Dir.
Joan Martinez-Terry, City Clerk Christine A. Mitchell, I.T. Tech
Marilyn Rapp, Finance Director Steve Doerr, City Attorney
Veda Urioste, Deputy City Clerk Pat Gallegos, Police Chief
T.J. Cathey, Fire Chief Chris Williams, Deputy Police Chief

OTHERS PRESENT: Orlando Ortega, Exec. Dir., ENMWUA Jerry DeSha

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

Addition to the Agenda: City Attorney Steve Doerr asked the Council to consider adding an Executive Session as the last item on the agenda in accordance with Section 10-15-1 H.(2), for the purpose of discussing Limited Personnel Matters.

(A) MINUTES OF PREVIOUS MEETING(S):

1. Regular Meeting held August 4, 2020.

Mayor Jackson asked the Council to review the regular minutes of August 4, 2020. He asked for corrections or additions to the minutes. Mayor Jackson asked the pleasure of the Council. *Councilor Lucero made the motion to approve the minutes of the regular meeting held August 4, 2020. Councilor Lopez seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(B) RATIFICATION OF FINANCE DEPARTMENT’S ACTIONS ON BILLS FOR THE MONTH OF JULY 2020

Mayor Jackson asked Finance Director Marilyn Rapp to present the bills for July 2020. Mrs. Rapp told the Council that the bills for the month of July were in the amount of \$1,678,422.11. She stated that the bills included large expenditures of \$264,491.14 out of the Fire Fund for construction expenditures for the new Fire Substation; \$73,300.14 for grant funded equipment in the Airport Fund; and \$58,000.00 for small business Covid-19 Relief Program from the Economic Development Fund. She commented that her department is working to get more checks out tomorrow. Mrs. Rapp asked for questions and approval of the bills. Mayor Jackson expressed appreciation of Mrs. Rapp’s hard work.

July 2020

Pooled Cash Fund	999	\$1,678,422.11
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Mayor Jackson asked the pleasure of the Council. *Councilor Lucero made the motion to approve the bills for July 2020 as presented. Mayor Pro-Tem Miller seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(C) REQUEST FOR AUTHORIZATION TO EXTEND DEADLINES AND TO AMEND COVID-19 BUSINESS RELIEF PUBLIC PARTICIPATION AGREEMENTS TO ALLOW FOR REIMBURSEMENT SUBMITTALS THROUGH OCTOBER 15, 2020

Mayor Jackson asked City Manager Standefer to present the request for authorization to extend deadlines and to amend Covid-19 business relief Public Participation agreements to allow for reimbursement submittals through October 15, 2020. City Manager Standefer stated that this item will not be needed after all. He commented that August 15, 2020 was the deadline and that reimbursement submittals have been received from all the grantees. He stated that staff is working with the applicants for completion with very minor things.

(D) PUBLIC HEARING FOR ORDINANCE NO. 746, AN ORDINANCE APPROVING ECONOMIC DEVELOPMENT PROJECTS

1. Action to enter into public hearing to receive comments on Ordinance No. 746.

Mayor Jackson asked for council action to enter into public hearing for Ordinance No. 746, an ordinance approving past economic development projects. Mayor Jackson asked the pleasure of the Council. *Mayor Pro-Tem Miller made the motion to enter into public hearing for Ordinance No. 746. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

2. Action to close the public hearing.

Mayor Jackson asked for action to close the public hearing. Mayor Jackson asked the pleasure of the Council. *Mayor Pro-Tem Miller made the motion to close the public hearing. Councilor Robinson. seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

3. Action by Council on Ordinance No. 746.

Mayor Jackson asked for action on Ordinance No. 746. Mayor Jackson asked the pleasure of the Council. *Councilor Cordova made the motion to adopt Ordinance No. 746. Councilor Parker seconded the motion. Seven of the Council members present voted in favor of the motion. Councilor Lucero abstained. Motion carried.*

(E) RESOLUTION #20-21-07, A RESOLUTION AUTHORIZING SUBMITTAL OF AN FY 2022 APPLICATION FOR SECTION 5311 RURAL TRANSIT FUNDING TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION

Mayor Jackson asked Public Works Director John DeSha to present the resolution authorizing submittal of an FY 2022 application for section 5311 rural transit funding to the New Mexico Department of Transportation (NMDOT). Mr. DeSha told the Council that this action is requested of the Council every year so that the City can make application for funding for the transit program. He stated that this is what the City would normally do by budgeting up to \$122,268 with the federal match being \$168,151. Mayor Jackson asked about the CARES Act adjustment. Mr. DeSha said that the program was fully funded through July and that he believed that the next year would be funded at 75%. He commented that City funds would need to be budgeted for the next fiscal year. Mayor Jackson asked the pleasure of the Council. *Councilor Parker made the motion to adopt Resolution #20-21-07, authorizing submittal of an FY 2022 application for Section 5311 Rural Transit Funding to the NMDOT. Councilor Lopez seconded the motion. Roll call vote of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried*

(F) LIME STREET BOOSTER STATION/EASTERN NEW MEXICO WATER UTILITY AUTHORITY PIPELINE REALIGNMENT PROPOSAL

Mayor Jackson asked Public Works Director John DeSha to present the Lime Street booster station and Eastern New Mexico Water Utility Authority (Authority) Pipeline Realignment proposal. Mr. DeSha said that staff is requesting that Council approve the expenditures of up \$100,000 to formally conduct a study (to do some engineering work) to realign the Ute pipeline from the Johnson Hill tank battery to the Lime Street tank battery. He commented that there had been some question about how this could be done, and the state is really interested in having some engineering behind it. He stated that the request is to go out for proposal for contract with an engineer to work with the Authority's engineering firm to prove up the claim to take the pipeline to the Lime Street tank battery. He commented that City staff believed that this was a better way to handle the pipeline. He commented that this will give the City a true second source of water. Councilor Cordova asked if the cost for the work would cost all \$100,000. Mr. Desha responded that he believed that it would be less than that based on an engineer's estimate—he said that the City would not go above that amount. Councilor Cordova asked if the funds were budgeted. Mr. DeSha responded that the funds are not budgeted. Councilor Lucero commented that the City had requested that this be done as a more efficient site for the tank pipeline. City Manager Standefer spoke in support of the requested action stating that the City had proposed going into the Lime Street tank battery. He said that it would eliminate the issue of running into one of the other city lines. He commented that this became possible when Orlando Ortega became the ENMWUA Executive Director. He stated that one of the issues is that the project is

already engineered. Mr. Standefer told the Council that the City must prove that it can handle the water through that line. He stated that this cost is not budgeted and will have to come from reserves in the Water Fund which contains between \$6 and \$7 Million dollars.

Councilor Robinson asked Councilor Miller if the Finance/Administration Committee had reviewed the issue. Councilor Miller responded that it had not formally done so, but that it had been discussed with the Mayor and he stated that in the end it would be money well spent. Mayor Jackson added that ironically the acquisition of Melrose' allotment (150 Acre Feet) eliminated the need to engineer that water up to Johnson Hill tank battery. He commented that this action will cost less to engineer. The Mayor stated that Mr. DeSha was correct in stating that this would be a complete second source of water for the City and had several benefits to the action. Councilor Heflin asked if this had to be acted upon now. Mayor Jackson responded that this was a timely matter. Mayor Jackson asked the pleasure of the Council. ***Mayor Pro-Tem Miller made the motion to approve the expenditure of up to \$100,000.00 to contract for a formal study to realign the Ute pipeline as presented. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(G) OTHER BUSINESS/CITIZENS TO BE HEARD

Any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda. A public body shall only act on items appearing on the agenda:

Mayor Jackson asked for comments from the assembly.

Mayor Jackson thanked Orlando Ortega, Executive Director of the Eastern New Mexico Water Utility Authority attending the meeting.

Comments/Questions from Councilor:

Councilor Boan asked about the retirement of the Police Chief. He asked about putting this on the agenda. Mayor Jackson stated that this matter would be discussed by the Council in another meeting.

Councilor Cordova asked about the status of the case against the W. Fir recycling business. City Manager said that he would be conferring with the City Attorneys about filing an injunction against the business. He commented that people are dumping appliances on the property with no one there. Mayor Jackson asked for more information by the next meeting.

There was no Other Business.

Mayor Jackson directed the Council to go into Executive Session as guided by the City Attorney who stated that they should declare the Executive Session in accordance with Section 10-15-1 H.(2), for the purpose of discussing Limited Personnel Matters.

(H) EXECUTIVE SESSION/CLOSED MEETING IN ACCORDANCE WITH NMSA, SECTION 10-15-1 H. PERTAINING TO LIMITED PERSONNEL MATTERS:

1. Action to Convene in a Closed Meeting.

Mayor Jackson asked for action to enter in a closed meeting in accordance with NMSA, Section 10-15-1 (H) pertaining to Limited Personnel Matters. Mayor Jackson asked the pleasure of the Council. Councilor Parker made the motion to convene in a closed meeting. Councilor Cordova seconded the motion. Roll call vote by all Council members voted in favor of the motion. No abstentions. Motion carried.

2. Action Required as a Result of the Closed Meeting.

Mayor Jackson declared that only those items mentioned in the motion to close the session were discussed by the Council and that no action was needed or taken.

ADJOURNMENT

There being no further business, Mayor Jackson adjourned the meeting at 7:28 p.m.

Joan Martinez-Terry, City