

Linda Uttaro
Lyndia Hill
Alyssa Hill
Nino Ortega
Scott Arnold
Elizabeth Fulger
Scott Washburn
Carol Wood-Nation
Lyle Frazee
John R. Smith
Allene McAlister
Michelle Garza
Jennifer Senkowsky
Micah Thompson
Jenenia Stacy
Bill Stacy
Carol McDowell
Andy Mason
Doug Lucero
Emily Standefer
Ronald Dickson
Paul Luscombe
Ruby Wilson
William L. Smith
Cindy Kieren
Joe Kirkpatrick
Lloyd Banks
Gowan Hays
Amy Pruit
Chelsey Freeman
Kelly Fulfer
Brianna Benavidez
Kimberly Fraley
Tara Mason
Hayley Bird
Cherise Standefer
Leslie Privett
Lana Garrison
Jennifer Machado
Pat Dodd
John Goins
Nancy Gentry
Deidre Washburn
Jennifer Senkowsky
Jonathan Mulkey
LaNelle Smith
Boyd McCargish
Brock Thompson
Micah Thompson
Joe R. Turner
Phobie Privett
Terry Jones
Anne Jezek

Gina Uttaro
Lance Hill
Dorothy Glover
Alan Dodd
Christine Merrick
Reshea Kelley
Joe Kirpatrick
John Goins
Rick Wilcher
Lance Garrison
Phobie Privett
Terry Jones
Megan Stacy
Brice Stacy
Hannah Stacy
Rick Wilcher
Sharon Davis
Sandy Lucero
Katherine Wilson
Koy Webb
Corrie Dillard
Laverne Inge
Brian Hill
Daris Hay
Victoria Derrer
Jody Kirkpatrick
Darlene Banks
Victoria Payen
Mikayla Ainsworth
Dakota Freeman
Elizabeth Fulfer
Reshea Kelly
Leisha Bickham
Caitlyn Repp
Kaisha Fine
Eddy Privett
Casey Steen
Alan Roberts
Ismael Machado
Sharon Goins
Rodney Leal
Lyle Frazee
Scott Washburn
William F. Senkowsky
Pamelia Preston
Vera McCargish
Lavern Russell
Riley Thompson
Mavorneen Baca
Aileen McAlister
Michelle Garza
Andy Mason
Ray Mondragon

Mayor King asked for a motion to amend the agenda to move Item J. Discussion Topic: Exclusion of Coach-Led Prayer in City League Sports to the beginning of the meeting. ***Councilor Parker made the motion to move Item J. Discussion Topic: Exclusion of Coach-Led Prayer in City League Sports to the beginning of the meeting. Councilor Robinson seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.***

Mayor King began the discussion about the exclusion of Coach-Led prayer by setting some protocol for the discussion. She stated that the Councilors would speak first beginning with Councilor Thomas because he asked for it to be placed on the agenda. She asked the Councilors to speak if they want to do so. The Mayor stated that at that time the floor will be open for comments from the audience—she stated the rules for speaking: speaker has to have signed in on the paper at the podium, go to the microphone and give the Council their names so the Clerk can have it for the record, with a limit of 2 minutes per speaker. She asked that they not repeat what someone else has stated. Mayor asked the group to respect the rules so we can have a good constructive conversation.

Councilor Thomas told the group that he had been asked by the citizens to put this item on the agenda for discussion. He stated that this would give the Council a chance to say what they feel if they have anything to say. He told the group that he was not happy about all this going on in the community either. Thomas told the group that this was his opinion, but the Council hires the attorneys to get legal advice, and when this issue came up, the attorneys offered their advice. He stated that the Council must accept that legal advice. He explained that the problem is that the City is covered by an insurance company called Risk Management, and that if we (the Council) decides to go against the legal advice and we are sued, it will come out of the City's money—our tax dollars will have to pay for this. He commented that he was like a lot of the citizens stating that he felt that our rights have been taken away. He commented that it is a federal law and that the way to change it is to start a grass roots effort to go to the U.S. Senators and Congressional Representatives and have them change the law. Thomas stated that he and his wife had come back to Portales to raise their family because they felt that Portales had a good school system, it's Christian-based. He stated that they wanted to raise their kids here. He told the group that he could see from this turn out that they had made the right decision about bringing their family home. He commented that, as he sees this, he thinks there is good news in all of this. He told the group that a coach cannot lead prayer, but that it doesn't prevent a parent, grandparent, a minister, a preacher, a priest, the pope from showing up and saying the prayer for the kids. He stated that he feels that one door has been closed, but another door as big as a barn has been opened that all can walk through. Thomas stated that it doesn't matter who leads prayer, just that the prayer gets said. However, he stated that he will ask the City Attorneys to revisit the issue and see if there is a loop hole because of the voluntary status of the coaches. He challenged the community to go to the games and lead the children in prayer. He asked them to think about what he said.

Mayor King commented that that this is not totally factual--the Supreme has ruled many times that anyone other than a government representative can lead prayer. She stated that it was never the intent of the City to say you cannot pray. She told the group that she is a Christian and proud to be a Christian, but that when she was elected she was sworn to uphold the Constitution of United States, and means that as City leaders, we represent every faith on this earth—agnostics, atheists, it doesn't matter what we personally believe. We were elected to these offices to respect all beliefs. She stated that the City leadership offers the option that other people can lead a prayer and has every right to do that. She further stated that even though our coaches are volunteer, they have to be approved by the Recreation Board. She told the group that they would hold the City leaders responsible if something negative happened to one of the kids by one of the coaches, so the same requirements have to be instilled in them the same requirements that the Supreme Court has put on the elected official. She told them that the City is not telling them that they cannot pray, you absolutely can pray. She told the group that that is one thing that is going around and it is a misunderstanding. She stated that it was never the intention of anybody connected to the City to say that that there can be no prayer. Mayor King stated that

although coaches cannot lead prayer, it doesn't mean they cannot participate, just that they can't lead the prayer. She asked City Attorney Knudson to address her statement.

City Attorney Knudson commented that a school in Santa Fe, TX had a prayer before their home football games and were challenged for it. He stated that the school decided that they could avoid the issue if a student was selected to lead prayer, which was also the subject of the challenge. He stated that they had gone to the Federal District Court first, which modified the school policy to permit only non-sectarian, non-proselytizing prayer. He stated that the Fifth Circuit, which is the next court up, found that the school policy was still invalid because it was held in a public setting where public dollars are being spent. He told the group that very young children cannot be placed in a situation where there may be an implied coercion. He gave the example of Hawaii having a majority of people as Buddhist, or Utah where they are Mormon—kids are left out who don't belong to the majority faith. He stated that the Court is trying to protect children from coercion and that whether you agree or disagree, that is what the Court is attempting to do. He added that there is nothing that says that kids cannot say a prayer before a game, just that it cannot be associated with or led by a representative of the City or the City programs. Knudson stated that it cannot be changed by the Senators or Congressmen, this can only be made through an amendment to the Constitution. He stated that it is not something that can be changed by a vote of the Senate and the House.

Councilor Parker commented from her perspective as a parent that parents are their children's worst enemies. She stated that children, if left alone, will play together regardless of color or religion. She commented that sometimes, we, as parents, fail to teach our kids what is important out in the real world. She added that the kids can lead prayers. She stated that as City Councilors, they were elected to uphold the law and that this directive has nothing to do with their personal feelings. Councilor Parker read a poem about peace to the public and ended by urging the audience to be positive not negative – "our children are watching us."

Councilor Lovett stated that he wants the community to come together and added that resolve won't happen because of a coach's prayer. He commented that he did not like the proactive stance, that it is one thing if there a formal complaint, then it would have to come before the Council for action. He stated that he disliked the fact that they had to make a proactive decision when there had been no complaint. He told the group that he has looked at all the court cases that he could find, and talked to many people to look for anything that could be done. He stated that he had come with the same result that the attorney had come up with regarding coaches leading prayer and there is no legal standing. He asked the group to consider what would happen when your son or daughter is in that first non-Christian prayer group. He asked if they would come in masses to protest non-Christian prayer. He stated that he doesn't like the law personally, but understands why some of these laws have been put in place. He stated that it is up to him as an individual, as a father, to teach his kids what religion they should have. He said that there is nobody that can stop us from praying as soon as that game is over and before and after any City event.

Mayor Pro-Tem Jackson stated that that he is glad to see the support of our Lord and Savior Jesus Christ, and stated that he felt that this is where the power is coming from. He commented that he thought it could have handled better by the Council and City Manager. He stated that the Council is here to support all of the citizens.

Councilor Robinson stated that he came to this community in 1985 and that since then had participated in the sports program coaching a lot of kids in the community. He related a story from the past about losing a young man at which time a team mate had asked to pray after the game. He commented that after the game, he had joined his team in prayer and the other team had also joined. He stated that he had thought nothing wrong in doing it. He stated that freedom of religion was a principle upon which our country was founded and that there are a lot of people of different religions. He stated that, as an

elected official, he had sworn to abide by the Constitution of the State of New Mexico and the Constitution of the United States.

Councilor Hunton stated that he was disappointed at the way that Michael Doerr had been treated after the event. He stated that after reading the Facebook comments and the phone calls and emails that Mr. Doerr had received, Hunton stated that felt that it was un-Christian as a Christian, the way that he was treated. He stated that he understands that people have a right to disagree, but that there is a right and wrong way to express that disagreement. He told the group that he felt that everyone present are taking care of it the right way. Hunton stated that he had been in the sports program as a player and later as a parent, and that not one time did he see a coach pray to his little league team and now that they've been asked not to, they want to pray. He stated that as Councilors they have to take religion and emotion out of the decision, and that their job is to uphold the Constitution. He commented that there is no problem if they want to pray after the game, adding that this gives people who don't want to pray the opportunity to leave before the prayer without being excluded and not being made to feel smaller. He told the group that he appreciated everyone for showing up tonight—shows that they care about the community and the kids in the community.

Councilor Salguero stated that he put his opinion in the newspaper and still sticks with that opinion. He understands there is law and he feels that it is a bad law. He stated, "what about us?" He commented that he is saddened by the decision, but that he would abide by the law. He told the group that he would continue to pray. He asked the group to pray for the nation because of the lack of prayer. He thanked everyone for attending.

Councilor Lucero thanked everyone for coming to the meeting. He told the group that this is why he wanted to be a Councilman—to better the community. He stated that he is a Christian too and that he would continue to pray. He stated that he feels that it is a bad law and that this is what is wrong with this country. He stated that it was a sad day; that the Council should be trying to work on the quality of life. He stated that no one can tell him that he can't pray.

Mayor King told the group that should feel better knowing that they have nine Christians up here. She told the group that she the meeting was open for public comment and asked them to identify themselves, make sure their names were on the list and that they have 2 minutes to speak.

Linda Uttaro gave her name and stated that she was a Jew and proud of it. She told the group that if any of them had forgotten, so was Jesus. She asked the group to consider how they would feel if the coach gave the prayer in Hebrew. She said that this would be something they would not agree with. First its in Hebrew. She stated that prayer is between her and God. She added that prayer isn't something that has to be forced down somebody's throat. She stated that if they, as parents were doing their job, their children know what prayer is. She told the group that as a retired school teacher she used to say that as long as there are tests, you can't take prayer out of school. She stated that, as a Jew, she cannot agree with a coach telling her child how to pray. She told them that she did not agree with their position.

Lance Hill gave his name and stated that our country came back to prayer 11 years ago. He commented that if we had continued in prayer we wouldn't be where we are today. It doesn't have to be out loud, but if someone is offended by him praying with a child, why do they have the right to tell him not to pray if that child asks for prayer.

Joe Kirkpatrick gave his name and commented that he noticed on the agenda that that there was an invocation on it and that it was skipped and went ahead and gave the invocation. He stated that it is the establishment clause that had been quoted from and read it to the audience.

Mavorneen Baca introduced herself and asked what the legal aspects was considered when giving the advice on this action. She asked if it is for a handful of people who don't agree with prayer to stop the majority from praying. She stated that these few are suppressing her right of freedom of speech.

Elizabeth Fulger gave her name and commented that she is a pastor's wife and is very encouraged by this event and that this would not happen in Albuquerque. She stated that the lack of prayer at home is the reason for this meeting. She commented that prayer must be started in the home. She urged the group not to fight church against church.

Lyndia Hill gave her name and told the group that she was proud of her sons for being Christians and commented that they are not afraid to say a prayer. She commented that this isn't just for the kids who play football, she commented that this happens in the schools also.

Reshea Kelley gave her name and stated that before her duty as a coach her duty is to lead her squad in the way that they should go as a Christian. She stated that if they don't want to pray with her, they don't have to. She commented that she would not show favoritism to anybody, but that her duty first is her God.

Alan Dodd gave his name and said that the religion clause in the first amendment has been mentioned and that legislators have made laws against prayer. He commented that most Christians are law-abiding people, so it is hard to encourage people to break the law. He told the group that this is absurd.

Casey Steen gave his name and stated that he was a worship pastor. He encouraged everyone to understand that every opposition is an opportunity. He asked the group to start in their homes and in their own lives.

Scott Arnold identified himself and spoke about Jesus Christ and gave a prayer to the group at the meeting.

Scott Washburn identified himself and told the group that he is a retired doctor and professor at ENMU; and stated that he is a Christian. He reminded everyone that this week is Constitution Week in this country. He stated that the motto of the country as "In God We Trust," and commented that he stands solidly with Councilors Salguero and Lucero to pray anywhere he wants.

Joe Turner gave his name and told everyone that he came from a long line of Americans from the 1600s and is a born-again Christian. He told the group that whatever happens in Portales or in the country, he will remain a Christian. He commented that he had learned one thing, and that was that resistance builds strength.

Carol Wood-Nation gave her name and stated that she is a teacher. She stated that she will not stop kids from singing or praying. She commented that she did not initiate prayer, but that she will pray with anyone who asks her to pray with them.

John Goins introduced himself and stated that he wondered what Martin Luther King would think of this. He commented that if we take away religion, we take away all.

Lyle Frazee gave his name and commented that there are the laws of man and the laws of God. He stated that the laws of man will continue to be used to circumvent the laws of God. He told the group that, "Poor is the man who is denied the right to pray with his children."

Alyssa Hill gave her name and stated that this is a Christian-based community. She stated that there is no reason that a coach cannot pray. She gave an example of a girl who would step aside when the prayer was held.

Rick Wilcher gave his name and stated that he felt blessed to be here and to be able to listen to the statements being made. He stated that he was a Christian and that everything he had heard here was a prayer. He stated that it is a shameful thing that we confess to be Christian, but asked, "why are we here; how did we get here." He stated that the people are responsible. He told the group that they need to cry out to God and ask for forgiveness. He commented that he is a chaplain in the City League and stated that he would be at the games to pray.

John R. Smith gave his name and stated that he grew up in Portales and that he felt that this decision is wrong. He told the group that he served this country and swore an oath to defend the country. He said that not every family has parents that lead their children toward God. He commented that in the past, the coaches led the teams in prayer. He stated that he had not served his country to have individuals decide that he could not pray or lead a prayer if he desired. He encouraged everyone to revisit the decision and to allow kids to be led in prayer by whoever would do so.

Lance Garrison gave his name and stated that he has just moved to this community and that he has learned by this assembly that it is on fire for God.

Aileen McAlister gave her name and stated that just as a city should never tell a coach to lead a prayer, it should never tell them not to lead a prayer.

Phobie Privett gave her name and stated that she was disturbed by the comments about the issue. She commented that she had been saddened at the opinions describing Christians as haters. She told the group that the issue of coach-led prayer was not a big issue, and stated that she understood that the City had no choice. She also stated that we have to remember that Christians are going to be persecuted.

Michelle Garza gave her name and stated that she is a high school student and that without prayer, they would not be here today. She read from the bible to the audience.

Terry Jones identified herself and stated that she has learned, as Christians, that they must be proactive.

Jennifer Senkowsky gave her name and stated that it was a sad day when there is no prayer in schools. She expressed much emotion about the right to pray.

Gina Stacy gave her name and stated that her family prays whenever they want to pray.

Micah Thompson identified herself and stated that the Council was elected to represent the people. She said that it breaks her heart that people are not allowed to pray. She stated that it was time to stand up and say, "No more."

Billy Stacy identified himself and stated that he had one question, "why are you afraid of God?"

Andy Mason gave his name and his companion's name as Anne Jezek and stated that they support the Constitution and Michael Doerr. He encouraged people to get out and vote for Obama.

Ronald Dixon introduced himself and told the group that he was from Clovis and that he was impressed with the people present. He told them that if they were not registered to vote that they should get registered.

Butch Allen introduced himself and quoted from the bible, and asked them to change their minds about their decision. He urged the Council to reconsider their decision.

Mayor King asked for further comments from the audience. Alan Dodd stated that it is the Supreme Court that has made that decision, not the Constitution.

There were no further comments from the audience.

Mayor King stated that it is a beautiful thing to see this much passion. She asked the community to pray for Michael Doerr. Mayor King told the group that the City has not declared that the public cannot pray. She commented that volunteer coaches are representatives of the City and that they cannot lead prayer. Mayor King stated that she understood that the group is passionate on the issue. Mayor King asked the Council to conclude the discussion with their comments.

Councilor Thomas stated that he knew when he brought the issue up that people would be critical, but that this is the best thing that has happened in Portales. He stated his appreciation of everyone and asked them to go in peace.

Councilor Parker thanked everyone for coming out for this meeting.

Councilor Lovett thanked them for coming.

Mayor Pro-Tem Jackson also thanked them for coming to the meeting.

Councilor Robinson stated that he is a proud Christian.

Councilor Hunton thanked everyone who came out to this meeting and told them that prayer cannot be taken from any of them. He did state that it is not the coaches' jobs to pray.

Councilor Salguero stated that God has a way to turn something bad into something good. He stated that he hopes that the City can give the newspaper something good to write about in the future.

Councilor Lucero stated that he is proud of the community and is touched by what everyone has said. He stated that the law cannot keep people from praying.

Mayor King thanked the group for coming to the meeting and for being concerned about the community. The Mayor ended the discussion on Coach-Led prayer at 8:20 p.m. and allowed a short break to allow for people to leave if they desired before reconvening for the rest of the items on the agenda.

Mayor King reconvened the regular meeting at 8:30 p.m.

(A) MINUTES OF PREVIOUS MEETING(S):

1. Regular Meeting of September 4, 2012.

Mayor King asked for Council to consider and approve the minutes of the Regular Meeting of September 4, 2012. *Councilor Parker made the motion to approve the minutes of the regular meeting of September 4, 2012 as presented. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

(B) PRESENTATION OF 20-YEAR SERVICE AWARD TO SAMMY STANDEFER, PLANNING DIRECTOR

Mayor King told the Council that the 20-Year Service Award presentation to Planning Director Sammy Standefer was moved to the next Council meeting.

(C) PROCLAMATION(S):

1. **Declaring every 4th Monday of September as Family Day in Portales, New Mexico—National Center on Addiction and Substance Abuse, Columbia University.**

Mayor King asked Riki Seat to receive the proclamation requested by the National Center on Addiction and Substance Abuse (CASA) at Columbia University, which declares every 4th Monday of September as “Family Day” in Portales, New Mexico. She told the Council and staff that the proclamation urges everyone to recognize its observance on September 24, 2012. Mayor King thanked Ms. Seat for receiving the proclamation.

(D) UPDATE—U.S. HIGHWAY 70 IMPROVEMENTS

Mayor King asked for a report on the U.S. Highway 70 improvements. John Guldemann of Constructors, Inc. reported that the work on 1st and 2nd is being extended. He added that concrete is being poured on 1st Street—curb, gutter and sidewalks. Guldemann told the Council that S. Avenues E & F are closed but that some cross streets are still open on 1st Street. He reported that Avenue K and J are open. He told the Council that the Police Department has been helpful with safety of the workers. Councilor Hunton asked if the construction was still a bit behind. Guldemann stated that the work is a little over a month behind and that it will be a little later in December when the work will stop than originally planned. The Mayor and Council thanked him for the report.

(E) RATIFICATION OF FINANCE DEPARTMENT’S ACTIONS REGARDING THE BILLS FOR AUGUST 2012

Mayor King asked Marilyn Rapp, Finance Director, to report on the city’s bills for August 2012. Ms. Rapp told the Council that the Finance/Administration Committee had met to review the August bills. She told the Council that the Committee had recommended approval of the bills by Council. She told the Council that the amount of the bills for the month was \$1,417,085.72, and asked for questions and for ratification of the bills.

August 2012

Pooled Cash Fund	999	\$1,417,085.72
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Mayor King asked for action from the Council. *Councilor Lovett made the motion to ratify the payment of the bills for August 2012 as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

(F) PUBLIC HEARING FOR ORDINANCE NO. 698, AN ORDINANCE AMENDING, DELETING AND REPLACING PARTS AND SECTIONS OF ARTICLE VII, LODGERS' TAX. THIS ARTICLE IS KNOWN AS, AND CITED AS, "THE LODGERS' TAX ORDINANCE"

1. Action to enter into public hearing to receive comments.

Mayor King asked for action from the Council to enter into public hearing to receive comments on Ordinance No. 698, an ordinance amending, deleting and replacing parts and sections of Article VII, Lodger's Tax. *Councilor Parker made the motion to enter into public hearing to receive comments on the changes to the Lodgers' Tax Ordinance. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

Mayor King asked for comments. Finance Director Rapp told the Council that the changes made to the ordinance was to bring it into line with the state Lodgers' Tax Act. Mayor King asked for further comments. City Manager Howell commented that one change to the Ordinance was to allow funding of police protection, fire/ambulance standby and sanitation services for tourist related events, facilities and attractions. There were no further comments.

2. Action to close the public hearing.

Mayor King asked for a motion to close the public hearing on Ordinance No. 698. *Mayor Pro-Tem Jackson made the motion to close the public hearing. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

3. Action as a result of the public hearing.

Mayor King asked the Council's pleasure regarding the ordinance. *Councilor Parker made the motion to adopt Ordinance No. 698, The Lodgers' Tax Ordinance. Councilor Hunton seconded the motion. Roll call vote by all Council members present resulted in unanimous support of the motion. Motion carried. No abstentions.*

(G) APPROVAL OF CONTRACT FOR DWI CASE MANAGER/COMPLIANCE OFFICER

Mayor King asked City Manager Howell to present the professional services contract for DWI Case Manager/Compliance Officer. Howell told the Council that when Marcia Brown left, Riki Seat submitted a proposal for DWI Coordinator and was awarded the contract for professional services and left her position as DWI Case Manager/Compliance Officer open. He told the Council that the DWI contract positions are funded through a grant that requires the City to fill the positions through the RFP process. He stated that the RFP had been advertised twice with the person who had originally submitted a proposal submitting another for the second RFP and then dropping out of the process when he took another position. City Manager Howell told the Council that the remaining person was Christopher Seat, son of Riki Seat. The Committee that had reviewed the proposals was made up of DWI Teen Court Coordinator Mary Poynor, Drug Task Force Chairman Kent Petersen, Patrol Officer & member of Drug Task Force C. Kane Wyatt and City Manager Howell. Ms. Riki Seat did not participate in the evaluation nor the interview. Mayor King asked if the DWI Case Manager would answer to Riki Seat. Ms. Seat responded that the DWI Case Manager would be directed by the Drug Task Force. She commented that she does not have the authority to hire or fire this position. She stated that her job is to coordinate the effort and that he is not her subordinate. City Manager Howell commented that this is not an employee

of the City, it is a contract position. He told the Council that the evaluation committee had recommended approval of awarding the contract for professional services for DWI Case Manager/ Compliance Officer to Christopher Seat. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to award the contract for DWI Case Manager/Compliance Officer to Christopher Seat as recommended by the evaluation committee. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.***

(H) RESOLUTION #12-13-12. A RESOLUTION ADOPTING THE INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)

Mayor King asked Susan Baysinger, Capital Projects Administrator, to report on Resolution #12-13-11, adopting the ICIP. Baysinger reminded the Council that a draft plan of this ICIP had been brought to them two weeks ago. She told the Council that the two items they had requested had been added to the ICIP as item 7 (Boston, Avenue I, Lime and Spruce railroad crossing improvements) and item 8 (Senior Center Park Improvements). She reviewed the list for the Council and told them that the ICIP must be adopted by the Council in a resolution. Mayor King asked the pleasure of the Council. ***Councilor Lovett made the motion to adopt Resolution #12-13-12, adopting the Infrastructure Capital Improvements Plan (ICIP) as presented. Mayor Pro-Tem Jackson seconded the motion. Roll call vote by all Council members present resulted in unanimous support of the motion. Motion carried. No abstentions.***

(I) RESOLUTION #12-13-13. A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE TO DECLARE ADDITIONAL CITY PROPERTY AS SURPLUS; AND SALE OF SAME

Mayor King asked City Manager Howell to present Resolution #12-13-13, declaring additional City property as surplus and authorizing the sale of this property. City Manager Howell told the Council that the two pieces of equipment--a 1974 Ford Oil Distributor and a 1984 Diesel Street Sweeper—had been inadvertently left off of the resolution approved by the Council at the previous meeting. He stated that the resolution declares the equipment as surplus and authorizes their sale by internet auction. Mayor King asked the pleasure of the Council. ***Mayor Pro-Tem Jackson made the motion to adopt Resolution #12-13-12, authorizing the Mayor's signature on the resolution declaring two additional items as surplus and the sale of the same by internet auction. Councilor Hunton seconded the motion. Roll call vote by all Council members present resulted in unanimous support of the motion. Motion carried. No abstentions.***

(J) DISCUSSION TOPIC: EXCLUSION OF COACH-LED PRAYER IN CITY LEAGUE SPORTS

Moved to beginning of meeting.

(K) OTHER BUSINESS/CITIZENS TO BE HEARD

Mayor King asked for items of other business.

Public Works Director John DeSha reported that he has begun to throw fireworks at the birds around the square. They are coming to roost again.

City Attorney Knudson stated, as a citizen and not the City Attorney, he wanted to comment on the issue of separation of church and state coming from the Constitution. He stated that religious persecution was the reason that the United States became a country and that it is the foundation of the Country.

Councilor Robinson commended the employees of the Parks/Cemetery Department for the excellent condition of the Cemetery. He thanked the City Manager and Public Works Director. City Manager Howell commented that the employees are battling broom grass now, but that it may take longer than a year to get rid of it. He commented that they are doing spot spraying and will keep trying. Councilor Parker asked about the trees that are being cut down at the Cemetery—can the public take the wood. Public Works Director DeSha stated that they could and that the trees are being cut down into small logs that can be easily loaded and removed.

Councilor Salguero asked if the water bills had been late this month. Desha responded that the Water Department was shorthanded and that new people had been hired recently. Councilor Salguero asked about the Police Chief position. City Manager Howell responded that applications have been received and reviewed. He added that there are seven members on the Search Committee.

Councilor Parker asked if it takes a long time to weed eat the Cemetery. DeSha stated that it takes the whole department to weed eat out there.

Police Lieutenant Mark Cage reported on Police Department happenings that the Executive Assistant, Jamie Hacker had a death in her family and Patrol Officer Lem had a new baby.

Mayor King reported that she had gone on a Civic Tour with CAFB to Hurlburt AFB and then to Kirtland AFB. She stated that it was a phenomenal trip.

Finance Director Rapp told the Council about the letters requested by the auditors, and asked the Council to fill them out and send them to the auditor in the envelopes prepared for them. She told the Council that the auditors had been here last week and that they hope to get the audit done by the end of October.

(L) 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.**

No Executive Session held.

ADJOURNMENT:

There being no further business or comments, Mayor King adjourned the meeting at 9:25 p.m.

Joan Martinez-Terry, City Clerk