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- (C) Recognition/Introduction of New Fire/EMT Officers and Licensures.
- (D) Resolution #20-21-11: A Resolution Authorizing Participation in Local Government Road Fund Program Administered by the New Mexico Department of Transportation for Control No. L200447 and Superseding Resolution #18-19-46.
- (E) Resolution #20-21-12: A Resolution Ratifying Execution of Memorandum of Agreement between the State of New Mexico Department of Transportation and City of Portales for FY 2021 Section 5311 Rural Transit Funds, Section 5339 Buses and Bus Facilities Formula, and Rural Cares Act Funding.
- (F) Ratification of Execution of the Consolidated Agreement between the New Mexico Department of Transportation (NMDOT) Traffic Safety Division and the City of Portales Police Department for the ENDWI Program (\$8,323) DWI Enforcement; BKLP Program (\$6,492) Safety Belt/Child Restraint Use; and STEP Program (\$12,984) Traffic Control.
- (G) Request for Approval of an Easement Agreement for an 11'7" Encroachment onto City Right-of-Way on Property at 165 Yucca Drive – Owners, Curtis Truesdell & Sarah Watson.
- (H) Request to Approve a Zone Change for Tract 1 of K&B Subdivision from PZ to R-2 Multi-Family Zone.
- (I) Request to Authorize Payment of the Eastern New Mexico Water Utility Authority (ENMWUA) FY2021 Member Contribution Invoice.
- (J) Request for Change of Scheduled Date of the first Council Meeting in November from Tuesday, November 3, 2020 to Thursday, November 5, 2020.
- (K) Other Business/Citizens to be Heard.

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, October 6, 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 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 Veda Urioste, Deputy City Clerk Susan Baysinger, PW Cap. Proj. Adm. Donna Rutherford, Planning Dir. T.J. Cathey, Fire Chief Ryan Fleming, Fire Battalion Chief Jared Shearer, Fire Battalion Chief	John DeSha, Public Works Dir. Christine A. Mitchell, I.T. Tech Randy Knudson, City Attorney Pat Gallegos, Police Chief Chris Williams, Dep. Police Chief Hugh Frank, Fire Battalion Chief Artie James, Lt./Paramedic
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OTHERS PRESENT:	Lily Martin, Press Alexis Fleming August Fleming Carson Fleming Reyne Shearer	Adolpho Cordova Sydney Fleming Anthony Fleming Baylor Shearer
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Mayor Jackson asked Councilor Parker 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 September 15, 2020.

Mayor Jackson asked the Council to review the regular minutes of September 15, 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 September 15, 2020. Councilor Lopez seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(B) APPOINTMENT OF ERIC SEGOVIA TO FILL THE VACANCY TO CITY REPRESENTATIVES ON THE BOARD OF THE ROOSEVELT COUNTY COMMUNITY DEVELOPMENT CORPORATION

Mayor Jackson recommended the appointment of Eric Segovia to fill the vacancy to City representatives on the Board of the Roosevelt County Community Development Corporation. The Mayor asked Councilor Lucero and Randy Knudson to say a few words about Mr. Segovia. Councilor Lucero told the Council that Mr. Segovia was a lifelong resident of Portales with good family ties. He reported that Mr. Segovia is an electrical Engineer with the Roosevelt County Electric Cooperative and supervises several people. He also has had a firework stand during the 4th of July. Councilor Lucero told the Council that Mr. Segovia had spoken to him about doing something for the local restaurants at the beginning of the shut down due to the pandemic and that he had approached several restaurants about setting up outdoor dining. Councilor Lucero told the Council that Mr. Segovia has enthusiasm for serving the community. Mayor Jackson asked the pleasure of the Council. *Councilor Parker made the motion to approve the appointment of Eric Segovia to fill the vacancy as the City's representative on the Board of the Roosevelt County Community Development Corporation. Councilor Cordova seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(C) RECOGNITION/INTRODUCTION OF NEW FIRE/EMT OFFICERS AND LICENSURES

Mayor Jackson asked Fire Chief Cathey to come forward to introduce the new Fire/EMT Officers and new Licensures. Chief Cathey told the Council that he appreciated the opportunity to honor members of the fire service. He stated that the Portales Fire Department had a high level of training to make sure we have well-trained firefighters and EMT officers. He reported on recent promotions and licensures:

Battalion Chief: Hugh Frank; Jared Shearer; and Ryan Fleming
Lieutenants: Randy Soto and Scott Tweedy
2nd Lieutenants: Artie James and James Bray

New Licensures: Artie James; Nathan Walker; Jonathan Montiel, Hunter Rolan; Joseph Wisneski; Trevor Chacon, Michael Gonzalez; and Zachary Wirth

He commented that not all the new licensures were present due to ongoing classes. Chief Cathey thanked the Council for allowing introduction of the employees. Mayor Jackson praised the Fire Department for their service and excellent training.

(D) RESOLUTION #20-21-11: A RESOLUTION AUTHORIZING PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY THE NEW MEXICO DEPARTMENT

OF TRANSPORTATION FOR CONTROL NO. L200447 AND SUPERSEDING RESOLUTION #18-19-46

Mayor Jackson asked Public Works Director John DeSha to present Resolution #20-21-11 authorizing participation in the Local Government Road Program Administered by the New Mexico Department of Transportation (NMDOT) for Control No. L200447 and Superseding Resolution #18-19-46. Mr. DeSha told the Council that this is an extension of the cooperative agreement with the NMDOT for project development, design, constructing surfacing improvements on the 18th Street project. An amendment was requested for a project time extension through December 31, 2021 due to needed equipment repairs, operator training and the public health emergency. He asked that the Council adopt the resolution allowing for an extra year to complete the project. Mayor Jackson asked the pleasure of the Council. *Councilor Parker made the motion to adopt Resolution #20-21-11, authorizing participation in the Local Government Road Fund program for Control No. L200447 and superseding Resolution #18-19-46 as presented. Councilor Heflin seconded the motion. Roll call of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.*

Councilor Parker asked when 18th Street would be resurfaced. Mr. DeSha responded that it would be completed in 2021.

(E) RESOLUTION #20-21-12: A RESOLUTION RATIFYING EXECUTION OF MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF NEW MEXICO DEPARTMENT OF TRANSPORTATION AND CITY OF PORTALES FOR FY 2021 SECTION 5311 RURAL TRANSIT FUNDS, SECTION 5339 BUSES AND BUS FACILITIES FORMULA, AND RURAL CARES ACT FUNDING

Mayor Jackson asked Public Works Director John DeSha to present the resolution ratifying execution of the Memorandum of Agreement (MOA) between the New Mexico Department of Transportation (NMDOT) and the City of Portales for FY 2021 Section 5311 Rural Transit Funds, Section 5339 Buses and Bus Facilities Formula, and Rural CARES Act Funding for the Portales Area Transit (P.A.T.) Program. Mr. DeSha told the Council that the resolution ratifies execution of the MOA for fiscal year 2021 funding and the CARES Act funding. He told the council that the total funding is \$328,802.90 which is comprised of \$311,244.90 federal funds and \$17,558.00 local funds. He explained that the funds will be used for Administrative (100% CARES) in the amount of \$74,736.00 Federal and \$7,558.00 Local, and Capital (80/20 5339) in the amount of \$40,000.00 Federal and \$10,000.00 local for the P.A.T. program. He asked for Council adoption of the resolution. Mayor Jackson asked the pleasure of the Council. *Mayor Pro-Tem Miller made the motion to adopt Resolution #20-21-12, a resolution ratifying execution of the Memorandum of Agreement between the New Mexico Department of Transportation and the City of Portales for FY 2021 Section 5311 Rural Transit funds , section 5339 Buses and Bus facilities formula and Rural CARES Act Funding. Councilor Cordova seconded the motion. Roll call of all Council members present resulted in unanimous support of the motion. No abstentions. Motion carried.*

(F) RATIFICATION OF EXECUTION OF THE CONSOLIDATED AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) TRAFFIC SAFETY DIVISION AND THE CITY OF PORTALES POLICE DEPARTMENT FOR THE ENDWI PROGRAM (\$8,323) DWI ENFORCEMENT; BKLP PROGRAM (\$6,492) SAFETY BELT/CHILD RESTRAINT USE; AND STEP PROGRAM (\$12,984) TRAFFIC CONTROL

Mayor Jackson asked Police Chief Gallegos to present the request for ratification of execution of the consolidated agreement between the NMDOT Traffic Safety Division and the City of Portales Police Department for the ENDWI Program (\$8,323) for DWI enforcement; BKLP Program (\$6,492) for safety

belt/child restraint use; and the STEP Program (\$12,984) for Traffic Control. Chief Gallegos told the Council that the ENDWI program and the BKLP program are for overtime reimbursement; and that the STEP program provides funding for enforcement to target problems such as speed, DWI, distracted and reckless driving, etc. He asked that the Council approve ratification of the consolidated agreement. Mayor Jackson asked the pleasure of the Council. ***Councilor Lucero made the motion to approve ratification of the execution of the consolidated agreement between the New Mexico Department of Transportation and the City of Portales Police Department for the ENDWI Program \$8,323 for DWI Enforcement; BKLP Program \$6,492 for Safety Belt/Child Restraint Use; and STEP Program \$12,984 for Traffic Control. Councilor Boan seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(G) REQUEST FOR APPROVAL OF AN EASEMENT AGREEMENT FOR AN 11'7" ENCROACHMENT ONTO CITY RIGHT-OF-WAY ON PROPERTY AT 165 YUCCA DRIVE – OWNERS, CURTIS TRUESDELL & SARAH WATSON

Mayor Jackson asked Planning Director Donna Rutherford to present the request for approval of an easement agreement for an 11'7" encroachment onto the City right-of-way on the property at 165 Yucca drive with Owners Curtis Truesdell and Sara Watson. She commented that this property has come to them before for the easement when it changed hands in the past. Mayor Pro-Tem Miller asked if the property was at the corner of Avenue I and Yucca. Mrs. Rutherford responded that it was at the corner of Avenue G and Yucca. Councilor Lucero asked if there were any utility lines in the easement and if the agreement would allow the City to repair the lines if necessary. Public Works Director DeSha stated that there is a 4" main in the easement. Mayor Jackson commented that this action is needed when properties change ownership. Mrs. Rutherford stated that staff does not foresee any negative impact in granting the easement agreement and asked for Council approval. Mayor Jackson asked the pleasure of the Council. ***Councilor Heflin made the motion to approve the request for approval of an easement agreement for an 11'7" encroachment onto City Right-of-Way on property at 165 Yucca Drive purchased by Curtis Truesdell and Sarah Watson. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(H) REQUEST TO APPROVE A ZONE CHANGE FOR TRACT 1 OF K&B SUBDIVISION FROM PZ TO R-2 MULTI-FAMILY ZONE

Mayor Jackson asked Planning Director Donna Rutherford to present the request to approve a zone change for Tract 1 of K&B Subdivision from a PZ Zone to an R-2 Multi-Family Zone. Mrs. Rutherford told the Council that the property is located at 116 W. 18th Street and that it was annexed into the city limits in 2018 and zoned as a PZ Zone at that time. She commented that since then the owners, Kcholi and Brumfield, have researched the use of the property and have decided that there is a need for one- and two-bedroom townhouses in Portales. The owners have developed plans for several sets of townhouses to be constructed on Tract 1 only. They have made application to the Planning Commission for a zone change. The Planning Commission held a public hearing on September 28, 2020 to hear the application and have approved the zone change by a vote of 5 in favor and 0 against. She stated that there was a mobile home on the property now. Councilor Lucero commented that this would be an improvement. Councilor Heflin reported that the Planning Commission recommended approval to the Council. Mayor Jackson asked the pleasure of the Council. ***Councilor Heflin made the motion to approve the request to approve a zone change to Tract 1 of the K&B Subdivision to R-2 Multi-Family Zone as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(I) REQUEST TO AUTHORIZE PAYMENT OF THE EASTERN NEW MEXICO WATER UTILITY AUTHORITY (ENMWUA) FY2021 MEMBER CONTRIBUTION INVOICE

Mayor Jackson asked the City Manager to introduce the request to authorize payment of the ENMWUA FY 2021 Member Contribution invoice. Mr. Standefer told the Council that this was discussed by the Finance/Administration Committee but that they had no recommendation for the Council. He stated that it is the annual invoice but that it includes the Melrose allocation that was approved in Council in a prior meeting. He commented that the contribution was budgeted less the Melrose allocation. He commented that it was taken to the Finance/Administration Committee because the Council had authorized that this be done. He asked that the Council consider the request. Mayor Jackson asked the pleasure of the Council. ***Mayor Pro-Tem Miller made the motion to authorize payment of the ENMWUA FY 2021 invoice for the member contribution. Councilor Heflin seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(J) REQUEST FOR CHANGE OF SCHEDULED DATE OF THE FIRST COUNCIL MEETING IN NOVEMBER FROM TUESDAY, NOVEMBER 3, 2020 TO THURSDAY, NOVEMBER 5, 2020

Mayor Jackson asked City Manager Standefer to present the request to change the scheduled date of the first Council meeting in November from Tuesday, November 3, 2020 to Thursday, November 5, 2020. City Manager Standefer told the Council that November 3rd, 2020 is the date of the General Election and that the room would be busy that day. He commented that changing the day for the Council meeting was the best choice. Mayor Jackson asked the pleasure of the Council. ***Councilor Robinson made the motion to approve the request to change the first Council meeting date in November from Tuesday, November 3, 2020 to Thursday, November 5, 2020. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(K) 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:

Brunson Property:

Councilor Parker asked for the status of the Brunson property demolition. City Manager Standefer stated that the City had received a partial summary judgement. He commented that the City filed an appeal of the partial summary judgement and the judge ruled in the City's favor. He stated that the City is proceeding on the issue adding that he is awaiting cost for asbestos and lead paint removal. Mr. Standefer stated that when those costs are in, the City will have a better idea of the cost to mitigate the nuisance. Councilor Parker asked if there had been another fire at the building to which he responded that there had been a small fire at the building.

Rogers' Property:

Councilor Parker asked about the Rogers property on West Fir Street. Mr. Standefer stated that he had met with Bob Rogers to talk about abating the nuisance. He stated that Mr. Rogers has not yet complied, but that he will be working with him to get the property cleaned up.

Halloween Trick or Treat:

Councilor Parker asked what the City planned to do about the Downtown Trick or Treat event. City Manager Standefer stated that it is not a City event it is a Chamber event. He said that the Library will do a drive-through Trick or Treat and that he had heard that a local private group will do another one at Lindsey Park.

ADJOURNMENT

There being no further business, Mayor Jackson adjourned the meeting at 7:00 p.m.

Joan Martinez-Terry, City