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  - B. Proclamation Declaring November 25, 2013 as "Adoption Day" in Portales, New Mexico.
  - C. 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), 2008, for Limited Personnel Matters; §10-15-1 H.(7), 1995 for Attorney-Client Privilege Pertaining to Threatened or Pending Litigation; §10-15-1 H.(8), 1995, for the Purchase, Acquisition, or Disposal of Real Property or Water Rights.
    - 2. Action to Convene in Open Session.
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  - D. Ratification of Finance Department's Actions Regarding Bills for October 2013.
  - E. Police Compensation.
  - F. Requesting Permission to Allow Certain Employees to Carry-Over Vacation Leave.
  - G. Request for Permission to Apply for JAG Grant for Improvements to the Firearms Range.
  - H. Resolution #13-14-20, Election Resolution 2014 calling for the Election & Stating the Date of the Election; Offices to be Filled; Date & Time of Closing of Books of Registration by County Clerk; Date & Time of Filing of Declarations of Candidacy; Dates & Times for Absentee Voting; Manner of Casting & Recording Votes for Absentee Voting; and Location of Polling Places & Consolidation of Districts (Wards).
  - I. Other Business/Citizens to be Heard.
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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, November 19, 2013, at 7:00 p.m., in the Council Chambers in the Memorial Building in full conformity with the rules and regulations. Mayor Pro-Tem Jackson called the meeting to order (in the absence of the Mayor) and asked City Clerk Martinez-Terry to call roll. Those present and constituting a quorum were:

MAYOR: Sharon L. King (absent)

MAYOR PRO-TEM: Ronald L. Jackson

COUNCIL MEMBERS: Matthew Tod Hunton Oscar Robinson  
Leo Lovett Antonio O. Salguero  
Lenard Michael Lucero Keith A. Thomas  
Dianne Y. Parker

STAFF PRESENT: Doug Redmond, City Manager Johnny DeSha, Public Works Dir.  
Joan Martinez-Terry, City Clerk Marilyn Rapp, Finance Director  
Randy Knudson, City Attorney Jamie L. Rose, Exec. Assistant  
Gary Nuckols, Fire Chief Dennis Hales, I.T. Director  
Pat Gallegos, Interim Police Chief David Meeks, Police Lt.  
Christopher Williams, Police Officer Christopher Mitchell, Police Officer  
Alfonso Villanueva, Police Officer Daniel Narvaez, Police Officer  
Calvin Tayler, Police Officer Cody Lattin, Police Officer  
Lawrence Garrison, Police Officer Christopher Valdez, Police Officer

OTHERS PRESENT: Christina Calloway, Press Bernadette Gallegos  
Carol S. Gonzales Corene Alford  
Carlie Alford Emma Mitchell  
Sarah Meeks

Mayor Pro-Tem Jackson asked Christopher Mitchell to give the invocation, and Emma Mitchell to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

Mayor Pro-Tem Jackson moved the Executive Session (Item C) to the end of the agenda.

**(A) MINUTES OF PREVIOUS MEETING(S):****1. Regular Meeting of November 5, 2013.**

Mayor Pro-Tem Jackson asked the Council to consider the minutes of Regular Meeting of November 5, 2013. Mayor Pro-Tem Jackson asked the pleasure of the Council. *Councilor Parker made the motion to approve the minutes of the regular meeting of November 5, 2013 as presented. Councilor Salguero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(B) PROCLAMATION DECLARING NOVEMBER 25, 2013 AS "ADOPTION DAY" IN PORTALES, NEW MEXICO**

Mayor Pro-Tem Jackson invited Carolyn Gonzales, County Manager of Roosevelt and Curry county offices of CYFD, to come forward to receive the proclamation declaring November 25, 2013 as "Adoption Day." Mayor Pro-Tem Jackson read the proclamation to the audience and Council and presented the proclamation to Ms. Gonzales. He asked Ms. Gonzales to say a few words. Ms. Gonzales invited the Council to the Adoption Day event being hosted by the Ninth Judicial District and the New Mexico Children, Youth and Families scheduled for 10 a.m. Monday, November 25, 2013 at the Roosevelt County Courthouse.

**(D) RATIFICATION OF FINANCE DEPARTMENT'S ACTIONS REGARDING BILLS FOR OCTOBER 2013**

Mayor Pro-Tem Jackson asked Marilyn Rapp, Finance Director, to report on the bills for October 2013. Ms. Rapp asked for ratification of the bills. She reported that the bills had not been acted upon at their recent meeting, but there were no questions on the bills from the Finance/Administration Committee. She told the Council that she brings the bills to the Council every month for ratification. She reported that the bills were in the amount of \$2,283,431.82, which is higher than usual because they include large one-time expenditures such as \$535,158.12 for the aerial platform truck; \$58,315.00 for sludge removal and \$117,534.15 for engineering expenses for the WWTP/Re-Use Project; and \$151,595.40 for the runway crack sealing. Ms. Rapp stated that the expenditures were necessary for the continued operation of the City and are within budgeted limits. She asked for questions about the bills.

**October 2013**

Pooled Cash Fund	999	\$2,283,431.82
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Mayor Pro-Tem Jackson asked for action from the Council. *Councilor Lovett made the motion to ratify the payment of the bills for October 2013 as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(E) POLICE COMPENSATION**

Mayor Pro-Tem Jackson asked City Manager Redmond and Interim Chief Gallegos to talk about police compensation. City Manager Redmond told the Council that Interim Chief Gallegos would give the presentation and that they would both be available for questions after the presentation. Chief Gallegos gave a PowerPoint presentation on the "crisis" situation at the Police Department. He told the Council

that it is a difficult time to recruit, hire and retain certified officers. He commented that hiring is extremely competitive; and stated that it is due to a lack of applicants, high costs of training and the value of experienced certified officers. Gallegos added that P.E.R.A. changed the rules for retirees returning to the field, and that officers coming to work have to come in at 25 year retirement. He said that the City of Portales Police Department's pay plan is not competitive. He stated that he feels that the City's incentive package is not competitive. Gallegos asked the Council to review the hiring and training costs in the printed material handed out to them at the beginning of the meeting. He told the Council that when a non-certified person is hired for police officer, it will be a year before they serve as a fully authorized officer. He said that even though the police academy requirement was reduced from 25 weeks to 15 weeks, it will still take an additional 3 months of field training to put the officer in the field. The change to 15 weeks of police academy training just means that the department has to train the officer after he gets back. Gallegos told the Council that, although the department is allowed 25 officers, the actual number of officers is down by 7 officers with 3 officers having to go to the academy and 1 officer is in the military, which is 11 (down almost half of the department). He stated that it leads to excessive overtime hours spent—52% of the annual budget has been spent. Gallegos told the Council that 44 officers have left over the last 5 years, and in 21 years the department has lost 101 officers. He stated that since June of this year, the department has lost an average of 10 officers per year. He reported that training costs for 7 uncertified officers would be about \$350,000.00; and that training costs for 7 certified officers would be about \$74,000.00. Councilor Parker asked if there were any certified officers applying. Gallegos responded that there were certified officers applying, but that those are people with problems. Gallegos stated that out of the 44 officers that left over the last 5 years, we sent 15 of those to the academy. Councilor Hunton asked if the 44 officers that had left the department were still in law enforcement. Gallegos responded affirmatively. City Manager Redmond commented that Lt. Wilson had left the department for \$26.00 an hour as a deputy in another county. Gallegos stated that the officers are getting tired with so much overtime. He commented that the department had gone back to 10 hour shifts instead of the 12 hour shifts that they have been working. He told the Council that the shortage of certified officers means higher response time, less proactive enforcement; increase in crime rate; more tax money spent for training; and more hours spent training not patrolling. He stated that decreases in services will be a reality and increases in overtime will continue. He remarked that certified officers are an asset to the City. He asked for adoption of a pay plan and incentive benefit package for officers. He asked the Council to review the comparison of police officers' pay that he had included in the information given to them. He told the Council that the comparison sheet listed towns within plus or minus 7,000 of the population of Portales. He told the Council that he had highlighted the bottom five towns. He stated that he had come up with a solution that could fit within the City's budget. He stated that it would fix the compression issue between patrolmen and sergeants created by the current pay plan. He stated that the officers would have to go past a set number of training hours before their pay could increase. Councilor Robinson asked why this plan would help retain officers. Gallegos responded that the officers would stay longer for the additional money. He stated that the new incentive plan would allow higher pay for overtime plus incentives on an hourly basis. Councilor Robinson asked if the other police departments have merit pay—how would you put performance into the formula. Gallegos stated that the current plan is not based on performance, but on longevity. Councilor Robinson asked if the City is going to create a plan such as this, shouldn't we base pay on performance. Councilor Salguero asked about new recruits going to the academy and then staying only 6 months or a year. Gallegos stated that currently the officer has to stay 2 years, or pay the City back a pro-rated cost of training. Councilor Hunton asked why Gallegos is certain that certified officers will come with a higher pay plan. Gallegos responded that the officers with local area departments will come to Portales for the pay—he said that the local officers will stay or come back for some more money. He commented that new officer Alfonso Villanueva is local and will stay. He stated that he himself came back to Portales because of family, but took a \$10.00 an hour pay cut to come to Portales. He stated that he feels that the proposed pay plan will retain officers. He commented that he had put feelers out if the increased pay plan is approved. He stated that morale is low in the police department, but that the increase in pay will make a difference. He commented that if the City can offer officers better pay, they will come back. Councilor Robinson asked Chief Gallegos to explain what he meant by "compression issue" between patrolmen and

sergeants. Gallegos responded that it is the overlap in pay in the middle of the scale. Councilor Salguero asked Gallegos if what he is saying is that the pay and incentive benefit is why the officers have low morale. Gallegos responded that this is most of the low morale issue. City Manager Redmond stated that morale in the department is improving—that he and Gallegos have been working on issues in the department plus low morale. Councilor Robinson commented that, if you can stop the revolving door in the department, he is in favor of it. Gallegos told the Council that the amount required for the rest of the year is \$81,922.60, and that the department has short staff savings of \$93,077.90. Councilor Robinson asked how the savings would be maintained. Gallegos talked about not being fully staffed at all times during the next fiscal year. Councilor Robinson asked when it would go into effect if approved at this meeting. City Manager Redmond responded that it could go into effect in December; and Finance Director Rapp commented that it should be at the end of December. Councilor Robinson asked that the City Manager and Interim Police Chief track the number of applicants that apply after the change to the police play plan. Gallegos stated that the dangers of doing nothing are continued overtime and mental and physical exhaustion. Gallegos stated that adoption of a new pay plan would fill vacancies with certified officers and ensure the safety of the community. Councilor Parker commented that, in her neighborhood, loud parties were being called in to police, and when they were shut down the parties would simply move to another location and continue. She stated that community people become irate. Councilor Lovett asked the officers in the room if they were satisfied with the plan and they responded that they were satisfied. Mayor Pro-Tem Jackson commended Gallegos for putting a plan together and bringing it back to the Council. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Robinson made the motion to adopt the Police compensation plan presented by Interim Police Chief Gallegos. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

#### **(F) REQUESTING PERMISSION TO ALLOW CERTAIN EMPLOYEES TO CARRY-OVER VACATION LEAVE**

Mayor Pro-Tem Jackson asked City Manager Redmond to present the carry-over of vacation leave. City Manager Redmond said that this issue dovetails with the police compensation plan. He stated that vacation leave cannot be taken because the police officers have not been able to take it. He commented that he wanted them to be aware that he would be looking at the employees on a case by case basis since it is a discretionary action by the City Manager.

#### **(G) REQUEST FOR PERMISSION TO APPLY FOR JAG GRANT FOR IMPROVEMENTS TO THE FIREARMS RANGE**

Mayor Pro-Tem Jackson asked Jamie L. Rose, Executive Assistant, to present the request to apply for JAG funds. Ms. Rose asked the Council for permission to apply for JAG grant funds for equipment for the Police firing range. She told the Council that the amount being requested is \$6,188.00 to mitigate effects of gun violence through education. She stated that having better trained officers allows for better safety involving guns. Councilor Lovett asked what the department would do if we don't get the grant. Ms. Rose responded that the equipment would still be bought but would be spread out over several fiscal years. She commented that there was no city match required for the grant. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Lovett made the motion to approve the application for the JAG grant presented by Ms. Rose. Councilor Parker seconded the motion. All Council members present voted unanimously in the motion. No abstentions. Motion carried.***

#### **(H) RESOLUTION #13-14-20, ELECTION RESOLUTION 2014 CALLING FOR THE ELECTION & STATING THE DATE OF THE ELECTION; OFFICES TO BE FILLED; DATE &**

**TIME OF CLOSING OF BOOKS OF REGISTRATION BY COUNTY CLERK; DATE & TIME OF FILING OF DECLARATIONS OF CANDIDACY; DATES & TIMES FOR ABSENTEE VOTING; MANNER OF CASTING & RECORDING VOTES FOR ABSENTEE VOTING; AND LOCATION OF POLLING PLACES & CONSOLIDATION OF DISTRICTS (WARDS)**

Mayor Pro-Tem Jackson asked the City Clerk to present the election resolution. Ms. Martinez-Terry told the Council that it is time to prepare for the Municipal Election for 2014. She stated that the Election Resolution is the first required step in setting the election in motion and shall state the date for the election (March 4, 2014); the offices to be filled; date and time for declarations of candidacy (January 7, 2014); date and time for closing of the books of registration by the County Clerk (February 4, 2014); dates and times for voting absentee-by-mail (8 a.m. January 28<sup>th</sup> and closing 5 p.m. February 28<sup>th</sup>); voting early (8 a.m. February 12<sup>th</sup> and closing 5 p.m. February 28<sup>th</sup>); manner of casting and recording votes for the election and location of the polling places and consolidation of the wards. She asked that the Council adopt Resolution #13-14-20, setting for the processes for the election. Mayor Pro-Tem Jackson asked the pleasure of the Council. *Councilor Parker made the motion to adopt Resolution #13-14-20 for Municipal Election 2014. Councilor Hunton seconded the motion. Roll call vote of all Council members present resulted in a unanimous vote in favor of the motion. No abstentions. Motion carried.*

**(C) 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) Limited Personnel Matters; §10-15-1 H.(7), for Attorney-Client Privilege; and §10-15-1 H.(8), Related to the Purchase, Acquisition, or Disposal of Real Property or Water Rights.**

Mayor Pro-Tem Jackson read the title of the action to enter into closed executive session: §10-15-1 H.(2) Limited Personnel Matters; §10-15-1 H.(7), for Attorney-Client Privilege; and §10-15-1 H.(8), Related to the Purchase, Acquisition, or Disposal of Real Property or Water Rights. He asked the pleasure of the Council. *Councilor Parker made the motion to enter into closed executive session as requested. Councilor Hunton seconded the motion. All Council members present voted in support of the motion. No abstentions. Motion carried.*

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

Mayor Pro-Tem Jackson asked for a motion to convene in open session. *Councilor Parker made the motion to convene in open session. Councilor Lovett seconded the motion. All Council members present voted in support of the motion. No abstentions. Motion carried.*

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

Mayor Pro-Tem Jackson stated that no action was taken during the closed session but that action was needed as a result of the closed session. He asked for action from the Council. *Councilor Robinson made the motion to retain a bankruptcy lawyer regarding the City's options on recovering LEDA funds previously granted to Sunland, Inc. Councilor Parker seconded the motion. All Council members present voted in support of the motion. No abstentions. Motion carried.*

*Councilor Lovett made the motion to accept the title of the Portales Inn and let attorneys negotiate with potential buyer, Tierra Realty. Councilor Parker seconded the motion. All Council members present voted in support of the motion. No abstentions. Motion carried.*

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

Mayor Pro-Tem Jackson asked for items of other business.

**RFP for City Attorney:** City Manager Redmond asked for four Councilors to assist staff in evaluating the RFPs received for City Attorney. Mayor Pro-Tem Jackson suggested that the four Councilors who will not have to run for office at this next election serve on the evaluation committee—Councilors Lucero, Hunton, Robinson and Thomas. Redmond told the Councilors that he would set a time for next Monday and will get with the Council for the time of the meeting.

**Capital Outlay Request List:** City Manager Redmond asked that the Council review the capital outlay list that was added to their packets. He reminded the Council that the items on the list were selected by the Council as their priorities and commented that the staff has been working to put together a packet for the legislative forum.

**Report on Ute Water Project:** Councilor Lovett told the Council that he had made the trip to see the Ute Water Project at Logan and urged support from the Council. He asked them to speak positively about the project when asked.

**ADJOURNMENT:**

There being no further business or comments, Mayor Pro-Tem Jackson adjourned the meeting at 8:15 p.m.

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Joan Martinez-Terry, City Clerk