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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, September 1, 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 (absent)

COUNCIL MEMBERS:	Daniel W. Boan Veronica A. Cordova Chadrick Heath Heflin Jake J. Lopez	Michael James “Jim” Lucero Dianne Y. Parker Oscar H. Robinson
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STAFF PRESENT:	Sammy Standefer, City Manager Joan Martinez-Terry, City Clerk Marilyn Rapp, Finance Director Veda Urioste, Deputy City Clerk T.J. Cathey, Fire Chief Susan Baysinger, PW Cap. Proj. Adm	John DeSha, Public Works Dir. Christine A. Mitchell, I.T. Tech Randy Knudson, City Attorney Mike Parkey, General Svcs. Dir. Chris Williams, Deputy Police Chief
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OTHERS PRESENT:	Lilly Martin, Press Gregory Zoeller	Adolpho Cordova
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Mayor Jackson asked Councilor Cordova 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 August 18, 2020.**

Mayor Jackson asked the Council to review the regular minutes of August 18, 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 18, 2020. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(B) RESOLUTION #20-21-08, A RESOLUTION SUPPORTING GENERAL OBLIGATION BOND ISSUE C

Mayor Jackson asked for adoption of Resolution #20-21-08, a resolution supporting General Obligation Bond Issue C. The Mayor commented that this is not a new bond but renewal of an existing bond. He told the Council that he had been contacted by Eastern New Mexico University (ENMU) and put it on the agenda for their consideration. He reported that the bond was for \$8 Million for renovations at ENMU for the Roosevelt Science Center and other infrastructure projects and \$1.075 Million for renovations at Clovis Community College for campus wide infrastructure improvements. Mayor Jackson asked the pleasure of the Council. ***Councilor Robinson made the motion to adopt Resolution #20-21-08 supporting the GO Bond Issue C. Councilor Lopez seconded the motion. Roll call vote by all Council members present resulted in support of the motion. No abstentions. Motion carried.***

(C) REQUEST FOR APPROVAL OF APPLICATION FOR AN OUTSIDE SEWER TAP AT 919 REDWINE BALL - OWNER KRISTLE ORNELAS

Mayor Jackson asked Public Works Director John DeSha to present the request for approval of the application for an outside sewer tap at 919 Redwine Ball for Krystle Ornelas. Mr. DeSha told the Council that this is another request for a sewer only account. He reported that the Public Works Committee had reviewed the application and had recommended approval. Councilor Lucero asked how the City could be sure to collect since it is a sewer-only account. Mr. DeSha responded that there is a remedy to the problem if they do not pay. Councilor Lucero expressed concern that this is an issue that although discussed previously needs to be addressed. Mayor Jackson commented that a lien could be placed on the property. City Manager Standefer said that the City should have a process in place for the problem. Councilor Robinson asked if staff is coming up with procedure for correcting this problem. Councilor Heflin suggested that one solution was a large enough deposit that would get their attention. Councilor Lucero asked if the City could require a gate valve be installed. Mr. DeSha commented that liability could become an issue. He commented that if the City installed a cutoff then we are responsible for damages. City Manager Standefer said that City policy only covers utility accounts inside the City limits and that contracts are required for accounts that are outside the City limits. He commented that the contract for the sewer only account could include wording regarding non-payment of the sewer account. Mayor Jackson suggested that the City Attorney draft wording for the contract to mitigate liability. Councilor Parker asked about such a contract covering existing accounts. City Manager Standefer suggested that the Council consider attaching a contract to deeds to properties with utility accounts outside the City limits. Mayor Jackson commented that this was good discussion of the problem and that he expects that wording be added to contracts for outside utility accounts. He asked for further comments or questions. Mayor Jackson asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the application for outside sewer tap at 919 Redwine Ball for Krystle Ornelas. Councilor Heflin seconded the motion. Six Council members present voted in favor of the motion. Councilor Lucero opposed the motion. No abstentions. Motion carried.***

(D) RATIFICATION OF CHANGE ORDER NO. 12 AND APPROVAL OF CHANGE ORDER 13 FOR PROJECT ACCEPTANCE FOR JOHNSON HILL WEST TANK PROJECT – SMITHCO CONSTRUCTION, INC., CONTINGENT UPON FUNDING AGENCY APPROVAL

Mayor Jackson asked Public Works Director John DeSha to present the request for ratification of Change Order No. 12 and approval of Change Order No. 13 for project acceptance for Johnson Hill West Tank Project with Smithco Construction, Inc. contingent upon funding agency approval. Mr. DeSha told the Council that Change Order No. 12 was a time extension. He stated that Change Order No. 13 cleans up quantities in Change Order No. 12 decreasing the contract amount by \$46,822.95. The final contract amount with Change Order 13 is \$2,504,277.19 which includes NMGRT. Mr. DeSha stated that these items are required for project acceptance and closeout. Staff recommends ratification of Change Order No. 12 and approval of Change Order No. 13 and a final contract amount of \$2,504,277.19 including NMGRT. Mayor Jackson asked for questions from the Council. Councilor Robinson asked that something should be placed on the tanks to indicate that they belong to the City of Portales to show pride in the City. Mayor Jackson responded that he understood Councilor Robinson's concern. Mayor Jackson asked the pleasure of the Council. ***Councilor Robinson made the motion to ratify Change order No. 12 and to approve Change Order No. 13 for project acceptance for Johnson Hill West Tank Project with the final contract amount of \$2,504,277.19 as presented. Councilor Boan seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(E) RESOLUTION #20-21-09, A RESOLUTION ADOPTING CHANGES & SUPERSEDING RESOLUTION #16-17-20, SETTING CITY OF PORTALES UTILITY ADMINISTRATIVE POLICIES

Mayor Jackson asked Public Works Director John DeSha to present Resolution #20-21-10 adopting changes and superseding Resolution #16-17-20, setting City of Portales Utility Administrative Policies. Mr. DeSha told the Council that this is an opportunity to fine tune the policies for administering utility accounts. Mr. DeSha told the Council that the Public Works Committee has reviewed the proposed changes and recommended them to the Council for adoption. He commented that the changes were wording changes and that fees were not increased. He told the Council that the proposed changes were listed in the summary (they include the following:)

- Updating the table of contents (pages 2-3).
- Updating the information provided for a residential application for service (page 4).
- 2.1 restating to utility connections (page 5).
- Re-title of section 4.0 to Disposition of Deposits (page 7).
- Re-title of section 8.0 to Notice of Disconnection, updating the language to include processing fees, language added for 8.1 to 8.3 related to fees (page 8).
- Deleting 9.1 to 9.3 and including full termination procedures directly under 9.0 (page 8).
- Updating section 10.1 to include language excluding web and phone payments for returned checks or bank drafts (page 9).
- Renaming A, B and C as processing fees (amounts remain the same), removing Returned Check/Draft Charge as this is included in section 10.2 (page 9).

Mr. Desha told the Council that staff recommends adoption of Resolution #20-21-09 with the changes to the Utility Administrative Policies as presented. Mayor Jackson asked for questions from the Council. Councilor Lucero asked about the additional fee for reconnecting service in Section 8.0. Mr. DeSha responded that this fee is for those customers who turn their service back on upon disconnection by the City. Mayor Jackson asked for further questions. Mayor Jackson asked the pleasure of the Council. ***Councilor Parker made the motion to adopt Resolution #20-21-09 adopting changes & superseding Resolution #16-17-20, setting the City of Portales Utility Administrative Policies. Councilor Cordova seconded the motion. Roll call vote by all Council members present resulted in support of the motion. No abstentions. Motion carried.***

(F) PUBLIC HEARING FOR FY 2022-2026, INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) CITIZEN PARTICIPATION AND DISCUSSION

1. Action to enter into public hearing to receive comments on the FY 2022-2026 ICIP plan Draft.

Mayor Jackson asked for council action to enter into public hearing to receive comments on the FY 2022-2026 Infrastructure Capital Improvements Plan (ICIP). Mayor Jackson asked the pleasure of the Council. *Councilor Parker made the motion enter into public hearing to receive comments on the FY ICIP. Councilor Cordova seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

2. Presentation of the Proposed FY 2022-2026 ICIP 5-Year Plan.

Mayor Jackson asked Susan Baysinger, Public Works Capital Projects Administrator to present the FY 2022-2026 ICIP 5-year plan. Mrs. Baysinger told the Council that the ICIP is reviewed every year for additions. She told the council that meetings were held with the Department Heads and then the subcommittee had met on August 24, 2020 to rate and rank the projects on the ICIP. She commented that new servers were added to the plan at the subcommittee meeting. She asked that they review the plan handed out to them earlier in the meeting. She stated that the ICIP had been added to the City clerk's webpage along with the notice of public hearing so that the public could submit comments. Mrs. Baysinger told the Council that the final step would be to present the ICIP with a resolution for adoption at the next Council meeting.

3. Open floor for public comment and discussion.

Mayor Jackson opened the floor for public comment and discussion. There were no comments.

4. Action to close the public hearing.

Mayor Jackson asked for action to close the public hearing. *Councilor Lopez made the motion to close the public hearing for the ICIP. Councilor Boan seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

5. Recommendation for Revisions prior to adoption of the ICIP by Resolution.

Mayor Jackson stated that the revision to the ICIP is the addition of new servers for the City at a cost of \$40,000 to \$50,000 each. The Mayor commented that this was discussion at this time with final action to be taken at the next Council meeting.

(G) INTERGOVERNMENTAL AGREEMENT BETWEEN ROOSEVELT COUNTY AND THE CITY OF PORTALES FOR ROAD MAINTENANCE FROM SOUTH ROOSEVELT ROAD 6 (SRR 6) AT ITS INTERSECTION WITH SOUTH ROOSEVELT ROAD U (SRR U), DOWN SRR U TO SRR 7

Mayor Jackson asked City Manager Standefer to present the agreement with Roosevelt County for road maintenance from S. Roosevelt Road 6 at its intersection with S. Roosevelt Road U, down S. Roosevelt U to S. Roosevelt Road 7. City Manager Standefer told the Council that the road in question had been brought into the City limits on a shoestring annexation. He stated that Roosevelt County had met with Excel Energy and Wanzak Construction, wind farm contractor, about one-time maintenance and rehabilitation of S. Roosevelt Road U which includes the annexed (City of Portales) part of the road. Roosevelt County and Excel Energy and Wanzak had agreed that the County would provide the labor and Excel Energy and their contractor would pay for the cost of the repairs that are listed as \$35,459.68. He asked that the Council approve the agreement with the County. Mayor Jackson asked the pleasure of the Council. *Councilor Lucero made the motion to approve*

the agreement with Roosevelt County for road maintenance from SRR-6 at its intersection with SRR-U down SRR-U TO SRR-7 at no cost to the City as presented. Councilor Lopez seconded the motion. Roll call vote by all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried

(H) DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE NM MUNICIPAL LEAGUE BUSINESS MEETING AT THE 2020 ANNUAL CONFERENCE

Mayor Jackson asked City Manager Standefer to present the designation of voting delegate and alternate for the business meeting at the NM Municipal League (NMML) conference. City Manager Standefer told the Council that the conference will be held by using Zoom. He commented that in the past the Council has designated the Mayor and the Mayor Pro-Tem to be the voting delegate and alternate, respectively. He added that Mayor Pro-Tem Miller was running for an officer position. Mayor Jackson asked for comments or questions from the Council. Councilor Robinson commented that he agreed with their designations. Councilor Heflin offered to serve if the Mayor Pro-Tem was unable to do so. Mayor Jackson asked the pleasure of the Council. *Councilor Robinson made the motion to nominate Mayor Jackson as the Voting Delegate and Mayor Pro-Tem Miller as the Alternate to the business meeting at the annual NMML conference. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(I) REQUEST TO AUTHORIZE THE MAYOR'S SIGNATURE ON PRZ-20-01 AGREEMENT WITH THE NMDOT – AVIATION DIVISION FOR AIRPORT MAINTENANCE ITEMS & SUPPLIES

Mayor Jackson asked Mike Parkey, General Services Director, to present the request to authorize the Mayor's signature on the PRZ-10-01 Agreement with the NMDOT – Aviation Division for Airport Maintenance Items and Supplies. Mr. Parkey told the Council that this is an agreement for a 2-year maintenance grant for \$20,000.00 with \$2,222.00 as the City's match. He stated this is a 90/10 grant for maintenance items and supplies. Councilor Robinson asked if the city's match is budgeted and which fund would be responsible. Mr. Parkey responded that it is budgeted and will come out of the Airport Enterprise Fund. City Manager Standefer commented that the funds are part of the transfer from the General Fund. Mayor Jackson asked for action from the Council. Mayor Jackson asked the pleasure of the Council. *Councilor Boan made the motion to authorize the Mayor's signature on the PRZ-20-21 agreement with the NMDOT – Aviation Division for airport maintenance items and supplies as presented. Councilor Cordova seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(J) 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.

Comments/Questions from Council:

Traffic Issues:

Councilor Cordova reported that she had received a couple of calls about people speeding through intersections on Ivy, Kaywood and Lime streets. She suggested rumble strips to slow the traffic down. She commented that people are blowing through the 4-way stops around Lindsey-Steiner School. City Manager Standefer said that he would have the Police and Street Departments look at the issue. Councilor Lopez agreed with the callers and Councilor Cordova about the situation.

Status of Work on First Street:

Councilor Lucero asked about the status of the ongoing work along the courthouse square on First Street and in the alley behind the J.P. Stone Community Bank. He commented that there are a few holes that have been there for a long time. City Manager Standefer responded that he and Public Works Director DeSha were attempting to contact the franchisee, CenturyLink. He stated that the alley behind the bank is in the City's jurisdiction but that the sidewalk along First Street belongs to the State. He told the Council that the City has put together pictures and video to show the state. He agreed that it is a dangerous situation.

City Water Supply:

Councilor Lucero asked about the City's water supply. Public Works Director DeSha responded that water usage is still an issue—still too much water being used by the public. He commented that the tanks barely keep up with the demand even though there has been a good response to conservation. He added that people are actually following the watering schedule. He stated that the employee at the wellfield has been doing a great job. He stated that the department was working to educate the public on the use of water. Mr. DeSha told Council that he and staff are working on a policy to bring to the Council for controlling water waste. Councilor Lopez asked about carwashes. Mr. DeSha said that the City cannot control existing carwashes but that donation carwashes are being shut down. He said that it would be difficult to make it retroactive but new businesses will have to go before the Council. He commented that recycling will be a heavy component of the policies.

Traffic on One-Way out of Alley:

Councilor Robinson brought up a problem with customers of Wells Fargo Bank exiting from the alley onto the state highway. He commented that they were turning the wrong way and potentially causing traffic issues. Public Works Director Desha said that the City did not have any authority over the state highway. City Manager Standefer told the Council that he and the Public Works Director would investigate the matter and make a recommendation for a solution.

ADJOURNMENT

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

Joan Martinez-Terry, City